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PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Kylie Bagley, Planner III
Carlos Hernandez, Engineer I
Meggan Herington, AICP, Executive Director

RE: Project File Number: MS233
Project Name: Gunners Ridge
Parcel Number: 5214000014

OWNER:	REPRESENTATIVE:
Drew Makings 13555 Pinery Dr Colorado Springs, CO 80908	Drew Makings 13555 Pinery Dr Colorado Springs, CO 80908

Commissioner District: 2

Planning Commission Hearing Date:	9/7/2023
Board of County Commissioners Hearing Date:	9/28/2023

EXECUTIVE SUMMARY

A request by Drew Makings for approval of a 38.83-acre Minor Subdivision illustrating 4 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 12172 Goodson Road, directly northwest of the intersection of Goodson Road and Ayer Road.

A. WAIVERS/DEVIATIONS/AUTHORIZATION

Waiver(s)/Deviation(s): The applicant is requesting a waiver from the Land Development Code Section 8.4.3.B.4, Maximum Pole Length. The Land Development Code states the length of the flag lot pole shall not exceed the length of the longest side of the flag portion of the flag lot. The applicant is requesting the length of the flagpole to be 1,097.19 feet where the longest side of the flag portion of the flag lot is 560 feet.

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

B. APPROVAL CRITERIA

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

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
- The subdivision is consistent with the purposes of the Land Development Code.
- The subdivision is in conformance with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analysis, studies, reports, plans, designs, documents, and other supporting materials.
- 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 Engineering Criteria Manual ("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 and in compliance with the Code and the ECM.



- The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.
- 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.
- The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the 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 of the Code.
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated.
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. § 34-1-302(1), et seq.].

C. LOCATION

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

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D. BACKGROUND

In 2006, the property was rezoned from RR-5 (Residential Rural) to the Seclusion PUD (Planned Unit Development) (PCD File No PUD0514). A concurrent request was approved for a preliminary plan and final plat to create 60 residential lots with lot sizes ranging from 3.5 acres to 6 acres (PCD file nos. SP0503, SF0627). The final plat was not recorded. In 2021, the applicant rezoned the property from PUD to RR-5.

The applicant is proposing a 4-lot minor subdivision for single-family residential development, which will meet the dimensional standards of the RR-5 zoning district. The subject property is encumbered by easements along the entire length of Goodson Road and 330' to the east for a total of 8 acres. Roughly 7 ½ acres of the easements include no build areas. The no build areas lie within Lots 1 and 2. The applicant is also requesting a waiver from the Land Development Code Section 8.4.3.B.4, Maximum Pole Length. The Land Development Code states the length of the flag lot pole shall not exceed the length of the longest side of the flag portion of the flag lot.

E. ANALYSIS

1. Land Development Code Compliance

The final plat application meets the final plat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (As Amended).

The applicant is also requesting a waiver from the Land Development Code Section 8.4.3.B.4, Maximum Pole Length. The Land Development Code states the length of the flag lot pole shall not exceed the length of the longest side of the flag portion of the flag lot. The applicant proposed two flag lots in order for Lots 3 and 4 to meet the requirements of the Land Development Code for lot frontage onto a public road. By creating these flag lots, Lots 3 and 4 pole length exceeds the length of the longest side of the flagpole portion of the flag lot by roughly two times the length of the longest side of the lot.

Lots 3 and 4 are 5-acre lots that are situated on the north 15-acres of the subject property and share access onto Goodson Road through a 24' access and egress easement. The Falcon Fire Department was notified on the project and required the access easement be a minimum of 24' wide so fire apparatus could safely pass each other, a hammerhead turn around on Lot 4 and a 24' wide by 60' long driveway access to Lots 2, 3 and 4. The applicant has met these requirements within their final plat.



2. Zoning Compliance

The RR-5 (Residential Rural) zoning district is intended to accommodate single-family residential development. The density and dimensional standards for the RR-5 (Residential Rural) zoning district are as follows:

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

** 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.*

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

The subject property encompasses 38 acres which would allow for seven, five acre lots in the RR-5 zoning district.

F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

The proposed Final Plat is consistent with the Master Plan analysis which was provided with the Map Amendment (Rezone) application P-21-003 and approved by the BoCC on August 24, 2021.

2. Water Master Plan Analysis

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

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

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

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

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

3. Other Master Plan Elements

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

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

Please see the Parks Section below for information regarding conformance with The El Paso County Parks Master Plan (2022).

Please see the Transportation Section below for information regarding conformance with the 2016 Major Transportation Corridor Plan (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified as part of this application.

2. Floodplain

The property is not located within a defined floodplain as determined by FEMA Flood Insurance Rate Map panel number 08041C0320G, dated December 7, 2018.

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3. Drainage and Erosion

The property is in the Upper Black Squirrel Drainage Basin (CHBS2000). Drainage fees will not be due at the plat recording because this basin is not included in the El Paso County Drainage Basin Fee program.

Water quality and detention is not required for this subdivision. The increase in stormwater runoff is negligible and will not adversely affect downstream and adjacent developments.

4. Transportation

The subdivision receives access off Goodson Road, which is owned and maintained by El Paso County. Goodson Road is classified as an rural local roadway and has a right-of-way width of 60 feet. Additional right-of-way along Goodson Road is dedicated to the County for future realignment. The development is also dedicating 70' of right-of-way for the future extension of Ayer Road to connect to the platted right-of-way for Twin Pines Road. Ayer Road is anticipated to be a rural collector roadway. No public improvements are proposed with this subdivision.

A traffic study was not required as the proposed subdivision is not expected to generate 100 daily vehicle trips or meet ECM Appendix B criteria for a traffic impact study.

The El Paso County 2016 Major Transportation Corridors Plan Update does not depict roadway improvements adjacent to the development.

The development is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471, as amended). Road impact fees shall be paid in full at the time of subsequent building permits if not paid at the time of final plat recordation.

H. SERVICES

1. Water

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Water will be provided by individual onsite wells. Water sufficiency has been analyzed with the review of the proposed subdivision. The applicant has shown a sufficient water supply for the required 300-year period. The State Water Engineer's

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Office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office is recommending a finding of sufficiency.

2. Sanitation

Wastewater will be provided by onsite wastewater treatment systems.

3. Emergency Services

The property is within the Falcon Fire Protection District.

4. Utilities

Natural gas service is provided by Black Hills Energy and electrical service will be provided by Mountain View Electric Association.

5. Metropolitan Districts

The subject property is not within a metropolitan district.

6. Parks/Trails

Fees in lieu of park land dedication in the amount of \$1,840 for regional fees will be due at the time of recording the final plat.

7. Schools

Fees in lieu of school land dedication in the amount of \$960 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recording.

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

There are no outstanding major issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

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



CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. 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. 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.
5. 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 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.
6. Park fees in lieu of land dedication for regional parks in the amount of \$1840 shall be paid at the time of plat recordation.
7. Fees in lieu of school land dedication in the amount of \$960 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recording.

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8. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated August 16, 2023, as provided by the County Attorney's Office.

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

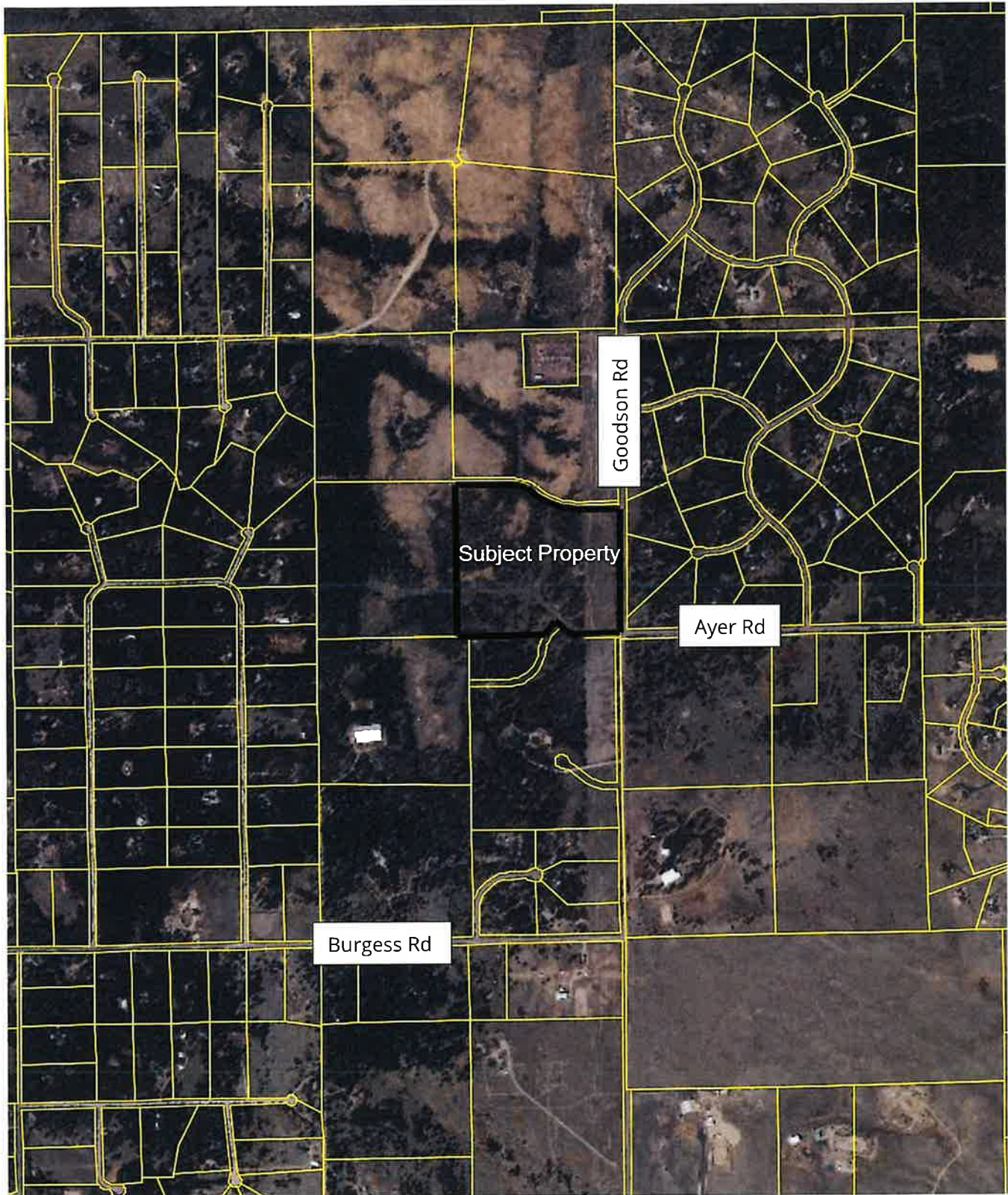
The Planning and Community Development Department notified thirteen (13) adjoining property owners on August 21, 2023, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

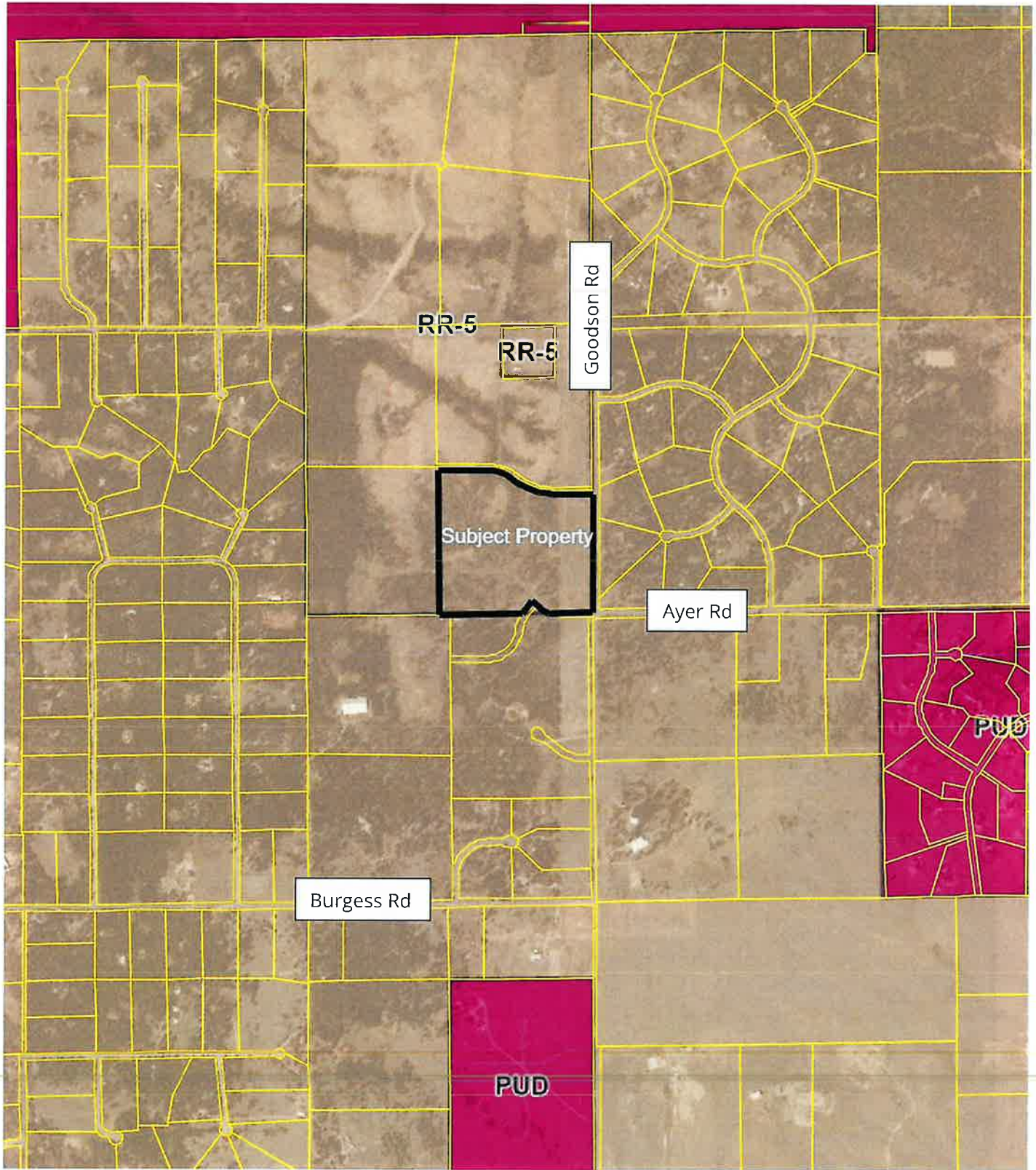
Map Series
Letter of Intent
Plat Drawing
State Engineer's Letter
County Attorney's Letter
Public Comments
Draft Resolution



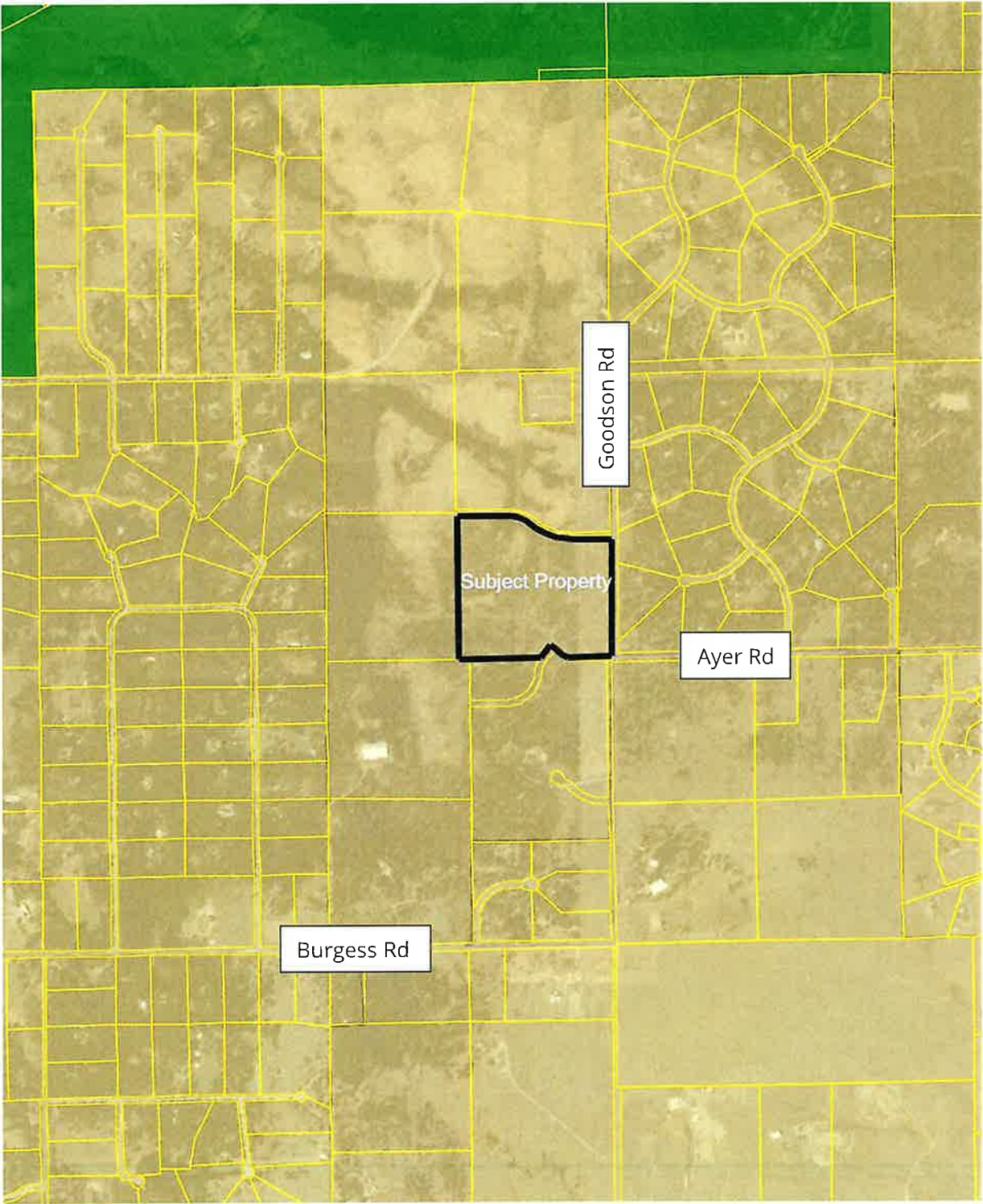
Map Exhibit #1: Aerial















Map Exhibit #2: Zoning



Map Exhibit #3: Placetype

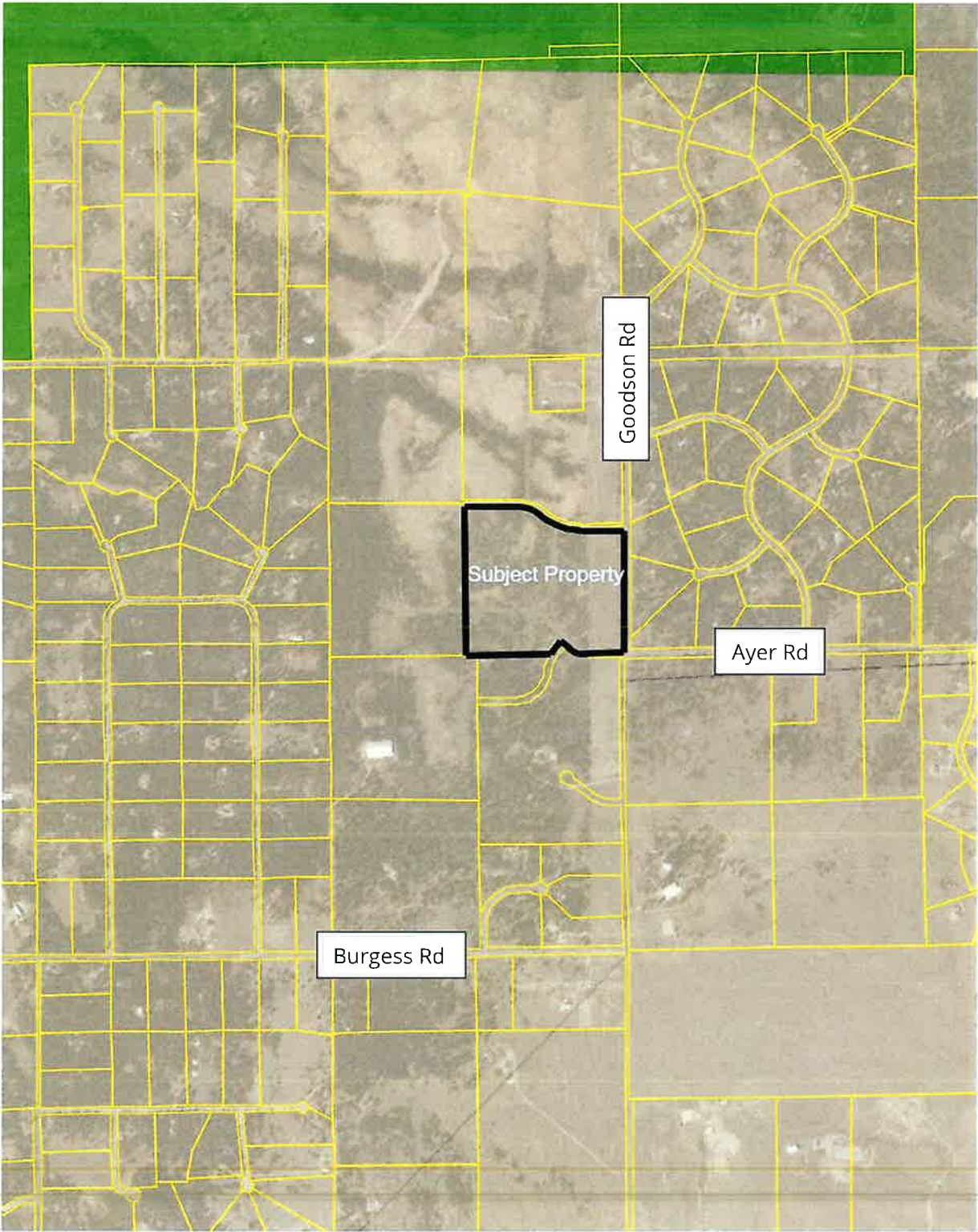


Legend

- | | |
|---|---|
|  Rural |  Employment Center |
|  Large-Lot Residential |  Regional Open Space |
|  Suburban Residential |  Mountain Interface |
|  Urban Residential |  Military |
|  Rural Center |  Utility |
|  Regional Center |  Incorporated Area |



Map Exhibit #4: Area of Change

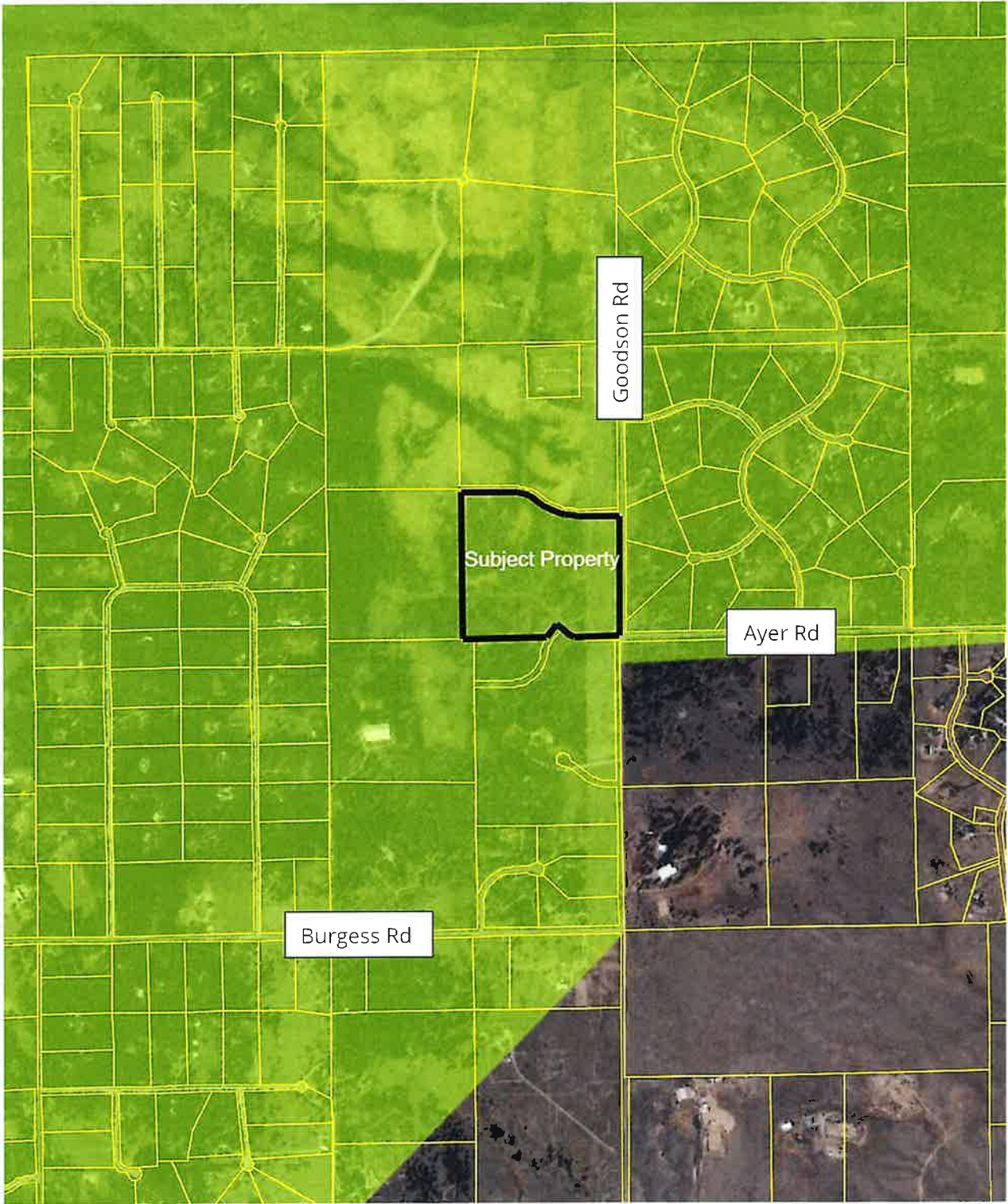


Legend











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



Map Exhibit #5: Key Areas



Legend

- | | |
|--|---|
|  Military Installations |  Forested Area |
|  Potential Areas for Annexation |  Pikes Peak Influence Area |
|  Enclaves or Near Enclaves |  Tri-Lakes Area |
|  Small Towns & Rural Communities |  Colorado Springs Airport/Peterson Field |
|  Fountain Creek Watershed Flood Control & Greenway District |  Uncommon Natural Resources |



Architectural
Structural
Geotechnical



Materials Testing
Forensic
Civil/Planning

Job No. 192027

June 7, 2023

Drew Makings
9630 Arroya Lane
Colorado Springs, CO 80908

Re: 12172 Goodson Road
El Paso County, Colorado
PCD File No. MS233

Dear Mr. Makings:

Below is the Letter of Intent for your minor subdivision.

EL PASO COUNTY

LETTER OF INTENT FOR: 38.83 ACRES
GUNNERS RIDGE MINOR SUBDIVISION
PCD File No. MS233

June 7, 2023

Owner/Applicant: Drew Makings
9630 Arroya Lane
Colorado Springs, CO 80908
719-482-6050

Engineer: RMG Engineers and Architect
David G. Walker, PE
2910 Austin Bluffs Parkway, Suite 100
Colorado Springs, CO 80918
719-548-0600

El Paso County Planner Meggan Herington, Executive Director
2889 International Circle
Suite 110
Colorado Springs, CO 80918
719-520-6300

PROJECT LOCATION/DESCRIPTION

The 38.83 acre Gunners Ridge Minor Subdivision is located in El Paso County at 12172 Goodson Road. The Parcel number is 5214000014. The parcel is zoned RR-5 Residential Rural and is currently vacant. The parcel is a Portion of the Northeast Quarter of Section 14, Township 12 South, Range 65 West of the 6th Principal Meridian, County of El Paso, State of Colorado. The parcel is not in a Flood Zone according to Map 08041C0320G eff. Date 12/7/2017.

TOTAL NUMBER OF ACRES WITHIN THIS APPLICATION

The underdeveloped size of this lot is 38.83 acres +/-.

The proposed subdivided lot acreage is:

Lot #1 will be 23.0530 acres +/-

Lot #2 will be 5.0168 acres +/-

Lot #3 will be 5.0156 acres +/-

Lot #4 will be 5.0116 acres +/-

EXISTING AND PROPOSED IMPROVEMENTS

There will be no public infrastructure to serve the new lots.

Lot #1 shall have a driveway access off Goodson Road. Lots #2, #3, and #4 will have a shared driveway off Goodson Road.

Each lot will have a private well. An augmentation plan is in review with the Division of Water Resources at this time. The plan shows that there is adequate water under the current lot to feed these proposed lots.

Each lot will have an On-Site Wastewater Treatment System.

There are no drainage improvements planned for the property. The proposed lots are not anticipated to produce any adverse stormwater impacts to the development or surrounding properties.

UTILITIES

Electric power will be provided by Mountain View Electrical Association per their commitment letter dated January 30, 2023. Black Hills Energy has a commitment letter dated February 4, 2023. These letters has been submitted with the subdivision packet.

TRAFFIC GENERATION

There is no need for a Transportation Impact Study according to ECM Appendix B. 1.2 D. because this minor subdivision is below the limits stated in this section.

- **Vehicular Traffic:**

(1) Daily vehicle trip-end generation is less than 100 or the peak hour trip generation is less than 10. *The vehicle trip generation is below these limit. The trip generation of the development and the peak hour adt (i.e. 4 lot subdivision = approximately 40 adt).*

(2) There are no additional proposed minor or major roadway intersections on major collectors, arterials, or State Highways. *There are no proposed intersections.*

(3) 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. *There is no increase to exceed these limits.*

(4) 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. *There is no change in the type of traffic.*

(5) Acceptable LOS on the adjacent public roadways, accesses, and intersections will be maintained. *There will be no change in LOS in the area of this site.*

(6) No roadway or intersection in the immediate vicinity has a history of safety or accident problems. *We are not aware of any safety or accident history in the area of the site.*

(7) There is no change of land use with access to a State Highway. *This site does not have access to a State Highway.*

- **Pedestrian Traffic:** Paved pedestrian facilities exist or will be constructed on, or adjacent to, the site; or, the proposed use will not generate any new pedestrian traffic. *There are currently no pedestrian travel methods installed in the surrounding areas, there is nothing proposed for this subdivision as it is matching what has been in place for the area.*

- **Bicycle Traffic:** Paved bicycle lanes or paths exist or will be constructed on, or adjacent to, the site; or, the proposed use will not generate any new bicycle traffic. *There are currently no bicycle travel methods installed in the surrounding areas, there is nothing proposed for this subdivision as it is matching what has been in place for the area.*

SOILS

The Soil and Geology Study for this site was completed by RMG Engineers/Architects as Amended April 11, 2023. As stated in 12.0 Conclusions: "Based upon our evaluation of the geologic conditions, it is our opinion that the proposed development is feasible."

The study has been provided for the site and has been submitted with the Final Plat.

CRITERIA for APPROVAL

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan. *Yes*
- The subdivision is in substantial conformance with the approved preliminary plan. *N/A*
- 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*
- Either a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of this Code, or, with respect to applications for administrative final plat approval, such finding was previously made by the BoCC at the time of preliminary plan approval. *Yes*
- 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, each lot will have a OWTS.*
- 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, please refer to the Soil and Geology Study dated Amended April 11, 2023 by RMG Engineers/Architects.*
- 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*
- 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. *Yes*
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision. *Yes*

- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code. *Yes.*
- 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. *N/A*
- 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. *N/A*
- The subdivision meets other applicable sections of Chapter 6 and 8. *Yes*
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.]. *Yes*

MASTER PLAN COMPLIANCE

The Land use of this subdivision will be keeping with the rural definition. Uses like Agriculture and Farm/Homestead in forested areas. These lots will be 2.5 acres or greater. The lots will have minimal change and undeveloped area. The lots will preserve the trees and natural features to be consistent with the surrounding lots and areas. The use can be characterized by predominately residential use with single family detached housing.

The Soil and Geology Study for this site was completed by RMG Engineers/Architects as Amended April 11, 2023. As stated in 12.0 Conclusions: "Based upon our evaluation of the geologic conditions, it is our opinion that the proposed development is feasible."

The only no build area are shown on the plat as easements and set backs.

WAIVER REQUEST

There are no Waiver Request or Special Request.

OVERLAY ZONING

There no Overlay Zoning requirements for this parcel.

GENERAL DISCUSSION

This minor subdivision application is following the criteria of the County in the processing and approving the division of land. It also is following the purpose of promoting health, safety, convenience and welfare of the general public. The Final Plat will be consistent with the associated zoning district standards. The utilities will include an on site well with an On-site waste treatment system, gas and electricity will be provided to each lot. An Augmentation Plan from the state has been approved (Replacement Plan No. 463-RP) There are no public improvement so there will be

no phasing. There are no constraints, hazards, and potentially sensitive natural or physical feature with in this area.

This development is subject to fees established by the El Paso County Impact Fee Program. The fees will be paid at the time of building permit application.

There is no public improvements including on-site or off-site of this site. There will be a private improvement of a common driveway with the ownership and maintenance agreement between the lots concerned.

There are no waiver request(s) with this application.

There are no deviations from the County's Engineering Design Standards.

I hope this provides the information you have requested. Should you have questions, please feel free to contact our office.

Cordially,

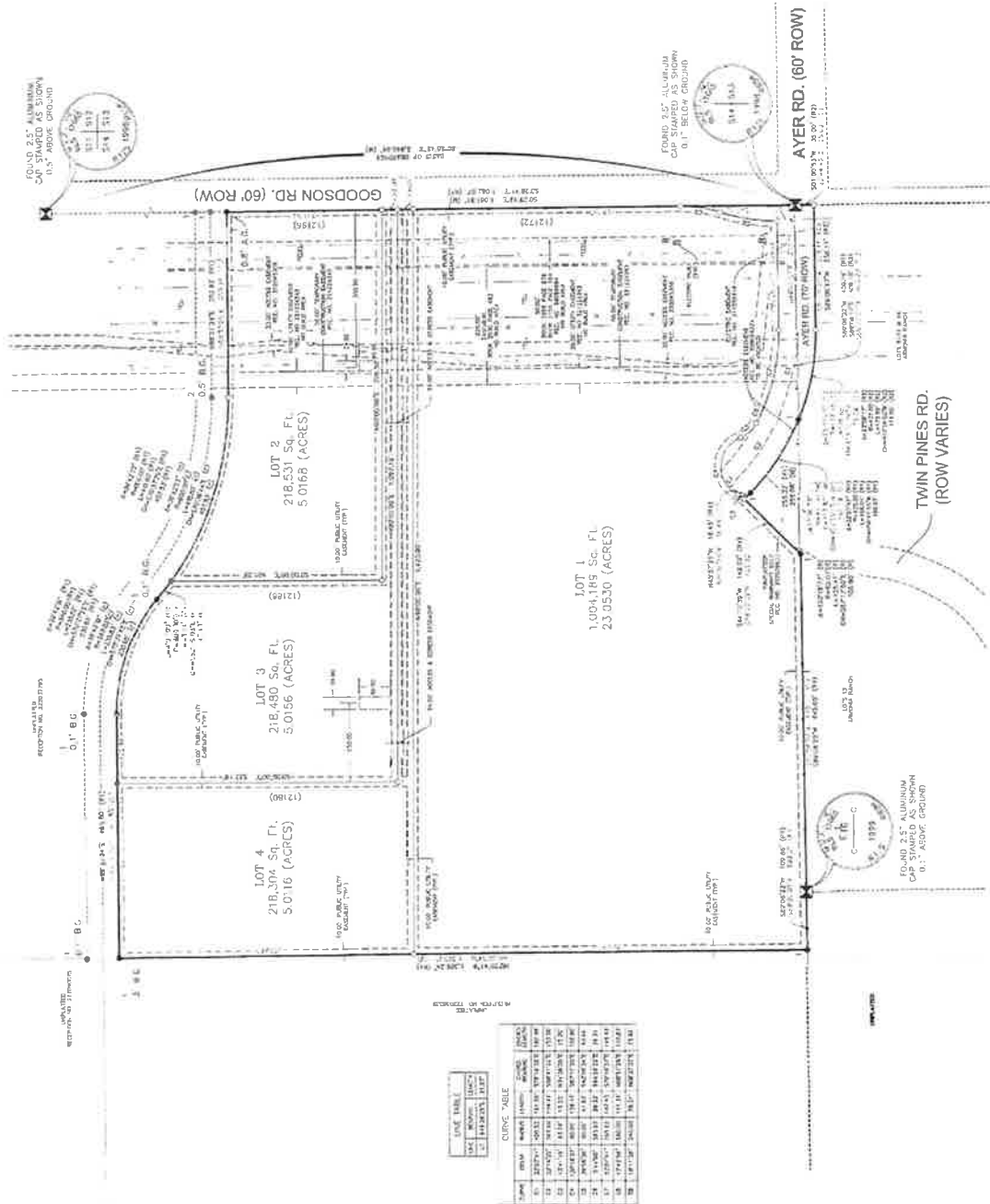
RMG – Rocky Mountain Group

A handwritten signature in blue ink, appearing to read "D Walker".

David Walker, P.E.
Sr. Civil Project Manager

FINAL PLAT

PORTION THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN



Unit Value	
Unit	1000000
Value	1000000

Curve No.	Curve Length (ft)	Curve Radius (ft)	Curve Degree	Curve Stationing	Curve Stationing	Curve Stationing
1	100	100	100	100	100	100
2	100	100	100	100	100	100
3	100	100	100	100	100	100
4	100	100	100	100	100	100
5	100	100	100	100	100	100
6	100	100	100	100	100	100
7	100	100	100	100	100	100
8	100	100	100	100	100	100
9	100	100	100	100	100	100
10	100	100	100	100	100	100
11	100	100	100	100	100	100
12	100	100	100	100	100	100
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LEGEND

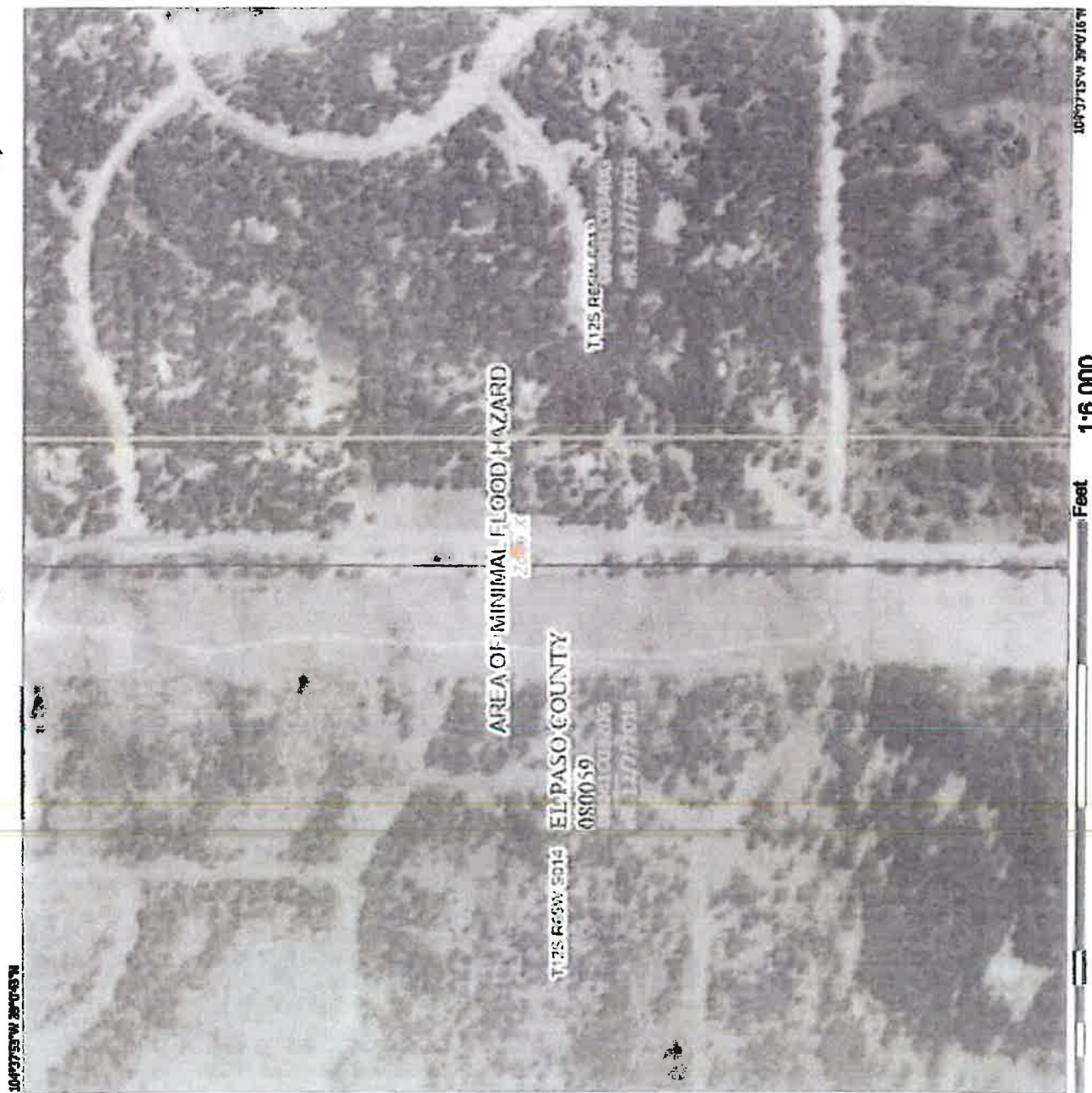
- [illegible]

GRAPHIC SCALE
0 50 100 (IN FEET)

PCO FILE NO: MS-23-003

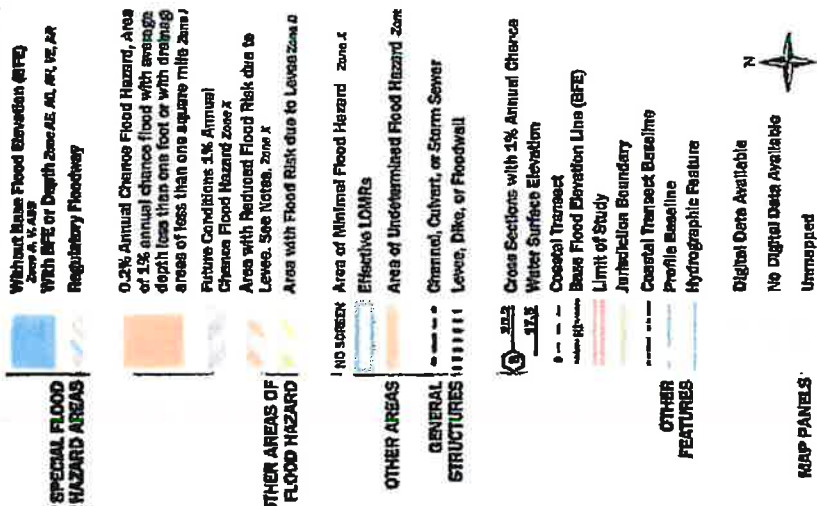
National Flood Hazard Layer FIRMette

104°27'55"W 39°0'15"N



Legend

SEE PRE REPORT FOR DETAILED LEGEND AND ROZET MAP FOR FIRM PANEL LAYOUT



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

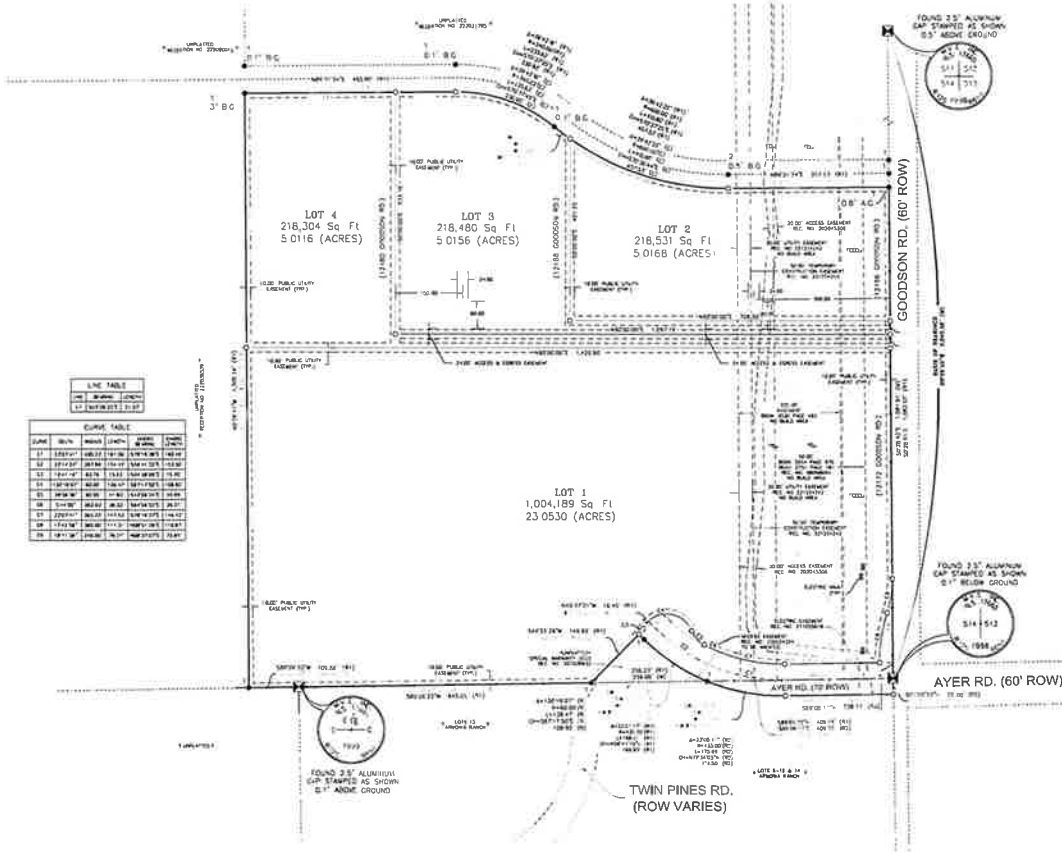
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was reported on 8/21/2023 at 1:22 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map imagery for unmapped and unredetermined areas cannot be used for regulatory purposes.

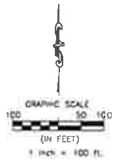
FINAL PLAT GUNNERS RIDGE

PORTION THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN
COUNTY OF EL PASO, STATE OF COLORADO



LEGEND

- SET 3 REBAR WITH 1\"/>
- FOUND ADJUST CORNER STAMPED AS SHOWN
- FOUND NO 5 REBAR WITH 1\"/>
- FOUND NO 5 REBAR WITH BROKEN 1\"/>
- ALIGNED VALUE
- MIS-ALIGNED VALUE
- CALCULATED VALUE
- POINT OF BEGINNING
- BOUNDARY LINE
- ADJACENT LINES
- BOUNDARY AND FENCE
- OVERHEAD ELECTRIC LINE
- ADJ. ADJ. FENCED
- BELOW GROUND
- RECORD BEARS AND DISTANCES SHOWN ON SPECIAL SURVEY DEED - RECEPTION NO. 2217188-4
- RECORD BEARS AND DISTANCES SHOWN ON SURV. DEED - RECEPTION NO. 2217283-3
- NUMBER ADDRESS
- AREA NOT INCLUDED IN THIS SUBDIVISION



DATE	BY	REVISION	REMARKS
1	Survey	1/15/13	Survey
2	Survey	1/15/13	Survey
3	Survey	1/15/13	Survey

POD FILE NO. 45-21-003



COLORADO
Division of Water Resources
Department of Natural Resources
Colorado Ground Water Commission

March 23, 2023

Kylie Bagley,
El Paso County Community and Development Services
Transmitted via the EPC EDARP Portal

Re: Gunners Ridge Minor Subdivision
File No. MS233
Part of the SE ¼ of the NE ¼ of Section 14, Township 12 South, Range 65 West, 6th P.M.
Water Division 2, Water District 10
Upper Black Squirrel Creek Designated Basin

Dear Kyle Bagley:

We have reviewed the information submitted concerning the above referenced proposal to subdivide 38.83 acres located in the SE ¼ of the NE ¼ of Section 14, Township 12 South, Range 65 West, 6th P.M. into four (4) residential lots: three 5-acre lots and one 23.83-acre lot. The lots will be single-family residential lots.

Water Supply Demand

According to the letter dated February 15, 2023 from Eric K. Trout:

- The well on the 23.83-acre lot will have the following uses: use in up to 2 single-family dwellings or their equivalent (0.3 acre-feet per unit per year or 0.6 acre-feet per year total), up to 1 acre of irrigation (2 acre-feet per year), in-building sanitary use (0.3 acre-feet per year), and the watering of up to 80 large domestic animals (1 acre-foot per year), for a total use of 3.9 acre-feet per year for 300 years.
- The other three wells will have the following uses (per lot): use in 1 single-family dwelling (0.3 acre-feet per year per well), 6,000 square-feet of irrigation (0.3 acre-feet per year per well), and the watering of up to 8 large domestic animals (0.1 acre-feet per year per well), for a total use of 0.7 acre-feet per year for 300 years or 2.1 acre-feet per year for 300 years for all three wells on the 5-acre lots.

The total water demand for the subdivision will be 6 acre-feet per year.

Source of Water Supply

The proposed water supply is individual on-lot wells withdrawing from the not-nontributary Dawson aquifer that will operate pursuant to Determination of Water Right no. 463-BD and Replacement Plan no. 463-RP.

Determination of Water Right no. 463-BD quantified an amount of water from beneath 310 acres of overlying land generally described as the SE ¼ of Section 11 and the NE ¼ of Section 14, all in Township 12 South, Range 65 West of the 6th P.M., in El Paso County (Overlying Land), of which this subdivision is a part. The allowed average annual amount of withdrawal shall not exceed 217 acre-feet, which based on an aquifer life of one hundred years results in an amount of water allocated of 21,700 acre-feet. The use of groundwater is limited to the following beneficial uses: commercial, domestic, irrigation, industrial, fish and wildlife propagation, aesthetic, and for augmentation



purposes.

Replacement Plan no. 463-RP allows the withdrawal the Dawson aquifer water from up to four wells for the following uses:

- One well will withdraw 3.9 acre-feet annually for the following uses: in-house use in up to two (2) single-family residences; in-building commercial sanitary use; up to one (1) acre of irrigation of home lawn, garden, pasture, hay and trees; and watering of up to eighty (80) large domestic animals.
- The other three (3) wells will each withdraw 0.7 acre-foot annually for in-house use in one (1) single family residence; up to 6,000 square-feet of irrigation of home lawn, garden, pasture, hay and trees; and watering of up to eight (8) large domestic animals; for a total withdrawal from the three (3) wells of 2.1 acre-feet annually.

The land on which the wells will be located is a 38.83-acre portion of the Overlying Land generally described as a portion of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 14, Township 12 South, Range 65 West of the 6th P.M., as described in Exhibit B of the Findings and Order dated March 15, 2023 for Replacement Plan no. 463-RP. The proposed water uses and place of use are allowed by the determination and replacement plan.

The proposed source of water for this subdivision is a bedrock aquifer in the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which this source will be a physically and economically viable source of water. According to 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 in 463-BD 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.

The *El Paso County Land Development Code*, Section 8.4.7.(B)(7)(b) states:

"(7) Finding of Sufficient Quantity

(b) Required Water Supply. The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of 300 years."

The State Engineer's Office does not have evidence regarding the length of time for which this source will "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 water supply source must provide for a 300-year supply. Replacement Plan no. 463-RP allows the withdrawal of 6 acre-feet per year for 300 years. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

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

State Engineer's Office Opinion

Based upon the above and pursuant to section 30-28-136(1)(h)(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**.

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 equal to 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 above-referenced decree, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifer, and identified in this letter, are calculated based on estimated current aquifer conditions. The source of water is from 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.

Please contact Wenli Dickinson at Wenli.Dickinson@state.co.us or at (303) 866-3581 x8206 with any questions.

Sincerely,



Ioana Comaniciu, P.E.
Water Resource Engineer

Ec: Subdivision file no. 30685
Upper Black Squirrel Creek Ground Water Management District

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 16, 2023

MS-23-3 Gunners Ridge

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal for approval of the Gunners Ridge, a minor subdivision application by Andrew and Emilee Makings ("Applicant") for a 4-lot subdivision on a parcel of 38.83 acres of land (the "property"). 3 lots will be approximately 5 acres each in size, and the fourth lot will be approximately 23.8 acres in size with two residences. The property is zoned RR-5 (Rural Residential).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary ("WSIS"), the water demand for the subdivision is 1.5 acre-feet per year for 4 units,¹ 0.3 acre-feet per year for commercial use, irrigation of up to 1.4 acres requiring 2.9 acre-feet of water per year along with stock watering of up to 104 head at 1.3 acre-feet per year for a total demand of 6 acre-feet per year.

Based on this total demand, Applicant must be able to provide a supply of 1,800 acre-feet of water (6 acre-feet per year x 300 years) to meet the County's 300-year water supply requirement.

¹ The number of household units is actually five (5), due to the larger lot having two residences.

ASSISTANT COUNTY ATTORNEYS

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TERRY A. SAMPLE

LORI L. SEAGO

BRYAN E. SCHMID
STEVEN W. MARTYN

DOREY L. SPOTTS
MERI GERINGER

Proposed Water Supply

The Applicant has provided for the source of water to derive from up to four (4) individual on-lot wells² withdrawing from the not-nontributary Dawson aquifer as provided in Determination of Water Right no. 463-BD ("Determination") and Replacement Plan no. 463-RP ("Replacement Plan"). In the Determination, the Court quantified an amount of water from beneath 310 acres of overlying land, of which this proposed subdivision is part. The Applicant has acquired via quitclaim deed the rights to withdraw up to 27.125 acre-feet annually from the Dawson aquifer (on a 100-year basis). The Replacement Plan allows the withdrawal of Dawson aquifer water from up to four wells for the following:

- One well will withdraw 3.9 acre-feet annually for the following uses: in-house use in up to two (2) single-family residences; in-building commercial sanitary use; up to one (1) acre of irrigation of home lawn, garden, pasture, hay and trees; and watering of up to eighty (80) large domestic animals.
- The other three (3) wells will each withdraw 0.7 acre-foot annually for in-house use in one (1) single family residence; up to 6,000 square-feet of irrigation of home lawn, garden, pasture, hay and trees; and watering of up to eight (8) large domestic animals; for a total withdrawal from the three (3) wells of 2.1 acre-feet annually.

The allowed annual amount of groundwater to be withdrawn from the aquifer by all wells operating under the Replacement Plan shall not exceed 6 acre-feet. A totalizing flow meter shall be installed on each well.

The approved Replacement Plan has a term of 300 years and requires that return flows from in-house use of groundwater shall occur through individual on-lot non-evaporative septic systems.

State Engineer's Office Opinion

4. In a letter dated March 23, 2023, the State Engineer stated that "[t]he proposed water supply is individual on-lot wells withdrawing from the not-nontributary Dawson aquifer that will operate pursuant to Determination of Water Right no. 463-BD and Replacement Plan no. 463-RP.... Replacement Plan no. 463-RP allows the withdrawal the [sic] Dawson aquifer water from up to four wells for the following uses: One well with withdraw 3.9 acre-feet annually....The other three (3) wells will each withdraw 0.7 acre-foot [sic] annually...."

Finally, the State Engineer provided their opinion, "pursuant to 30-28-136(1)(h)(I) C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights."

² Well permits will need to be applied for and approved prior to drilling any wells.

Recommended Findings

5. Quantity and Dependability. Applicant's water demand for Gunners Ridge is 6 acre-feet per year for a total demand of 1,800 acre-feet for the subdivision for 300 years. The Replacement Plan allows for 4 wells limited to an annual withdrawal of 3.9 acre-feet for one well, and up to 2.1 acre-feet total for the additional 3 wells.

Based on the water demand of 6 acre-feet/year for the Gunners Ridge subdivision and the Replacement Plan permitting withdrawals in that amount, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for the Gunners Ridge subdivision.

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

7. Basis. The County Attorney's Office reviewed the following documents in preparing this review: a *Water Resources Report* dated February 27, 2023, the Water Supply Information Summary, the State Engineer's Office Opinion dated March 23, 2023, and Replacement Plan No. 463-RP for Determination of Water Right No. 463-BD entered on March 15, 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. 463-BD and Replacement Plan No. 463-RP, specifically, that water withdrawn from the Dawson aquifer by each of the proposed four wells permitted shall not exceed 6 acre-feet total. The allowed annual amount of groundwater to be withdrawn from one of the wells is 3.9 acre-feet and for the remaining wells is 0.7 acre-foot per well (2.1 acre-feet total). Depletions during pumping shall be replaced by individual on-lot non-evaporative septic systems.

B. The County prefers that when there is a replacement plan, Applicant create a homeowners' association ("HOA") for the purpose of enforcing covenants and assessing any necessary fees related to compliance with the water decree and replacement plan for the property. For a four-lot subdivision such as this, however, in which the replacement of post-pumping depletions is not required, Applicant may elect to solely rely on the covenant provisions required below and forego creation of an HOA.

C. Applicant shall create restrictive covenants upon and running with the property which shall advise and obligate future lot owners of this subdivision and their successors and

assigns regarding all applicable requirements of Determination of Water Right No. 463-BD and Replacement Plan No. 463-RP, including the limitations on diversions and use of water for each well and lot, the requirement to meter and record all well pumping, and information on how records are to be reported.

Covenants shall address the following:

1) Identify the water rights associated with the property. The Covenants shall reserve 1,800 acre-feet of not-nontributary Dawson aquifer water pursuant to Determination of Water Right No. 463-BD and Replacement Plan No. 463-RP to satisfy El Paso County's 300-year water supply requirement for the 4 lots of the Gunners Ridge Subdivision. The Covenants shall further identify that 1,170 acre-feet (3.9 acre-feet/year) of Dawson aquifer water is allocated to Lot 1 and 210 acre-feet (0.7 acre-feet/year) of Dawson aquifer water is allocated to each of Lots 2 through 4.

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

3) Require non-evaporative septic systems and reserve return flows from the same. The Covenants shall require each lot owner to use a non-evaporative septic system to ensure that return flows from such systems are made to the stream system to replace actual depletions during pumping and shall state that said return flows shall not be separately sold, traded, assigned, or used for any other purpose. The Covenants more specifically shall require that each lot in the subdivision have an occupied single-family dwelling that is generating return flows from a non-evaporative septic system before any irrigation or animal watering is allowed. The Covenants shall also include the following or similar language to ensure that such return flows shall only be used for replacement purposes: "Return flows shall only be used for replacement purposes, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned, or encumbered in whole or in part for any other purpose."

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

"The water rights referenced herein shall be explicitly conveyed; however, if a successor lot owner fails to so explicitly convey the water rights, such water rights shall be intended to be conveyed pursuant to the appurtenance clause in any deed conveying said lot, whether or not Determination of Water Right No. 463-BD and Replacement Plan No. 463-RP and the water rights therein are specifically referenced in such deed. The water rights so conveyed shall be appurtenant to the lot with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned

or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title.”

5) Advise of monitoring requirements. The Covenants shall advise future lot owners of this subdivision and their successors and assigns of their responsibility for any metering and data collecting that may be required regarding water withdrawals from existing and future wells in the Dawson aquifer.

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

“Notwithstanding any provisions herein to the contrary, no changes, amendments, alterations, or deletions to these Covenants may be made which would alter, impair, or in any manner compromise the water supply for the Gunners Ridge Subdivision pursuant to Determination of Water Right No. 463-BD and Replacement Plan No. 463-RP. Further, written approval of any such proposed amendments must first be obtained from the El Paso County Planning and Community Development Department, and as may be appropriate, by the Board of County Commissioners, after review by the County Attorney’s Office. Any amendments must be pursuant to the Colorado Ground Water Commission approving such amendment, with prior notice to the El Paso County Planning and Community Development Department for an opportunity for the County to participate in any such determination.”

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

“These Covenants shall not terminate unless the requirements of Determination of Water Right No. 463-BD and Replacement Plan No. 463-RP are also terminated by the Colorado Ground Water Commission and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County.”

D. Applicant and its successors and assigns shall reserve in any deeds of the Property Dawson aquifer water in the decreed amount of 1,170 acre-feet (3.9 acre-feet annually) for Lot 1 and 210 acre-feet (0.7 acre-feet annually) for each of Lots 2 through 4. Said reservation shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for primary and replacement supply.

E. Applicant and its successors and assigns shall convey by recorded warranty deed these reserved Dawson aquifer water rights at the time of lot sales. Specifically, Applicant and future lot owners shall convey sufficient water rights in the Dawson aquifer underlying the respective lots to satisfy El Paso County’s 300-year water supply requirement.

Any and all conveyance instruments shall also recite as follows:

For the water rights and return flows conveyed for the primary supply (Dawson aquifer): "These water rights conveyed, and the return flows therefrom, are intended to provide a 300-year water supply, and replacement during pumping, for each of the lots of the Gunners Ridge. The water rights so conveyed and the return flows therefrom shall be appurtenant to each of the respective lots with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned, or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title."

F. Applicant and its successors and assigns shall submit a Declaration of Covenants, Conditions, and Restrictions, form deeds, and any plat notes required herein to the Planning and Community Development Department and the County Attorney's Office for review, and the same shall be approved by the Planning and Community Development Department and the County Attorney's Office prior to recording the final plat. Said Declaration shall cross-reference Determination of Water Right No. 463-BD and Replacement Plan No. 463-RP and shall identify the obligations of the individual lot owners thereunder.

G. Applicant and its successors and assigns shall record all applicable documents, including but not limited to Determination of Water Rights No. 463-BD, Replacement Plan No. 463-RP, agreements, assignments, and warranty deeds regarding the water rights, and Declaration of Covenants in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

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

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

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

J. Prior to recording the final plat, Applicant shall:

- Upload a corrected Water Supply Information Summary that:
 - Corrects the number of household units to 5 in Section 9;
 - Enters the Determination and Replacement Plan numbers in Section 10;
- Upload a corrected Water Resources Report that states in Section 3.2 that the proposed 4 new wells will utilize only the Dawson aquifer.

Cc: Kylie Bagley, Project Manager, Planner

From: James Appleyard <jim.appleyard@gmail.com>
Sent: Friday, August 25, 2023 5:14 PM
To: PCD Hearings
Subject: FILE NUMBER: MS233 BAGLEY MINOR SUBDIVISION GUNNERS RIDGE

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

Reference: Planning Commission (PC) Hearing on Thursday, September 7, 2023, beginning at 9:00 A.M. The PC hearing will be held in the Second Floor Hearing Room of the Pikes Peak Regional Development Center located at [2880 International Circle, Colorado Springs](#). The Board of County Commission. Request by Drew Makings for approval of a 38.83-acre Minor Subdivision illustrating four (4) single-family residential lots—approx one 23 and three 5-acres properties. The property is zoned RR-5 (Residential Rural) and is located at 12172 Goodson Road and is directly northwest of the intersection of Goodson Road and Ayer Road. (Parcel No. 5214000014) (Commissioner District No. 2)

The Board needs to oppose this subdivision of this property.

My reasons for opposition are:

The original plan called for this property to remain intact and not be subdivided and was sold to the owner under this provision. Our adjoining subdivision, Sylvan Meadows, did not oppose this because of limited impact on our road conditions, traffic, property owner association and water rights.

The other buyers of this subdivision were also sold land under the provision that they not be subdivided. All these lots were zoned RR-5. If approved, does this approach allow for others to subdivide and become a precedence for all? This would cause a cascade effect to the negative to this area.

In closing, I just would like the Board to tell this owner no. You bought your property under condition that you agreed to, that Board agreed to and that your adjoining neighbor by absentia agreed to. When you enter an agreement we need to stick to that agreement.

Thanks for any consideration. Just say no!

Colonel (Ret) Jim and Kathy Appleyard
12511 Goodson Road
Colorado Springs, CO 80908
(405) 697-7921

Sylvan Meadows Property Owners Association

P.O. Box 88265
Black Forest, CO. 80908

March 15, 2023

Ms. Kylie Bagley
Planning and Community Development Division
El Paso County
2880 International Circle, Suite 110
Colorado Springs, CO 80910
Sent Via email: kyliebagley@elpasoco.com

Subject: Objection to Makings Subdivision 9MS-23-0030

Dear Ms. Bagley:

I am the president of the Sylvan Meadows Property Owners Association and I'm writing representing our Board of Directors and on behalf of our POA members. The southwest corner of our development is directly across Goodson Drive from the Makings parcel and subdivision plans. Our POA is objecting to the applicant's subdivision proposal for the following reasons, among others:

The applicant purchased his lot knowing it is zoned RR-5 and now he is requesting exceptions to that zoning. Our specific objections are:

He is seeking approval for commercial stabling of up to 35 horses. This is a residential, not commercial, area and such a commercial stabling of horses will have negative impact on our single family quiet residential area to include, increased traffic as horse owners would come and go to see and pick up their horses, smell, and increased water and sewer impacts. Commercial operations should be limited to those areas specifically zoned for commercial applications and not allowed in residential areas.

He is seeking approval for a second dwelling on his 23.8 acre lot and that is not permitted in RR-5 zoning. If a second dwelling is desired, the applicant should not subdivide his 35 acres and instead request A-35 zoning. Moreover, a second dwelling would open the possibility of it being used as a commercial rental property.

Thank you for including our objection to the subject subdivision proposal in the County's decision process. Please keep me informed of progress on this application to include when a decision will be made by your office on the applicant's request.

For the Board of Directors:



Joe Arbuckle
President, Sylvan Meadows POA

719-371-8288

From: Charles Crupper <crupperc@q.com>
Sent: Friday, August 25, 2023 4:13 PM
To: PCD Hearings; Kylie Bagley
Subject: File Number: MS233 Bagley Minor Subdivision Gunners Ridge, Quasi-Judicial OPPOSITION LETTER

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To: Planning Commission and Board of County Commissioners

From: Charles Crupper, Sylvan Meadows Subdivision Homeowner

Reference: NOTICE OF PUBLIC HEARING This notice provides options to observe and participate in the Planning Commission and Board of County Commissioners public hearings on the following Quasi-Judicial land-use matter. The following item is scheduled for the Planning Commission (PC) Hearing on Thursday, September 7, 2023, beginning at 9:00 A.M. The PC hearing will be held in the Second Floor Hearing Room of the Pikes Peak Regional Development Center located at 2880 International Circle, Colorado Springs. The Board of County Commissioners' (BOCC) hearing is scheduled for Thursday, September 28, 2023, beginning at 9:00 A.M. The BOCC hearing will be held in the Centennial Hall Hearing Room located at 200 S. Cascade Avenue, Colorado Springs. You may attend the public hearings in-person or remotely, following the procedures below.

FILE NUMBER: MS233 BAGLEY MINOR SUBDIVISION GUNNERS RIDGE A request by Drew Makings for approval of a 38.83-acre Minor Subdivision illustrating four (4) single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 12172 Goodson Road and is directly northwest of the intersection of Goodson Road and Ayer Road. (Parcel No. 5214000014) (Commissioner District No. 2). Planner: KylieBagley@elpasoco.com Type Of Hearing: Quasi-Judicial If you wish to provide comments either in support of or in opposition to this proposal, please email the project manager/planner above or PCDhearings@elpasoco.com.

I wish to formally notify the Board of my opposition to the subdivision of this property. My reasons for opposition are:

1. The original plan called for this property to remain intact and not be subdivided and was sold to the owner under this provision.
2. The other buyers of this subdivision were also sold land under this provision and now are faced with an unwarranted change.
3. The surrounding neighbors, in my case Sylvan Meadows, will now have to deal with additional traffic along Goodson Road if additional lots are allowed. This would worsen if the current lot owners also wanted to change their lots to subdivide them. Also, since these properties are not subject to a Property Owners Association, what is to stop the five-acre owners from building several homes on each lot?
4. Goodson Road is already in very poor condition in the Sylvan Meadows subdivision, and this will only exacerbate the road condition. The county has not seen fit to expend funds to improve the road and this will just make it worse. In other words, the country cannot keep up with the condition of Goodson Road in the subdivision as it is currently, and this will just make the situation worse.
5. The additional traffic is also a safety issue, as many Sylvan Meadows residents walk the streets (both with and without pets) and ride their bicycles for recreational exercise. The additional potential traffic can do nothing but make this situation worse.

6. This subdivision is an obviously only being done so the new owner can recoup some of his cost of the entire property. It has nothing to do with making the Black Forest a better place to live for the current residents or for himself for that matter.

7. Many areas of Black Forest are continually under attack by developers who propose lot sizes not in compliance with the Black Forest Preservation Plan. While this is within the five-acre size proposed, it does nothing to keep some "open space" within the Black Forest community.

8. These new lots will also, although to a small degree, erode our dwindling water resources that many residents of Black Forest are very concerned about these days. This is an opportunity for the Board to stand up for Black Forest residents to slow the progress of building in Black Forest.

9. Has the Board investigated the potential problems with the power corridor that would infringe on these new lots and how the Power Company feels about the subdivision and potential new homes developed on these lots.

In closing, I just want to emphasize it is all right to tell this owner no to his proposal. Please think about the good of the whole Black Forest Community, and if that community will benefit from this action. I really don't see how allowing this subdivision to happen benefits anyone, except the property owner requesting this action.

Thanks for any consideration you give to my request.

Charles G. Crupper Jr
12811 Goodson Road, Colorado Springs, CO 80908
719-495-6740
crupperc@q.com

Seclusion Development, LLC

9540 Federal Drive, Suite 100
Colorado Springs, CO 80921

March 10, 2023

Ms. Kylie Bagley
Planning and Community Development Division
El Paso County
2880 International Circle, Suite 110
Colorado Springs, CO 80910
Sent via email: kyliebagley@elpasoco.com

RE: OBJECTION TO MAKINGS SUBDIVISION (MS-23-003) – GUNNERS RIDGE MINOR SUBDIVISION

Dear Ms. Bagley:

I am the owner/developer of the Seclusion property for which a rezone from PUD to RR-5 to accommodate 35-acre parcel development was approved by the BoCC by Resolution 21-346 on 24th August 2021. The proposed Makings Subdivision is Parcel 1 on the attached exhibit and the owner is proposing to subdivide the property into one (1) 23.8-acre lot and three (3) ~5-acre lots. The Applicant's Letter of Intent (LOI) indicates that *"The applicant proposes to develop the parcel into 4 Single Family residential lots. Lot #1 would like to have the option for a second house (larger than 1,800 square feet) in the future."* It goes on to state that *"the owner/applicant of Lot #1 would like to include horse boarding on Lot #1. There are 7 horse paddocks proposed. Each paddock will be 100 feet by 125 feet +/- with a maximum of 5 horses per paddock."*

There are various aspects of this application and the applicant's future intent as stated in the LOI that are of concern to us as the developer of Seclusion and owner of Parcels 3, 5 & 6.

Appropriateness of the Minor Subdivision:

1. Compatibility

Land Development Code (LDC) Chapter 7.2.1.C.1 (c) states that *"a minor subdivision shall be required to conform to all preliminary plan and final plat requirements including the criteria for approval, except to the extent that those requirements are modified by this Code or the Procedures Manual."* Chapter 7.2.1.D.2 (e) of the LDC sets out the criteria for approval of a Preliminary Plan, which includes: *"The proposed subdivision has established an adequate level of compatibility by ... (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses."*

Seclusion is a 35-acre parcel development that was not intended to accommodate 5-acre lots. When proposing to rezone the property from PUD on 2021, we had an Early Assistance (EA) meeting with

the County Planner, with a view to rezoning the property to A-35 to support the proposed 35-acre parcels. At the EA meeting on December 16, 2020, the Planner indicated that RR-5 zoning was preferred as it was more compatible with the surrounding RR-5 zoning. While we understand that the proposed subdivision is within the parameters of the RR-5 zone, we consider that the currently proposed configuration is not compatible with the adjacent 35-acre lots. A better configuration of the lots to address compatibility would be to move the five acre lots to the south end of the property adjacent to the 5-acre platted lots in the adjacent Armonia Ranch Subdivision. This would place the single 23.8-acre lot to the north where it would act as a transition between the smaller 5-acre lots and the 35-acre parcels to the west and north.

2. Circumvention of Process

The Applicants LOI indicates an intent for an additional dwelling on Lot #1. LDC Chapter 7.2.1.C.1 (e) states that *"if it is determined that the applicant is using the minor subdivision process to circumvent the subdivision ...the applicant shall be required to comply with the preliminary plan and final plat process."* An Additional Dwelling is not permitted in the RR-5 zone. The only zone in which an Additional Dwelling is permitted is the A-35 zone. Conversely, the A-35 zone would not allow subdivision to less than 35-acre lots. It is clearly the case based upon the applicant's intent for an additional dwelling in the future that the applicant is trying to circumvent the subdivision process by applying for a minor subdivision.

3. Lot Access

We do not understand the applicant's justification for the requested waiver for 30' lot frontage on a public road. The reference to the unique shape of Lot #1 and the impact to lot 4 is bogus. The applicant has created the shape of Lot #1 with this proposed subdivision. Currently the parcel is a large uniform shape. Lot #4 could be moved south of Lot #2 or, as suggested above, all three 5-acre lots should be moved to the south boundary. This would allow all lots to have direct public road access and Lot #4 would be no more burdened by the powerline easement along Goodson Road than Lots 2 and 3. We think it would be better planning for all the lots within the subdivision to have direct access from Goodson Road, and there is adequate room on this 35-acre parcel to do so.

5. Inadequate supporting Information

Mr. Makings purchased his parcel from my company on August 22, 2022 following his EA meeting with your office on August 18, 2022. The EA meeting clearly described the allowed uses with the RR-5 zone and how those differed from his suggested intended use.

Appropriateness of the proposed Additional Dwelling on Lot 1:

The applicant purchased this lot in the knowledge that it is zoned RR-5. While this allows subdivision to 5-acre lots, it does not allow for additional dwellings. The only zone in which an Additional Dwelling is permitted is the A-35 zone. The applicant has not requested a rezone to A-35 as this would not allow the proposed subdivision to less than 35-acre lots. The only way the additional dwelling could conceivably be allowed in the future is with a use variance. The County should not knowingly support a proposed subdivision that will result in a use variance request in the future.

Appropriateness of the proposed Commercial Stable on Lot 1:

The applicant purchased this lot in the knowledge that it is zoned RR-5. While this allows subdivision to 5-acre lots, it does not allow for a commercial stable. A commercial stable is a Special Use in the RR-5 zone. No special use request has been made. LDC Chapter 5.3.2.C. provides the criteria for approving a special use, which includes: "The special use will be in harmony with the character of the neighborhood, and will generally be compatible with the existing and allowable land uses in the surrounding area." Additionally, a commercial operation of this size will have adverse effects on surrounding property values and traffic counts.

At the EA meeting on December 16, 2020, per the Planning Checklist on EDARP under Zoning Analysis, the planner indicated:

"Applicant has proposed to rezone the existing parcels to A-35. The subject property is surrounded by RR-5 zoning. Staff recommends that the parcels be rezoned to RR-5 to mitigate potential agricultural externalities that may impact the surrounding neighborhood as a result of the A-35 zoning uses allowed within the district. Agricultural uses may still be permitted within the RR-5 District, under a more limited scale." In the audio recording of the meeting, the Planner states that RR-5 zoning is better because it requires Special Use review which then allows neighbor involvement and input for certain uses. The Planner also states that RR-5 potentially has fewer allowed uses which may impact surrounding land uses that could be seen as negative, higher intensity in nature.

It is clear from these recommendations of the Planner at the 2021 EA meeting that Planning staff did not consider the more intense agricultural uses, such as commercial stables, as an appropriate use in this location, given the character of the surrounding area. It was for this reason that we rezoned to RR-5 rather than A-35 as originally requested. Although a special use request has not yet been submitted, it is clear from the applicants LOI that this is the intent. We would oppose such a request on the basis that a commercial stable is not compatible with the residential character of the neighborhood. The property lies within the Large-Lot Residential place-type in the El Paso County Master Plan, which indicates that the "the focus of Large-Lot Residential is intertwining residential uses with the County's treasured natural environment without disruption or degradation. As such, commercial uses are minimal in this place-type with a small-scale standalone business located on a major roadway." The proposed commercial stable for up to 35 horses is neither small in scale, nor is it located on a major roadway, and is therefore an inappropriate use in this place-type.

In addition, we question whether a well permit will allow for this commercial operation in the Upper Black Squirrel Creek Ground Water Basin ("UBS"). The applicant's Water Resource Report relies only on the Dawson water to supply the wells and replacement of the actual depletions from septic return flows. While Dawson wells may be allowed in the UBS with an approved replacement plan, it is doubtful that only septic return flows will be enough to meet the required 100% of actual depletion. We further object to allocation of the water necessary to supply a commercial boarding operation.

6. Notification

Seclusion's property is separated from Mr. Makings by 60' of road (two – 30' driveways for Parcels 2 & 4). It seems Seclusion should have been notified as an adjacent neighbor just as those east of Goodson Road were notified. Future notification would be appreciated.

Mr. Makings never approached us with his ideas and desires for this property; if he had we would have been happy to discuss them with him. Unfortunately, we are only left with responding to the requested minor subdivision before us and the applicant's future intentions as set out in the LOI.

Please keep us informed of the progress on this or any other applications associated with this property.

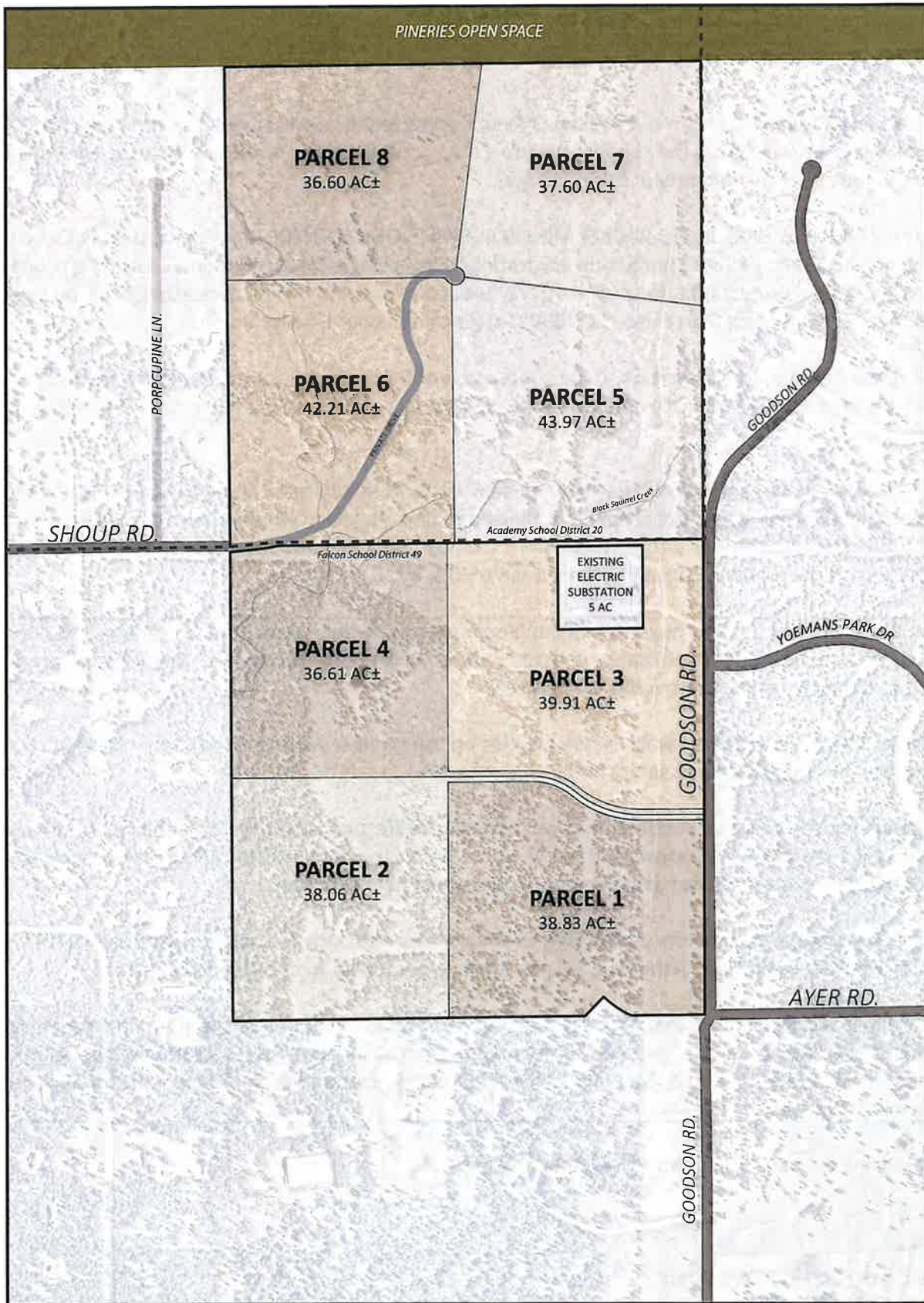
Yours sincerely,



George C Hess III
Seclusion Development, LLC

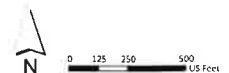
Cc: Caroleen F. Jolivet
Mulliken, Weiner, Berg & Jolivet
102 South Tejon Street, Suite 900
Colorado Springs, CO 80903

SECLUSION



Marketed by: Ted Thurber
 Mobile (719) 338-2178
 Office (719) 593-1000
www.tedthurber.com

Seclusion Development, LLC
 9540 Federal Dr., #100
 Colorado Springs, CO 80921



From: Whitney Otis <whitotis@msn.com>
Sent: Monday, August 28, 2023 1:10 PM
To: PCD Hearings; Kylie Bagley
Subject: File Number MS233

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In the matter of FILE NUMBER: MS233 BAGLEY MINOR SUBDIVISION GUNNERS RIDGE A request by Drew Makings for approval of a 38.83-acre Minor Subdivision illustrating four (4) single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 12172 Goodson Road and is directly northwest of the intersection of Goodson Road and Ayer Road. (Parcel No. 5214000014) (Commissioner District No. 2).

I am notifying the Board of my opposition to the subdivision of this property for the following reasons.

1. Originally these properties were to remain as + or - 35 acre lots and it was my understanding that they would not be subdivided.
2. I live in Sylvan Meadows, and we will now have to deal with additional traffic along Goodson Road if multiple additional lots are allowed. If the first property is allowed to be subdivided why wouldn't or couldn't the remaining parcels be subdivided? Current or future subdivisions would impact the amount of traffic on Goodson Road as well as wear and tear on the roadway caused by cars, trash trucks, etc.
3. Goodson Road, where it runs through the Sylvan Meadows subdivision, already needs repairs. Additional housing in this area will further deteriorate the road. If the road is poorly maintained now, what assurances are there that this situation will be improved in the future??
4. Many Sylvan Meadows residents walk or ride bicycles on our streets. Adding more cars / trucks for trash pick up, etc., will just worsen congestion and safety for all concerend.
5. I see little benefit to additional subdivisions from a quality-of-life standpoint, which is the reason many of us moved to Black Forest / Sylvan Meadows in the first place. Simply trying to multiply someone's wealth without consideration to those in contiguous areas seems unwarranted in my opinion.
7. The sale of the original 35 acre lots as opposed to smaller lots was done for water resource issues if I recall the original plan. How does allowing further subdivision assist in preservation of water resources.
8. Please review the original plans for allowing 35 acre plots vs a much larger development on smaller parcels of land. I'm sure there was much thought given to the original plan and how its potential impact on the Black Forest area and specifically those of us who live in the adjoining Sylvan Meadows development. I personally see no benefit to allowing this plan to go forward.

Thanks for looking over my above thoughts on the matter,

Sincerely
Whitney Otis
Sylvan Meadows Subdivision Resident
12150 Spine Creek Place
719-651-4729

From: Jason Reeser <jlzmreaser@hotmail.com>
Sent: Sunday, August 27, 2023 8:53 AM
To: PCD Hearings
Subject: Re: FILE NUMBER: MS233 BAGLEY MINOR SUBDIVISION GUNNERS RIDGE

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Reference: Planning Commission (PC) Hearing on Thursday, September 7, 2023, beginning at 9:00 A.M. The PC hearing will be held in the Second Floor Hearing Room of the Pikes Peak Regional Development Center located at [2880 International Circle, Colorado Springs](#). The Board of County Commission. Request by Drew Makings for approval of a 38.83-acre Minor Subdivision illustrating four (4) single-family residential lots—approx one 23 and three 5-acres properties. The property is zoned RR-5 (Residential Rural) and is located at 12172 Goodson Road and is directly northwest of the intersection of Goodson Road and Ayer Road. (Parcel No. 5214000014) (Commissioner District No. 2)

The Board needs to oppose this subdivision of this property.

My reasons for opposition are:

The original plan called for this property to remain intact and not be subdivided and was sold to the owner under this provision. The original property was already very recently subdivided by Mr George Hess to 35 acre tracts, developed and sold to individual owners. Further subdividing these lots should not be entertained by the board.

Our adjoining subdivision, Sylvan Meadows, did not oppose Mr. Hess's project because of limited impact on our road conditions, environment (wildlife), traffic, and water rights.

The other buyers of this subdivision were also sold land under the provision that they will not be subdivided. This area is part of black forest that we live here to enjoy the forest, not development. If this neighborhood is approved, there are 8 other 35 acre lots that may follow suit, further putting a strain on the limited infrastructure and water resources.

In closing, I work in city government and know the strain on infrastructure due to growth that is currently happening. We cannot keep up with roads and public safety. This lot is on a dangerous corner of Goodson and Ayers on a 90 degree corner. The developer of this project needs to additionally be responsible for extending Ayers road into the property on this corner to allow access to this development, not using Goodson Road for access. Also, providing fire hydrant access for Falcon fire and park space if applicable.

Your position as board members is to manage that growth responsibility and look out for the interests of your constituents. Please vote no on this subdivision.

Jason Reeser
12572 Goodson Road
719-339-2701

March 11, 2023

Ms. Kylie Bagley
Planning and Community Development
Division El Paso County
2880 International Circle, Suite
110 Colorado Springs, CO 80910
Sent via email: kyliebagley@elpasoco.com

OBJECTION TO MAKINGS SUBDIVISION (MS-23-003) - GUNNERS RIDGE MINOR SUBDIVISION

Ms. Bagley,

We are the owners of the parcel at 12202 Goodson Drive, just west of this proposed subdivision. We strongly object to Mr. Making's request to #1 subdivide his property and #2 to have a commercial enterprise on this property. This is a residential area and by no means would we have purchased our property if we knew a commercial business with up to 35 horses would be allowed. We have put a considerable amount of money into buying this land and had hoped this would become a family property for generations to enjoy but not only will this hurt our property value but the odor and flies associated with so many horses may be overwhelming.

According to the Stable Management publication, "One 1000-pound horse produces an average of 31 pounds of feces and 2.4 gallons of urine a day. Add to that soiled bedding and the results are more than fifty pounds of waste per stall that has the potential to cause quite a stink".

We were also told that it would be very difficult for any owner to subdivide these parcels which is why they are all under 40 acres. Obviously, there will be more traffic with three more houses on his proposed five acre lots let alone his customers driving in and out of the commercial stables. As a current resident of Sylvan Meadows Development right next door I believe the Sylvan Meadows neighborhood would be highly impacted by this proposal. Seclusion Development notified our POA that four new driveways would be allowed for the four parcels being sold that access Goodson Rd. There was never any indication that it could possibly be more than that.

We are hoping that in this case the impact to the surrounding residents is considered and the proposal is denied. Thank You

Sincerely,

Steve and Anita Smith

FINAL PLAT (RECOMMEND APPROVAL)

_____ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. MS-23-003

GUNNERS RIDGE

WHEREAS, Drew Makings did file an application with the El Paso County Planning and Community Development Department for approval of a final plat for the Gunners Ridge Subdivision for the 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 7, 2023; and

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

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

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map 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 minor subdivision, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (as amended):

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 Land Development Code ("Code");
3. The subdivision is in conformance with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analysis, studies, reports, plans, designs, documents, and other supporting materials.
4. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code.
5. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. § 30-28-133(6) (b)] and the requirements of Chapter 8 of the Code.
6. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and 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 and 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 therefor, 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 system, 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.
13. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Code.
14. Off-site impacts were evaluated, and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Code.
15. 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.
16. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.].

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

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Drew Makings for a minor subdivision final plat of the Gunners Ridge subdivision be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

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

2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. 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. 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.
5. 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 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.
6. Park fees in lieu of land dedication for regional parks in the amount of \$1840 shall be paid at the time of plat recordation.
7. Fees in lieu of school land dedication in the amount of \$960 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recording.
8. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations as provided by the County Attorney's Office.

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.

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

_____ seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	aye / no / non-voting / recused / absent
Sarah Brittain Jack	aye / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / absent
Jay Carlson	aye / no / non-voting / recused / absent
Becky Fuller	aye / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / absent
Kara Offner	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 Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 7th day of September 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
_____, Chair

EXHIBIT A

PARCEL 1:

A PORTION OF SPECIAL WARRANTY DEED RECORDED AT RECEPTION NO. 219050325 OF THE EL PASO COUNTY CLERK AND RECORDER OFFICE, BEING SITUATED IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING:

ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983. BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, AND ARE ASSUMED TO BEAR $S00^{\circ}28'41''E$, MONUMENTED ON THE NORTH END OF THE LINE BY A FOUND 2.5" ALUMINUM CAP STAMPED, "MVE INC, RLS 17665, S11 S12 S14 S13, 1998, T12S R65W AND ON THE SOUTH END OF THE LINE BY A FOUND 2.5" ALUMINUM CAP STAMPED, "MVE INC, RLS 17665, 1/4, S14, S13, 1988, T12S R65W."

BEGINNING AT THE EAST QUARTER CORNER OF SECTION 14 AND BEING A POINT ON THE WEST RIGHT OF WAY LINE OF GOODSON ROAD;

THENCE WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 14, $S89^{\circ}06'22''W$, A DISTANCE OF 409.14 FEET TO THE SOUTHEAST CORNER OF SPECIAL WARRANTY DEED RECORDED AT RECEPTION NO. 207039933 AND BEING A POINT OF NON- TANGENT CURVE TO THE RIGHT;
THENCE DEPARTING SAID SOUTH LINE AND WITH THE NORTH LINE OF SAID SPECIAL WARRANTY DEED AND ALONG SAID NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 435.00 FEET, A CENTRAL ANGLE OF $22^{\circ}07'49''$, A DISTANCE OF 168.02 FEET, A CHORD BEARING OF $N56^{\circ}41'15''W$ WITH A CHORD DISTANCE OF 166.97 FEET;
THENCE CONTINUING WITH SAID NORTH LINE OF SPECIAL WARRANTY DEED, $N45^{\circ}37'21''W$, A DISTANCE OF 16.45 FEET;
THENCE $S44^{\circ}22'39''W$, A DISTANCE OF 149.99 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER;
THENCE WITH SAID SOUTH LINE, $S89^{\circ}06'22''W$, A DISTANCE OF 754.91 FEET;
THENCE DEPARTING SAID SOUTH LINE, $N00^{\circ}28'41''W$, A DISTANCE OF 1309.24 FEET;
THENCE $N89^{\circ}31'24''E$, A DISTANCE OF 465.80 FEET TO A POINT OF CURVE TO THE RIGHT;
THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 340.00 FEET, A CENTRAL ANGLE OF $39^{\circ}42'22''$, A DISTANCE OF 235.62 FEET, A CHORD BEARING OF $S70^{\circ}37'25''E$ WITH A CHORD DISTANCE OF 230.93 FEET TO A POINT OF REVERSE CURVE TO THE LEFT;
THENCE ALONG SAID REVERSE CURVE TO THE LEFT, HAVING A RADIUS OF 600.00 FEET, A CENTRAL ANGLE OF $39^{\circ}42'22''$. A DISTANCE OF 415.80 FEET, A CHORD BEARING OF $S70^{\circ}37'25''E$ WITH A CHORD DISTANCE OF 407.53 FEET;
THENCE $N89^{\circ}31'24''E$, A DISTANCE OF 353.93 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 14 AND BEING A POINT ON THE WEST RIGHT OF WAY LINE OF GOODSON ROAD;
THENCE WITH SAID EAST LINE AND SAID WEST RIGHT OF WAY LINE, $S00^{\circ}28'41''E$, A DISTANCE OF 1082.07 FEET TO THE POINT OF BEGINNING

LEGAL DESCRIPTION PREPARED BY BRIAN J. DENNIS WITH GALLOWAY & CO., SURVEY DATED DECEMBER 3, 2021 AND JOB NO. SLV000012.10.

