

# EL PASO COUNTY

COMMISSIONERS:  
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STAN VANDERWERF  
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 PEGGY LITTLETON

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO:** El Paso County Planning Commission  
 Jim Egbert, Chair

**FROM:** Gabe Sevigny, Planner II  
 Jeff Rice, PE Engineer III  
 Craig Dossey, Executive Director

**RE:** Project File #: MS-18-001  
 Project Name: Yarbrough Minor Subdivision  
 Parcel No.: 71090-00-053

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Richard and Amy Yarbrough 18385 White Fawn Drive Monument, CO 80132	Same

**Commissioner District: 3**

Planning Commission Hearing Date:	12/4/2018
Board of County Commissioners Hearing Date	1/8/2019

**EXECUTIVE SUMMARY**

A request by Richard and Amy Yarbrough for approval of a one (1) lot minor subdivision to legalize an existing parcel that was illegally created. The 1.72 acre parcel is zoned RR-0.5 (Residential Rural) and is located southwest of Highway 105 approximately 1.5 miles west of Interstate 25 at the terminus of Rock Brook Road, and is within Section 9, Township 11 South, Range 67 West, of the 6<sup>th</sup> P.M. The property is located within the Tri-Lakes Comprehensive Plan (1999).



## **A. REQUEST/WAIVERS/AUTHORIZATION**

**Request :** A request by Richard and Amy Yarbrough for approval of a minor subdivision to create one (1) single-family residential lot.

**Waiver(s):** There are no waivers or modifications associated with the request

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

## **B. PLANNING COMMISSION SUMMARY**

**Request Heard:**

**Recommendation:**

**Waiver Recommendation:**

**Vote:**

**Vote Rationale:**

**Summary of Hearing:**

**Legal Notice:**

## **C. APPROVAL CRITERIA**

In approving a 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 (2018):

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the approved preliminary plan;
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been

identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)];

- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;
- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
- The subdivision meets other applicable sections of Chapter 6 and 8; and
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §34-1-302(1), et seq.]

**D. LOCATION**

North: RR-0.5 (Residential Rural)	Single family residential
South: RR-0.5 (Residential Rural)	Single family residential
East: RR-0.5 (Residential Rural)	Single family residential
West: RR-0.5 (Residential Rural)	Vacant

**E. BACKGROUND**

The parcel was zoned A-1 (Garden Home Half Acre) on January 4, 1955, when zoning was first initiated for this area of El Paso County. Due to changes in nomenclature of the El Paso County Land Development Code (2018), the A-1 zoning district has been renamed as the RR-0.5 (Residential Rural) zoning district. The parcel was initially created on February 9, 1982, which is after the date of implementation of the subdivision standards on July 17, 1972, making the creation of the lot an illegal subdivision.

The request for approval of a minor subdivision is to legalize the parcel and would allow the Planning and Community Development Department to approve a site plan and authorize a permit for construction of a single family dwelling. The parcel is served by the Forest View Acres Water District for water and by Palmer Lake Sanitation District for wastewater.

## F. ANALYSIS

### 1. Land Development Code Compliance

A minor subdivision is defined as a division of land that creates four (4) or fewer lots. Section 7.2.1(C) of the Code requires a minor subdivision conform to all preliminary plan and final plat requirements. This application meets the final plat and preliminary plan submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the Code.

### 2. Zoning Compliance

The RR-0.5 (Residential Rural) zoning district density and dimensional standards are as follows:

- Minimum lot size – 21,780 square feet
- Setbacks – 25 feet front and rear, 10 feet side
- Maximum building height – 30 feet
- Maximum lot coverage – none

There is currently no residential site plan proposed in conjunction with this application. Any future proposal for construction on the property may require submittal of a site plan application for review and approval by the El Paso County Planning and Community Development Department.

### 3. Policy Plan Analysis

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

***Policy 6.1.3-*** *Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use, and access.*

**Policy 6.1.11-** *Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.*

**Policy 6.1.14-** *Support development which complements the unique environmental conditions and established land use character of each sub-area of the County.*

All of the parcels adjacent to the subject parcel are zoned RR-0.5 (Residential Rural). Each of the parcels to the north, south, and east are developed with single family residential dwellings. The parcel to the west is not developed and currently is within a 100 year floodplain that could prevent any future development or future subdivision.

This area of the County is characterized has having fairly steep terrain with numerous localized areas exceeding 30 percent slopes. The proposed plat includes a depiction of a drainage easement and a no "No Build" area to address the 100 year floodplain and the excessive slope that encroaches on the west side of the parcel. Staff recommends that the proposed minor subdivision could be found to be consistent with the Policy Plan.

#### **4. Small Area Plan Analysis**

The property is within the Tri-Lakes Comprehensive Plan (1999), specifically the West Monument Creek sub-area. The land use pattern is predominately scattered residential and includes medium (1 acre) to low density (2.5 acres to 5.0 acre) residential lots. Relevant land use scenarios (page 99) within the West Monument Creek sub-area are as follows:

*This area should remain primarily rural residential. Overall residential densities should be similar to adjacent densities.*

*Predominant landscape features in undeveloped areas should be protected and preserved.*

*Topography, roadway design, lot orientation, and recognized standard principles of site design should be used to limit the visual impact of development.*

As discussed above, the proposed minor subdivision is compatible with the surrounding developed area in terms of use and density. The overall density is consistent with the land use pattern of medium (1 acre) parcels to low density (2.5 acre to 5.0 acre). The applicants are preserving approximately .74 acres of land in a “No Build” area. Staff recommends that the proposed minor subdivision could be found to be consistent with the Tri-Lakes Comprehensive Plan.

#### **5. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. The Colorado State Forest Service, Colorado Parks and Wildlife, and El Paso County Environmental Services were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies Kettle Gravely Loamy Sand 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**

A soils and geology report prepared by Rocky Mountain Group identified areas having slopes exceeding 30 percent. These hazardous areas have been graphically depicted on the plat and designated as “No Build” areas.

Colorado Geological Survey (CGS) has stated no objection to approval of the minor subdivision application as submitted.

#### **2. Wildlife**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. The Colorado State Forest Service, Colorado Parks and Wildlife, and El Paso County Environmental Services were each sent a referral and have no outstanding comments.

#### **3. Floodplain**

As indicated on the Federal Emergency Management Association (FEMA) Flood Insurance Rate Map (FIRM) panel number 08041C0260F, the western edge of the parcel lies within the FEMA 100-year floodplain containing Monument Creek. The property owner is required to comply with the Regional Floodplain Administrator's building location and elevation requirements.

#### **4. Drainage and Erosion**

This parcel is located entirely within the Palmer Lake Drainage Basin (FOM05400), which has a 2018 basin drainage fee of \$11,919 per impervious acre, and no bridge fee. The applicable drainage basin fee is calculated as \$3,138.75.

There are no drainage improvements proposed with this one lot subdivision. Per the drainage letter report received with the application, the proposed shared driveway improvements will not include any fill within the 100 year floodplain, to ensure “zero rise” of floodplain elevations.

#### **5. Transportation**

No traffic study was required with this one lot subdivision. The existing roads, including Rockbrook Road, which is a County-maintained gravel road, and State Highway 105 provide adequate access to the parcel.

The subdivision is subject to the El Paso County Road Impact Fee Program (Resolution 16-464). Traffic impact fees will be required at the time of building permit.

### **H. SERVICES**

#### **1. Water**

The subdivision will be served by Forest View Acres Water District. The State Engineer’s office has provided an opinion stating that the water supply for the proposed subdivision is adequate. A recommendation of sufficiency has been made by the County Attorney’s Office for water quantity and dependability.

Sufficiency:

- Quality: Sufficient
- Quantity: Sufficient
- Dependability: Sufficient

Attorney’s summary:

The State Engineer’s Office provided an opinion stating that the water supply for the proposed subdivision is adequate. A recommendation of sufficiency has been made by the County Attorney’s Office. In the absence of evidence to the contrary, a presumption, pursuant to Section 8.4.7.B.10.g of the Land Development Code, can be made that residential subdivisions of four (4) or fewer lots will meet the water quality standards.

**2. Sanitation**

Wastewater services will be provided by Palmer Lake Sanitation District. The district was sent a referral and has no outstanding comments.

**3. Emergency Services**

The property is within the Tri-Lakes/Monument Fire Protection District. The district was sent a referral with no outstanding comments.

**4. Utilities**

Intermountain Rural Electric Association (IREA) will provide electrical service and Black Hills Energy will provide natural gas service to the proposed subdivision.

**5. Metropolitan Districts**

The property is not located within a metropolitan district.

**6. Parks/Trails**

Fees in lieu of park land dedication in the amount of \$430 for regional park fees will be due at the time of recording the final plat.

**7. Schools**

Fees in lieu of school land dedication in the amount of \$169.00 for School District No. 38 will be due at the time of recording the final plat.

**I. APPLICABLE RESOLUTIONS**

Approval	Page 19
Disapproval	Page 20

**J. STATUS OF MAJOR ISSUES**

There are no major outstanding issues.

**K. CONDITIONS AND NOTATION**

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 (2018) staff recommends the following conditions and notation:

**CONDITIONS**

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

2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 16-454), 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. Park fees in lieu of land dedication for regional parks (Area 1) in the amount of \$430 shall be paid at time of plat recordation.

9. Fees in lieu of school land dedication in the amount of \$169.00 shall be paid to El Paso County for the benefit of Lewis Palmer School District No. 38 at time of plat recording.

**NOTATION**

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

**L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified seven (7) adjoining property owners on November 29, 2018, for the Planning Commission hearing. 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 Parcel Information

File Name:

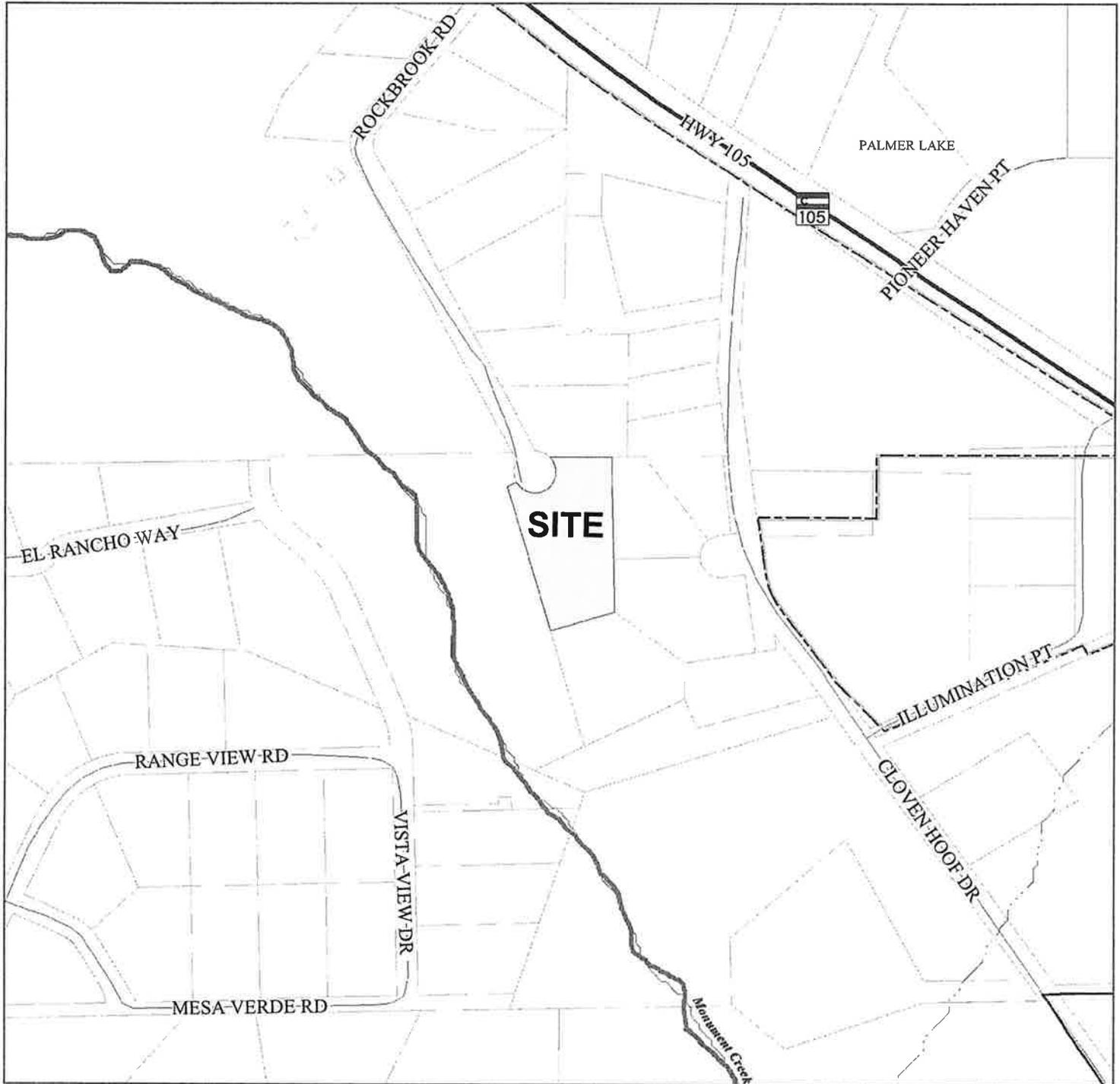
PARCEL	NAME
7109000053	YARBROUGH AMY M

Zone Map No.:

ADDRESS	CITY	STATE
18385 WHITE FAWN DR	MONUMENT	CO

ZIP	ZIPLUS
80132	8915

Date:



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



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Richard & Amy Yarbrough  
18385 White Fawn Drive  
Monument Co. 80132

Re: Letter of Intent for Minor Subdivision

Please accept this letter of intent from owners, Richard and Amy Yarbrough, as part of our application package for a minor subdivision. Our intent is to create one legal subdivision on the 1.72 acres, with only one residential home on it, eventually.

The location is currently zoned as RR 0.5, Rural Residential and is surveyed at 1.72 acres as is recorded in the El Paso Cty Assessors Office.

This request is made in order to make the mentioned land parcel a legal plot of land per El Paso County Code for the purpose of being able to obtain a building permit at a later date.

This land was purchased 04/2006 as a ready to build parcel and remains vacant due to minor subdivision having never been completed by previous owner. The parcel was unable to be grandfathered into the current subdivision considerations. They are an ingress \ egress easement on the land (recorded Feb 09/1982, Book 3530 @ page 799).

The original plan called for a modified hammerhead in addition to the cul de sac' because of fire requirements. Since 2010, there has been an operational fire hydrant placed at the NE side of the cul de sac and as stated by Fire Marshal Jamey Bumgarner (See attached email), the modification is not needed for this platting of land per Tri-Lakes Fire District. The hammerhead was originally mentioned in the survey that was uploaded to the system.

Please contact: Rick Yarbrough, 719.210.3336, with any questions or if more information is needed on the application.

Rick and Amy Yarbrough

A handwritten signature in black ink, appearing to be 'Rick and Amy Yarbrough', written over a printed name. The signature is stylized and cursive.

**TRI-LAKES MONUMENT FIRE PROTECTION DISTRICT**

16055 Old Forest Point, Suite 103

Monument, CO 80132

Bus: (719) 484-0911 Fax (719) 481-3456



Jamey Bungarner, Fire Marshal

To: Rick Yarbrough

Subject: Rockbrook Road

Date: April 17, 2018

Rick,

I wanted to follow up on your request to evaluate the current cul-de-sac and hydrant location at the end of Rockbrook Road and how it affect your ability to develop your lot.

It appears that since the last evaluation a cul-de-sac and water main with fire hydrant has been installed to the end of Rockbrook Road which is where your vacant lot is located. You advised me that the previous Fire Marshal has requested modifications to the road to accommodate water tenders in the event of a fire. These modifications will not be necessary due to the cul-de-sac being installed and the fire hydrant being added.

Furthermore, when the lot is developed we will need evaluate the lot and home building envelope to determine if any other modifications would need to be made when building occurs on the lot.

If you should require any additional comments please let me know.

Jamey Bungarner

Fire Marshal.







August 30, 2018

Mr. Gabe Sevigny  
El Paso County Development Services Department  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910-3127

RE: Yarbrough Minor Subdivision  
Sec. 9, Twp. 11S, Rng. 67W, 6th P.M.  
Water Division 2, Water District 10  
CDWR Assigned Subdivision No. 24207

Dear Mr. Sevigny:

We have received additional information concerning the above-referenced proposal for a minor subdivision that was submitted by the applicant to legalize a 1.72 acre parcel of land that was subject of a minor subdivision that was never completed by the previous owner. The proposed supply of water is to be served by the Forest View Acres Water District and wastewater disposal is to be served by the Palmer Lake Sanitation District.

#### Water Supply Demand

According to the Water Supply Information Summary, Form No. GWS-76, included with the submittal, the estimate water requirements for the proposed subdivision are less than 1 acre-foot per year for use inside 1 single family dwelling and irrigation of 700 square feet of lawn and garden. It should be noted that standard water use rates, as found in the *Guide to Colorado Well Permits, Water Rights, and Water Administration*, are 0.3 acre-foot per year for each ordinary household, 0.05 acre-foot per year for four large domestic animals, and 0.05 acre-foot per year for each 1,000 square feet of lawn and garden irrigation.

#### Source of Water Supply

According to the application materials, the proposed water supply for the subdivision is to be served by the Forest View Acres Water District ("District") and an August 28, 2018 letter of commitment was provided by the District. According to the latest water supply report on file with this office, it appears the District has sufficient water resources to supply this subdivision.

#### Additional Comments

Should the development include construction and/or modification of any storm water structures, the Applicant should be aware that, unless the storm water structure(s) can meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR's *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, available online at: <http://water.state.co.us/DWRIPub/Documents/DWR%20Storm%20Water%20Statement.pdf>, to



Mr. Gabe Sevigny  
August 30, 2018  
Page 2 of 2

ensure that the notice, construction and operation of the proposed structure meets statutory and administrative requirements.

**State Engineer's Office Opinion**

According to the latest water supply report on file with this office, it appears the District has sufficient water resources to supply this subdivision; therefore, based upon the above and pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that so long as the estimated demand of the proposed development does not exceed 0.28 acre-feet/year (the amount of water the District has committed to serve), the proposed water supply can be provided without causing injury to decreed water rights and is expected to be adequate. Should you or the applicant have any questions, please feel free to contact me directly.

Sincerely,



Caleb Foy, P.E.  
Water Resource Engineer

cc: Steve Witte, Division 2 Engineer (via email)  
Doug Hollister, District 10 Water Commissioner (via email)

CRF:crf

# EL PASO COUNTY

OFFICE OF THE COUNTY ATTORNEY  
CIVIL DIVISION

First Assistant County Attorney  
Diana K. May

**Amy R. Folsom, County Attorney**

Assistant County Attorneys  
M. Cole Emmons  
Lori L. Seago  
Kenneth R. Hodges  
Lisa A. Kirkman  
Steven A. Klaffky  
Peter A. Lichtman

December 10, 2018

Yarbrough Minor Subdivision  
MS-18-001 – Final Plat

Reviewed by: M. Cole Emmons, Senior Assistant County Attorney   
Edi Anderson, Paralegal

## FINDINGS AND CONCLUSIONS:

1. This is a proposal by Richard and Amy Yarbrough (“Applicant”), to plat a 1.72-acre parcel of land into one single legal plat pursuant to the El Paso County Land Development Code to enable the property to be utilized for a single-family dwelling. The property is zoned RR-0.5 (Residential Rural).
2. The Applicant has provided for the source of water for the project to derive from the Forest View Acres Water District (“District”). Pursuant to an updated Water Supply Information Summary submitted with the proposal, the Applicant estimates its annual water needs for a single-family dwelling at 0.28 acre-feet per year. Based on these figures, the Applicant must be able to provide a supply of 84 acre-feet of water (0.28 acre-feet per year x 300 years) to meet the County’s 300 year water supply requirement.
3. In a letter dated August 28, 2017, the District Manager stated that “Forest View Acres Water District (FVAWD) commits to providing water for one detached single family dwelling to be located on the property referenced by El Paso County Schedule #7109000053 per this letter” [Yarbrough parcel]. The District Manager further noted that “[a]ssuming a 0.28 acre-foot per SFE per year water demand, the proposed property will require approximately 0.28 acre-feet per year of water.” And further, “Forest View Acres Water District has adequate water supply to provide this service.” The Applicant provided a *Forest View Acres Water District Water Resource Report* dated March 2017 which described the water rights owned by the District. The report noted that the District “legally owns 3,185 acre feet of water per year. The water rights include surface water rights in the Monument Ditch, tributary water in the Nevins Well Nos. 2 and 4, and non-tributary water in the Denver, Arapahoe and Laramie-Fox Hills Aquifers. As of the date of the report, there were 358 single-family equivalents in the District, requiring a water

200 S. CASCADE AVENUE  
OFFICE: (719) 520-6485



COLORADO SPRINGS, CO 80903  
FAX: (719) 520-6487

demand of 0.28/acre-feet per lot, resulting in District water commitments of approximately 100 acre-feet per year.

4. In a letter dated August 30, 2018, the State Engineer's Office reviewed the proposal to plat the 1 parcel of 1.72 acres into a legal lot. The State Engineer reviewed this matter based on a Water Supply Information Summary which estimated the water requirement for this proposal at "less than 1 acre-foot per year for use inside 1 single family dwelling and irrigation of 700 square feet of lawn and garden." In a subsequent Water Supply Information Summary, the Applicant provided a more detailed water demand of 0.28 acre-feet per year for household use and irrigation. The State Engineer noted that "according to the latest water supply report on file with this office, it appears the District has sufficient water resources to supply this subdivision." Pursuant to C.R.S. § 30-28-136(1)(h)(II), the State Engineer stated "so long as the estimated demand of the proposed development does not exceed 0.28 acre-feet/year (the amount of water the District has committed to serve), the proposed water supply can be provided without causing injury to decreed water rights and is expected to be adequate."

Note: As part of its review, the State Engineer's Office provided an advisory to the Applicant that if the development includes any "construction and/or modification of any storm water structures, the Applicant should be aware that, unless the storm water structure(s) can meet the requirements of the storm water detention and infiltration facility as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office."

5. Analysis: Based on the information provided in the updated Water Supply Information Summary and the Water Resources Report provided with the proposal, the annual water supply required to serve the single-family lot is 0.28/acre-feet per year. The District's available water supply is 3,185 acre-feet per year (for 300 years) and the District has current water commitments of approximately 100 acre-feet per year. Since the District has allocated and committed to serve 0.28 acre-feet of water to this lot as confirmed in the commitment letter from the District, it appears the proposed water supply will be sufficient to meet the needs of the proposal.

6. Section 8.4.7(B)(10)(g) of the El Paso County Land Development Code allows for the presumption of acceptable water quality for minor subdivisions with fewer than 4 lots and where water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary.

7. Therefore, based upon the finding of sufficiency and no injury by the State Engineer, the District's commitment to serve, and pursuant to the requirements below, the County Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability.

**REQUIREMENTS:**

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, any conditions, rules, regulations, limitations, and specifications set by the Forest View Acres Water District.

cc: Gabe Sevigny, Planner II, Reviewer