



COMMISSIONERS:  
CAMI BREMER (CHAIR)  
CARRIE GEITNER (VICE-CHAIR)

COLORADO

HOLLY WILLIAMS  
STAN VANDERWERF  
LONGINOS GONZALEZ, JR.

## PLANNING & COMMUNITY DEVELOPMENT

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

**FROM:** Kylie Bagley, Senior Planner  
Charlene Durham, P.E., Principal Engineer  
Meggan Herington, AICP, Executive Director

**RE:** Project File Number: SF2141  
Project Name: Ohana Acres  
Parcel Number: 3330001001

OWNER:	REPRESENTATIVE:
G & D Hammann Ohana Trust 17825 Jones Road Peyton, CO 80831	G & D Hammann Ohana Trust 17825 Jones Road Peyton, CO 80831

**Commissioner District: 2**

<b>Planning Commission Hearing Date:</b>	<b>8/1/2024</b>
<b>Board of County Commissioners Hearing Date:</b>	<b>8/22/2024</b>

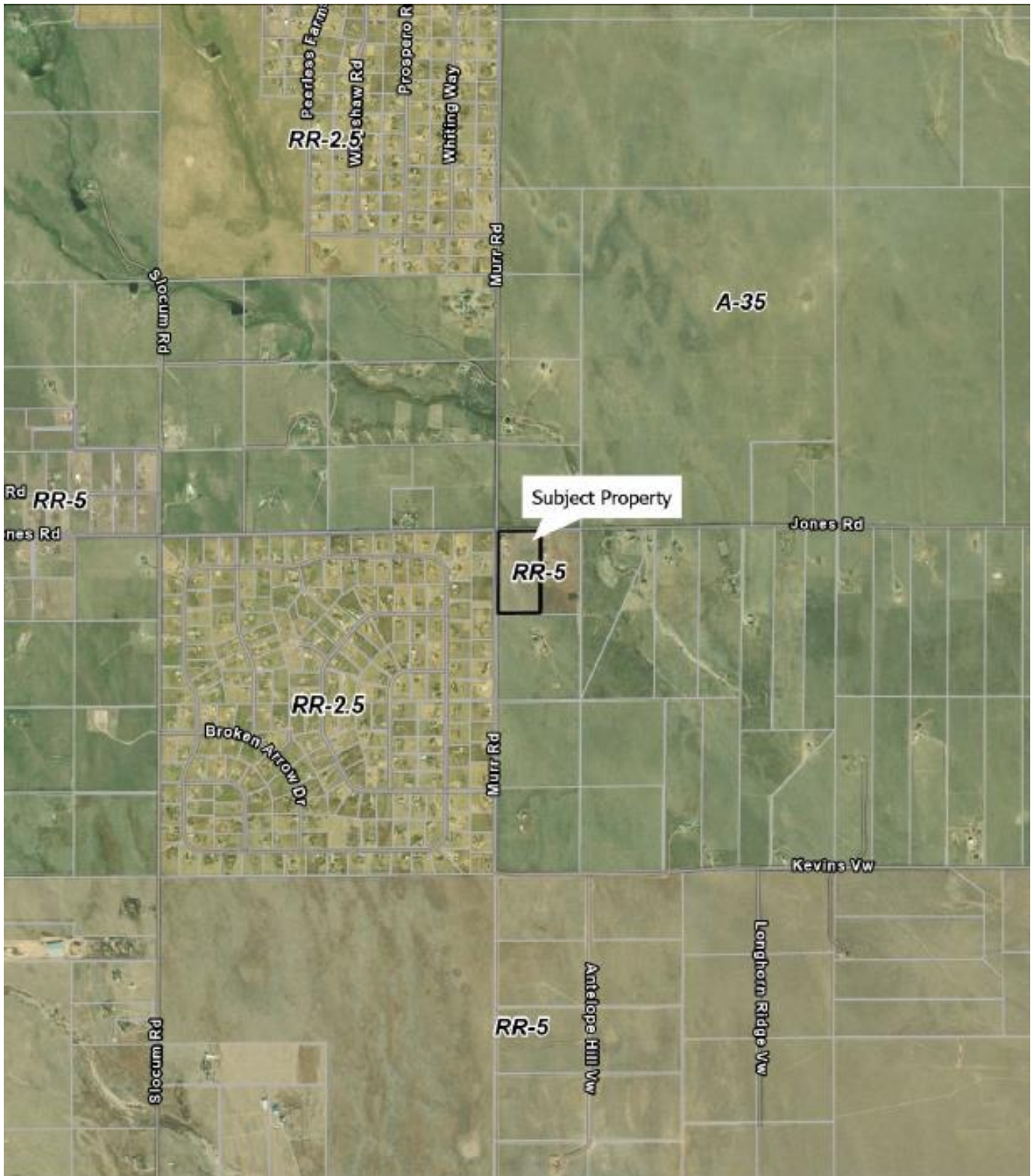
### EXECUTIVE SUMMARY

A request by G & D Hammann Ohana Trust for approval of a 19.31-acre Final Plat creating 4 single-family lots. The property is zoned RR-5 (Residential Rural) and is located at 17825 Jones Road and directly southeast of the intersection of Jones Road and Murr Road. (Parcel No. 3330001001) (Commissioner District No. 2)

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM



2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

## **A. WAIVERS AND AUTHORIZATION**

**Waiver(s):** There are no waivers associated with this request.

**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 this Code;
- 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 (this finding may not be deferred to final plat if the applicant intends to seek administrative final plat 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 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 this Code and the ECM are provided by the design;
- The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;
- Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

- 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 therefore, 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 this Code; and
- 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.]

### C. LOCATION

North:	A-35 (Agricultural)	Agricultural Land
South:	A-35 (Agricultural)	Single-Family Residential
East:	RR-5 (Residential Rural)	Single-Family Residential
West:	RR-2.5 (Residential Rural)	Single-Family Residential

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

## **D. BACKGROUND**

The applicant is requesting to subdivide 19.31 acres in the RR-5 zone district into 4 single-family residential lots. The property was zoned RR-5 in 1999, when zoning was initiated in this part of the County. Three lots will consist of 4.75 acres with one lot consisting of 5 acres. In the RR-5 zoning district, properties that abut a section line County road may consist of a minimum of 4.75 acres (Land Development Code (LDC) Table 5-4). The property abuts two section line County roads, Murr Road and Jones Road.

## **E. ANALYSIS**

### **1. Land Development Code and Zoning 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).

## **F. MASTER PLAN COMPLIANCE**

### **1. Your El Paso County Master Plan**

#### **a. Placetype Character: Rural**

*The Rural placetype comprises ranchland, farms, and other agricultural uses. 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 cover 35 acres or more per two units with the minimum lot area consisting of 5-acres per unit. The Rural placetype covers most of the eastern half of the County.*

*Rural areas typically rely on well and septic and parcels for residential development tend to be substantial in size. Rural areas are remotely located and distant from high activity areas or dense suburban or urban places, making access to regional transportation routes, such as Highway 24 and Highway 94, vital to the quality of life for rural community residents.*

*The agricultural lands that Rural areas contain represent a valuable economic resource and unique lifestyle that should be preserved. The Rural placetype includes agricultural lands which represent a valuable economic resource and allow for a unique lifestyle that should be preserved. As growth occurs, some Rural areas may develop and transition to another placetype, however leapfrog development should be discouraged, by pro-actively permitting changing areas contiguous to existing development to another placetype.*

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM



## Recommended Land Uses:

### Primary

- Agriculture
- Parks/Open Space
- Farm/Homestead Residential

### Supporting

- Estate Residential (Minimum 1 unit/5-acres)
- Institutional

#### **b. Area of Change Designation:** Minimal Change: Undeveloped

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

#### **c. Key Area Influences:** The property is not located within a key area.

#### **d. Analysis**

The Rural Placetype shows the supporting land use to be one residential unit per 5 acres, the property is zoned RR-5 and has a minimum lot size requirement of 5 acres. The Land Development Code allows for lots to be 4.75 acres along section line County roads as stated in the LDC Table 5-4. The proposed subdivision will meet the RR-5 zoning requirements as depicted in the Land Development Code. The proposed subdivision will not alter the character of the neighborhood, which is adjacent to RR-2.5, RR-5 and A-35 zoning districts. Relevant goals and policies for the Master Plan are as follows:

***Goal LU1 Specific Strategy*** – *New development and any redevelopment in Forested Areas should be of a lower intensity to mitigate any impacts on the Forest, properly manage stormwater, provide safe access to major roads and state highways for the traveling public and emergency response vehicles and adhere to the strictest building codes to prevent any hazards such as fires and soil erosion related to poor planning, design, and construction.*



**Objective LU3-1** – Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.

**Goal HC2** – Preserve the character of rural and environmentally sensitive areas.

**Objective HC2-6** – Continue to carefully analyze each development proposal for their location, compatibility with the natural environment, and cohesion with the existing character.

## 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.

**Goal 4.3** – Collaborate with the State and other stakeholders to extend the economic life of the Denver Basin aquifers.

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 3 of the Plan. The following information pertains to water demands and supplies in Region 3 for central water providers:

The Plan identifies the current demand for Region 3 to be 4,494 acre-feet per year (AFY) (Figure 5.1) with a current supply of 7,164 AFY (Figure 5.2). The projected demand in 2040 for Region 3 is at 6,403 AFY (Figure 5.1) with a projected supply of 7,921 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region is 3 is at 8,307 AFY (Figure 5.1) with a



projected supply of 8,284 AFY (Figure 5.2) in 2060. This means that by 2060 a deficit of 32 AFY is anticipated for Region 3.

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 low wildlife impact potential. El Paso County Environmental Services and Colorado Parks and Wildlife were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies eolian deposits 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**

Colorado Geologic Survey reviewed the soils and geology report provided with this application and determined that seasonal groundwater may occur on the site. If basements are planned for future structures, test borings drilled to a sufficient depth (generally at least 20 feet) are necessary to determine groundwater and bedrock depths where both are likely to be shallow. Lot-specific geotechnical and septic investigations will be needed in order to:

- Determine the thickness and extent to which the soils beneath each proposed structure are subject to collapse under loading and/or wetting; characterize soil and bedrock engineering properties such as density, strength, water content, swell/consolidation potential, and bearing capacity; determine depths to groundwater, bedrock, and any impermeable layers that might lead to the development of a perched water condition.
- Determine percolation rates for each lot to determine if engineered septic systems are necessary.
- Provide earthwork, foundation, floor system, subsurface drainage, and pavement recommendations for design purposes.

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM



## **2. Floodplain**

The property has a portion of a Zone AE (special flood hazard area with base flood elevations) floodplain at the northeast corner of Lot 1 of the property, as determined by FEMA Flood Insurance Rate Map panel number 08041C0590G, dated December 7, 2018. A no build area is included on Lot 1 but will not impede development of the lot.

## **3. Drainage and Erosion**

The property is located in the Haegler Ranch and Telephone Exchange Drainage Basins which are included in the El Paso County Drainage Basin Fee program. Drainage fees will be due at the plat recording.

Per Section 1.7.1.B of the El Paso County Engineering Criteria Manual (ECM) a permanent water quality facility is not required for single-family residential lots greater than or equal to 2.5 acres and having a total lot impervious area of less than 10 percent.

## **4. Transportation**

Each lot within the subdivision will receive access off Murr Road via a driveway access. Murr Road is a gravel local road, owned and maintained by El Paso County. A traffic study was not required as the proposed subdivision is not expected to generate 100 daily vehicle trips or 10 trips during the peak hour. No additional easements or improvements are needed for Murr Road.

The El Paso County 2016 Major Transportation Corridors Plan Update does not depict roadway improvements in the immediate vicinity.

The development is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471, as amended).

## **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 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.

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

## **2. Sanitation**

Wastewater is provided by onsite wastewater treatment systems.

## **3. Emergency Services**

The property is within the Falcon Fire Protection District. The District did not have any comments regarding the application.

## **4. Utilities**

Electric services will be provided by Mountain View Electric Association and the lots will need to have their own propane.

## **5. Metropolitan Districts**

The property is not within a metropolitan district.

## **6. Parks/Trails**

Fees in lieu of park land dedication in the amount of \$1,840 for regional fees and \$0 for urban 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 \$960 shall be paid to El Paso County for the benefit of District 49 at the time of plat recording.

## **I. APPLICABLE RESOLUTIONS**

See attached resolution.

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

There are no outstanding major issues.

## **K. RECOMMENDED CONDITIONS AND NOTATIONS**

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

### **CONDITIONS**

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

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

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. Drainage fees in the amount of \$12,154.77 and bridge fees in the amount of \$2,391.92 shall be paid for the Haegler Ranch Drainage Basin at the time of final plat recordation.



9. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 6/21/2024, 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 14 adjoining property owners on July 17, 2024, for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing.

#### **M. ATTACHMENTS**

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

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM





PC Report Packet

Page 13 of 31

# Aerial Map

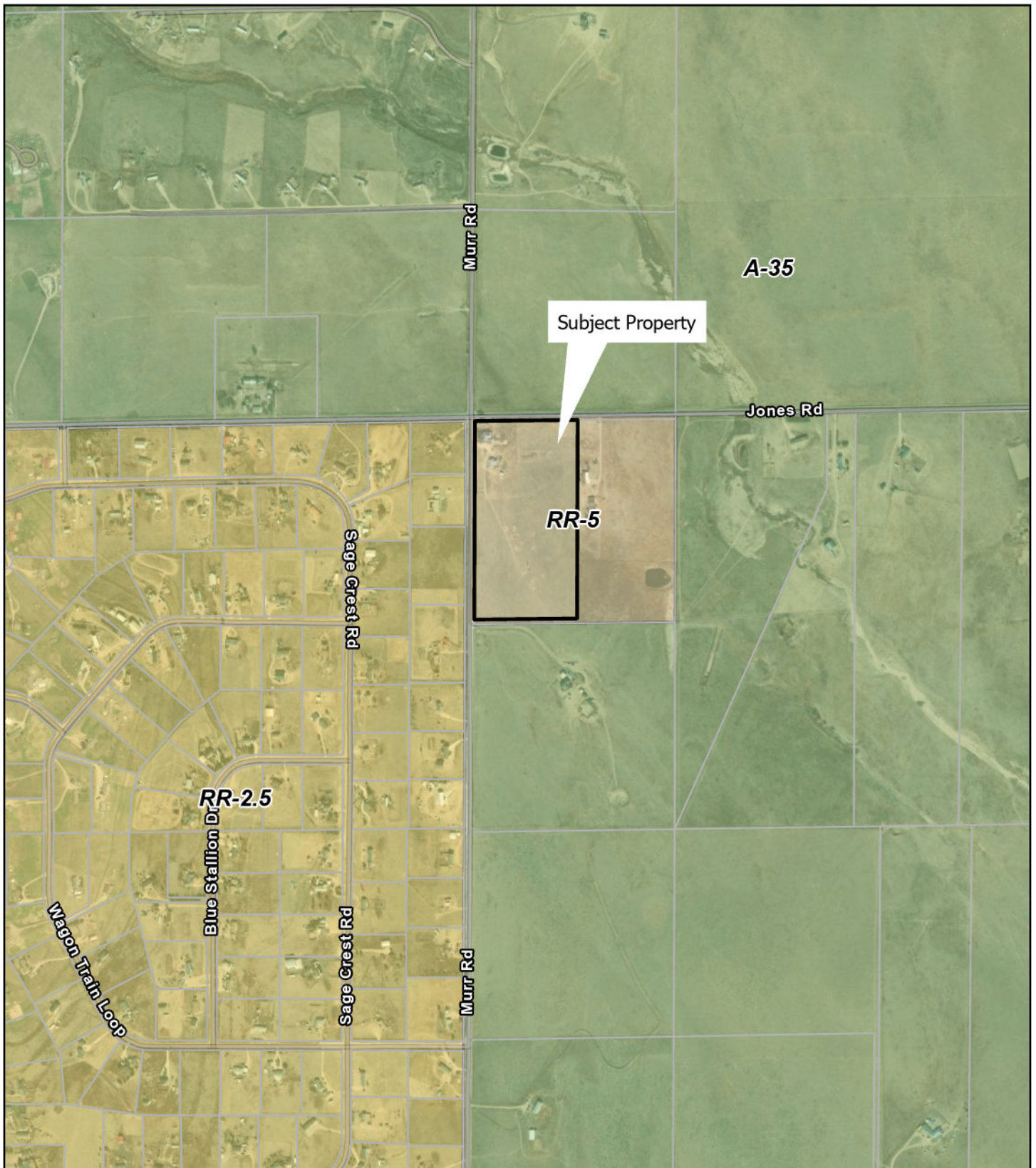
File No. SF2141

Map Series No. 1



0 0 0.1 0.2 Miles

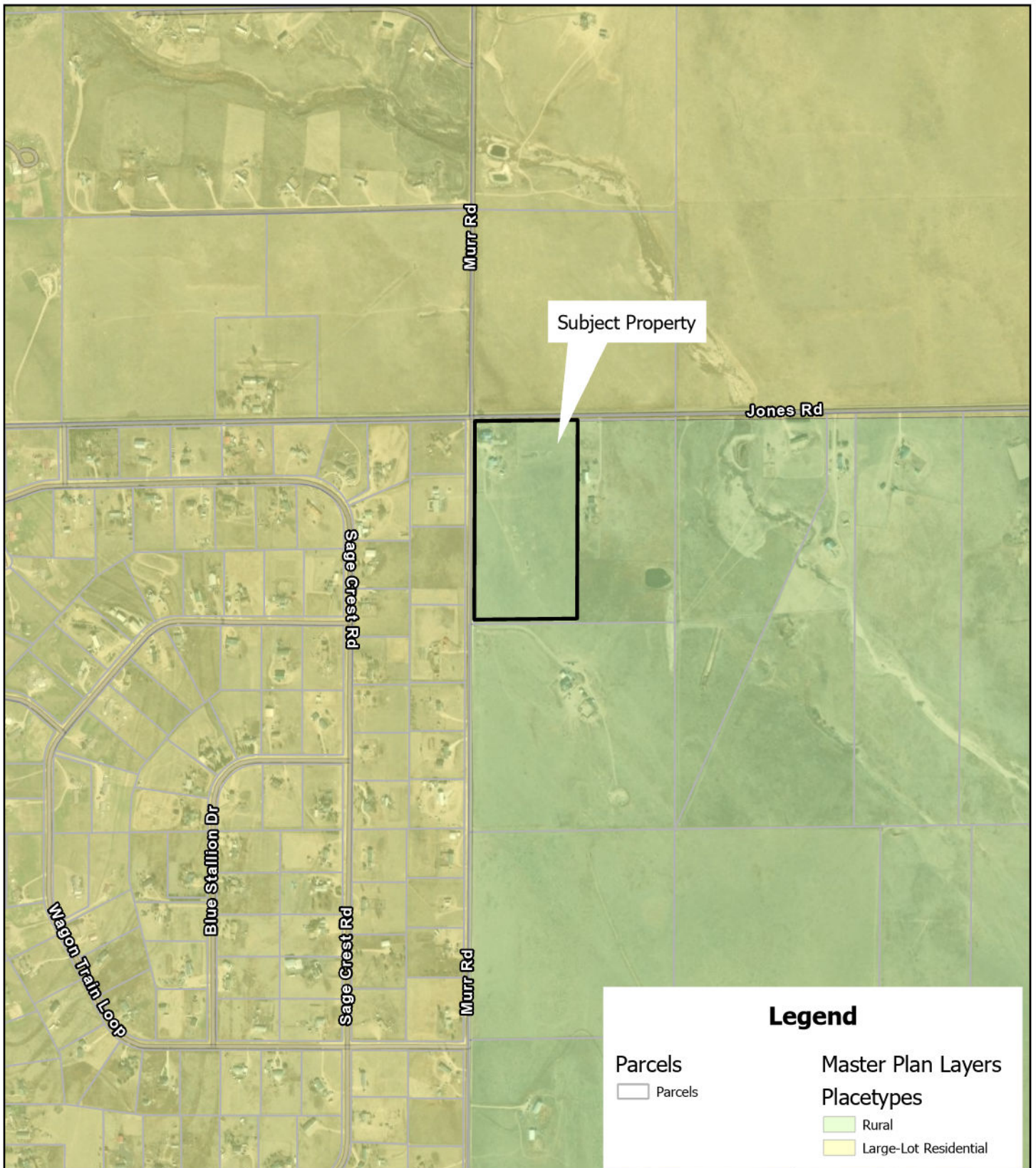




# Zoning Map







PC Report Packet

Page 15 of 31

# Placetype Map

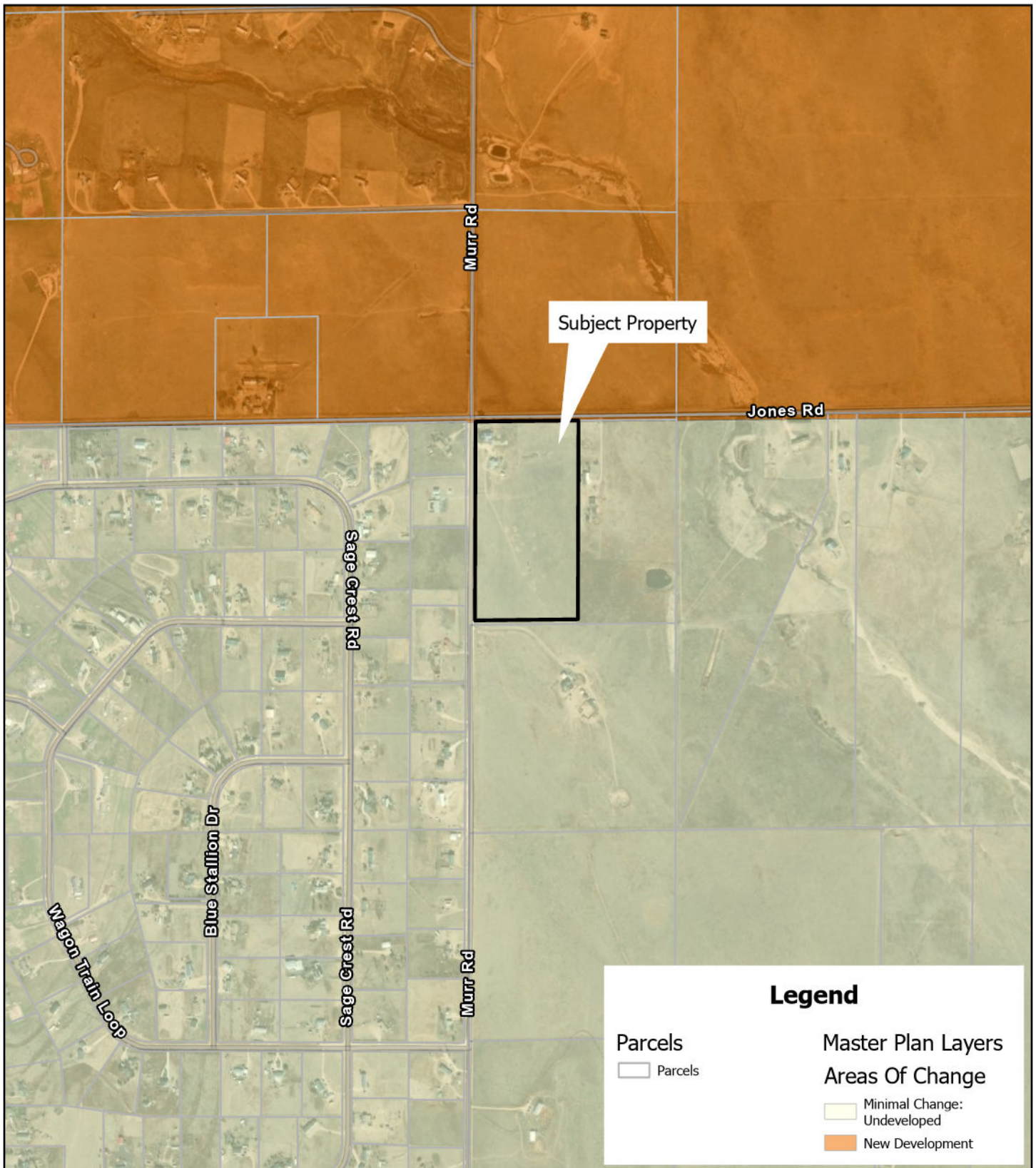
File No. SF2141

Map Series No. 3



0 0 0.1 0.2 Miles





# Areas of Change Map



## **LETTER OF INTENT**

### **OHANA ACRES**

#### **Owner and Applicant:**

G & D Hammann Ohana Trust  
Gary L. Hammann, Trustee  
Darlene C Noel-Hammann, Trustee  
17825 Jones Road  
Peyton, CO 80831

#### **Engineering:**

Jim Allison Engineering  
4245 Log Rd  
Peyton, CO 80831

#### **Surveying:**

Compass Surveying & Mapping  
3253 W Carefree Circle  
Colorado Springs, CO 80917

#### **Site Location Size and Zoning**

The proposed minor subdivision to be known as "Ohana Acres" is currently listed as Lot 1 VIL Filing No.1 and is located in the NW ¼ of the NW ¼, Section 30 Township 13 South, Range 63 West, 6<sup>th</sup> P.M. in El Paso County, Colorado. The property has El Paso County Tax Schedule Number 3330001001. The current address of the site is 17825 Jones Road, Peyton, Colorado. The northern portion of the site is developed with a single residence, detached garage, barn and storage shed. It has a gravel driveway from Murr Road and has a well and septic system. The site is presently 19.31 acres and is currently zoned RR-5 (Rural Residential). The site is bordered by Murr Road to the west and Jones Road to the north and is on a section line (Murr Road). Adjacent properties to the west are part of the Blue Sage Subdivision and are 2.5 acre lots. The property to the north is zoned A-35 and is currently vacant. The property to the east is a 19.28 acre lot zoned RR-5 with a single family residence and two out-buildings. The property to the south is a 40.46 acre lot with a single family residence with out-buildings and is zoned A-35.

#### **Request**

The request is for approval for a minor subdivision for the Hammann Family named Ohana Acres, containing a total of 19.31 acres. The proposed minor subdivision will create four lots with Lot 1 being 5.0582 acres, Lot 2 is 4.7512 acres, Lot 3 is 4.7508 acres and Lot 4 is 4.7501 acres. Lot sizes meet the county requirements of 4.75 acres per lot along a county road and/or section line (Murr Road).



- Lot 1 -5.0582 acres, which has an existing home, detached garage, barn and storage shed, will retain its existing driveway. All buildings meet set back requirements on all sides. The proposed lots (Lot 2 – 4.7512 acres, Lot 3 – 4.7508 acres and Lot 4 – 4.7501 acres) and future buildings will fit into the existing neighborhood as it is surrounded by lots and a subdivision that is zoned Rural Residential and ranges from RR-2.5 in Blue Sage Subdivision to the west, RR-5 on the eastern boundary and A-35 on the north and south. The proposed subdivision will be consistent with the design, engineering, and surveying of the El Paso County Land Development Code 4.75: *In the event that the land to be portioned, platted, sold on zoned abuts a section line county road, the minimum lot area for lots abutting the road shall be 4.75 acres and minimum width shall be 165 feet.* (Reference Table 5-4, page 150, Density & Dimensional Standards for Agricultural Residential & Special Purpose Districts has been included as Attachment 1. The proposed Minor Subdivision also meets the requirements of El Paso County Land Development Code 7.2.1 as it is *a division of land of 4 or fewer lots that do not discernibly impact surrounding properties, environmental resources or public facilities.*

### **Preliminary Plan Summary**

The development standards and layout for four detached single-family residential lots, to eventually be occupied by the family of Gary and Darlene Hammann, with driveway access off of Murr Road.

### **Land Use**

The minimum lot size will be 4.75 acres with Lot 1 being larger (5.0582 acres). Lots will have easements for public drainage, utilities, access and private open spaces (within lot yards). Owners will pay, if applicable, park fees in lieu of providing shared or public open fees.

Future permitted and accessory single-family uses include single-family detached dwellings and accessory buildings (per LDC – Chapter 5, Table 5-1 and 5-2 allowances)

### **Lot Dimensional Standards**

Typical lots have been planned to meet the following dimensional standards:

- Minimum lot size: 4.75 Acres
- Maximum Height: 35 feet
- Setbacks: Front yard: 25 feet  
Side Yard: 25 feet  
Rear Yard: 25 feet

### **Public Services and Utilities**

- Water Service – Individual wells
- Waste Water – Individual on-site septic
- Electric Service – Mountain View Electric Association
- Fire Protection – Falcon Fire Protection District
- Police Protection – El Paso County Sheriff's Department
- Public School – El Paso County School District 49



- Library Services – Pikes Peak Library District
- Roads – El Paso County Road & Bridge

### **Traffic Generation**

The development is expected to generate a total of 28 trips per day (Average weekday trips ends) and 3 trips in the peak hour based on 9.44 trips per unit for Single Family Detached Housing (according to Trip Generation, 10<sup>th</sup> Edition, 2017 by Institute of Transportation Engineers). This number of trips is below the County threshold of 100 trips per day or 10 trips during the peak hour. Therefore, a Transportation Impact Study (TIS) is not required for the project. This development is subject to fees established by the El Paso County Road Impact Fee Program per El Paso County Resolution Number 19-471. Traffic Impact Fees will be paid at time of building permit.

### **Water Resources**

The proposed development will have water supplied from individual residential walls. (State Water Report included as Attachment 2)

- As required, a sufficient water supply has been acquired from the Colorado Groundwater Commission in terms of quantity, quality and dependability for the four lots in Ohana Acres. Lot 1, has an existing alluvial well with permit number 53486 that will be replaced according to the Groundwater Evaluation from Groundwater Investigations LLC. The four new wells are addressed under Groundwater Commission Determination No. 3714BD.

### **Drainage Report**

Drainage Report by Allison Engineering has been submitted with application.

The property consists of unplatted land to be eventually be developed into four residential lots (RR-5 zoning). Site is within the Haegler Ranch drainage basin (and DBPS). The proposed development is in general conformance with the DBPS and will not negatively affect downstream drainage. The existing project site generally slopes from west to east with less than 10% slope. There is a small portion that slopes from east to west along Murr Road with less than 3% slope. The historical drainage patterns will be generally maintained.

The developed runoff from the project will generally be collected by means of roadside ditches located on Murr Road and private driveways.

Detention and water quality facilities are not required for the project as the development consists of RR-5 lots and no public roadway.

### **Wildfire Hazard and Mitigation**

Ohana Acres is outside the wildland urban interface zone and is not in the mapped Wildfire Susceptibility index (very-high or moderate to very-high) zones.

According to the site planning and maintenance with defensible zones, each residential site will be encouraged to address the principals of protection zones within this grassland environment with the goal of reducing dense and tall landscapes materials within the initial 15' zone around structures. This would include thinning and branching-up of existing trees and ground plain materials.

Mitigation efforts can be reviewed in the EPC Community Wildlife Protection Plan for Unincorporated El Paso County, with reference to Forest Action Plan, provided by the Colorado State Forest Services.

#### **Falcon Fire Department District Commitment Letter**

Ohana Acres is in the Falcon Fire Protection District. Fire Chief Trent Harwig confirmed on May 31, 2019 that service will be provided subject to the following conditions:

- All new construction, renovations or developments within the Fire Department's jurisdiction must comply with the applicable fire code and nationally recognized life safety standards adopted by the El Paso County Board of County Commissioner and the Fire Department's Board of Directors, as amended from time to time.
- All development, water and commercial construction plans must be reviewed and approved by the fire department for compliance with the applicable fire code and nationally recognized life safety standards prior to final plat or construction permit being issued
- All new development projects access shall meet the fire code and nationally recognized standards' pertaining to fire apparatus access.

#### **Electric Provider Commitment**

Ohana Acres Subdivision is located within the Mountain View Electrical Association service area. MVEA confirmed on February 06, 2019 with the request of a ten foot front, side and rear lot utility easement, along with a twenty foot exterior utility easement on the plat and all tracts. They also request all existing facilities with easements on plat(s) be included. All new electric will be underground.

#### **Natural features**

##### **Wildlife**

Wildlife impacts are expected to be generally low based on review of the EL Paso County Wildlife Descriptions Map. Additional wildlife impacts may be identified by other entities with wildlife jurisdiction.

##### **Floodplain**

According to FEMA maps, there is a small portion in the northeast corner of Lot 1 within Area AE, special flood hazard areas with base flood elevations and zone x, 0.2% annual flood average. This area does not affect any of the existing structures on Lot 1 and is labeled a NO BUILD zone. The rest of the property is located outside the 100 year floodplain as determined by the Firmette map created April 20, 2021 and included with this application.

##### **Vegetation**

Topographically the site is gently rolling terrain with overall slopes of less than 10%. The entire site consist of native grasses and weeds.



### **Noxious Weeds**

Reference to the El Paso County Weed Mitigation Plan, weed management for Ohana Acres includes both prevention and mitigation. The owners have adhered to this for the 26 years they have owned the property.

### **Justification**

Ohana Acres is in conformance with goals, objectives and policies of the Master Plan and the Land Development Code established by El Paso County. The RR-5 lots meet the density and dimensional standards set by the Land Development Code, Chapter 5, Page 150 *In the event that the land to be portioned, platted, sold on zoned abuts a section line county road, the minimum lot area for lots abutting the road shall be 4.75 acres and minimum width shall be 165 feet.* All lots are at least 4.75 acres with a width of at least 300 feet.

Ohana Acres does not include open spaces, but will pay applicable park fees in lieu of providing open space.

Ohana Acres generally conforms to the goals, objectives and policies of the master plan which includes the El Paso Master Plan and County Policy Plan or reason stated below:

- Finding of Master Plan conformity regarding land use and densities have been made in support of the adjacent development (Blue Sage Subdivision). This application remains consistent with those findings; and with the following policies from the El Paso Master Plan, County Policy Plan and County Water Master Plan.

Ohana Acres would promote the rural residential character of eastern El Paso County and satisfy the following policies of the County Policy Plan:

- Policy 6.1.3: Encourage new development with is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access. ♣ The development is projected to have the densities as the Blue Sage Subdivision (RR-2.5, with Ohana Acres being RR5) within the large lot residential place type.
- Policy 6.1.11: Plan and implement land development, so that it will be functionally and aesthetically integrated within the context of adjoining properties. ♣ The development is projected to implement aesthetic integration in terms of matching existing conditions of Murr Road and said Large-Lot residential developments. ♣ Access to lots will be permitted driveways off of Murr Road, as are lots in Blue Sage Subdivision along Murr Road.

The subdivision is consistent with the purposes of this Code; the preliminary plan is consistent with the purposes of this Code which include development procedures and standards intended to promote safe and orderly development of land and the placement of land uses in relation to existing and predicted patterns of growth and availability of necessary services.

The subdivision is in conformance with the subdivision design standards and any approved sketch plan; the subdivision conforms with the subdivision standards of the Code.

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. Water will be supplied by individual wells. Ownership of water rights and availability paperwork is included with this Letter of Intent as Attachment 2.

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; Wastewater will be provided by way of individual on-site septic/wastewater systems. Reference the Soil and Geology Report, prepared by Allison Engineering.

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)]

Soils and geologic hazards and constraints including floodplain have been identified on the preliminary plan. The soils and geology report has not identified any hazards or constraints that would preclude development of the site. The subdivision has been designed to avoid and minimize impacts to identified hazard and/or constraint conditions.

Adequate drainage improvements complying with State law [C.R.S. § 30-28- 133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design; Drainage improvements have been designed to adequately convey, store, treat, and release historic and developed flows onto and through the site.

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; The public improvements (on-site and off-site) have been designed and sited to adequately serve the needs and mitigate the impacts of the development, including, roads, utilities, drainage facilities.

Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM; legal access is provided to the subdivision via private driveways off of Murr Road.

The proposed subdivision has established an adequate level of compatibility by incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; the subdivision has been designed to minimize impact to natural features such as the noted floodplain. The Code does not have open space requirements for rural density subdivisions and no common open space is provided. Lots are large enough to provide private open spaces within each individual lot.



*Does the plan incorporate 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?*

The site has been designed to provide required public services and infrastructure (transportation/utilities) consistent with rural large lot development standards.

*Does the plan incorporate physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses?*

The plan reflects the standard transitions and buffers consistent with the EPC planning criteria.

*Does the plan incorporate identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design?*

Environmentally sensitive features have been identified on the preliminary plan and designated as no-build areas.

*Does the plan incorporate public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities?*

The subdivision improvements (road, utility, storm water) have been planned to meet the demand of the subdivision and not negatively impact level of service for county services and facilities. Appropriate bridge, drainage, park, school, and traffic fees will be paid at the time of final plat recordation.

*Are necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision?*

Services have been reviewed with identified providers and related commitment letters have been provide with this application.

The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and the fire protection requirements for access and water supply for fire suppression have been provided. Specific recommendations and requirements of the Falcon Fire Protection District will be incorporated into the design including required public improvements necessary for fire protection.

Submitted by:

Gary Hammann, Owner  
(719) 650-5952

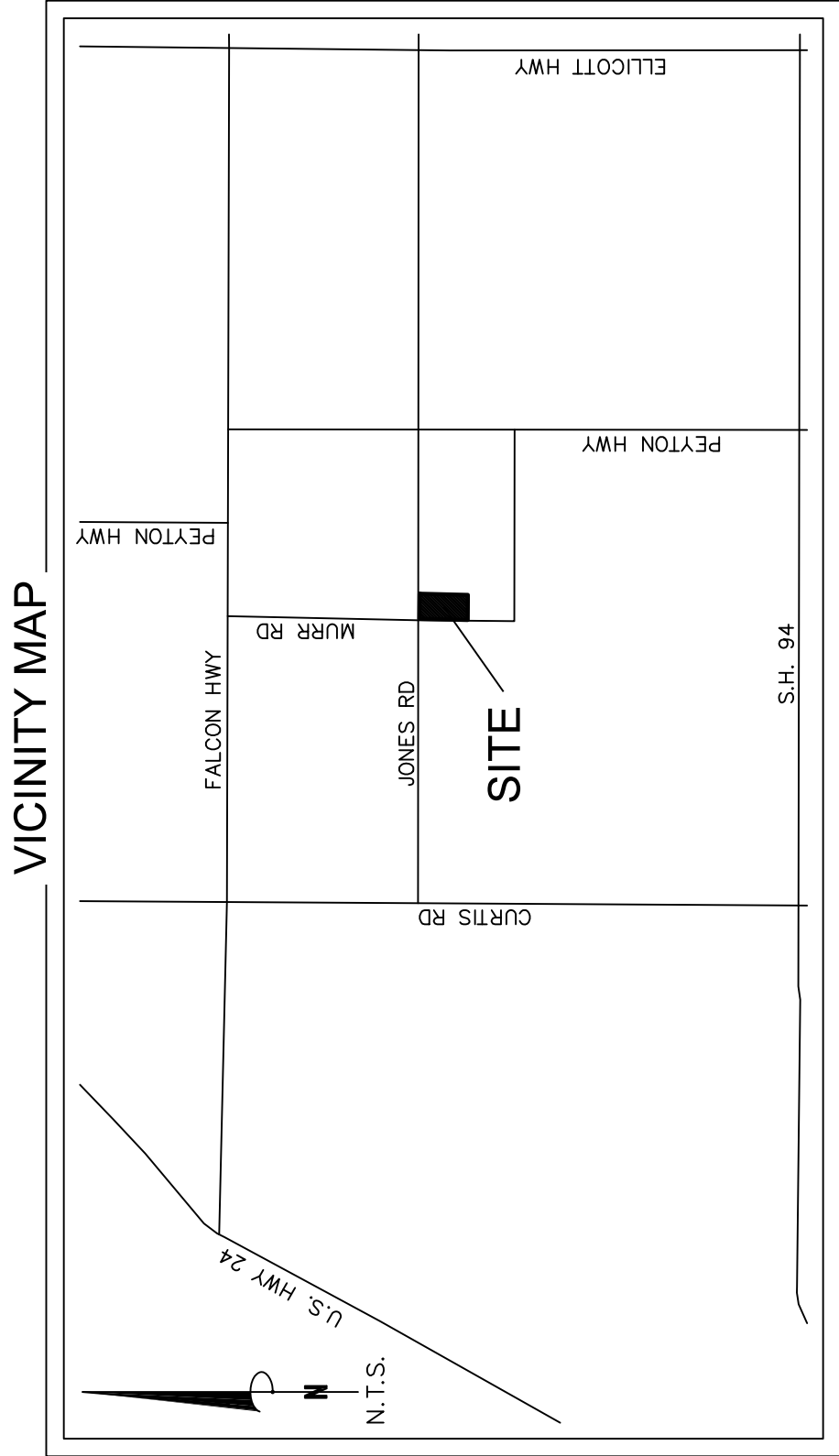
gary.hsquared@gmail.com

 04-03-2024



FINAL PLAT  
OHANA ACRES

A VACATION AND REPLAT OF LOT 1, V I L FILING No. 1,  
LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 30,  
TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO



FLOOD PLAIN CERTIFICATION:

According to the National Flood Insurance Program, Flood Insurance Rate Map Panel 08041C07590G with an effective date of December 7, 2018, the subject property is located in Zone A, 100-year floodplain. Draft model backed BFEs and floodplain extents for this area have been developed as part of Phase 1 for the ongoing El Paso County, CO, Risk MAP Project. The data has been reviewed and approved through FEMA's QA/QC process (May 11, 2022) and is currently in the MIP (Case No. 19-08-0037s). The Phase 1/Base Level Engineering outputs and Zone A ready deliverables are, under the following folder: K:/FZ2019/19-08-0037S/Discovery - BLE - El Paso and Teller Counties, CO - FY18 - 04/Discovery Data Capture - Discovery Data Capture - El Paso and Teller Counties, CO - 01/El Paso\_Discovery\_1. Floodplain extents and Base Flood Elevations (BFEs) shown hereon include both current effective and CWCB Phase 1 data.

NOTES:

- 1)
  - — Denotes found #4 rebar and plastic cap marked, PLS 18465, flush with ground.
  - o — Denotes set 5/8"x18" rebar and 1 1/4" plastic cap marked PLS 32439, flush with ground.(17825) — Denotes street address.
- 2) This survey does not constitute a title search by Compass Surveying & Mapping, LLC to determine ownership or easements of record. For all information regarding easements, rights of way and title of record, Compass Surveying & Mapping, LLC relied upon a Commitment for title insurance prepared by Stewart Title Insurance Company, Commitment No. 1470767 with an effective date of October 25, 2021 at 8:00 AM.
- 3) Basis of bearings is the east line of the property, monumented as shown and assumed to bear South 1 degree 18 minutes 35 seconds West, 1274.72 feet.
- 4) This property is located within Zone A (1% annual chance flood (100-year flood), no base flood elevations determined) and Zone X (areas determined to be outside the 0.2% annual chance floodplain) as established by FEMA per FIRM panel 08041C0590G, effective date, December 7, 2018. The approximate flood zone boundary is shown hereon by map measure only. The highest adjacent grade to the floodplain is 6417.8.
- 5) Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event shall the action based upon this survey be commenced more than ten years from the date of the certification shown hereon.
- 6) The linear units used in this drawing are U.S. Survey feet.
- 7) The approval of this replat vacates all prior plats for the area described by this replat.
- 8) No driveway shall be established unless an access permit has been granted by El Paso County.
- 9) All structural foundations shall be located and designed by a Professional Engineer, currently registered in the State of Colorado.
- 10) The following reports have been submitted and are on file at the County Planning Department: Soils and Geological study; Water Availability study; Drainage Report; Wildlife Hazard Report; Natural Features Report; Erosion Control Report.
- 11) Public drainage easements as specifically noted on the plat shall be maintained by the individual lot owners unless otherwise indicated. Structures, fences, materials or landscaping that could impede the flow of runoff shall not be placed in drainage easements.
- 12) No lot, or interest therein, shall be sold, conveyed or transferred, whether by deed or by contract, nor shall building permits be issued, until and unless the required public improvements have been constructed and completed in accordance with the subdivision plat and the agreement between the applicant and El Paso County, recorded in Reception No. \_\_\_\_\_, which is sufficient in the judgment of the Board of County Commissioners, to make provision for the completion of said improvements.
- 13) The addresses (17825) exhibited on this plat is for informational purposes only. They are not the legal description and is subject to change.
- 14) There shall be no direct lot access to Jones Road.
- 15) Unless otherwise indicated, all side lot lines are hereby platted on each side with a 5 foot easement for utility easement and drainage easement. The sole responsibility of maintenance is hereby vested in the individual property owners.
- 16) 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, US Army Corps of Engineers and the US Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the listed species (e.g. Prebles Meadow Jumping Mouse).

KNOW ALL MEN BY THESE PRESENTS:

That the G & D Hammann Ohana Trust dated February 18, 2021, being the owner of the following described tract of land to wit:

Lot 1, V I L Filing No. 1, County of El Paso, State of Colorado.

Containing a calculated area of 841,158 square feet (19.3101 acres), more or less.

OWNERS CERTIFICATION:

The undersigned, being all the owners, mortgages, beneficiaries of deeds of trust and holders of other interests in the land described herein, have laid out, subdivided, and platted said lands into a lot and easements as shown hereon under the name and subdivision of OHANA ACRES. 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.

\_\_\_\_\_  
Date

STATE OF COLORADO }  
COUNTY OF EL PASO }

Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_

My commission expires \_\_\_\_\_

Witness my hand and official seal \_\_\_\_\_  
Notary Public

BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

This plat for OHANA ACRES was approved for filing by the El Paso County Board of County Commissioners on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, subject to any notes specified hereon and any conditions included in the resolution of approval.

Previous plat name in entirety is vacated and amended for the areas described by this replat subject to all covenants, conditions, and restrictions recorded against and appurtenant to the original plat recorded in the Office of the El Paso County Clerk in Plat Book H-5, Page 115.

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

\_\_\_\_\_  
Date

DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT CERTIFICATE:

This plat for OHANA ACRES 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 conditions of said to the public (public utility & drainage easements) are accepted, but the 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.

Previous plat name in entirety is vacated and amended for the areas described by this replat subject to all covenants, conditions, and restrictions recorded against and appurtenant to the original plat recorded in the Office of the El Paso County Clerk in Plat Book H-5, Page 115.

\_\_\_\_\_  
Director of Planning and Community Development

\_\_\_\_\_  
Date

NOTES (continued):

- 17) Mailboxes shall be installed in accordance with all El Paso County and United States Postal Service regulations.
- 18) The subdividers agree on behalf of him/herself and any developer or builder successors and assigns shall be required to pay traffic impact fees in accordance with the countywide transportation improvement fee (Resolution No. 19-471) as amended 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 sale document's and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

- 19) Pursuant to Resolution \_\_\_\_\_, approved by the Board of Directors, El Paso County Public Improvement District \_\_\_\_\_ and recorded in the records of the El Paso County Clerk and Recorder at Reception Number \_\_\_\_\_, the parcels within the platted boundaries of (subdivision) are included within the boundaries of the El Paso County Public Improvement District \_\_\_\_\_ and as such is subject to applicable road impact fees and mill levy.

- 20) 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 sources should be identified and developed to meet the water needs of the subdivision and provides future generations with a water supply. Water withdrawal and wells are subject to limitations, restrictions and augmentation requirements and responsibilities as found within the Covenants for this subdivision recorded in Reception No. \_\_\_\_\_ of the Office of the El Paso County Clerk and Recorder and the terms of the water court approved water augmentation plan.

SURVEYOR'S CERTIFICATION:

I, Mark S. Johannes, 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 the date of survey shown hereon, by me or under my direct supervision and that all monuments exist as shown hereon; that mathematical closure errors are less than 1:10,000; and that said plat has been prepared in full compliance with all applicable laws of the State of Colorado dealing with monuments, subdivisions, and surveying of land and all applicable provisions of the El Paso County Land Development Code.

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

Mark S. Johannes  
Colorado Professional Land Surveyor No. 32439  
For and on behalf of Compass Surveying and Mapping, LLC

FEES:

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

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

RECORDING:

STATE OF COLORADO }  
COUNTY OF EL PASO }

I hereby certify that this instrument was filed for record in my office at \_\_\_\_\_ o'clock

\_\_\_\_\_, M., this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, A.D., and is duly recorded under Reception No. \_\_\_\_\_ of the records of El Paso County, Colorado.

STEVE SCHLEIKER, RECORDER

BY: \_\_\_\_\_ Deputy

SURCHARGE: \_\_\_\_\_

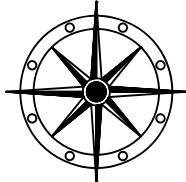
FEE: \_\_\_\_\_

PCD FILE NO.: SF-21-041

REVISIONS:

1	3/02/22	County comments.
2	8/29/23	County comments.
3	11/09/23	Add basin outfall locations.
4	1/29/24	Add basin delineation line, label basins.
5	1/31/24	Add basin outfall locations.
6	4/23/24	Add Floodplain Certification and BFE locations.

PROJECT No. 18196  
AUGUST 10, 2021  
SHEET 1 OF 2

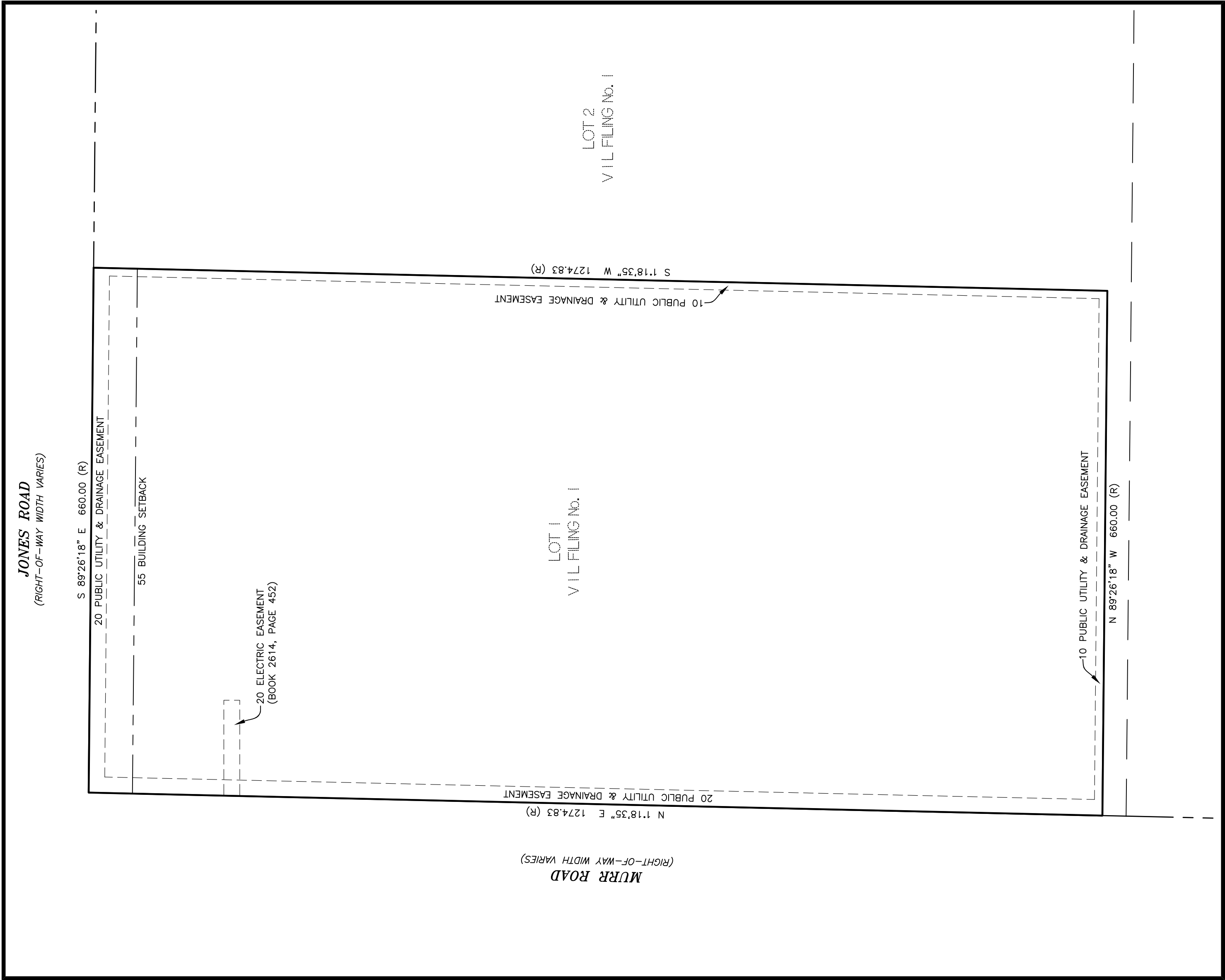


COMPASS SURVEYING & MAPPING, LLC  
3253 WEST CAREFREE CIRCLE  
COLORADO SPRINGS, CO 80917  
719-3544120  
WWW.CSAMLIC.COM

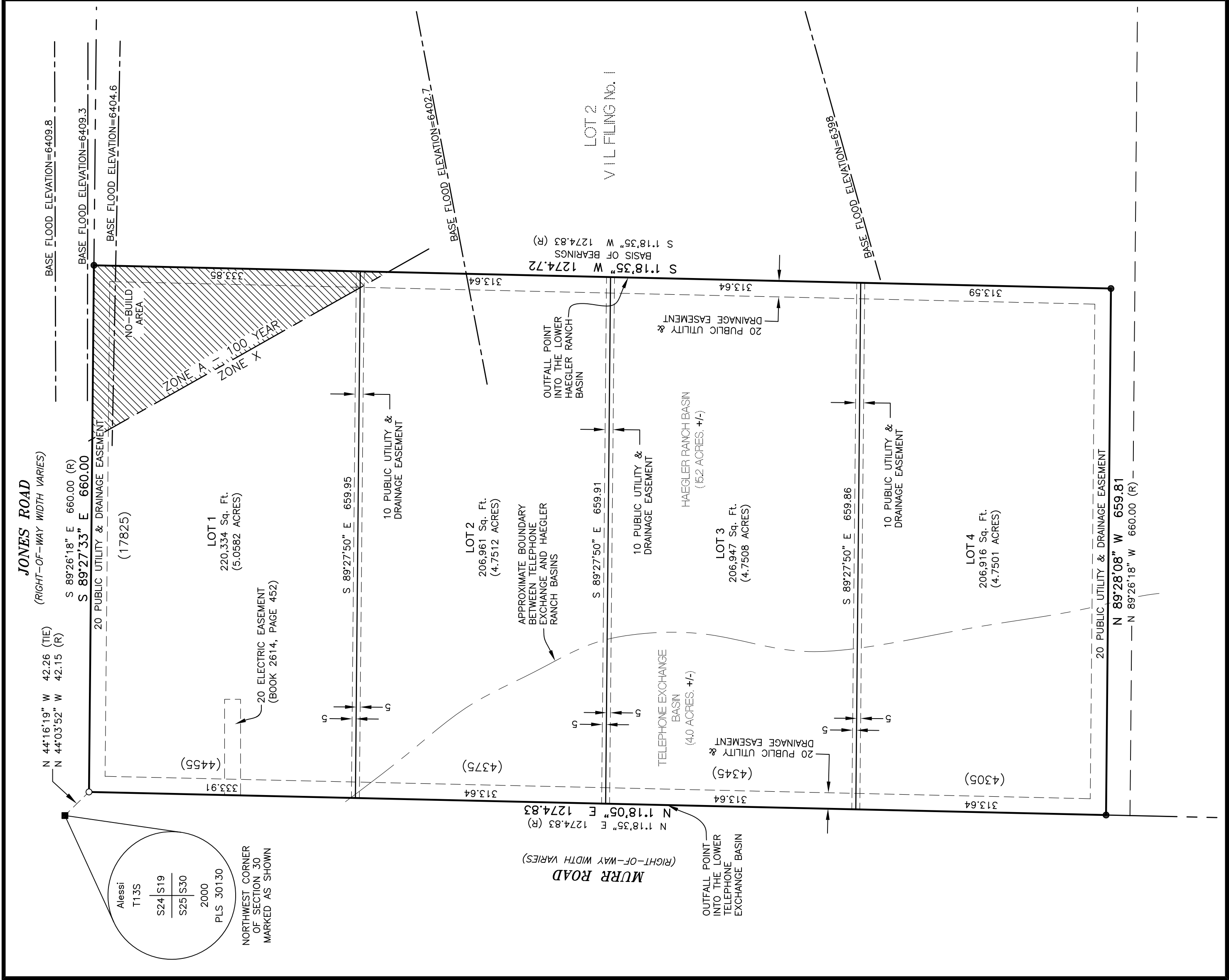
FINAL PLAT  
OHANA ACRES

A VACATION AND REPLAT OF LOT 1, V I L FILING No. 1  
LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 30,  
TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO

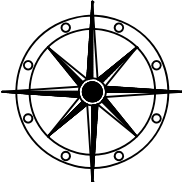
AS PLATTED



AS REPLATTED



COMPASS SURVEYING & MAPPING, LLC  
3253 WEST CAREFREE CIRCLE  
COLORADO SPRINGS, CO 80917  
719-3544120  
WWW.CSAMLLC.COM



REVISIONS:	
1	3/02/22 County comments.
2	8/29/23 County comments.
3	11/09/23 Add basin outfall locations.
4	1/29/24 Add basin delineation line, label basins.
5	1/31/24 Add basin outfall locations.
6	4/23/24 Add Floodplain Certification and BFE locations.

PROJECT No. 18196  
AUGUST 10, 2021  
SHEET 2 OF 2

PCD FILE NO.: SF-21-041

## County Attorney

**Kenneth R. Hodges, County Attorney**  
719-520-6485  
Centennial Hall  
200 S. Cascade, Suite 150  
Colorado Springs, CO 80903  
www.ElPasoCo.com

**Board of County Commissioners**  
Holly Williams, District 1  
Carrie Geitner, District 2  
Stan VanderWerf, District 3  
Longinos Gonzalez, Jr., District 4  
Cami Bremer, District 5

June 21, 2024

SF-21-41      Ohana Acres

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 Ohana Acres, a minor subdivision application by G & D Hammann Ohana Trust, Hamman Gary L. Trustee and Noel-Hammann Darlene C. Trustee ("Applicant") for a 4-lot subdivision on 19.31 acres (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 is 2.0 acre-feet/year which includes irrigation of a fourth of an acre and stock watering of 2 heads per lot. Based on this total demand, Applicant must be able to provide a supply of 600 acre-feet of water (2.0 acre-feet per year x 300 years) to meet the County's 300-year water supply requirement.

#### Proposed Water Supply

3. The Applicant has provided for the source of water to derive from up to four (4) wells withdrawing from the not-nontributary Arapahoe aquifer as provided in Determination of Water Right No. 3714-BD ("Determination"). The Determination allocates 755 acre-feet (7.55 acre-feet per year based on a 100-year aquifer life or 2.51 acre-feet per year based on El Paso County's 300-year aquifer rule) of Arapahoe aquifer water to be used for in-home, lawn and gardens, domestic animals, commercial, agricultural, stock and replacement. At least four percent (4%) of the amount of the underlying water withdrawn annually must be returned to the uppermost aquifer in the vicinity. The

#### **ASSISTANT COUNTY ATTORNEYS**

NATHAN J. WHITNEY  
CHRISTOPHER M. STRIDER  
**PC Report Packet**  
**Page 26 of 31**

STEVEN A. KLAFFKY  
TERRY A. SAMPLE

LORI L. SEAGO  
DOREY L. SPOTTS

BRYAN E. SCHMID  
STEVEN W. MARTYN

MERI GERINGER  
ERIKA KEECH

allowed annual amount of water to be withdrawn shall not exceed 2.51 acre-feet pursuant to the determination.

#### State Engineer's Office Opinion

4. In a letter dated April 3, 2024, the State Engineer stated that “[e]ach lot will be served by a proposed individual on lot well withdrawing the allocation for the Arapahoe aquifer approved in Determination of Water Right No. 3714-BD.” The allowed average annual amount of withdrawal provided for in Determination of Water Right no. 3714-BD is 2.51 acre-feet with at least four percent (4%) of the amount of the underlying water withdrawn annually returned to the uppermost aquifer in the vicinity.

Finally, the State Engineer stated that, “... 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.”

#### Recommended Findings

5. Quantity and Dependability. Applicant's water demand for Ohana Acres is 2.0 acre-feet per year for a total demand of 600 acre-feet for the subdivision for 300 years. The Determination allows for one or more wells necessary to meet the needs of this subdivision, limited to an annual withdrawal of 0.62 acre-feet per well for up to 4 wells, for a total of up to 2.51 acre-feet. **Based on the water demand of 2.0 acre-feet/year for Ohana Acres and the Determination permitting withdrawals in excess of that amount, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for Ohana Acres.**

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 June 13, 2018, the Water Supply Information Summary, the State Engineer's Office Opinion dated April 3, 2024, Determination of Water Right No. 3714-BD entered on June 26, 2019. 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. 3714-BD, specifically,

that water withdrawn from the Arapahoe aquifer shall not exceed 2.51 annual acre-feet for 300 years. At least four percent (4%) of the allowed amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point of withdrawal.

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

C. Applicant shall create restrictive covenants upon and running with the property which shall advise and obligate future lot owners of this subdivision and their successors and assigns regarding all applicable requirements of Determination of Water Right No. 3714-BD, including the limitations on diversions and use of water for each well and lot, the requirement to meter and record all well pumping, and information on how records are to be recorded.

Covenants shall address the following:

1) Identify the water rights associated with the property. The Covenants shall reserve at least 600 acre-feet of not-nontributary Arapahoe aquifer water pursuant to Determination of Water Right No. 3714-BD to satisfy El Paso County's 300-year water supply requirement for the four (4) lots of Ohana Acres. The Covenants shall further identify that 150 acre-feet (0.5 acre-feet/year) of Arapahoe aquifer water is allocated to each lot. Said reservations shall not be separated from transfer of title to the property and shall be used exclusively for primary water supply.

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

3) Require reserve return flows. The Covenants shall require each lot owner return at least four percent (4%) of the amount of water withdrawn annually to the uppermost aquifer in the vicinity of the permitted points of withdrawal. Determination of Water Right No. 3714-BD does not specify the manner in which the return flows are generated or applied. The Covenants shall 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. Lot owners must follow all applicable laws, rules, regulations, court orders, and permit conditions related to return flows."

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. 3714-BD 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 future lot owners of this subdivision and their successors and assigns of their responsibility for any metering and data collecting that may be required regarding water withdrawals from existing and future wells in the Arapahoe aquifer.

6) Require well permits. The Covenants shall require that well permits be obtained pursuant to the requirements of Determination of Water Right No. 3714-BD and C.R.S. § 37-90-137(4) and (10).

7) 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 Ohana Acres pursuant to Determination of Water Right No. 3714-BD. 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.”

8) 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. 3714-BD 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 entire property Arapahoe aquifer water in the decreed amount of at least 600 acre-feet (150 acre-feet per 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 Arapahoe aquifer water rights at the time of lot sales. Specifically, Applicant and future lot owners shall convey sufficient water rights in the Arapahoe aquifer underlying the respective lots to satisfy El Paso County's 300-year water supply requirement.

Any and all conveyance instruments shall also recite as follows:

For the water rights and return flows conveyed for the primary supply (Arapahoe 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 Ohana Acres. 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. 3714-BD 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 Right No. 3714-BD, agreements, assignments, and warranty deeds regarding the water rights, and Declaration of Covenants in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

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

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

"Water in the Denver Basin aquifers is allocated based on a 100-year aquifer life; however, for El Paso County planning purposes, water in the

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

J. Prior to recording the final plat, Applicant shall submit proof that existing well 53485-A has been plugged and abandoned.

cc: Kylie Bagley, Project Manager, Planner

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. SF2141

OHANA ACRES

WHEREAS, G & D Hammann Ohana Trust did file an application with the El Paso County Planning and Community Development Department for approval of a Final Plat for the Ohana Acres Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on August 1, 2024; 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 ("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 Engineering Criteria Manual ("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 Code.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of G & D Hammann Ohana Trust for approval of a Final Plat for the Ohana Acres 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. Drainage fees in the amount of \$12,154.77 and bridge fees in the amount of \$2,391.92 shall be paid for the Haegler Ranch Drainage Basin at the time of final plat recordation.
9. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 6/21/2024, 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
Bryce Schuettpelz	aye / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / absent

The Resolution was adopted by a vote of \_\_\_\_ to \_\_\_\_ by the El Paso County Planning Commission, State of Colorado.

DONE THIS 1st day of August 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

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

EXHIBIT A

Lot 1, V I L Filing No. 1, County of El Paso, State of Colorado.

Containing a calculated area of 841,158 square feet (19.3101 acres), more or less.