



COLORADO

Division of Water Resources

Department of Natural Resources
1313 Street, Room 821
Denver, CO 80203

May 15, 2015

Kari Parsons
El Paso County Development Services Department
DSDcomments@elpasoco.com

RE: Paint Brush Hills Filings 13C & D & E
Sections 25 and 26, T12S, R65W, 6th P.M.
Water Division 8, Water District 10
Upper Black Squirrel Creek Designated Basin

Dear Ms. Parsons:

We have received the Water Supply Information Summary submitted in response to our May 6, 2015 letter. This letter replaces our previous letter regarding your April 28, 2015 submittal concerning the above referenced request for water sufficiency for the development of 150 lots in Filing 13C, D and E, for 54 acres.

Water Supply Demand

According to the submittal, the estimated water requirements are 0.36 acre-feet annually per single family lot for 150 residential lots, with a total water demand of 54.03 acre-feet annually.

Source of Water Supply

The proposed water supplier is the Paint Brush Hills Metropolitan District (PBHMD or District). The District provided a Commitment Letter for the proposed Paint Brush Hills Filing No. 13 ("Will Serve Letter for 150 Single-Family Equivalent Units for the Final Plat for 'Paint Brush Hills Filing No. 13' Project"), dated March 30, 2015.

According to information in our files the District has a volume of 98,050 acre-feet of Denver Basin water rights available for supplying its commitments, and its current commitments (including Scenic View at Paint Brush Hills subdivision) require a volume of 72,178 acre-feet of water (per El Paso County approval some commitments require a commitment period of 100 years and others require a commitment period of 300 years). The District's water rights are sufficient to meet its estimated demand for the required commitment periods.

The subdivision lies within the allowed place of use (District Service area) of the District's water supplies, and the proposed uses are uses allowed for in the various water rights that make up the available supply.



The proposed source of water for this subdivision is bedrock aquifer allocations from the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which the bedrock aquifer sources will be a physically and economically viable source of water. According to 37-90-107(7)(a), C.R.S., "Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years." Based on this allocation approach, the annual amounts of water determined are equal to one percent of the total amount, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

In the *El Paso County Land Development Code*, effective November, 1986, Chapter 5, Section 49.5, (D), (2) states:

"- Finding of Sufficient Quantity - The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of three hundred (300) years."

The State Engineer's Office does not have evidence regarding the length of time for which the bedrock aquifer sources 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 volume of water required to be reserved for supplying those commitments requiring a commitment period of 300 years means the volume that would be reserved based on the 100 year allowed average annual amount of withdrawals has to be multiplied by a factor of three. As previously stated, the District's volume of Denver Basin water rights is sufficient to meet the volume of water required to meet both its 100 year and 300 year commitments.

State Engineer's Office Opinion

Based upon the above and pursuant to Sections 30-28-136(1)(h)(I) and 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.

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

Our opinion that the water supply can be provided without causing injury is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory allocation approach, for the proposed uses on the subdivided land is 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 relevant determinations and well permits, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifer, are calculated based on estimated current aquifer conditions. For planning purposes 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.

Kari Parsons
May 15, 2015

Page 3 of 3

Should you have any questions, please contact Justina P. Mickelson of this Office.

Sincerely,

A handwritten signature in black ink that reads "Keith Vander Horst". The signature is written in a cursive style with a large, stylized initial 'K'.

Keith Vander Horst, P.E.
Designated Basins Team Leader

cc: Division 2 Division Engineer
District 10 Water Commissioner
Upper Black Squirrel Creek GWMD

JPM/KVH: PaintbrushHillsF13revised_Apr2015.docx



COLORADO

Division of Water Resources

Department of Natural Resources
1313 Street, Room 821
Denver, CO 80203

May 6, 2015

Kari Parsons
El Paso County Development Services Department
DSDcomments@elpasoco.com

RE: Paint Brush Hills Filings 13C & D & E
Sections 25 and 26, T12S, R65W, 6th P.M.
Water Division 8, Water District 10
Upper Black Squirrel Creek Designated Basin

Dear Ms. Parsons:

We have reviewed your April 28, 2015 submittal concerning the above referenced request for water sufficiency for the development of 150 lots in Filing 13C, D and E, for an unspecified number of acres.

The estimated water supply demand amount for the 150 single-family lots and for any additional irrigated areas is needed. This can be provided by completing the Water Supply Information Summary form or an equivalent report providing an estimate of the water requirements of the subdivision.

The State Engineer has not received enough information on the number of acres included in the Filings or on the water requirements for the development of an additional 150 lots to render an opinion pursuant to C.R.S. 30-28-136(1)(h)(l) regarding the adequacy of the water supply and the material injury likely to occur to decreed water rights. In order for our office to provide an opinion, a completed Water Supply Information Summary form or equivalent report must be provided by the developer.

Should you have any questions, please contact Justina P. Mickelson of this office.

Sincerely,

Keith Vander Horst, P.E.
Designated Basins Team Leader

cc: Division 2 Division Engineer
District 10 Water Commissioner
Upper Black Squirrel Creek GWMD

KVH: PaintbrushHillsF13_Apr2015.doc





DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

John W. Hickenlooper
Governor

Mike King
Executive Director

Dick Wolfe, P.E.
Director/State Engineer

February 27, 2014

Kari Parsons
El Paso County Development Services Department
e-mail: DSDcomments@elpasoco.com

Re: Paint Brush Hills Final Plat 13B, (SF-14-002)
Part Sections 25 and 26, T12S, R65W, 6th PM
Upper Black Squirrel Creek Designated Ground Water Basin
Water Division 8, Water District 10

Dear Ms. Parsons:

We received your January 23, 2014 submittal concerning the above referenced proposal to subdivide an approximately 10.56-acre site into 21 single family residential lots and a drainage tract.

Water Supply Demand

According to the submittal, the estimated water requirements are 0.36 acre-feet annually per single family lot for a total of 7.56 acre-feet annually for 21 residential lots.

Source of Water Supply

The proposed water supplier is the Paint Brush Hills Metropolitan District (PBHMD or District). The District provided a Commitment Letter for the proposed Final/Preliminary Plant of the Paint Brush Hills Development Filing No. 13B, dated November 7, 2013.

According to information in our files the District has a volume of 98,050 acre-feet of Denver Basin water rights available for supplying its commitments, and its current commitments (including Paint Brush Hills Filing No. 13B subdivision) require a volume of 72,298 acre-feet of water (per El Paso County approval some commitments require a commitment period of 100 years and others require a commitment period of 300 years). The District's water rights are sufficient to meet its estimated demand for the required commitment periods.

The subdivision lies within the allowed place of use (District Service area) of the District's water supplies, and the proposed uses are uses allowed for in the various water rights that make up the available supply.

Office of the State Engineer

1313 Sherman Street, Suite 818 • Denver, CO 80203 • Phone: 303-866-3581 • Fax: 303-866-2223
www.water.state.co.us

The proposed source of water for this subdivision is bedrock aquifer allocations from the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which the bedrock aquifer sources will be a physically and economically viable source of water. According to 37-90-107(7)(a), C.R.S., "Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years." Based on this allocation approach, the annual amounts of water determined are equal to one percent of the total amount, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

In the *El Paso County Land Development Code*, effective November, 1986, Chapter 5, Section 49.5, (D), (2) states:

"- Finding of Sufficient Quantity - The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of three hundred (300) years."

The State Engineer's Office does not have evidence regarding the length of time for which the bedrock aquifer sources 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 volume of water required to be reserved for supplying those commitments requiring a commitment period of 300 years means the volume that would be reserved based on the 100 year allowed average annual amount of withdrawals has to be multiplied by a factor of three. As previously stated, the District's volume of Denver Basin water rights is sufficient to meet the volume of water required to meet both its 100 year and 300 year commitments.

State Engineer's Office Opinion

Based upon the above and pursuant to Sections 30-28-136(1)(h)(I) and 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.

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

Our opinion that the water supply can be provided without causing injury is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory allocation approach, for the proposed uses on the subdivided land is 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 relevant determinations and well permits, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifer, are calculated based on estimated current aquifer conditions. For planning purposes 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.

Should you have any questions, please contact Justina P. Mickelson of this Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin D. Rein". The signature is fluid and cursive.

Kevin Rein, P.E.
Deputy State Engineer

cc: Division 2 Division Engineer
District 10 Water Commissioner
Upper Black Squirrel Creek GWMD

JPM/KVH: PaintbrushHillsScenicViewFeb2014.doc

EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

Amy R. Folsom, County Attorney

Assistant County Attorneys

M. Cole Emmons
Lori L. Seago
Diana K. May
Kenneth R. Hodges
Lisa A. Kirkman
Steven A. Klaffky

August 31, 2015

SF-14-002 Paint Brush Hills Filing 13B
(Phased Final Plat)

Reviewed by: M. Cole Emmons, Sr. Assistant County Attorney *M.C.E.*
Edi Anderson, Paralegal

FINDINGS AND CONCLUSIONS:

1. This is a proposal by Six Ninety Nine LA, LLC ("Applicant") for approval of a Phased Final Plat for 21 lots on 10.56 acres, and a drainage tract, zoned RS-6000 (Residential Suburban), plus a tract for future development for a total area of 100.74 acres.

2. The Applicant has provided for the source of water to come from the Paint Brush Hills Metropolitan District ("District"). Applicant estimates its annual water needs to serve household use for the 21 single family lots as follows: 7.56 acre-feet annually for household use or 0.36 acre-feet per lot annually. Based on these figures, Applicant must be able to provide a supply of 2,268 acre-feet of water (7.56 ac.ft./yr. x 300 years) to meet the County's 300 year water supply requirement.

NOTE: Applicant stated its demand as 8.5 acre-feet annually on the Water Supply Information Summary Form. The District committed, and the State Engineer reviewed, based on a demand of 7.56 acre-feet annually; therefore, this water review will use the 7.56 acre-feet figure.

3. In a letter dated November 7, 2013, and updated on January 15, 2015, the District Board President committed to serve water to Paint Brush Hills Filing 13B to provide water to 21 single family lots. The District states its "commitment is for 21 residential lots and is estimated as an annual need of 7.56 acre-feet of water"

4. In a letter dated February 27, 2014, the State Engineer reviewed information in the 2013 Water Supply Update Report for the Paint Brush Hills Metropolitan District for the proposed Final Plat for Paint Brush Hills Filing 13B consisting of 21 single family

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lots on 10.56 acres. The Engineer stated that the District has “98,050 acre-feet of Denver Basin water rights available for supplying its commitments, and its current commitments (including Paint Brush Hills Filing No. 13B subdivision) require a volume of 72,298 acre-feet of water (per El Paso County approval some commitments require a commitment period of 100 years and others require a commitment period of 300 years).” The Engineer indicated that the District has sufficient water resources to supply the proposed development. Pursuant to C.R.S. § 30-28-136(1)(h)(II), the State Engineer is of the opinion that the proposed water supply can be provided without injury to existing water rights and the supply is expected to be adequate.

5. The water quality requirements of Section 8.4.7.B.10 of the Land Development Code must be satisfied.

6. Analysis: With a proposed annual demand of 7.56 acre-feet (2,268 acre-feet for a period of 300 years) for Paint Brush Hills Filing 13B, and given the current commitments of the District for a total demand of 72,298 acre-feet, and the available supply of 98,050 acre-feet (including both 100 year and 300 year water), resulting in a surplus water supply of 25,752 acre-feet, based on the commitment to serve by the District and the State Engineer’s opinion that this demand is within the remaining supply limits of the District, it appears the proposed water supply will be sufficient.

7. Therefore, based on the above analysis, the County Attorney’s Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability as to the 21 lots in this Filing 13B. The Health Department will need to make a recommendation as to water quality sufficiency.

NOTE: THERE IS NO FINDING OF WATER SUFFICIENCY, EITHER EXPLICITLY OR IMPLICITLY, FOR THE REMAINING FUTURE DEVELOPMENT TRACT. THAT TRACT MUST BE REPLATTED, AS MAY BE APPLICABLE, AND WATER WILL HAVE TO BE REVIEWED AT THAT TIME TO DETERMINE SUFFICIENCY FOR ANY FURTHER DEVELOPMENT OF THAT TRACT FOR RESIDENTIAL PURPOSES.

REQUIREMENTS:

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the District. If Applicant intends lot owners to take over responsibility for any Supplemental Water Usage and Service Agreement, Applicant shall make provisions by plat note and by covenants or in another manner that is otherwise acceptable to the County Attorney’s Office and to the District, to put lot owners on notice of those obligations.

cc: Kari Parsons, Project Manager, Planner II

EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

Amy R. Folsom, County Attorney

Assistant County Attorneys

M. Cole Emmons
Lori L. Seago
Diana K. May
Kenneth R. Hodges
Lisa A. Kirkman
Steven A. Klaffky

August 31, 2015

SF-14-002 Paint Brush Hills Filings 13C, 13D, and 13E
(Phased Final Plat)

Reviewed by: M. Cole Emmons, Sr. Assistant County Attorney *M.C.E.*
Edi Anderson, Paralegal

FINDINGS AND CONCLUSIONS:

1. This is a proposal by Six Ninety Nine LA, LLC ("Applicant") for approval of a Master Plat Exhibit of a Phased Final Plat for development of 150 lots in Paint Brush Hills Filings 13C, 13D, and 13E on 54 acres. The overall property site for Filing 13 is zoned RS-6000 (Residential Suburban) and CS (Commercial Services).

2. This submittal is part of the Paint Brush Hills Filing No. 13 Final Plat approved by the Board of County Commissioners on October 19, 2006. A 1 year extension to record the final plat was granted by the Board on October 19, 2007, followed by a 6 month extension on October 9, 2008, an 18 month extension on April 9, 2009, and an 18 month extension on September 9, 2010. On February 9, 2012, at Resolution 12-48, the Board adopted a resolution implementing phasing and pro-ration of final subdivision plats based on market conditions related to previously approved but not recorded final subdivision plats ("Phasing Resolution"). The Phasing Resolution permits phasing of subdivisions that have received land use approval, but have not otherwise been recorded. The Phasing Resolution requires that each phase of a project meeting the phasing criteria, provide the following documents prior to submittal of each phase: 1) updated commitment letter from a public or private commercial water provider to serve the proposed phase; 2) updated Water Resources Report; and 3) updated recommendation from the State Engineer's Office. Pursuant to the Phasing Resolution, the Applicant has provided the updated documents for Paint Brush Hills Filings 13C, 13D, and 13E as further detailed below.

3. The Applicant has provided for the source of water to come from the Paint Brush Hills Metropolitan District ("District"). Applicant estimates its annual water needs to serve household use for the 150 single family lots as follows: 54.03 acre-feet annually for household use or 0.36 acre-feet per lot annually. Based on these figures, Applicant

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must be able to provide a supply of 16,209 acre-feet of water (54.03 ac.ft./yr. x 300 years) to meet the County's 300 year water supply requirement.

4. In a letter dated March 30, 2015, the District Board President committed to serve water to Paint Brush Hills Filing 13, exclusive of Filings 13A and 13B for which water supply had already been committed, to provide water to 150 single family lots. The District states its "commitment is for 150 single-family equivalent units and is estimated as an annual need of 54 acre-feet of water within the Property."

5. In a letter dated May 15, 2015, the State Engineer reviewed information in their files, along with the District's letter dated March 30, 2015, regarding the proposed Final Plat for the Paint Brush Hills Filing No. 13 Project consisting of 150 single family lots on 54 acres. The Engineer stated that the District has "98,050 acre-feet of Denver Basin water rights available for supplying its commitments, and its current commitments (including Scenic View at Paint Brush Hills subdivision) require a volume of 72,178 acre-feet of water (per El Paso County approval some commitments require a commitment period of 100 years and others require a commitment period of 300 years)." The Engineer indicated that the District has sufficient water resources to supply the proposed development. Pursuant to C.R.S. § 30-28-136(1)(h)(II), the State Engineer is of the opinion that the proposed water supply can be provided without injury to existing water rights and the supply is expected to be adequate.

NOTE: In review of the Water Supply Update Report for Paint Brush Hills Metropolitan District dated May 2015 ("Water Supply Report"), it is noted that the committed supply identified by the State Engineer differs from the Water Supply Report. The Water Supply Report reports a committed supply of 72,736 acre-feet (including Scenic View at Paintbrush Hills and Paint Brush Hills Filings 13A and 13B). The balance of this review will be based on the numbers used by the State Engineer's Office: 72,178 acre-feet.

6. The water quality requirements of Section 8.4.7.B.10 of the Land Development Code must be satisfied.

7. Analysis: With a proposed annual demand of 54.03 acre-feet (16,209 acre-feet for a period of 300 years) for the Paint Brush Hills Filing 13 Project of 150 lots, and given the current commitments of the District for a total demand of 72,178 acre-feet for previous commitments and the current demand of 16,209 acre-feet, and the available supply of 98,050 acre-feet (including both 100 year and 300 year water), the resulting surplus water supply is 9,663 acre-feet. Based on the commitment to serve by the District and the State Engineer's opinion that this demand is within the remaining supply limits of the District, it appears the proposed water supply will be sufficient.

8. Therefore, based on the above analysis, the County Attorney's Office

recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability as to the 150 lots in Filings 13C, 13D, and 13E. The Health Department will need to make a recommendation as to water quality sufficiency.

REQUIREMENTS:

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the District. If Applicant intends lot owners to take over responsibility for any Supplemental Water Usage and Service Agreement, Applicant shall make provisions by plat note and by covenants or in another manner that is otherwise acceptable to the County Attorney's Office and to the District, to put lot owners on notice of those obligations.

cc: Kari Parsons, Project Manager, Planner II

BCC

RESOLUTION NO. 17-040

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

APPROVE PAINT BRUSH HILLS FILING NO. 13D FINAL PLAT TO INCLUDE A FINDING OF WATER SUFFICIENCY (SF-16-016)

WHEREAS, Lorson, LLC Nominee, and Lorson North Development Corporation did file an application with the Planning and Community Development Department of El Paso County for the approval of the Paint Brush Hills Filing No 13D final plat (SF-16-016) to include a finding of water sufficiency for the herein described property in the unincorporated area of El Paso County; and

WHEREAS, a public hearing was held by this Board on January 24, 2017; and

WHEREAS, based on the evidence, testimony, exhibits, study of the master plan for the unincorporated area of the county, recommendations of the El Paso County Planning Commission, comments of the El Paso County Planning and Community Development Department, comments of public officials and agencies, and comments from all interested parties, this Board finds as follows:

1. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
2. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested parties were heard at those hearings.
3. The proposed subdivision of land is in compliance with the recommendations set forth in the master plan for the unincorporated area of the county.
4. That the subdivision is in substantial conformance with the approved Preliminary Plan.
5. That the subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.

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El Paso County, CO



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SCANNED

6. That 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)(1)] and the requirements of Chapter 8 of the Land Development Code.
7. That 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 Land Development Code.
8. That 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)].
9. That adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the El Paso County Land Development Code and Engineering Criteria Manual.
10. That necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
11. That final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
12. That 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 Land Development Code.
13. That 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 Subdivision Improvements Agreement so the impacts of the subdivision will be adequately mitigated.
14. That the subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
15. That the extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.].

16. That the proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
17. For the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the Paint Brush Hills Filing No. 13D Final Plat including a finding of water sufficiency request as submitted by Lorson, LLC Nominee, and Lorson North Development Corporation for the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference;

BE IT FURTHER RESOLVED the following conditions/notations shall be placed upon this approval:

CONDITIONS OF APPROVAL

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. County Attorney's Conditions of Compliance shall be adhered to.
8. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the Final Plat.
9. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
10. The site is within the Falcon Drainage Basin (CHWS1400). Payment of drainage fees in the amount of \$344,112.12 and a bridge fees in the amount of \$47,270.16 are due at time of plat recording.
11. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$32,592.00 and urban parks (Area 3) in the amount of \$20,564.00 shall be paid to El Paso County at time of plat recordation.
12. Fees in lieu of school land dedication in the amount of \$23,280.00 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at time of plat recording.
13. 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. 12-382), 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.

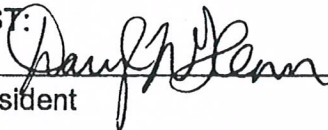
NOTATION

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

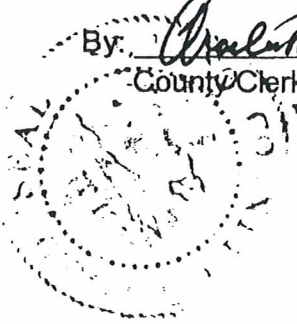
AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 24th day of January 2017, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:
By: 
President

By: 
County Clerk & Recorder



Resolution No. 17-040
EXHIBIT A

A PORTION OF THE EAST HALF OF SECTION 26, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT C AS PLATTED IN PAINT BRUSH HILLS FILING NO. 13B RECORDED UNDER RECEPTION NO. 216713____, RECORDS OF EL PASO COUNTY, COLORADO.

CONTAINING A CALCULATED AREA OF 38.748 ACRES.

