



COMMISSIONERS:
CAMI BREMER (CHAIR)
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COLORADO

HOLLY WILLIAMS
STAN VANDERWERF
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Ashlyn Mathy, Planner I
Edward Schoenheit, Engineer I
Meggan Herington, AICP, Executive Director

RE: Project File Number: VR-22-013
Project Name: 1384 Buckwood Ln - Vacation and Replat
Parcel Number: 7111101042

OWNER:	REPRESENTATIVE:
Murphys Custom Homes Sarah Martin sarahmurphy@murphyscustomhomes.com (719) 233-2883	Murphys Custom Homes Sarah Martin sarahmurphy@murphyscustomhomes.com (719) 233-2883

Commissioner District: 1

Planning Commission Hearing Date:	7/6/2023
Board of County Commissioners Hearing Date:	8/1/2023

EXECUTIVE SUMMARY

A request by Murphys Custom Homes for approval to Vacate and Replat one (1) residential lot into four (4) residential lots. In doing this process, the applicant is proposing to replat the lots into the four (4) lot original configuration. The 3.81-acre property is zoned RR-0.5 (Residential Rural), and is located at the northwest terminus of Buckwood Lane, approximately one tenth of a mile from the intersection of Buckwood Lane and Fawnwood Road.

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OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

A. WAIVERS/DEVIATIONS/AUTHORIZATION

Waiver(s)/Deviation(s): None associated with this project.

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

B. APPROVAL CRITERIA

Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (2022) ("Code") states that a replat, "involves two actions, the vacation of the portion of the subdivision plat where the change is proposed...and approval of a new subdivision plat." The Code goes on to define a replat as providing a replat of a subdivision or lots in a subdivision, in which the original subdivision is substantially modified, or additional lots are created. In approving a replat, the following findings shall be made:

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

C. LOCATION

North:	RR-0.5 (Residential Rural)	Single Family Residence
South:	RR-0.5 (Residential Rural)	Single Family Residence
East:	RR-0.5 (Residential Rural)	Single Family Residence
West:	RR-0.5 (Residential Rural)	Single Family Residence

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D. BACKGROUND

The subject property and area were platted by plat number 2257 known as “Woodmoor Filing 1”. It was originally platted as four lots known as lots 6, 7, 14, and 15. The subject property, after the original plat, has been combined and separated over the years. Under plat number 13052, known as “Westview at Woodmoor”, the four lots went through a Vacate and Replat process that brought it to one lot. Currently, the one lot is 3.81 acres, and the homeowners would like to go through the Vacate and Replat process to bring the property from one lot back to four lots.

E. ANALYSIS

1. Land Development Code Compliance

The subject property will meet the zoning requirements for RR-0.5 and will meet the minimum lot size requirement of 0.5-acre minimum. Additionally, the current residence meets the zoning requirements. The replat has met all required findings that are necessary for a minor subdivision.

2. Zoning Compliance

The replat will create four lots that conform to the standards of the RR-0.5 (Residential Rural) zoning district. The RR-0.5 (Residential Rural) zoning district density and dimensional standards are as follows:

- Width (front line setback): 100 ft
- Front setback*+: 25 ft
- Side setback*: 10 ft
- Rear setback*+: 25 (5) ft
- Maximum Lot Coverage: None
- Maximum Height: 30 ft

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

+ The side yard setback for an accessory structure shall be 10 feet, unless the structure is at least 60 from the front property line or nearest road right of way, where a 5 feet setback is allowed. In no instance shall an accessory structure be closer to the front property line than the principal structure.



F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Suburban Residential

Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally supports accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern.

Although primarily a residential area, this placetype includes limited retail and service uses, typically located at major intersections or along perimeter streets. Utilities, such as water and wastewater services are consolidated and shared by clusters of developments, dependent on the subdivision or area of the County.

Some County suburban areas may be difficult to distinguish from suburban development within city limits. Examples of the Suburban Residential placetype in El Paso County are Security, Widefield, Woodmen Hills, and similar areas in Falcon.

Recommended Land Uses:

Primary

- *Single-family Detached Residential with lots sizes smaller than 2.5 acres per lot, up to 5 units per acre*

Supporting

- *Single-family Attached*
- *Multifamily Residential*
- *Parks/Open Space*
- *Commercial Retail*
- *Commercial Service*
- *Institutional*

Please see the map series attachment for a depiction of the placetype character in the area.



Analysis:

The subject property has a single-family residence, which is a primary land use for the placetype from the master plan. The proposal is to replat this as the original four lots, which not only is supported by the zoning lot size, but additionally, would be supported by the master plan. Suburban residential is composed of single-family residences with lot sizes ranging from 2.5 acres or smaller.

b. Area of Change Designation: Minimal Change: Developed

The character of these areas is defined by a lack of development and presence of significant natural areas. These areas will experience some redevelopment of select underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale so as to not alter the essential character. New development may also occur in these areas on previously undeveloped land, but overall, there will be no change to the prioritized rural and natural environments.

Please see the map series attachment for a depiction of the area of change designation in the area.

Analysis:

The subject property will see development in areas that are underdeveloped or vacant. New developments are to be expected, however at this point no development is proposed at the current vacant lots being created with this project.

c. Key Area Influences: Tri-Lakes Area

Tri-Lakes is the northern gateway into the County along Interstate 25 and Highway 83. It is situated between Pike National Forest, the United States Air Force Academy, and Black Forest. With significant suburban development and some mixed-use development, this Key Area supports the commercial needs of many of the residents in northern El Paso County. Tri-Lakes also serves as a place of residence for many who commute to work in the Denver Metropolitan Area. It is also an activity and entertainment center with the three lakes (Monument Lake, Wood-moor Lake, and Palmer Lake) that comprise its namesake and direct access to the national forest. Tri-Lakes is the most well-established community in the northern part of the County with a mixture of housing options, easy access to necessary commercial goods and services, and a variety of entertainment opportunities. Future development in this area should align with the existing character and strengthen the residential, commercial, employment, and entertainment opportunities in the adjacent communities of Monument, Palmer Lake, and Woodmoor.

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Please see the map series attachment for a depiction of the key area designation in the area.

Analysis:

The key area supports growth as this area mentions the growth supporting the residential, commercial, or employment opportunities. If the lots were to be developed with single-family residences this would be supported by the master plan.

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

Not applicable.

2. Water Master Plan Analysis

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

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

Goal 1.3 – Promote awareness of environmental issues associated with water use.

Policy 2.1.3 – Communicate and gather input on complex, and at times, contentious water and land use considerations.

Goal 4.1 – Develop an understanding of the differences in water supply sources, and any water quality issues within the County.

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 2 of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 2 for central water providers:

The Plan identifies the current demand for Region 2 to be 7,532 acre-feet per year (AFY) (Figure 5.1) with a current supply of 13,607 AFY (Figure 5.2). The projected demand in 2040 for Region 2 is at 11,713 AFY (Figure 5.1)



with a projected supply of 20,516 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region 2 is at 13,254 AFY (Figure 5.1) with a projected supply of 20,756 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 7,502 AFY is anticipated for Region 2.

3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. Colorado Parks and Wildlife have the following comments:

Colorado Parks and Wildlife have concerns about trees being removed due to the trees being nesting sites for different species and have the potential to be historic nests in the area. Next, they have concerns about fencing in the area because they can lead to animal accidents, entanglements, or death. Additionally, they have concerns related to Black Bears in the area, as they are prevalent in the Front Range. Various recommendations were made on how to reduce human and wildlife contact with not only Black Bears but other animals in addition to not feed any wildlife. Lastly, they proposed a noxious weed mitigation plan for any disturbed soil at the subject property.

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 (2013).

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

G. PHYSICAL SITE CHARACTERISTICS

1. **Hazards:** No hazards were found to be associated with this project.
2. **Floodplain:** The property is not located in a FEMA floodplain and is located in Zone X, outside the 500-year floodplain in an area of minimal flood hazard.

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- 3. Drainage and Erosion:** The property is located within the Crystal Creek drainage basin, which is included in the El Paso County Drainage Basin Fee program. Drainage basin fees in the amount of \$6,683.22 were previously paid on 12/8/1994 during a previous plat action (Plat #8998). Bridge fees did not apply at the time of previous platting and will be due in the amount of \$1,156 per impervious acre, totaling \$1,017.28 to be paid at the time of plat recordation. A drainage report was submitted with the replat, identifying minimal drainage impacts to adjacent lots with the proposed subdivision. No public improvements are required for this project. Water quality and detention facilities are not required due to the nature and size of the lots.
- 4. Transportation:** Public road access for the four lots will be from Buckwood Lane, Wildwood Way, and Doewood Drive, all of which are paved, rural local roads maintained by the County. Future lot purchasers will be required to obtain a County driveway access permit.

A traffic impact study was not required for the subdivision in accordance with El Paso County Engineering Criteria Manual (ECM). The three new lots and homes will have a negligible impact on daily traffic on the surrounding roads. The subdivision 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: Sufficient

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State Engineer's 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 has made a recommendation for a finding of conditional sufficiency with regards to water quantity and dependability. El Paso County Public Health has made a favorable recommendation regarding water quality sufficiency.

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2. Sanitation

Sanitation is provided by Woodmoor Water and Sanitation District.

3. Emergency Services

The property is within the Tri-Lakes Monument Fire Protection District.

4. Utilities

Mountain View Electric Association
Upper Black Squirrel Creek GWMD

5. Metropolitan Districts

Not applicable.

6. Parks/Trails

Fees in lieu of park land dedication in the amount of \$1,840 for regional fees and \$1,160 for urban park fees will be due at the time of recording the replat.

7. Schools

Fees in lieu of school land dedication in the amount of \$1,232 will be due at the time of recording the replat.

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (2022) staff recommends the following conditions and notation:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is

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granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.

3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. 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.
5. 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.
6. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
7. Bridge fees in the amount of \$1,017.28 shall be paid at the time of plat recordation for the Crystal Creek drainage basin (FOMO5300).

NOTATION

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



K. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified eighteen (18) adjoining property owners on June 19, 2023, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

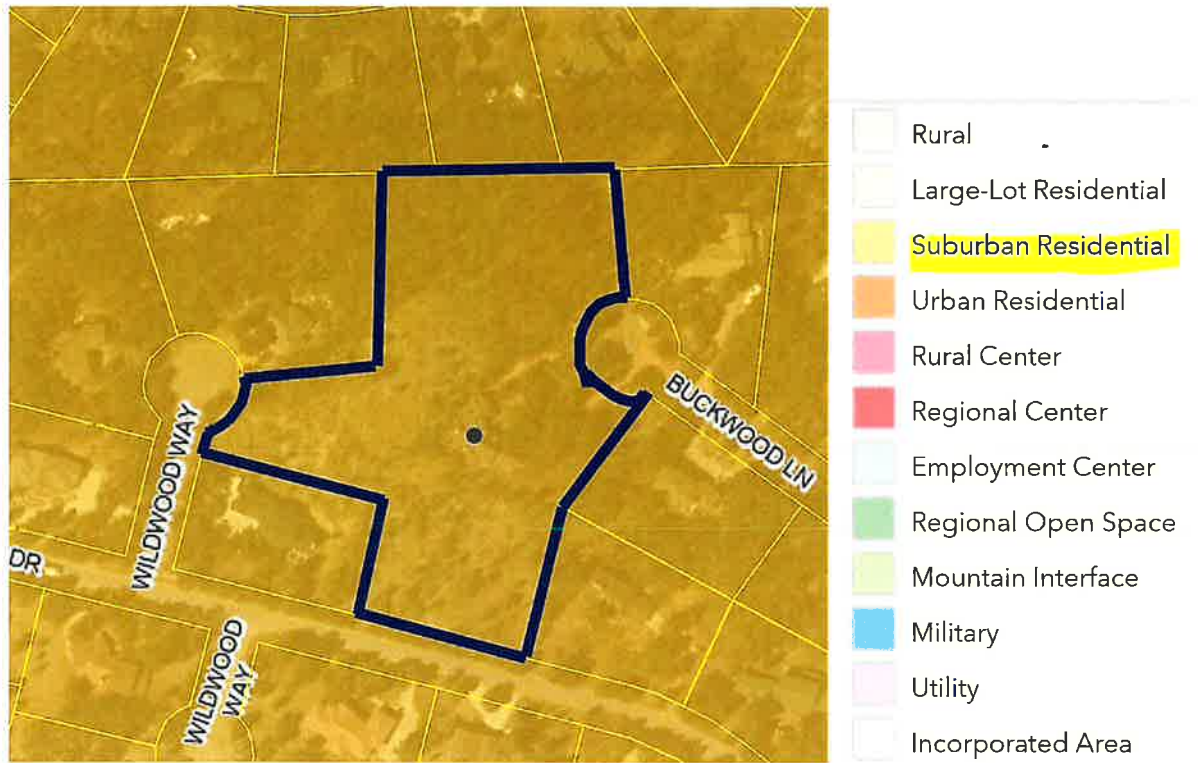
L. ATTACHMENTS

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

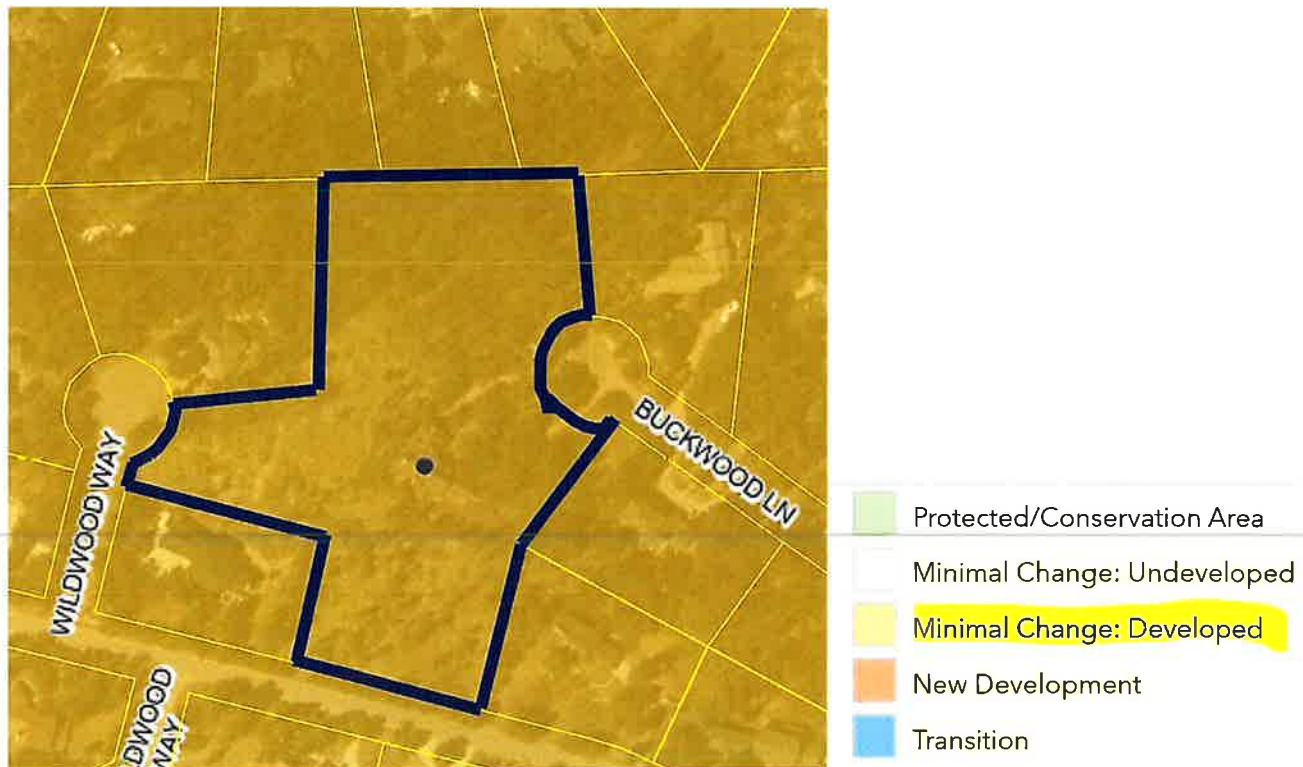


Map Exhibit (VR-22-013)

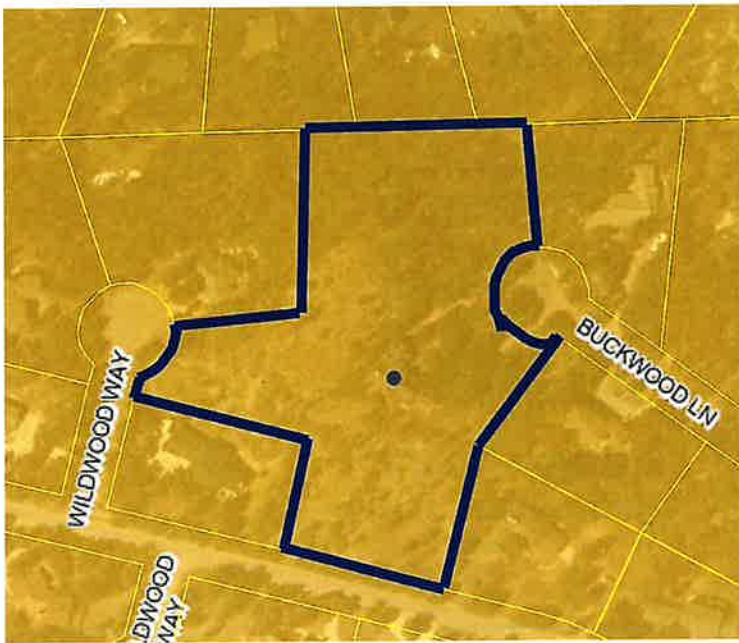
Placetype Area Map:



Area of Change Map:



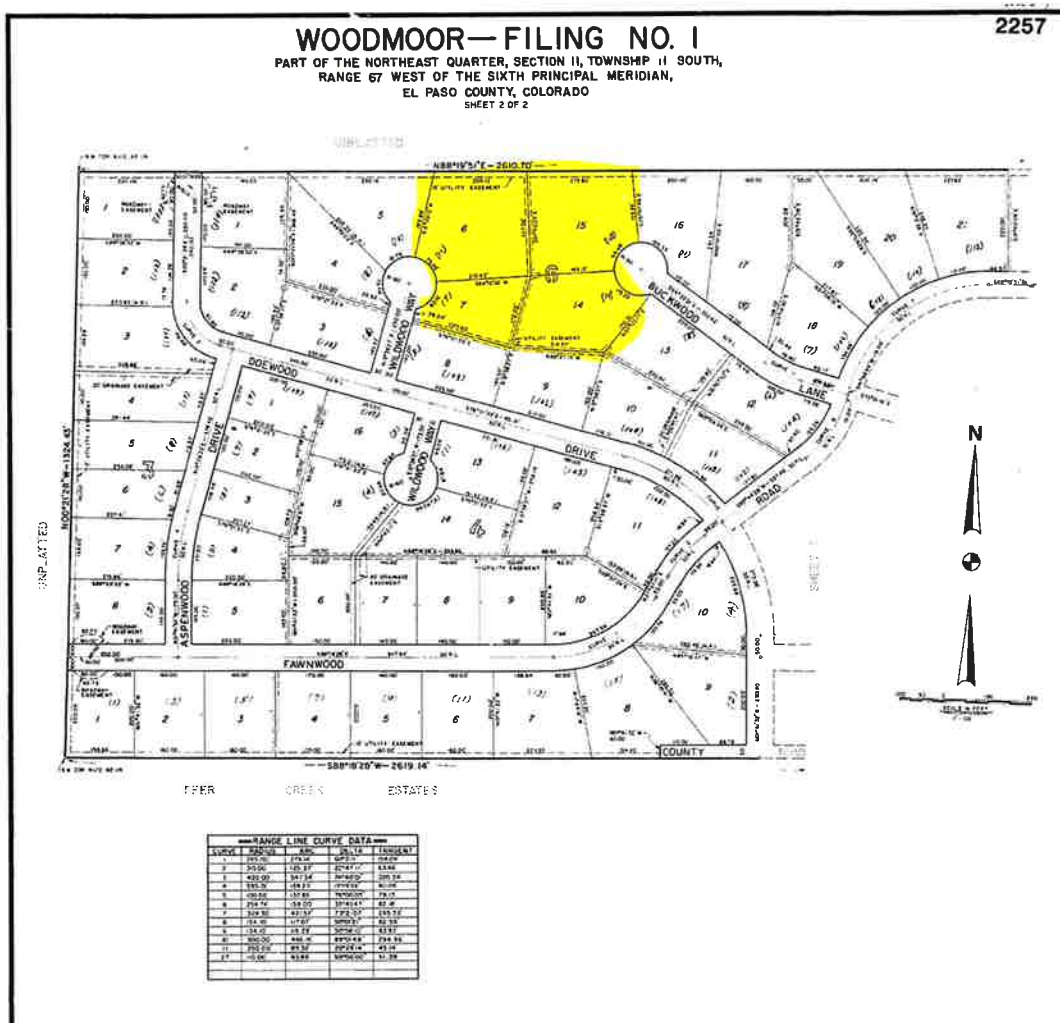
Key Change Area Map:



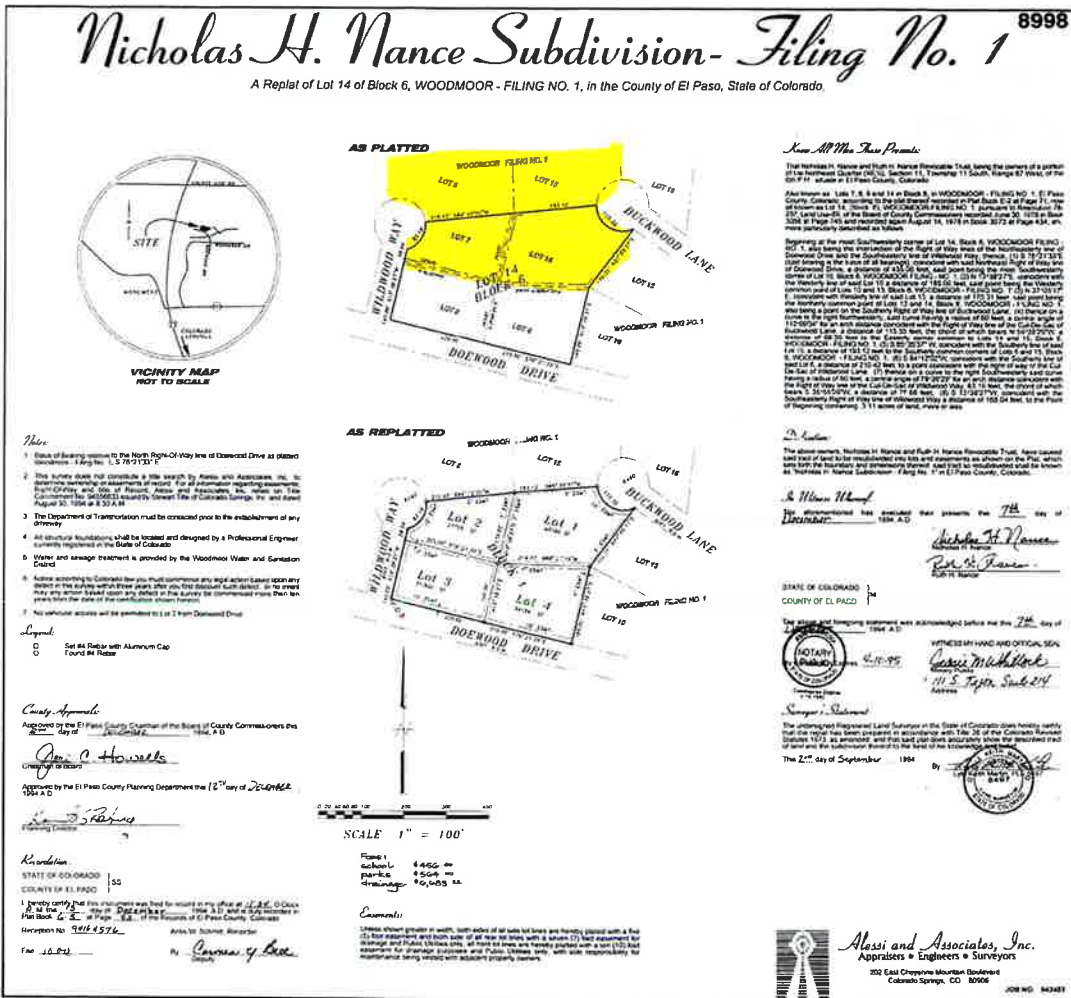
- Military Installations
- Potential Areas for Annexation
- Enclaves or Near Enclaves
- Small Towns & Rural Communities
- Fountain Creek Watershed Flood Control & Greenway District
- Forested Area
- Pikes Peak Influence Area
- Tri-Lakes Area
- Colorado Springs Airport/Peterson Field
- Uncommon Natural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

Plats:

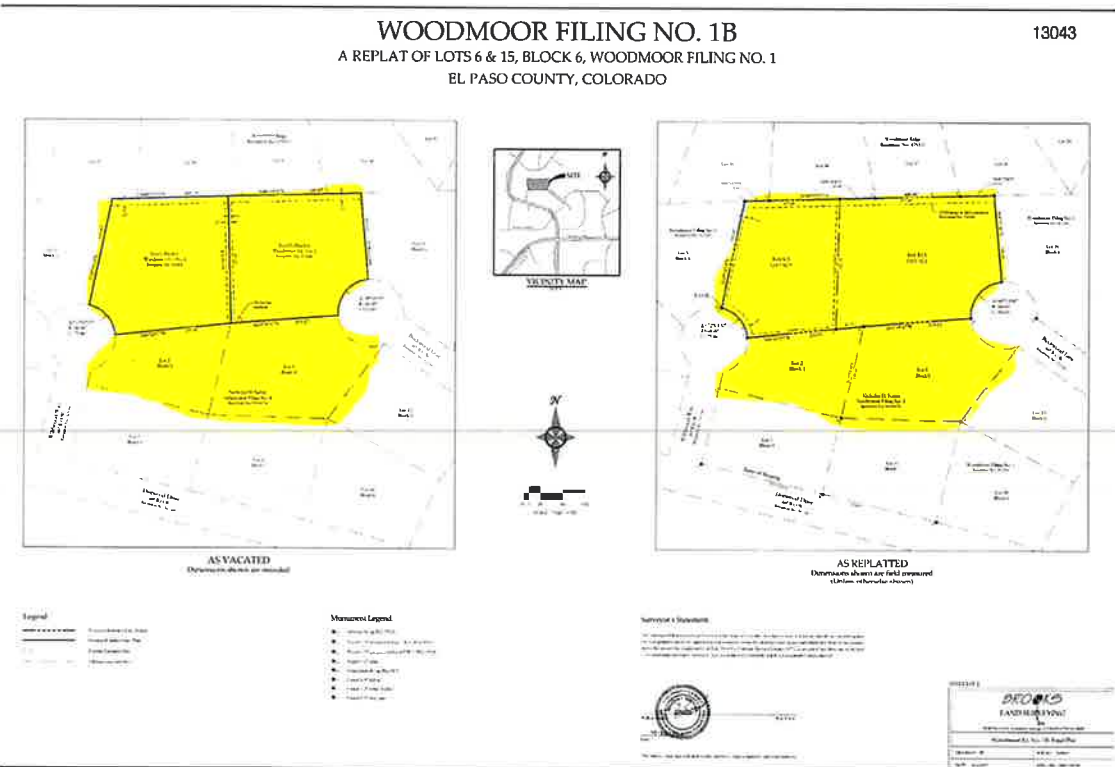
Plat No. 2557:

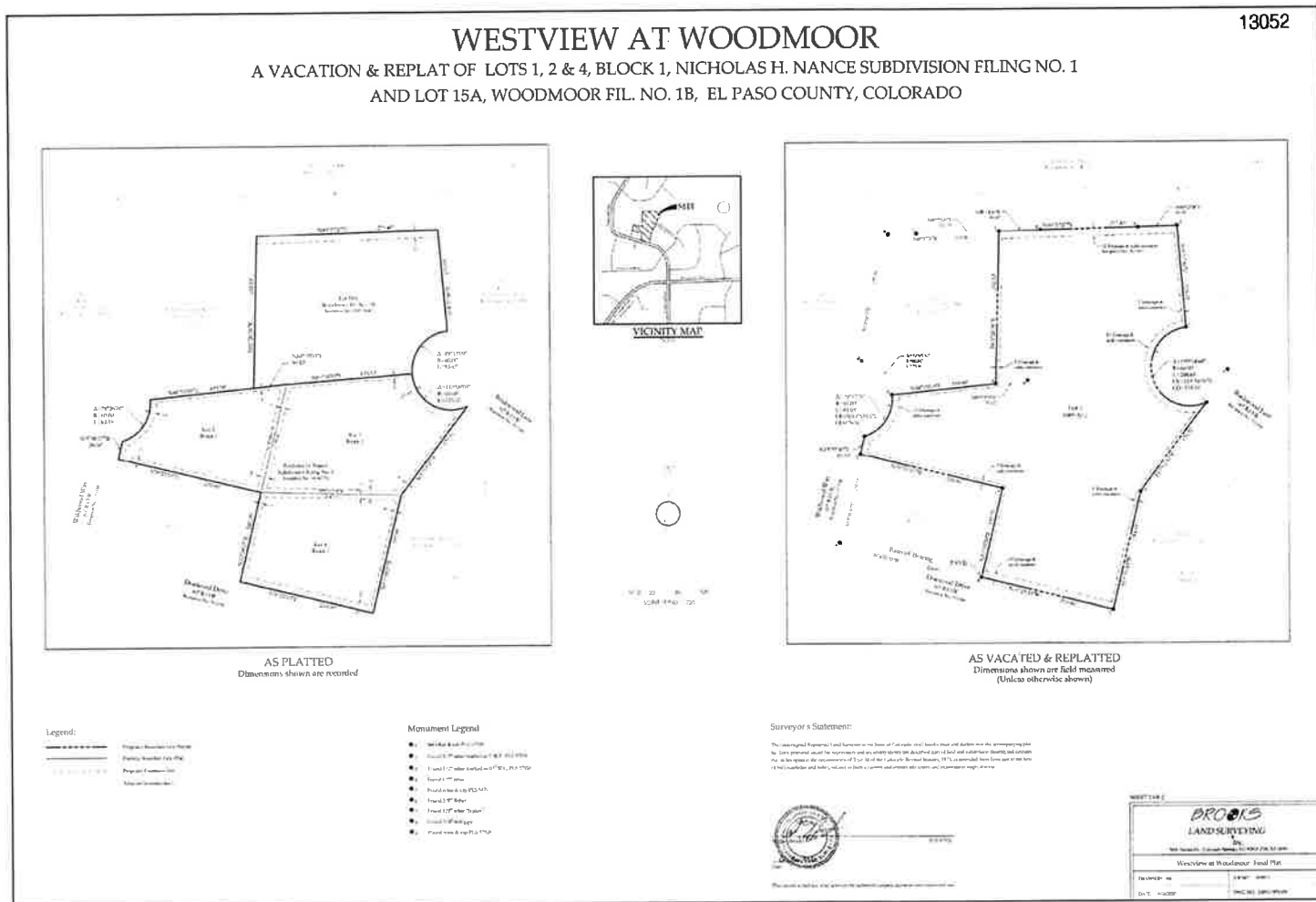


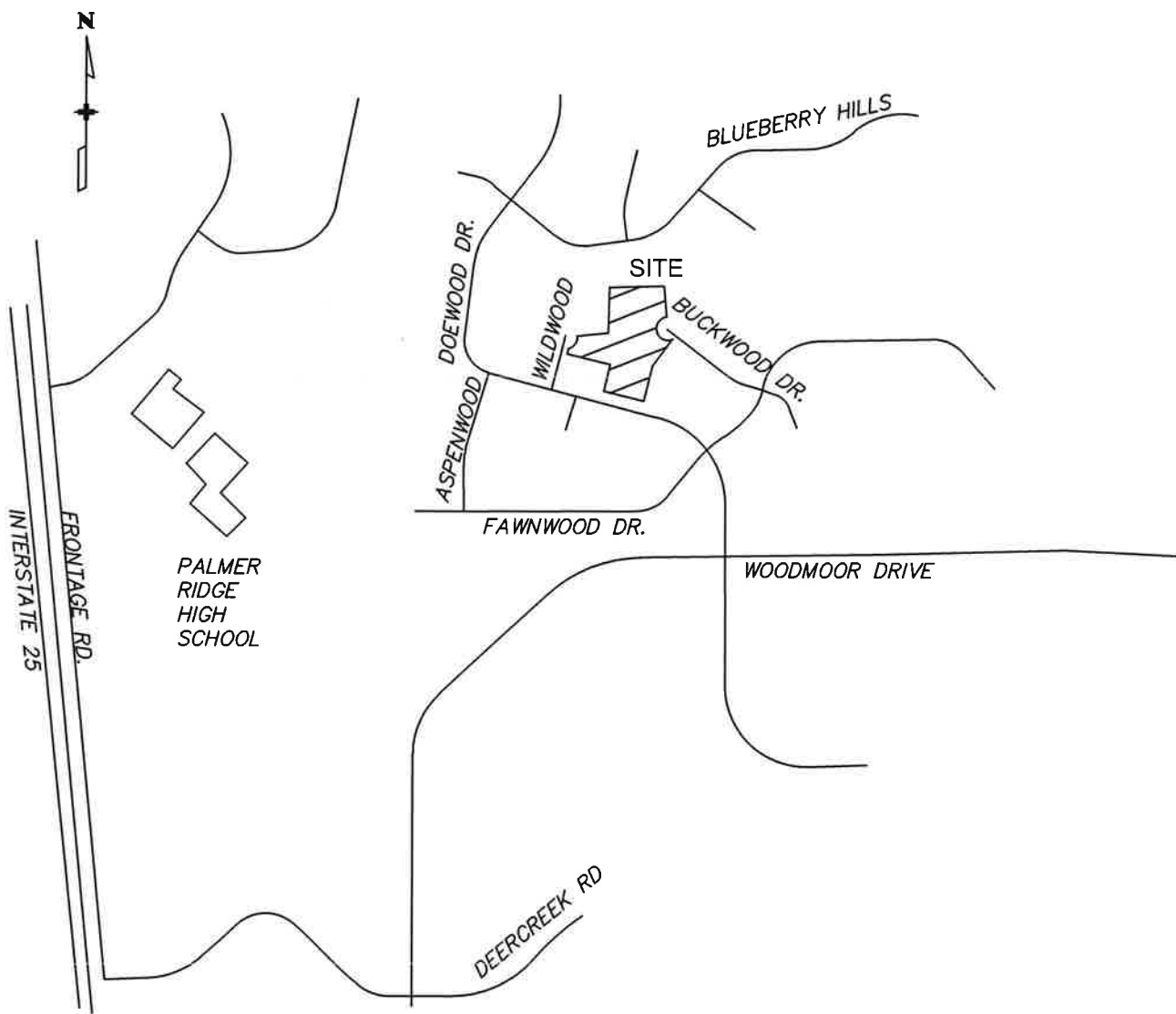
Plat No. 8998:



Plat No. 13043:







VICINITY MAP
NOT TO SCALE

VICINITY MAP
WESTVIEW AT
WOODMOOR FIL. NO. 2
MONUMENT, CO

DWG: 1384 BUCKWOOD
SCALE: NTS
DATE: 6/30/22
DRAWN: THK
CHECKED: KMO
PROJECT: 22018

LWA LAND SURVEYING, INC.
953 E. FILLMORE STREET
COLORADO SPRINGS, CO 80907
TELEPHONE (719) 636-5179 FAX (719) 636-5199

REVISIONS:

Murphy's Custom Homes Inc.
We Build your Dreams

WESTVIEW AT WOODMOOR FILING 1A
LETTER OF INTENT

OWNER/DEVELOPER:

Murphy's Custom Homes
Tim Murphy 719-360-7792
timmurphy@murphyscustomhomes.com
Sarah Martin 719-233-2883
sarahmartin@murphyscustomhomes.com
13710 Struthers Road, Suite 105B
Colorado Springs, CO 80921

PCD FILING #: VR-22-13

SITE LOCATION: 1384 Buckwood Lane, Monument, CO 80132

SIZE: 3.809 acres

ZONING: RR-0.5

TAX SCHEDULE NUMBER: 7111101042

INTRODUCTION: The owners intend to subdivide a single lot into 4 rural residential lots. The minimum lot size will be 0.5 acres as required by the existing zoning. There is an existing residence and associated drive on the east and central area of the parcel in what will become Lot 1. Commitment letters have been obtained for all necessary utilities and there will be no disturbance to the site at this time.

PROPOSAL: The application covered by this Letter of Intent includes a Replat for the proposed subdivision of the single lot into four rural residential lots.

THE PLAN: The existing site will be subdivided into Westview at Woodmoor Filing No 2 Lots 1 through 4. Lot 1 will retain its current access off of Buckwood Lane. Lot 2 will be accessed off of Doewood Drive. Lot 3 will be accessed off of Wildwood Way. Lot 4 will be accessed off of Buckwood Lane. Development of the subdivided lots is not included in this submission and lot specific development plans have not yet been started. Grading can be expected when the individual lots are later developed. Commitments have been obtained for utilities (including water, sewer, gas, and electric) for the subdivided lots.

EXISTING AND PROPOSED FACILITIES: There is an existing residence and associated drive on the east and central portion of the site which will remain. No proposed structures are included in this application. This lot will meet all required setbacks for the proposed plat layout.

13710 Struthers Rd, Suite 105B, Colorado Springs, CO 80921
719-233-2883 email:sarahmartin@murphyscustomhomes.com

Murphy's Custom Homes Inc.
We Build your Dreams

WAIVER REQUESTS: No waivers are requested for this replat.

TRANSPORTATION: Private driveways will provide access to existing public roads for the 4 proposed lots.

TRAFFIC: A traffic memo will not be required for this project. A traffic impact study is not required in accordance with ECM Appendix B.1.2.D as all criteria is met. Traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution 19-471).

DRAINAGE: A Final Drainage Report has been prepared for Westview at Woodmoor Filing No. 2. The purpose of this report is to identify and analyze the onsite and offsite drainage patterns and to ensure that post development runoff is routed through the site safely and in a manner that satisfies the requirements set forth by the El Paso County Drainage Criteria Manual.

UTILITIES: Per commitment letters, The Woodmoor Water & Sanitation District will provide water and sewer services for this subdivision, Mountain View Electric has committed to provide electrical services to the proposed lots, Black Hills Energy will provide gas for this subdivision once it is approved.

GEOLOGY AND SOILS: A soil, geology and wastewater study has been prepared for the subdivision by CTL Thompson dated September 20, 2022. This report found that there were no geotechnical or geologic constraints that would preclude construction of single-family residences. The primary geotechnical concern is the presence of sporadic lenses of expansive claystone bedrock which can be mitigated with proper planning, engineering, design, and construction.

CRITERIA FOR APPROVAL:

- This replat complies with the El Paso County LDC and the original conditions of approval associated with the recorded plat. The site is within the right by use for the current RR-0.5 zoning.
- No nonconforming lots are created with the proposed replat.
- The replat is in keeping with the purpose and intent of the Code. The replat conforms to the required findings for a minor subdivision. This 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. These required items have been uploaded to EDARP and revisions will be made, if necessary.

Murphy's Custom Homes Inc.

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- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM. All lots will have direct access to existing public roads.
- The approval will not adversely affect public health, safety, and welfare. The proposed subdivision was evaluated for soil and topographic hazards and was found to be compatible with the identified hazard of the presence of sporadic lenses of expansive claystone bedrock as long as the hazard is mitigated with proper planning, engineering, design, and construction. Increased runoff expected from this proposed site will not be significant. Methods for fire protection comply with Chapter 6 of the Land Development Code. A fire protection report and wildfire hazard mitigation report have been provided for this development.
- There are no conflicts with CC&Rs or other restrictions resulting from the replat.

ADDITIONAL NOTES:

-Offsite impacts are expected to be minimal and, therefore, offsite improvements should not be necessary for this project.

The County is charging various fees to mitigate the impacts of this proposed subdivision.

-All applicable sections of Chapter 6 & 8 of the Land Development Code are met by this project.

-The applicant has met with the Forestry Department and the HOA in order to begin the necessary mitigation measures.

-Road impact fees will be due at building permits for new construction on lots.

-Individual lot owners will be responsible for construction of future driveways and for maintaining the property once the replat is completed.

-No commercial mining deposits have been identified within the proposed subdivision.



COLORADO
Division of Water Resources
Department of Natural Resources

March 14, 2023

Ryan Howser
El Paso County Development Services Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910

RE: 1384 Buckwood Ln - Vacation and Replat
Sec. 11 Twp. 11S, Rng. 67W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 30569

Dear Mr. Howser,

We have received an update to the above-referenced proposal to create a subdivision in El Paso County. According to the materials, it appears that a parcel of 3.8± acres in size will be split into four approximately equal sized lots. This office has no record of any existing wells located on the property. The proposed source of water supply and wastewater disposal is to be served by the Woodmoor Water and Sanitation District ("District").

Water Supply Demand

The updated submittal information included a Water Supply Information Summary, Form No. GWS-76, which noted that the development anticipates a water demand of 1.312 acre-feet for all four residences. This equates to the standard rate of 0.328 acre-feet/year per household.

Please note that standard water use rates, as found in the Guide to Colorado Well Permits, Water Rights, and Water Administration, are 0.3 acre-foot/year for each ordinary household, 0.05 acre-foot/year for four large domestic animals, and 2.2 acre-foot/year for each acre of lawn and garden irrigation.

Source of Water Supply

The proposed water supplier is Woodmoor Water and Sanitation District; the applicant provided a September 26, 2022 letter where the District conditionally agrees to provide 1.434 acre-feet/ year to the proposed development.

State Engineer's Office Opinion

Pursuant to Section 30-28-136(1)(h)(II) C.R.S., it is the opinion of this office that the proposed water supply can be provided without causing injury to decreed water rights, and the supply is expected to be adequate. The applicant should be expected to finalize the water supply commitment with the District prior to final approval from the County. Should you or the applicant have questions regarding any of the above, please feel free to contact me directly.



Sincerely,

A handwritten signature in black ink, appearing to read "Ivan Franco", written in a cursive style.

Ivan Franco, P.E.
Water Resource Engineer

cc: Division 2 Engineer
District 10 Water Commissioner

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

June 15, 2023

VR-22-13 Westview at Woodmoor Filing No. 1A
Vacation and Replat

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a Vacation and Replat proposal by Murphy's Custom Homes, Inc. ("Applicant"), to subdivide an approximately 3.81-acre lot into 4 single-family lots. The property is zoned RR-0.5 (Residential Rural).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* ("WSIS"), the Applicant estimates its annual water needs to serve this subdivision at 1.312 acre-feet/year for four lots. The Applicant estimates annual household use at 0.328 acre-feet per lot, with no additional estimated demand for irrigation, which results in a total annual water demand of 1.312 acre-feet for Westview at Woodmoor Filing No. 1A. Based on these figures, the Applicant must provide a supply of 393.6 acre-feet of water (1.312 acre-feet/year x 300 years) to meet the County's 300-year water supply requirement for the subdivision.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the Woodmoor Water & Sanitation District No. 1. The *Water Resources Report* ("Report") estimates the total annual water demand for the subdivision at 1.312 acre-feet/year, consisting solely of household use with no estimated demand for irrigation. The *Report* indicates that the District's decreed Denver Basin water rights annual entitlement available for use totals 6,322.4 acre-feet per year. This amount is in addition to exchange water rights and senior surface water rights owned by the District. The total water commitment to serve existing development from Denver Basin water

ASSISTANT COUNTY ATTORNEYS

NATHAN J. WHITNEY
CHRISTOPHER M. STRIDER
PC Report Packet

STEVEN A. KLAFFKY
TERRY A. SAMPLE

LORI L. SEAGO
DOREY L. SPOTTS

BRYAN E. SCHMID
STEVEN W. MARTYN

MERI GERINGER

as of 2022 is 2,575 annual acre-feet. "...[T]he District has an excess of 3,747 af/yr of Denver Basin water rights annual entitlement available for future water commitments."

4. The Woodmoor Water & Sanitation District No. 1 District provided a letter of commitment dated September 26, 2022 for Westview at Woodmoor Filing No. 1A (identified as the 1384 Buckwood Lane Re-Plat in the letter), in which the District committed to providing water service for the 4 single family homes in an annual amount of 1.434 acre-feet per year. This commitment is contingent upon the Applicant entering into a Supplemental Water Service agreement with the District and complying with all District rules, regulations, specifications, and policies.

State Engineer's Office Opinion

5. In a letter dated March 14, 2023, the State Engineer's Office reviewed the application to subdivide the 3.8 +/- acres into 4 single-family lots. The State Engineer stated that "[t]he proposed source of water supply...is to be served by the Woodmoor Water and Sanitation District ("District")." The State Engineer noted the estimated water demand of 1.312 acre-feet per year for the subdivision. Further, the State Engineer stated that "[p]ursuant to Section 30-28-136(1)(h)(II) C.R.S., it is the opinion of this office that the proposed water supply can be provided without injury to decreed water rights, and the supply is expected to be adequate. The applicant should be expected to finalize the water supply commitment with the District prior to final approval from the County."

Recommended Findings

6. Quantity and Dependability. Applicant's water demand for Westview at Woodmoor Filing No. 1A is 1.312 acre-feet per year for a total demand of 393.6 acre-feet for the subdivision for 300 years, to be supplied by Woodmoor Water & Sanitation District No. 1. **Based on the District's available water supply of approximately 3,747 annual acre-feet, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for Westview at Woodmoor Filing No. 1A.**

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

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the *Water Supply Information Summary* provided March 13, 2023, the *Water Resources Report* dated January 17, 2023, the *Woodmoor Water & Sanitation District No. 1* letter dated September 26, 2022, and the *State Engineer Office's Opinion* dated March 14, 2023. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be***

found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.

REQUIREMENTS:

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the District.
- B. Prior to recording the final plat, Applicant must provide proof that it has entered into an approved Supplemental Water Service Agreement with the District.

cc: Ashlyn Mathy, Planner I

VACATION AND REPLAT (RECOMMEND APPROVAL)

_____ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VR-22-013

1384 BUCKWOOD LANE - VACATION AND REPLAT

WHEREAS, Sarah Martin did file an application with the El Paso County Planning and Community Development Department for approval of a vacation and replat to vacate one lot and replat it as four lots, back to its original configuration within the RR-0.5 (Residential Rural) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on July 6, 2020; and

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

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

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

WHEREAS, in approving a vacation and replat of a subdivision, the El Paso County Planning Commission and Board of County Commissioners shall find that the application meets the criteria of approval listed in Land Development Code 7.2.3(C)(4) ("Code"):

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

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

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Sarah Martin for approval of the Vacation and Replat to allow a vacation of one lot to be replatted as four lots within the RR-0.5 (Residential Rural) zoning district be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

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

2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. 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.
5. 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.
6. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
7. Bridge fees in the amount of \$1,017.28 shall be paid at the time of plat recordation for the Crystal Creek drainage basin (FOMO5300).

NOTATIONS

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

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

_____ 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
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 El Paso County Planning Commission, State of Colorado.

DONE THIS 6th day of July 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
Thomas Bailey, Chair

EXHIBIT A

LOT 1, WESTVIEW AT WOODMOOR, EL PASO COUNTY, COLORADO AS SHOWN ON
THE SUBDIVISION PLAT THEREOF RECORDED UNDER RECEPTION NO. 210713052
OF THE EL PASO COUNTY RECORDS.

CONTAINING 3.81 ACRES, MORE OR LESS