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## PLANNING & COMMUNITY DEVELOPMENT

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

**FROM:** Ryan Howser, AICP, Planner III  
Edward Schoenheit, EI, Engineer I  
Meggan Herington, AICP, Executive Director

**RE:** Project File Number: SF2226  
Project Name: Romens Subdivision  
Parcel Number: 41000-00-075

OWNER:	REPRESENTATIVE:
Romens Living Trust 5135 Coneflower Lane Colorado Springs, CO 80917	Catamount Engineering PO Box 221 Woodland Park, CO 80866

**Commissioner District: 2**

<b>Planning Commission Hearing Date:</b>	<b>12/7/2023</b>
<b>Board of County Commissioners Hearing Date:</b>	<b>1/11/2024</b>

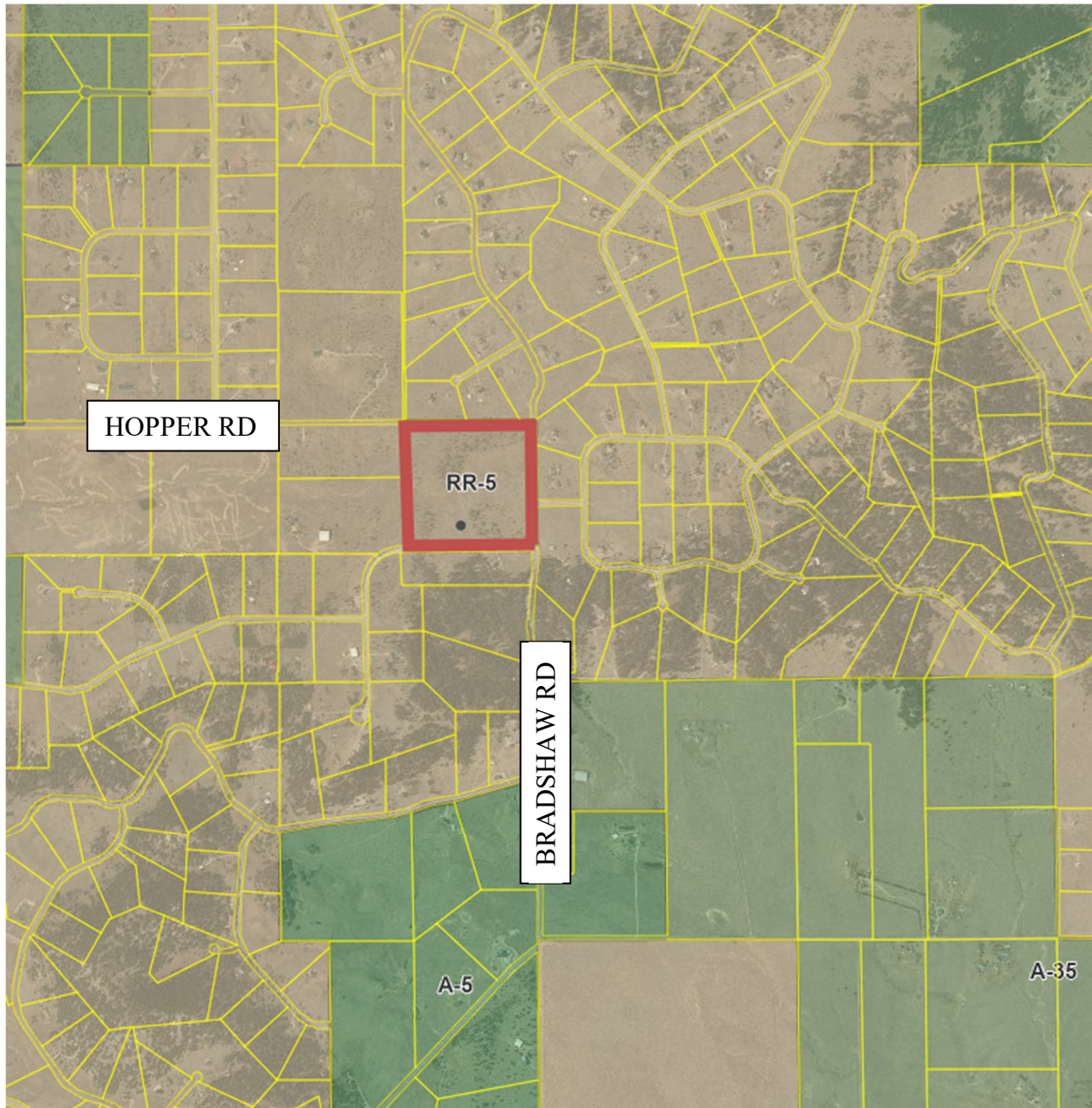
### EXECUTIVE SUMMARY

A request by Romens Living Trust, Adelaida Romens, Trustee, for approval of a Final Plat to create seven (7) single-family residential lots. The 36.53-acre property is zoned RR-5 (Residential Rural), and is located between the intersections of Hopper Road, Bradshaw Road, and Cleese Court.

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VICINITY MAP

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**A. 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 (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 ("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.

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- 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)	Single-family residential
South:	RR-5 (Residential Rural)	Single-family residential
East:	RR-5 (Residential Rural)	Single-family residential
West:	RR-5 (Residential Rural)	Single-family residential

### D. BACKGROUND

The property was zoned A-35 (Agricultural) on March 24, 1999, when zoning was first initiated for this portion of the County. The Board of County Commissioners (BoCC) approved a request for a Map Amendment (Rezone) of the property from the A-35 zoning district to the RR-5 (Residential Rural) zoning district On April 18, 2023.

The property to the east of the subject property is included in the Peyton Pines Filing No. 1 subdivision, which was platted as a single-family residential subdivision with a minimum lot size of 5 acres on October 4<sup>th</sup>, 1973 (Plat no. 4246). The property to the north of the subject property is included in the Peyton Pines Filing No. 3 subdivision, which was platted as a single-family residential subdivision with a minimum lot size of 5 acres on June 28<sup>th</sup>, 1979 (Plat no. 5246). Properties to the south and west are also platted; however, these properties are larger, with lot sizes ranging between 10 and 22 acres in size. The proposed subdivision of the subject property with a minimum lot size of 5 acres is consistent with the surrounding properties to the north and east and may be considered generally compatible with the larger properties to the south and west.

The subject property consists of one (1) unplatted lot that contains 36.53 acres. The parcel is greater than 35 acres and is considered exempt from the subdivision regulations and is therefore considered a legal division of land. The applicant intends to subdivide the property into seven (7) lots with a minimum lot size of five (5) acres, pursuant to the RR-5 zoning district. There is an existing Quonset building located on the property, to be located on proposed Lot 6.

### E. ANALYSIS

#### 1. Land Development Code Analysis

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).

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## 2. Zoning Compliance

The subject property is zoned RR-5 (Rural Residential). The RR-5 zoning district is intended to accommodate low-density, rural, single family residential development. The density and dimensional standards for the RR-5 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 existing structure meets the 25-foot setback from all property lines and is under 30 feet in height. The applicant has provided a site plan indicating the locations of the existing structures. The site plan complies with the RR-5 zoning district density and dimensional standards. The applicant is not proposing construction of any new structures at this time.

In order to initiate any new residential uses on the property, the applicant will need to obtain site plan approval. Any proposed additional structures will require site plan review and will include confirmation that all site improvements (existing and proposed) will comply with the dimensional standards included in Chapter 5 as well as the Development Standards of Chapter 6 of the Code.

## 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 P2210 and approved by the BoCC on April 18, 2023.

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## 2. Water Master Plan Analysis

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

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

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

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

The 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.

Water sufficiency has been analyzed with the review of the proposed subdivision. The applicant has shown a sufficient water supply for the required 300-year period. The State Engineer and the County Attorney's Office have recommended that the proposed subdivision has an adequate water supply in terms of quantity and dependability. El Paso County Public Health has recommended that there is an adequate water supply in terms of quality. Please see the Water section below for a summary of the water findings and recommendations for the proposed subdivision.

## 3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential. Colorado Parks and Wildlife, US Fish & Wildlife, US Army Corps of Engineers, and El Paso County Public Services, Environmental Division were each sent referrals and have no outstanding comments.

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The Master Plan for Mineral Extraction (1996) identifies potential conglomerate deposits (coarse grained sedimentary rock containing Arkosic sand, pebbles, and cobble) 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.

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

Geologic hazards were not encountered during the review of the Final Plat.

### **2. Floodplain**

The property is not located within a defined floodplain as determined by FEMA Flood insurance Rate Map panel numbers 08041C0350G and 08041C0375G, dated December 7, 2018.

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

The property is located in the Bijou Creek drainage basin which is not included in the El Paso County drainage basin fee program. No drainage or bridge fees will be due at plat recording.

The subdivision area generally drains to the northeast toward the intersection of Bradshaw Road and Hopper Road. The West Bijou Creek bisects the parcel and flows from west to east through a large natural open drainageway. The drainageway will be designated as a no-build and no storage or materials area on the plat. Water quality and detention were not required due to the nature of the large rural lots.

The Preliminary/Final Drainage Report prepared by Catamount Engineering determined the development will not have any adverse impacts to surrounding properties or downstream facilities.

A Grading and Erosion Control Plan was not required since the scope of the project did not include any grading.

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#### **4. Transportation**

The subdivision will receive partial access from Hopper Road, a gravel road which is owned and maintained by El Paso County. The applicant submitted a deviation request for a single access point to Hopper Road since it is a collector roadway and access is limited. The deviation was approved. The access point from Hopper Road will provide access for three lots through a recorded shared access and maintenance agreement. The subdivision will also obtain access from Cleese Court, a local gravel road which is also owned and maintained by the County.

The El Paso County 2016 Major Transportation Corridor Plan (MTCP) does not identify roadway improvements in the immediate future that will impact this 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**

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 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 with regard to water quantity and dependability. El Paso County Public Health is recommending a finding of sufficiency with regard to water quality.

#### **2. Sanitation**

Wastewater is provided by individual onsite wastewater treatment systems (OWTS). The applicant submitted an OWTS report which indicated that the lots are suitable for the construction of these systems.

#### **3. Emergency Services**

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

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#### **4. Utilities**

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

#### **5. Metropolitan Districts**

The property is not located within the boundaries of a Metropolitan District.

#### **5. Parks/Trails**

Fees in lieu of park land dedication in the amount of \$3,220.00 for regional park fees will be due at the time of recording the Final Plat. Urban Park fees are not applicable to this application.

#### **6. Schools**

Fees in lieu of school land dedication in the amount of \$1,295.00 shall be paid to El Paso County for the benefit of Peyton School District No. 23 at the time of recording the Final Plat.

### **I. APPLICABLE RESOLUTIONS**

See attached resolution.

### **J. STATUS OF MAJOR ISSUES**

There are no 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.

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2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.



8. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated July 6, 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 seventeen (17) adjoining property owners on November 21, 2023 for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing.

#### **M. ATTACHMENTS**

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

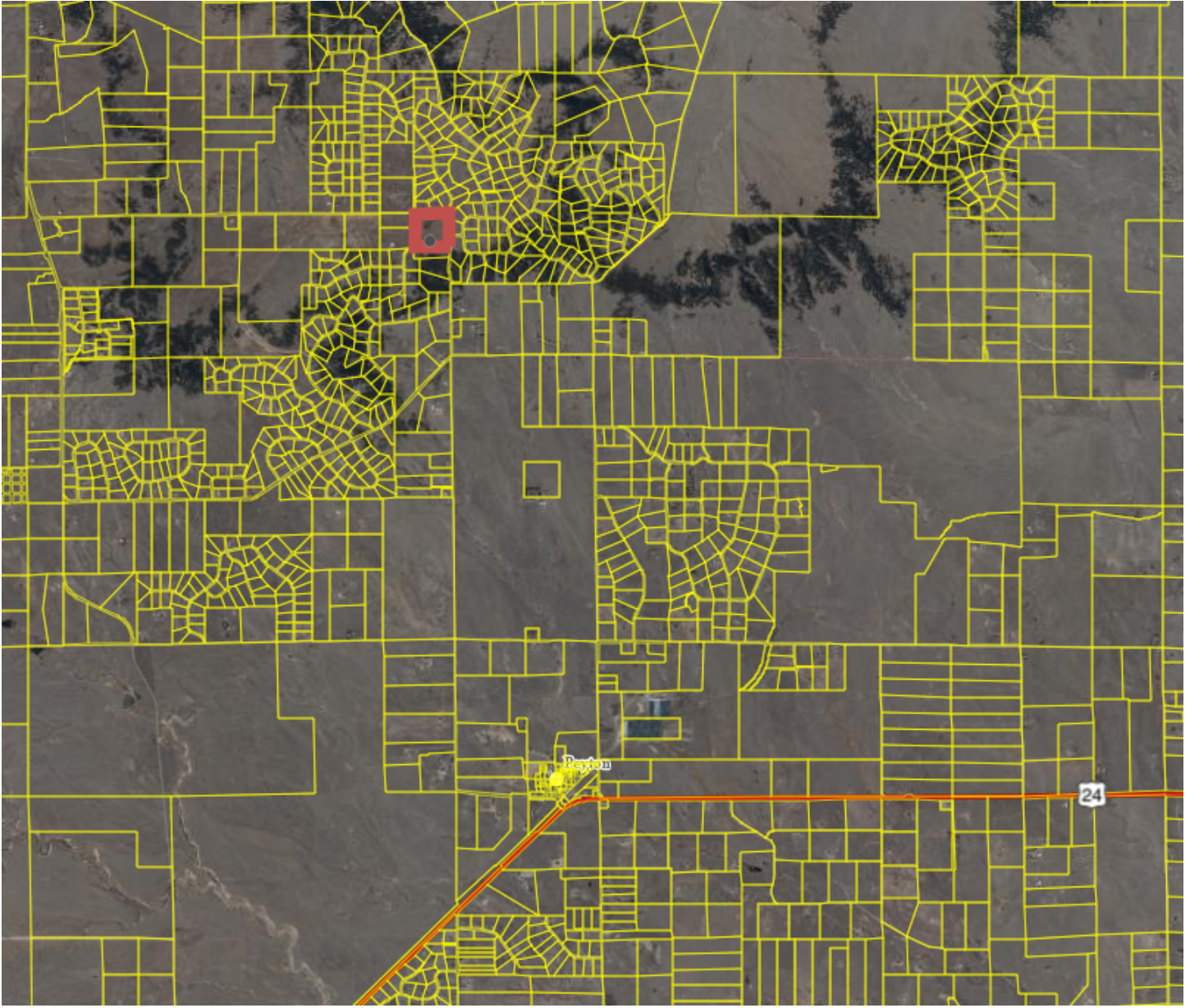
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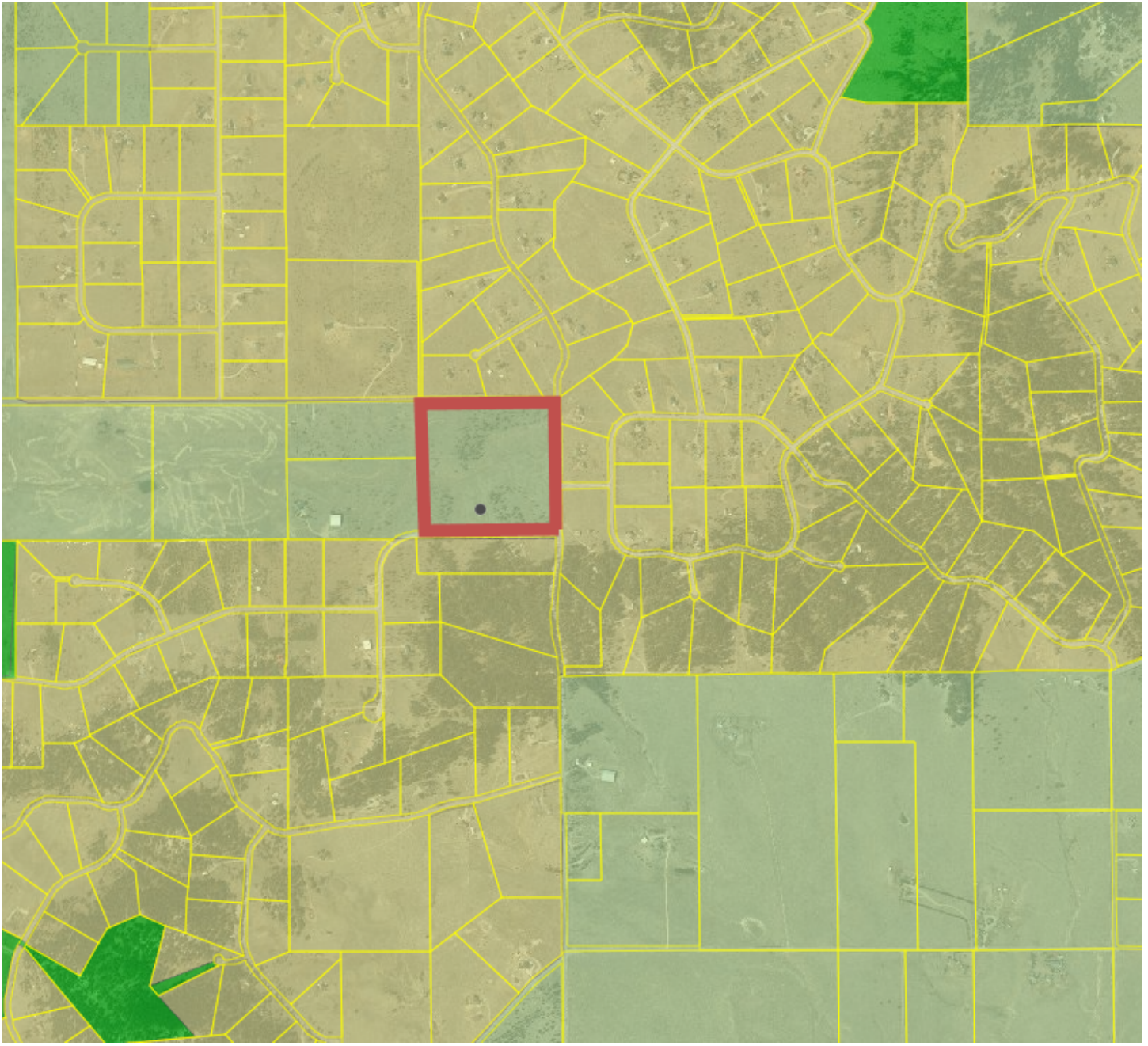
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## Map Exhibit #1: Context



## Map Exhibit #2: Placetype



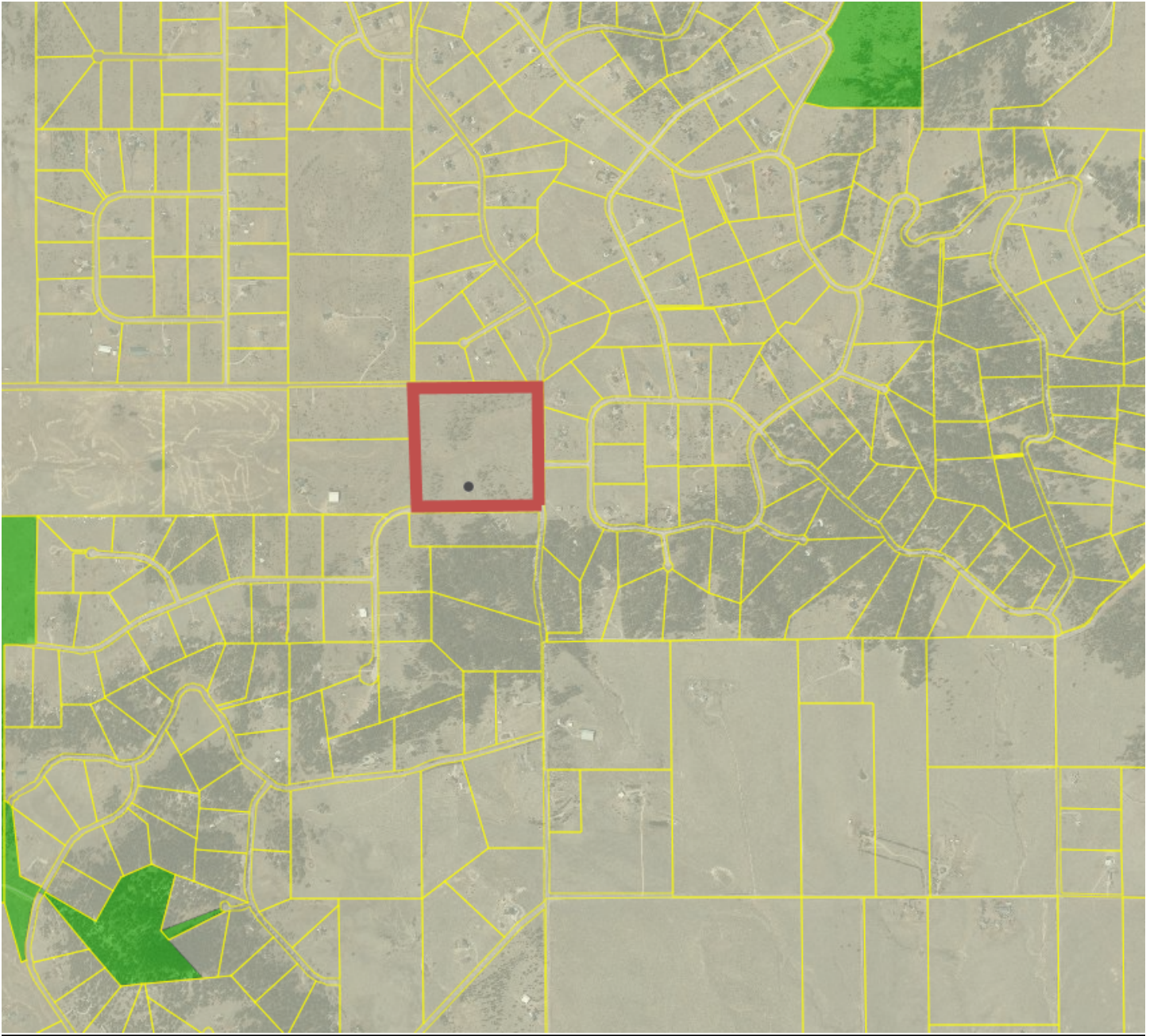
### Legend

	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 #3: Area of Change



#### Legend

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



Final Plat

# Romen Subdivision

Adelaida

Romens



September 5, 2023

## **FINAL PLAT LETTER OF INTENT - ROMEN SUBDIVISION**

OWNER/APPLICANT: Adelaida Romens Trustee

ADDRESS: 17720 CLEESE CT PEYTON, CO 80831

PHONE: 719-331-3310

Application Preparation: David Mijares, PE  
Catamount Engineering  
321 W. Henrietta, Suite A  
Woodland Park, CO 80863  
(719) 426-2124

El Paso County Planner: Ryan Howser, Planner II  
El Paso County Development Services  
2880 International Circle  
Colorado Springs, CO 80910  
(719) 520-6049

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### **SITE LOCATION/LEGAL DISCRIPTION:**

The proposed Romen Subdivision property for this Final Plat application is located in El Paso County in Peyton, CO, approximately 22 miles east of downtown Colorado Springs, north of Highway 24.

The parcel is bounded to the north by Hopper Road right-of-way, to the east by Bradshaw Road right-of-way, to the south by Cleese Court, and to the west by the Hybar Subdivision. The existing access to the parcel is from Cleese Court, a gravel county local roadway. The entire parcel lies within unincorporated El Paso County and is currently zoned A-35. (Parcel No. 41000-00- 075)

Northeast 1/4 of the Northeast 1/4 of Section 24, Township 11 South, Range 64 West, 6th Principal Meridian, County of El Paso, State of Colorado. According to the 2021 Your El Paso County Master Plan, the Placetype of this development is "Large-Lot Rural"

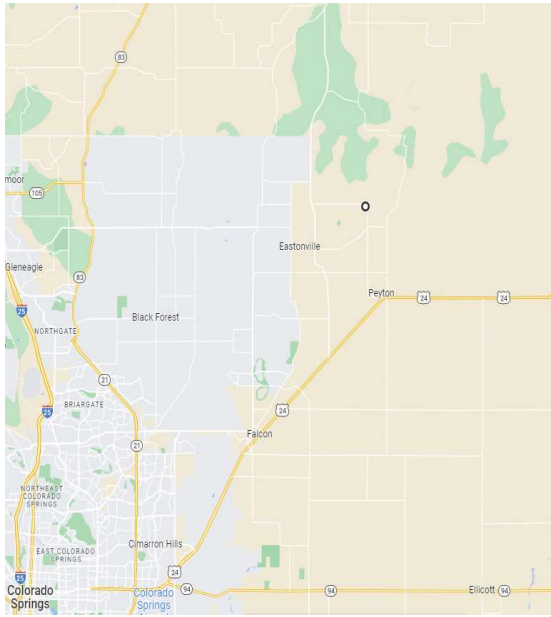


Figure 1 Map showing the location of the proposed subdivision in El Paso County, Colorado.

According to the 2021 Your El Paso County Master Plan, the Placetype of this development is “Rural”. The primary land use in this Placetype is agriculture, however, residential uses such as farm homesteads and estate residential are allowed as support uses. Residential lot development, within the Rural Placetype, typically covers 35 acres or more per two units with the minimum lot area consisting of 5 acres per unit. This Rural Placetype covers most of the eastern half of the county and is identified as a Priority Development Area (by Your El Paso County Master Plan). The applicant proposes to develop the site as seven (7) (approximate 5 to 6 acre lots) new lots. A single-family detached residential dwelling unit that recognizes and respects the character of the surrounding rural area will be provided on each. The total acreage of the proposed Roman Subdivision development is approximately 34.47 acres (reduced from the original 36.54 acres due to a 45’ ROW dedication; along both Hopper Road and Bradshaw Road). Infrastructure to serve the new lots, including shared access drives (on the north half of the development), drainage improvements, and utilities will all be constructed in compliance with applicable county standards, regulations, and criteria in effect at the time of this application. A 25’ wide future reservation for Trail Easement, has been provided along Cleese Court and Bradshaw Road. This is in keeping with the rural character of the surrounding Calhan, Ellicott, and Falcon communities. Surrounding properties are rural, single family homesites and farm homesteads. Land use within these properties has traditionally been used as ranchland, with some farming. The entire proposed subdivision is surrounded by Large-Lot Residential development on all sides.

**DEVELOPMENT REQUEST:** Adelaide Romen is requesting approval of a Final Plat for the development of 7 large-lot residential (rural) single family residential lots on approximately 34.47 acres (e.g. .203 DU/Acre density).

The Romen Subdivision would be bordered on all sides by previously existing RR-5 (5-acre) residential development lots. Currently, no applicable El Paso County overlay zones interact with the proposed rezone development. A rezone application for the proposed Romen Subdivision has been previously submitted to El Paso County. As part of newly established El Paso County development rules this application combines the criteria for both the Preliminary Plan and Final Plat, under this Final Plat application.

**TOTAL NUMBER OF ACRES IN THE REZONE PLAN AREA:** Originally, 36.54 acres; a proposed 45' wide Right-of-Way dedication along both Hopper and Bradshaw Road reduces the development to 34.47 acres.

**TOTAL NUMBER OF ACRES WITHIN THIS APPLICATION:** 34.47 acres.

**JUSTIFICATION FOR REQUEST:** This request is consistent with the purposes of the Your El Paso Master Plan. The Rezone Plan is in conformance with subdivision design standards and establishes an adequate level of compatibility with surrounding areas of the site already constructed and other known surrounding areas currently proposed for development.

**EXISTING AND PROPOSED IMPROVEMENTS:**

Electric and telecommunication service points-of-connection will be extended from the roadways up to all new lots. No extension of natural gas service from a utilities provider is sought. On site propane tanks will provide gas for the residences. Water will be provided via wells. Individual septic systems will be provided via an On-Site Wastewater Treatment system (OSWT) prepared by the Owner in accordance with El Paso County Department of Health policy guidelines.

Grading and earthmoving activities will be limited to residential driveways, drainage, and utility construction areas. Individual lot owners will assume responsibility for grading their respective lot; no 'overlot' grading is proposed to occur over most of the site.

As such, prior to construction of proposed residences, lot-specific subsurface soil investigations will be performed to determine whether or not shallow groundwater, hydro-compacted soils, and/or potentially expansive soils are present on the lot, and to determine an appropriate foundation design, basement or crawl-space suitability, and/or lot-specific recommendations are necessary to mitigate these conditions. Language requiring lot-specific subsurface soil investigation will appear as a Note on the Final Plat.



## ADHERENCE WITH THE 2021 YOUR ELPASO MASTER PLAN, AND WATER MASTER PLAN

***Land Use & Development, Core Principle:*** Manage growth to ensure a variety of compatible land uses that preserve all character areas of the County.

The 2021 Your El Paso Master Plan (the “Master Plan”) addresses issues directly related to the FINAL PLAT application of the proposed Romen Subdivision development. The policies specifically related to the Final Plat request include:

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

The Final Plat proposed for the new single family rural residential lots is compatible with the existing rural Large-Lot residential lots in all surrounding areas. New lots will be similar in character to existing lots and roads serving the new lots will be compatible with the types of rural roadways in nearby adjacent neighborhoods.

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

Romen Subdivision is proposed as a development of single-family rural residences within a non-urban density area (Rural Placetype) of the community. Utilities needed to serve the new lots and erosion control will be constructed as part of this development.

***Housing & Communities, Core Principle:*** Preserve and develop neighborhoods with a mix of housing types.

**Goal 2.2** – Preserve the character of rural and environmentally sensitive areas.

The Final Plat Plan with RR-5 zoning for the site is harmonious and compatible with the rural character of adjacent and nearby neighborhoods that are zoned the same.

The Applicant proposes to avoid overlot grading across the 34.47-acre site, and instead will limit grading to driveways, foundation areas and drainage paths in keeping with the established land use character of surrounding sub-areas of the county. Low density will help to sustain the appearance and unique environmental conditions of adjacent properties.

A small portion of land representing the creek bed of West Bijou Creek is identified on the National Wetland Inventory as Freshwater Emergent (Palustrine) Wetland. An established reservation area has been delineated beyond the limits of the West Bijou Creek 100-year floodplain and the designated Emergent Wetland. There is no proposed development within this immediate area.

***Transportation & Mobility, Core Principle:*** *Connect all areas of the County with a safe and efficient multimodal transportation system.*

**Goal 4.1** - Establish a transportation network that connects all areas to one another, emphasizing east-west routes, reducing traffic congestion, promoting safe and efficient travel.

Proposed Romen subdivision vehicular access, as illustrated on the Concept Drawing with all driveways to be private, built to El Paso County standards. Intent for northerly 3 lots to utilize a single shared driveway access from Hopper Road, a gravel roadway designated as major collector. Development parcel is bisected by a drainage that is identified as a “no build area.” A single shared driveway providing access to the northern 3 lots is preferred to development of multiple flag lots crossing the existing drainage. The 4 remaining lots will have access from gravel local roadway Cleese Ct. bordering the southerly portion of the development. A Deviation for the vehicular access is presented elsewhere in this document. Traffic count increases will be minimal due to the proposed housing density and number of proposed residences.

A 25'-wide future reservation for Trail Easement, has been provided along Cleese Court and Bradshaw Road; for a planned future regional trail system.

***Community Facilities & Infrastructure, Core Principle:*** Continue to coordinate with local and regional agencies to provide well-managed, high-quality community facilities and services.

**Goal 5.3** – Ensure adequate provision of utilities to manage growth and development.

Concerning utilities, the proposed Romen Subdivision has been provided a commitment letter for delivery of electrical service by Mountain View Electrical Association. Individual propane tanks will provide natural gas to the homes (commitment letter from local propane provider is attached). On-site wells will provide water. Wastewater will be accommodated by individual on-site wastewater treatment systems. Based upon evaluation by our environmental and geotechnical engineers, it has been determined that the site is suitable for individual on-site wastewater treatment systems without contamination of surface and subsurface water systems.

***Environment & Natural Resources, Core Principle:*** Prioritize and protect the County's natural environment.

**Goal 9.2** - Promote sustainable best practices with regard to development and infrastructure.

The surrounding area of the Final Plat Plan has sufficient carrying capacity to support the new development with regard to roadway capacity, water supply, septic suitability, educational facilities, and organized structural fire protection. Commitment Letters from entities that would supply this development with essential services have been submitted with this Final Plat Plan application.

The Final Plat design, which includes 5–6-acre home sites, ensures that development of this site will remain compatible and contiguous with existing rural residential areas. With a density of .203 DU/Ac, Romen Subdivision is compatible with numerous other subdivisions adjacent to and within a 1-mile radius of the property.

## WATER DEPENDABILITY:

The following information was provided by request of El Paso County per the El Paso County Water Master Plan, Chapter 7, Implementation:

A water resources report and water supply information summary have been provided to the County for this development.

The water resource report provides data for the Planning Commission and the Board of County Commissioners (BoCC) to determine whether the proposed water supply is sufficient in terms of quality, quantity, and dependability for the proposed subdivision. The report includes adequate documentation that the proposed water supply is sufficient in terms of quantity, dependability, and quality for the proposed subdivision.

## CRITERIA OF APPROVAL – LAND DEVELOPMENT CODE

### CHAPTER 7.2.1.3(f):

The following Criteria for Approval was provided by request of El Paso County per the El Paso County Water Master Plan, Chapter 7, Implementation:

The proposed Romen Subdivision meets all Chapter 7 (RULES GOVERNING DIVISIONS OF LAND) - Criteria for Approval requirements within this Final Plat application of the El Paso County Land Development Code.

**Criteria for Approval.** In approving a final plat, the approving authority shall find that:

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the pending rezone application (this application is a combination of Preliminary Plan and Final Plat);
- 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;

- Either a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of this Code, or, with respect to applications for administrative final plat approval, such finding was previously made by the BoCC at the time of preliminary plan approval;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)];
- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;
- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;

- The subdivision meets other applicable sections of Chapter 6 and 8; and
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.]

A water resources report and water supply information summary have been provided to the County for this development.

The water resource report provides data for the Planning Commission and the Board of County Commissioners (BoCC) to determine whether the proposed water supply is sufficient in terms of quality, quantity, and dependability for the proposed subdivision. The report includes adequate documentation that the proposed water supply is sufficient in terms of quantity, dependability, and quality for the proposed subdivision.

## SUBDIVISION DESIGN STANDARDS – LAND DEVELOPMENT CODE

### CHAPTER 8:

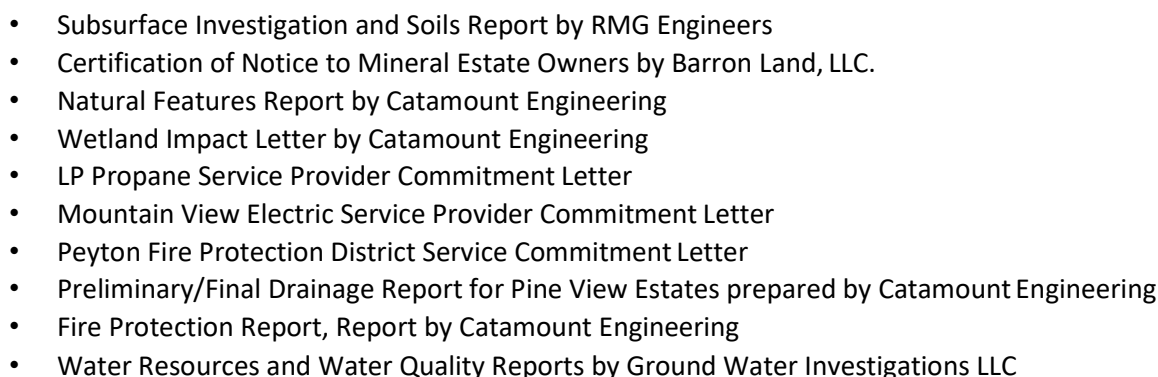
The proposed Romen Subdivision meets all Chapter 8 (Subdivision Design, Improvements, and Dedications) criteria requirements within this Final Plat application of the El Paso County Land Development Code; including but not limited to: Planning Considerations (8.4.1) , Environmental Considerations (8.4.2), Division of Land, Block, Lot, and Tract Layout Standards (8.4.3), Transportation Considerations (8.4.4), Drainage Considerations (8.4.5), Utility Considerations and Standards (8.4.6), Water Standards (8.4.7), Wastewater Disposal (8.4.8), and Geology and Soil Standards (8.4.9).

A water resources report and water supply information summary have been provided to the County for this development





## ASSOCIATED DOCUMENTS



## PROJECT CRITERIA

In keeping with the Land Use Code and Planning and Development processes for subdividing that have been established by El Paso, County the following technical elements will be highlighted in this Letter of Intent.

### COMMUNITY OUTREACH:

On May 25, 2022; a notice to all surrounding property owners was distributed (via certified mail), notifying all parties of the intent to develop the Roman parcel into proposed the Romen Subdivision. A detailed exhibit and contact information was provided by Catamount Engineering. All associated paperwork has been proved in the rezone submittal.

### WATER RESOURCES:

The proposed development is planned to consist of 7 residential properties which will be provided water services through individual residential wells drilled into the not-non-tributary Dawson Aquifer and wastewater served through individual on-site wastewater treatment systems (OWTS).

It is expected that each rural residential home in the proposed subdivision will require an average of 0.407 annual acre-feet of water (which uses represent annual allocations for domestic use, irrigation, replacement, and stock water).

This anticipated water demand is consistent with historic needs for nearby developments in the Black Forest area. Overall annual demand is anticipated to consist of an annual average of 2.85 AF/year between the 7 proposed lots.

The estimated annual depletion to the designated basins by the end of the 300-year period is modeled as 0.142 AF/year or 4.98% overall annual pumping within the development at full buildout. At full buildout, return flows from the septic fields are projected to return 0.126 AF/year between the 7 proposed lots at 90% of the domestic flows. *This exceeds the maximum depletion 0.142 acre-feet that is projected to occur in the 300<sup>th</sup> year. Flow meters will be required on each well to quantify annual use and ensure compliance with the replacement plan.* The Water Resources report was prepared by Julia Murphy MSPG of Ground Water Investigations, LLC. in Colorado Springs, Co.

#### DETERMINATION OF WATER RIGHTS:

On August 3, 2021, Joanna Williams, P. E. Water Resources Engineer sent a letter to Adeladie Romen (Romen Living Trust) that contained the Colorado Ground Water Commission's Findings and Order for Determination of Water Right No. 4278-BD, for the allocation of ground water in the Dawson Aquifer. Order: *In accordance with Section 37-90-107 (7), C.R.S. and the designated Basin Rules, the Colorado Ground Water Commission orders that the application for determination of rights to designed ground water in the Dawson Aquifer underlying 40 acres of land, generally described as part of the NE1/4 NE1/4 of Section 24, Township 11 South, Range 64 West of the 6th Principal Meridian is approved.* Conditions of the approval are found in the additional submittal documents for the Preliminary Plan and Final Plat.

#### WATER QUALITY:

Ground Water Investigations, LLC. in Colorado Springs, Co. completed a comprehensive water analysis report for Romen Subdivision. A chemical analysis of the water to check for Bicarbonate, Calcium, Carbonate, Hydroxide, Langelier Index, ph, temperature, total alkalinity and total dissolved solids was conducted. The water quality in the Dawson Aquifer in this area has typically been suitable for residential potable use. Findings confirm water quality suitable for residential potable use.

#### DRAINAGE REPORT:

Romen Subdivision consists of unplatted land to be developed into 7 rural residential lots (RR-5 zoning). The parcel is located within the Bijou Creek drainage basin. The West Bijou Creek bisects the parcel and flows from west to east. The northerly portion of the parcel sheet flows south to West Bijou Creek within the RR-5 zoned parcel at slopes between 2% and 9%. The southerly portion of the parcel sheet flows north to West Bijou Creek within the parcel at slopes between 2% and 13%.

No portion of the site lies within an F.E.M.A. designated floodplain per FIRM 08041C0350 G and 08041C0375 G effective December 07, 2018. A firmette exhibiting the parcel has been included in the appendix of this report.

*The development of Romen Subdivision will not adversely affect downstream properties or facilities.* Additional information will be found in the Drainage Report prepared by: David Mijares of Catamount Engineering in Woodland Park, Co.

#### WILDFIRE HAZARD ASSESSMENT AND MITIGATION:

According to the Wildfire Hazard Area Map (WHAM) map developed by the Colorado State Forest Service in 1974, the property to be subdivided has a low hazard for trees and grass. This information is somewhat dated (though still relevant) . It has been essentially superseded by the 2012 Colorado Wildfire Risk Assessment: (CO-WRAP). The Fire Intensity Map indicates a Moderate fire intensity for the property. Overall, the mapped wildfire hazard is low to moderate.

Currently the parcel is used for grazing and that it is fully grass covered with scattered Ponderosa Pines throughout. Although the hazard on this parcel is relatively low, wildfires can occur and the opportunity for ignition remains.

#### TRAFFIC ENGINEERING:

Vehicular access as illustrated on the Concept Drawing with all driveways to be private, built to El Paso County standards. Intent for northerly 3 lots to utilize a single shared driveway access from Hopper Road, a gravel roadway designated as major collector. Development parcel is bisected by a drainage that is identified as a “no build area”. A single shared driveway providing access to the northern 3 lots is preferred to development of multiple flag lots crossing the existing drainage. The 4 remaining lots will have access from gravel local roadway Cleese Ct. bordering the southerly portion of the development. A Deviation for the vehicular access is presented elsewhere in this document. Traffic count increases will be minimal due to the proposed housing density and number of proposed residences.

#### FIRE PROTECTION:

Romen subdivision lies within and is served by the Peyton Fire Protection District. The district is a mixed paid and volunteer fire department providing fire, rescue and emergency medical services along with public education and covers an area of approximately 110 square miles at an average elevation of about 6500 feet in the north-central part of El Paso County. The district serves about 3500 buildings through one fire station. Personnel include 18 firefighters, all but 3 of whom are currently certified as EMT's or better.

#### PEYTON FIRE DEPARTMENT COMMITMENT LETTER:

Pine View Estates is in the Peyton Fire Protection District. District Manager David Solin confirmed on January 07, 2021 that service will be provided to the Romen subdivision and that mutual aid agreements exist with surrounding districts.

#### ELECTRIC PROVIDER SERVICE COMMITMENT:

Romen Subdivision is within the Mountain View Electrical Association (MVEA) certificated service area. MVEA has confirmed in January 2021 a commitment to serve Romen Subdivision according to their extension policy. MVEA has requested utility easements of ten (10) foot rear lot utility easement, (5) foot side lot utility easement, and (10) foot front line utility easement along with a twenty (20) foot exterior utility easement on plat. Additional easements may be required in order to serve the development. Garet Bohuslavsky, System Engineer for Mountain View Electric provided the commitment.

#### GAS PROVIDER SERVICE COMMITMENT:

Romens Subdivision is within the service area of multiple individual lot liquid propane (LP-gas) providers. Specifically, Glaser Energy Group, Inc. has provided a 'Commitment to Serve' letter, dated December 9, 2022.

#### NATURAL FEATURES/WETLAND IMPACT LETTER:

Assessed in this report are potential wetlands and waters of the U.S., natural landscape features, threatened and endangered species and wildlife. Human-derived cultural formation processes have left their mark on the land found in the proposed project area. Tree harvesting, farming and erosion control activities have heavily impacted and disturbed the modern ground surface and the vegetation community is now a mix of natural and introduced species.

The site is characterized by prairie grasslands with a few small deciduous volunteer trees and shrubs. Wildlife species which may be encountered include Preble's Meadow Jumping Mouse. Colorado Parks and Wildlife is currently responsible for reintroducing Grey wolf's species to the front range and thus the species is provided as nearby species list by the US Dept. of the Interior.

The site is located outside of the designated Preble's Meadows Jumping Mouse protection area. According to the Project Summary (Project Code: 2022-0047479) provided by the United States Department of the Interior, Fish and Wildlife Service, dated May 25, 2022, there are no critical habitats, refuges, or fish hatcheries within the proposed Romen Subdivision project area.



*A small portion of land representing the creek bed of West Bijou Creek is identified on the National Wetland Inventory as Freshwater Emergent (Palustrine) Wetland. An established reservation area has been delineated beyond the limits of the West Bijou Creek 100-year floodplain and the designated Emergent Wetland. There is no proposed development within this immediate area. Report provided by Catamount Engineering.*

#### SOILS AND GEOLOGY:

The proposed Romen subdivision development site was found to be suitable for the proposed subdivided lots. The location does not appear to be underlain with sand or gravel, so it is not a mineable site. Oil and gas wells are not located in the area, although sufficient information was not obtainable to determine the economic feasibility for oil and gas production at the site.

Geologic hazards encountered at the site include expansive soils/bedrock, potentially compressible soils, surface drainage, and potential radon. The geologic conditions of the site are relatively common given the site's locality to West Bijou Creek and mitigation can be accomplished by implementing common engineering and construction practices. None of these conditions are anticipated to preclude the proposed development (Soils, Geology and Geologic Hazard Study, prepared by RMG Engineering Inc. October 2020).

#### DEVIATION REQUESTS

Deviation Requests (see Deviation Request and Decision Forms):

##### 1) ROADWAY ACCESS CRITERIA

Requested Deviation: 2.3.2 Design Standards by Functional Classification.

No Access permitted to major collector roadway.

Justification: Intent for northerly 3 lots to utilize a single shared driveway access from Hopper Road, a gravel roadway designated as major collector. Development parcel is bisected by a drainage that is identified as a "no build area." A single shared driveway providing access to the northern 3 lots is preferred to development of multiple flag lots crossing the existing drainage. The 4 remaining lots will have access from gravel local roadway Cleese Ct. bordering the southerly portion of the development.

FINAL PLAT

ROMENS SUBDIVISION  
A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER  
OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M.  
COUNTY OF EL PASO, STATE OF COLORADO

KNOW ALL BY THESE PRESENTS:

That Adelaida Romens, being the owner of the following described tract of land to wit:

LEGAL DESCRIPTION

Northeast 1/4 of the Northeast 1/4 of Section 24, Township 11 South, Range 64 West,  
6th Principal Meridian, County of El Paso, State of Colorado.

(Per the Special Warranty Deed recorded under Reception No. 209008527)

Address of Record: 17720 Cleese Court, Peyton CO  
Assessor's Parcel No.: 41000-00-075

OWNERS CERTIFICATE

The undersigned, being all the owners and mortgagees in the land described herein, have laid out, subdivided, and platted said lands into lots and easements as shown hereon under the name and subdivision of **ROMENS SUBDIVISION**. The utility easements shown hereon are hereby dedicated for public utilities and communication systems and other purposes as shown hereon. The entities responsible for providing the services for which the easements are established are hereby granted the perpetual right of ingress and egress from and to adjacent properties for installation, maintenance, and replacement of utility lines and related facilities.

By: Adelaida Romens, Owner

STATE OF COLORADO }  
COUNTY OF EL PASO } SS

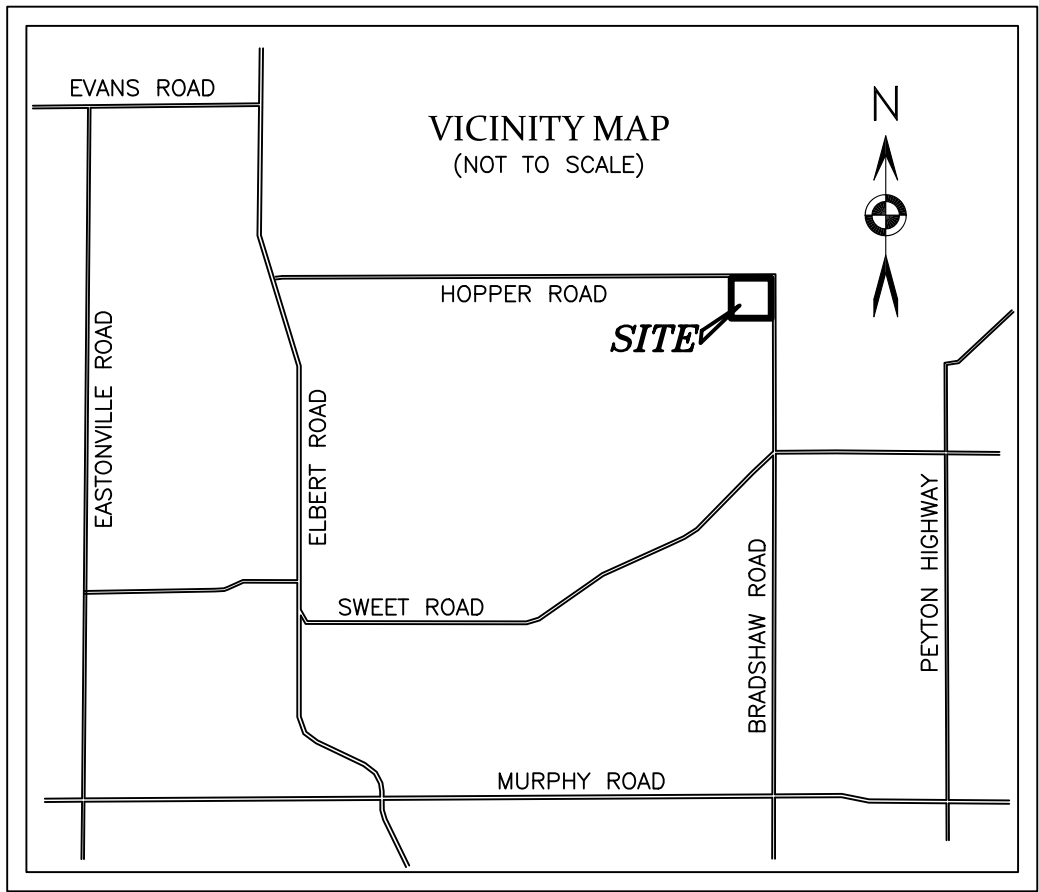
The above and aforementioned instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, A.D.

By: Adelaida Romens

Witness my hand and seal:

My Commission expires \_\_\_\_\_

Notary Public \_\_\_\_\_



SURVEYOR'S NOTES (CONTINUED)

- 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.
- The addresses exhibited on this plat are for informational purposes only. They are not the legal description and are subject to change.
- No driveway shall be established unless an access permit has been granted by El Paso County.
- Access: Lots 1-3 will use a single access point to Hopper Road with the use of a shared access easement as recorded by separate instrument under El Paso County Clerk and Recorder Reception No. \_\_\_\_\_. Lots 3-4 will have no access to Bradshaw Road. Lots 4-7 will have access to Cleese Court only.
- Individual lot purchasers are responsible for constructing driveways, including necessary drainage culverts per Land Development Code Section 6.3.3.C.2 and 6.3.3.C.3.
- Individual wells are the responsibility of each property owner. Permits for individual wells must be obtained from the State Engineer who by law has the authority to set conditions for the issuance of these permits.
- 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. Applicants 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 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.
- Sewage treatment is the responsibility of each individual property owner. The El Paso County Department of Health and Environment must approve each system and, in some cases the Department may require an engineer designed system prior to permit approval. These systems may cost more to design, install, and maintain.
- At the time of approval of this project, this property is located within the Peyton Fire Protection District.
- Due to wildfire concerns, homeowners are encouraged to incorporate wildfire fuel break provisions as recommended by the Colorado State Forest Service and illustrated through publications available through the State Forest Service.
- Mailboxes shall be installed in accordance with all El Paso County and United States Postal Service regulations.
- Routine maintenance (mowing, weed treatment, trash pickup) within the "No Build and No Storage Materials" limits on each lot shall be the responsibility of each landowner.
- No structures, fences or storage of materials are permitted within the designated "No Build and No Storage Materials" areas as shown hereon.
- 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.
- This subdivision is surrounded by agricultural land. Property owners may be impacted by sounds, smells and/or activities associated with active agricultural practices. Pursuant to Article 3.5, Title 35, C.R.S., it is the declared policy of the State of Colorado to conserve, protect, and encourage the development and improvement of its agricultural land for the production of food and other agricultural products. Colorado is a "Right-to-Farm" State pursuant to C.R.S. 35-3.5-101, et seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds, and smells of agricultural operations as a normal and necessary impact of living in a county with a strong rural character and a healthy agricultural sector. State law provides that ranching, farming, or other agricultural activities and operations shall not be considered to be nuisances so long as operated in conformance with the law and in a non-negligent manner. Therefore, all must be prepared to encounter noises, odors, lights, mud, dust, smoke, chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, and one or more of which may naturally occur as a part of legal and non-negligent agricultural operations.
- NOTICE: Future property owners are advised that El Paso County's approval of this plat does not include certification of water rights or the structural stability of the existing stock pond located on the subject property. The State of Colorado has jurisdiction regarding modification or elimination of the pond.
- Lots 1, 2, and 3 will have a shared single point of access to Hopper Road. Lots 4, 5, 6, and 7 shall have direct access to Cleese Court. Lots 3 and 4 shall have direct access to Bradshaw Road.

FLOOD PLAIN CERTIFICATION:

According to the Federal Emergency Management Agency, Flood Insurance Rate Maps No. 08041C0350G and 08041C0375G, effective date December 7, 2018, indicates the subject parcel to be located in Zone X (Areas determined outside the 500-year floodplain).

EASEMENT STATEMENT:

Unless otherwise indicated, all side lot lines are hereby platted with a 10 foot public utility and drainage easement. All front, rear, and exterior subdivision boundaries are hereby platted with a 20 foot public utility and drainage easement. The sole responsibility for maintenance of these easements is hereby vested with the individual property owners.

SURVEYOR'S STATEMENT:

I Spencer J. Barron, a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that this plat truly and correctly represents the results of a survey made on July 1, 2020, by me or under my direct supervision and that the monuments exist as shown hereon; that mathematical closure errors are less than 1:10,000; and that said plat has been prepared in compliance with the applicable laws of the State of Colorado dealing with monuments, subdivision, or surveying of land and the applicable provisions of the El Paso County Land Development Code.

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

Spencer J. Barron  
Colorado Professional Land Surveyor No. 38141  
For and on behalf of Barron Land, LLC

BOARD OF COUNTY COMMISSIONERS CERTIFICATE

This plat for **ROMENS SUBDIVISION** was approved for filing by the El Paso County, Colorado Board of County Commissioners on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, subject to any notes specified hereon and any conditions included in the resolution of approval. The dedications of easements to the public are accepted, but public improvements thereon will not become the maintenance responsibility of El Paso County until preliminary acceptance of the public improvements in accordance with the requirements of the Land Development Code and Engineering Criteria Manual, and the Subdivision Improvements Agreement.

Chair, Board of County Commissioners \_\_\_\_\_ Date \_\_\_\_\_

Planning and Community Director \_\_\_\_\_ Date \_\_\_\_\_

RECORDING

STATE OF COLORADO }  
COUNTY OF EL PASO } SS

I hereby certify that this instrument was filed for record at my office at \_\_\_\_ O'clock \_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ A.D.,

and is duly recorded under Reception Number \_\_\_\_\_ of the records of El Paso County, Colorado.

Fee: \_\_\_\_\_

Surcharge: \_\_\_\_\_

Steve Schleiker, Recorder

By: \_\_\_\_\_  
Deputy

FEES:

School Fee: \_\_\_\_\_

Bridge Fee: \_\_\_\_\_

Park Fee: \_\_\_\_\_

Drainage Fee: \_\_\_\_\_

OWNER OF RECORD:

Adelaida Romens  
5135 Coneflower Lane  
Colorado Springs, CO 80917  
719-331-3310

SF2226

SHEET LEGEND:

SHEET 1: Notes, project information,  
and certification

SHEET 2: Boundary and plat  
detailed information

DATE: 05/03/2022 REVISIONS			
No.	Remarks	Date	By
1	ADDRESS COUNTY COMMENTS	11/28/22	KPB
2	ADDRESS COUNTY COMMENTS	09/07/23	KPB
3	ADDRESS COUNTY COMMENTS	10/31/23	SJB

<b>BARRON</b>  <b>LAND</b>		
BOUNDARY & MAPPING & SURVEYING & CONSTRUCTION		
2790 N. Academy Blvd., Suite 311 P: 719.360.6827		
Colorado Springs, CO 80917 F: 719.466.6527		
www.BARRONLAND.com		
PROJECT No.: 20-010		SHEET 1 OF 2

A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER  
OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M.  
COUNTY OF EL PASO, STATE OF COLORADO

**BARRON LAND**

BOUNDARY Δ MAPPING Δ SURVEYING Δ CONSTRUCTION

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 Colorado Springs, CO 80917 F: 719.466.6527

[www.BARRONLAND.com](http://www.BARRONLAND.com)

PROJECT No.: 20—010 SHEET 2 OF 2



August 3, 2022

Matthew Fitzsimmons, Project Planner  
El Paso Planning Community & Community Development  
Transmitted via EPC EDARP portal: <https://epcdevplanreview.com/>

**Re: Romens Subdivision Preliminary Plan**  
File #: SP228  
Part of the NE ¼ NE ¼ of Sec. 24, Twp. 11 South, Rng. 64 West, 6<sup>th</sup> P.M.  
Water Division 1, Water District 1  
Upper Black Squirrel Creek Designated Basin

Dear Matthew Fitzsimmons:

We have reviewed the submittal concerning the above referenced proposal to subdivide 34.47 acres located in the NE ¼ NE ¼ of Sec. 24, Twp. 11 South, Rng. 64 West, 6<sup>th</sup> P.M. at 5135 Coneflower Lane into 7 residential lots and have the following comments.

### **Water Supply Demand**

The proposed water uses for the subdivision are domestic, irrigation, replacement and stock watering. The proposed water demand for each lot is 0.407 acre-feet/year or 2.85 acre-feet/year for all 7 lots.

### **Source of Water Supply**

The proposed water supply for the subdivision are individual on lot wells, including well permit no. 86508-F, constructed in the not-nontributary Dawson aquifer to operate pursuant to Determination of Water Right no. 4278-BD and Replacement Plan no. 4278-RP.

The allowed average annual amount of withdrawal provided for in Determination of Water Right no. 4278-BD is 8.55 acre-feet. The allowed average annual amount of withdrawal provided for in the replacement plan approved for Determination of Water Right 4278-BD is 2.85 acre-feet annually (0.407 acre-feet per lot) for a maximum of 300 years. The allowed uses per the replacement plan are: domestic including in-house use; domestic animal watering; irrigation of landscape, gardens and greenhouse; commercial; fire protection; recreational; and the watering of stock animals, either directly or after storage on 40 acres described as the NE ¼ NE ¼ of Sec. 24, Twp. 11 South, Rng. 64 West, 6<sup>th</sup> P.M. The subdivision lies within the allowed place of use of Determination of Water Right no. 4278-BD. The replacement plan does not allow replacement use as proposed in this referral. If the Applicant intends to use the water for replacement use, an amended replacement plan allowing such use must first be obtained.





Well permit no. 86508-F was issued January 13, 2022 pursuant to section 37-90-107(7), C.R.S., Determination of Water Right no. 4278-BD and Replacement Plan no. 4278-RP. The use of groundwater from this well is limited to domestic including in-house use; domestic animal watering; irrigation of landscape, gardens and greenhouse; commercial; fire protection; recreational; and the watering of stock animals, either directly or after storage on 40 acres described as the NE ¼ NE ¼ of Sec. 24, Twp. 11 South, Rng. 64 West, 6<sup>th</sup> P.M. The allowed average annual amount of groundwater from the Dawson aquifer that may be withdrawn by this well may not exceed 0.407 acre-feet and the total amount of groundwater that may be withdrawn may not exceed a volume of 122.1 acre-feet, subject to the conditions of Determination of Water Right no. 4278-BD and Replacement Plan no. 4278-RP.

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 amount of water determined in Determination no. 4278-BD is 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.

Further, 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 allowed average annual amount of withdrawal would be reduced to one third of that amount. Additionally, the allowed annual amount of groundwater to be withdrawn from the Dawson aquifer operating under Replacement Plan no. 4278-RP shall not exceed 2.85 acre-feet (0.407 acre-feet per well), which is equal to the annual demand for this subdivision. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

Applications for well permits, submitted by an entity other than the current water right holder (Romens Living Trust), 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)(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 as long as the uses of the wells in the subdivision are limited to those allowed under

Replacement Plan no. 4278-FP. If the Applicant intends to use the water for replacement use, an amended replacement plan allowing such use must first be obtained.

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

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

Our opinion is qualified by the following:

The Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the above-referenced determination of water right, 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.**

If you or the applicant have any questions, please contact Wenli Dickinson at (303) 866-3581 x8206 or at [Wenli.Dickinson@state.co.us](mailto:Wenli.Dickinson@state.co.us).

Sincerely,

A handwritten signature in blue ink that reads "Joanna Williams". The signature is fluid and cursive, with the first name "Joanna" being more prominent than the last name "Williams".

Joanna Williams, P.E.  
Chief of Water Supply, Designated Basins

Ec: Referral No. 30418  
Water well permit file no. 86508-F  
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

July 6, 2023

SF-22-26      Romens Subdivision  
Final Plat

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 Romens Subdivision, a subdivision application by Romens Living Trust ("Applicant") for a 7-lot subdivision on a parcel of 34.47 acres of land (the "property"). The property is zoned RR-5 (Rural Residential).

#### Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* ("WSIS"), the water demand for the subdivision of 34.47 acres into 7 residential lots is comprised of 0.2 acre-feet of indoor household use per home<sup>1</sup> for a total of 1.4 acre feet for the seven lots and up to .207 acre-feet per lot for a total 1.45 acre-feet/year for all 7 lots for domestic, commercial, fire protection, recreational and the watering of stock animals, for a total demand of .407 per lot or 2.85 acre-feet per year total. Based on this total demand, Applicant must be able to provide a supply of 855 acre-feet of water (2.85 acre-feet per year x 300 years) to meet the County's 300-year water supply requirement.

<sup>1</sup> In calculating estimated water demand, El Paso County has adopted a presumptive water use value of 0.26 acre-feet/lot for residential indoor use in a single-family residence. Applicant has provided no justification or evidence supporting this lower estimated demand. Applicant will therefore be required to update relevant documentation to utilize the presumptive value. Because sufficient water rights are available to each lot to account for the difference in estimated amounts for indoor use, the recommendations of sufficiency in this Water Supply Review are not impacted.

#### 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



## Proposed Water Supply

The Applicant has provided for the source of water to derive from one or more individual on-lot wells<sup>2</sup> withdrawing from the not-nontributary Dawson aquifer as provided in Determination of Water Right no. 4278-BD (“Determination”) and Replacement Plan no. 4278-RP (“Replacement Plan”). The Determination allocates 855 acre-feet of water in the Dawson aquifer to the property. The Replacement Plan allows the withdrawal of Dawson aquifer water in the amount of 2.85 acre-feet annually (0.407 acre-feet per lot) for up to 300 years.

The allowed annual amount of groundwater to be withdrawn from the aquifer by all wells operating under the Replacement Plan shall not exceed 2.85 acre-feet. The allowed annual amount to be withdrawn per well is .407 acre-feet for the following beneficial uses: domestic including in-house use; domestic animal watering; irrigation of landscape, gardens and greenhouse; commercial; fire protection; recreational; and the watering of stock animals either directly or after storage. 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. The Applicant is responsible for ensuring that replacement water is provided to the alluvial aquifer as required by the Replacement Plan. The annual amount of replacement water provided must be no less than the annual replacement requirement on a yearly basis.

## State Engineer’s Office Opinion

4. In a letter dated August 3, 2022, the State Engineer stated that “[t]he proposed water supply for the subdivision are individual on-lot wells, including well permit no. 86508-F, constructed in the not-nontributary Dawson aquifer to operate pursuant to Determination of Water Right no 4278-BD and Replacement Plan no. 4278-RP.” The allowed average annual amount of withdrawal shall not exceed 0.407 acre-feet per lot for a maximum of 300 years. The proposed source of water for this subdivision is a bedrock aquifer in the Denver Basin.

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 as long as the uses of the wells in the subdivision are limited to those allowed under Replacement Plan no. 4278-FP.”

## Recommended Findings

5. Quantity and Dependability. Applicant’s water demand for Romens Subdivision is 2.85 acre-feet per year for a total demand of 855 acre-feet for the subdivision for 300 years. The Replacement Plan allows for up to seven wells limited to an annual withdrawal of 0.407 acre – feet per well.

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<sup>2</sup> Including Well Permit No. 86508-F.

**Based on the water demand of 2.85 acre-feet/year for the Romens Subdivision and the Replacement Plan withdrawals approved in that amount, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for the Romens 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 January 6, 2022, the Water Supply Information Summary dated February 15, 2023, the State Engineer's Office Opinion dated August 3, 2023, Determination of Water Right no. 4278-BD entered on January 5, 2022, and Replacement Plan no. 4278-RP For Determination of Water Right No. 4278-BD entered on January 5, 2022. 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. 4278-BD and Replacement Plan no. 4278-RP, specifically, that water withdrawn from the Dawson aquifer by each of the proposed seven wells permitted shall not exceed 122.1 acre-feet total. The allowed annual amount of groundwater to be withdrawn from each well is .407 acre-feet (2.85 acre-feet total). Depletions during pumping shall be replaced by individual on-lot non-evaporative septic systems.

B. Applicant must create a homeowners' association ("HOA") for the purpose of enforcing covenants and assessing any necessary fees related to compliance with the water determinations and replacement plans for the property.

C. Applicant shall create restrictive covenants upon and running with the property which shall advise and obligate future lot owners of this subdivision, their successors and assigns, and the HOA regarding all applicable requirements of Determination of Water Right No. 463-BD and Replacement Plan No. 463-RP.

Covenants shall specifically address the following:

1) Identify the water rights associated with the property. The Covenants shall reserve 855 acre-feet of non-nontributary Dawson aquifer water pursuant to Determination of Water Right No. 4278-BD to satisfy El Paso County's 300-year water supply requirement

for the 7 lots of the Romens Subdivision. The Covenants shall further identify that 122.1 acre-feet (0.407 AF/year) of Dawson aquifer water is allocated to each residential lot.

2) Advise of responsibility for costs. The Covenants shall advise the HOA, 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. 4278-BD and Replacement Plan No. 4278-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 the HOA, future lot owners of this subdivision, and their successors and assigns of their responsibility for any metering, data collecting, and reporting that may be required regarding water withdrawals from 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 Romens Subdivision pursuant to Determination of Water Right no. 4278-BD and Replacement Plan no. 4278-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. 4278-BD and Replacement Plan no. 4278-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 122.1 acre-feet (0.407 acre-feet annually) per residential lot. 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. Sufficient water rights are 122.1 acre-feet from the Dawson aquifer for each residential lot.

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 Romens Subdivision. 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. 4278-BD and Replacement Plan No. 4278-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. 4278-BD, Replacement Plan no. 4278-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.”

K. Prior to recording the final plat, Applicant shall upload into eDARP:

- 1) an updated Water Supply Information Summary that adjusts the estimated household use to 1.82 acre-feet/year, based on the presumptive use value of 0.26 acre-feet/year/single-family residence, and that adjusts the estimate for other uses accordingly.
- 2) an acknowledgment from the Colorado Division of Water Resources or other proof that the updated WSIS has been provided to that office.

- 3) an updated Water Resources Report that reflects the adjusted demand values in the updated WSIS and correctly identifies the Designated Basin within which this property lies (section 1.0 of the Report).

cc: Ryan Howser, Project Manager, Planner



**Romens, SF-22-26, (2nd Update 09October2023)**

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

- There is a finding for sufficiency in terms of water quality. Water quality test results from Colorado Analytical Laboratories, and Hazen Research, Inc., were submitted for review as well as the Ground Water Investigations, LLC. (GWI), Water Resources Report to support the finding.
  - The results did show water quality results above some of the Secondary Standards (iron, aluminum, and manganese) of the Primary Drinking Water Regulations maximum concentration levels; however, such standards are non-enforceable even for regulated water systems. There are no associated health effects from these minerals and are often treated with individual water softeners to improve taste and color.
  - The results for the radiological samples were also above the standards. The GWI Report suggested that water samples be collected from the new wells when they are drilled and tested to assess local concentrations and determine appropriate treatment options, if needed. El Paso County Public Health agrees with this assessment. Private under the counter water treatment units such as reverse osmosis (RO) may be used to reduce the levels.
- On-site wastewater treatment systems (OWTS) are planned for wastewater service for the development of the 7 residential lots. The RMG Engineering, Wastewater Study dated 01October2020, was reviewed for OWTS suitability for the proposed development. The soils in the area support the use of conventional and in some cases professionally designed OWTS's. Three soil profile test pit excavations were reviewed for this determination. Each individual lot owner is required to comply with all El Paso County Public Health OWTS regulations and OWTS permit requirements prior to commencement of lot development.
- Radon resistant construction and building techniques/practices are encouraged to be used in this area. The EPA has determined that Colorado, and the El Paso County area have potentially higher radon levels than other areas of the country.

- **El Paso County Public Health encourages planned walkability of residential communities. Please consider appropriate connections to other areas using sidewalks, and/or other established trails in the surrounding area. Walkability features help in the effort to reduce obesity and associated heart diseases.**

**Mike McCarthy**  
**El Paso County Public Health**  
**719-332-5771**  
**[mikemccarthy@elpasoco.com](mailto:mikemccarthy@elpasoco.com)**  
**09October2023**

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. SF2226

ROMENS SUBDIVISION

WHEREAS, Romens Living Trust, Adelaida Romens, Trustee did file an application with the El Paso County Planning and Community Development Department for approval of a final plat for the Romens 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 December 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.
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 Final Plat, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1.D.3.f of the Land Development Code (as amended):

1. The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
2. The subdivision is in substantial conformance with the approved preliminary plan;
3. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
4. Either a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the 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;
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 that the proposed subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)];
7. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the ECM;
8. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Code and the ECM;
9. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;

10. The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code;
11. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Code;
12. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
13. The subdivision meets other applicable sections of Chapter 6 and 8 of the Code; and
14. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.].

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 Romens Living Trust, Adelaida Romens, Trustee for a final plat of Romens 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. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.

4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
8. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated July 6, 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.

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 December 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

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

DATED: December 7, 2023

EXHIBIT A

LEGAL DESCRIPTION – ROMENS SUBDIVISION      BARRON # 20-010      12/18/20

The Northeast 1/4 of the Northeast 1/4 of Section 24, Township 11 South, Range 64 West, 6th  
Principal Meridian, County of El Paso, State of Colorado.

Containing a calculated area of 1,591,627 square feet (36.539 acres) of land, more or less.