

EL PASO COUNTY



COLORADO

COMMISSIONERS:
 STAN VANDERWERF (CHAIR)
 CAMI BREMER (VICE-CHAIR)

LONGINOS GONZALEZ, JR.
 HOLLY WILLIAMS
 CARRIE GEITNER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Planning Commission
 Brian Risley, Chair

FROM: Nina Ruiz, Planning Manager
 Jeff Rice, PE Engineer III
 Craig Dossey, Executive Director

RE: Project File #: MS-20-002
 Project Name: Dwire Minor Subdivision
 Parcel No.: 53000-00-552

OWNER:	REPRESENTATIVE:
DL Holdings, LLC 6799 Bismark Road, Suite A Colorado Springs, Colorado 80918	M&S Civil Consultants, Inc. 102 East Pikes Peak Avenue, Suite 500 Colorado Springs, Colorado 80903

Commissioner District: 2

Planning Commission Hearing Date:	5/6/2021
Board of County Commissioners Hearing Date	5/25/2021

EXECUTIVE SUMMARY

A request by DL Holdings, LLC, for approval of a minor subdivision to create one (1) industrial lot and three (3) tracts for detention and floodplain. The 19.36-acre property is zoned I-3 (Heavy Industrial) and CAD-O (Commercial Airport District Overlay) and is located at the northernmost terminus of Capitol Drive, approximately 0.2 miles northeast of the Industry Road and Marksheffel Road intersection and is within Section 28, Township 13 South, and Range 65 West of the 6th P.M. The property is not included within the boundaries of a small area plan.

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by DL Holdings, LLC, for approval of a minor subdivision to create one (1) industrial lot and three (3) tracts for detention and floodplain.

Waiver(s)/Deviation(s): The following waiver of the El Paso County Land Development Code (2019) (LDC) is requested with the proposed subdivision.

- A waiver Section 8.6.2, Responsibility for Road Construction, of the LDC is requested due to the physical inability to construct road improvements for Capital Drive without the necessary right-of-way. Capital Drive is classified as an urban non-residential collector, currently constructed as a half-section of that classification. The west half of the right-of-way (40 feet) was platted, dedicated, and constructed with Marksheffel Industrial Park at the time of subdivision (1985), and the east half has not yet been dedicated. Half-roadway construction was allowed at the time of County acceptance of the roadway improvements, with the expectation that the adjoining property owner(s) would be required to complete the other half at the time of development. The parcel on the east side of Capital Drive has never been platted and was annexed into the City of Colorado Springs in 2014. As described in the Transportation section below, the City annexation agreement with that owner requires the owner to provide right-of-way and construct improvements to Capital Drive at the time of further development of that parcel.

The applicable sub-sections of Section 8.6.2 of the LDC are addressed as follows:

- a) Road Construction to Conform to this Code and ECM. Roads shall be constructed in conformance with the roadway standards specified in this Code, the ECM, related technical documents, and other applicable County standards, regulations, and ordinances. The County requirements regarding roadway functional classification, roadway design criteria, and access criteria are included in Chapter 2 of the ECM.

The request has been made because the right-of-way to construct the necessary improvements is not available, therefore, the applicant cannot construct the improvements.

- b) Capital Cost of Adequate Transportation Facilities. Capital costs for new roadway systems and transportation system improvements directly

assignable to the needs generated by the division of land shall be paid by those who would benefit.

The applicant cannot construct the necessary roadway improvements. Instead they propose to provide a fair and equitable monetary contribution toward the road construction via an escrow account.

- c) Construction of Required Road Improvements. The owner is responsible for construction of the road and related improvements necessary to serve the division of land and connect the division of land to existing roads, which may include but are not limited to curbs, gutters, sidewalks, roads, traffic control devices, drainage facilities, drainage structures and trails.

Again, because the applicant cannot construct the necessary roadway improvements due to the lack of right of way, they propose to provide a fair and equitable monetary contribution toward the road construction via an escrow account.

Authorization to Sign: Final Plat, Subdivision Improvements Agreement, Detention Pond Maintenance Agreement and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

In approving a minor subdivision, the BoCC shall find that the request meets the preliminary plan and final plat criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2019):

Preliminary Plan Criteria for Approval:

- 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 in conformance with the subdivision design standards and any approved sketch plan;
- 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;
- 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
- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

Final Plat Criteria for Approval:

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the approved preliminary plan;
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;

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

D. LOCATION

North: City of Colorado Springs	Vacant
South: I-3 (Heavy Industrial)	Industrial
East: M (Industrial)	Industrial
West: I-3 (Heavy Industrial)	Vacant

E. BACKGROUND

The subject property was zoned A-4 (Agricultural) on September 21, 1965, when zoning was first initiated for this portion of El Paso County (Resolution No. 434870). Due to changes in the nomenclature of the Land Development Code, the A-4 zoning district has been renamed as the RR-5 (Residential Rural) zoning district. The property was rezoned in 1982 to the PHID (Planned Heavy Industrial) zoning district (PCD file no. PHI-82-002). Due to changes in the nomenclature of the Land Development Code, the PHID zoning district has been renamed as the I-3 (Heavy Industrial) zoning district. The 19.36-acre metes and bounds parcel was created by deed on November 17, 2005, outside of the County subdivision process and is, therefore, considered an illegal division of land.

A Notice of Violation was sent to the property owner on September 16, 2019 for operating a contractor’s equipment yard without site development plan approval. An Early Assistance meeting was held on October 9, 2019 to discuss the process of legalizing the illegal division of land as well as to bring the existing contractor equipment yard into compliance with approval of a site development plan. The site development plan and minor subdivision applications were received on March 5, 2020. The site development plan may not be approved without prior approval of the proposed minor subdivision.

F. ANALYSIS

1. Land Development Code Compliance

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 (2019) with exception to those sections that are discussed in greater detail in the waivers listed above,

2. Zoning Compliance

The subject parcel is zoned I-3 (Heavy Industrial). The I-3 zoning district is intended to accommodate manufacturing and industrial uses, which may include related outside storage of raw or finished materials. The density and dimensional standards for the I-3 zoning district are as follows:

- Minimum lot size – 1 acre
- Setbacks – 30 feet on all sides*, **
- Maximum lot coverage- 25 percent
- Maximum building height – 40 feet ***

* Minimum building setback distance from any adjoining residential zoning district boundary is 175 feet. The PCD Director may allow a reduction in the setback where appropriate actions are taken including landscaping, fencing, berms or building design, or where the use can be limited to mitigate potential impacts.

** If the building is established as or converted to condominium units in accordance with Chapter 7 of this Code, the building and lot shall meet the minimum lot area and setbacks, but the individual units are not required to meet the minimum lot area, maximum lot coverage, or setback requirements.

*** The maximum height of any structure is in accordance with the following formula: A plane with a pitch of 2 feet horizontal to one foot vertical beginning at a height of 25 feet above all property lines using the mean property line elevations as the datum.

The applicant is requesting approval of a minor subdivision to divide the parcel into one (1) industrial 6.887-acre lot and three (3) tracts for floodplain, drainage, and detention. The proposed lot exceeds the one (1) acre minimum lot size requirement. A site development plan is under concurrent review and will need to depict compliance with the dimensional standards of the I-3 zoning district as well

as the General Development Standards included within Chapter 6 of the Code and the requirements of the Engineering Criteria Manual.

3. Policy Plan Analysis

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

Goal 5.1 - Maintain a land use environment which encourages quality economic development that is compatible with surrounding land uses.

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

Policy 6.2.8 - Clearly defined boundaries should be established for large institutional, industrial, and commercial areas and used in order to protect the integrity of established and developing neighborhoods.

The property is surrounded by industrially-zoned parcels. The adjacent 37.9-acre vacant parcel to the east is within the M (Industrial Obsolete) zoning district. The Marksheffel Industrial Park subdivision is located directly to the south of the subject parcel and consists of industrial lots ranging in sizes from 1 to 4 acres within the I-3 (Heavy Industrial) zoning district. Located to the west is a 17.82-acre metes and bounds parcel within the I-3 (Heavy Industrial) zoning district. The proposed minor subdivision will legalize the illegal division of land by creating one (1) 6.887-acre industrial lot and three (3) tracts for drainage, detention, and floodplain. The proposed minor subdivision is compatible with the surrounding uses and lot sizes. The site development plan will ensure the site is functionally and aesthetically integrated within the context of adjoining properties.

The subject parcel is located within an approximately 110-acre industrially zoned area bounded by the vacated Rock Island & Pacific Railroad to the north, Marksheffel Boulevard to the west, and the incorporated boundaries of the City of Colorado Springs to the south and east. Approximately one-quarter (1/4) of a mile to the south, within the City of Colorado Springs, is the Sands residential development. The residential development is buffered from the industrial development by a 3.24-acre drainage tract. The boundaries of the industrial area have been clearly defined.

4. Small Area Plan Analysis

The subject parcel is not within the boundaries of a small area plan.

5. Water Master Plan Analysis

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

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

Goal 1.2 – Integrate water and land use planning.

Goal 3.1 – Promote cooperation among water providers to achieve increased efficiencies on infrastructure.

Policy 4.1.4 – Work collaboratively with water providers, stormwater management agencies, federal agencies, and State agencies to ensure drinking water sources are protected from contamination and meet or exceed established standards.

Policy 6.0.11 – Continue to limit urban level development to those areas served by centralized utilities.

Policy 6.1.2.2 - Encourage and accommodate water conservation practices for existing and new developments.

Policy 6.1.3.1 - Encourage new developments that incorporate water conservation techniques such as xeric landscaping.

Policy 6.4.1.3 – Support efforts by water providers to obtain renewable water supplies through collaborative efforts and regionalization.

Policy 6.4.1.4 – Promote long-term planning by water providers for sustainable water supplies serving new development.

The landscape plan submitted with the concurrently reviewed site development plan proposes to conserve water by leaving certain portions of the property in their natural state. In addition, all areas of the site that are proposed to be disturbed as a result of grading activities related to the construction of the detention pond facility, parking, and office will be reseeded with a drought-tolerant native seed mix. The landscaping proposed on Lot 1 primarily includes the plantings of evergreen type plants, which require minimal irrigation.

The subject properties are located within Region 5, Cherokee Metropolitan District Service Area, which is not expected to experience significant growth in the County by 2060. Specifically, the Plan states:

“Region 5 consists of areas served by the Cherokee Metropolitan District and is not expected to experience significant growth by 2060. But the District could consider expanding water and sewer service to growth areas outside of Region 5. No specific growth map was created for Region 5; these areas are shown on other maps.”

Region 5 has a current water supply of 4,849-acre feet per year and a current demand of 4,396-acre feet per year. The 2040 water supply is projected to be 6,800-acre feet per year and the projected 2040 demand is 6,468-acre feet per year for the Region. By 2060 the projected demand is 9,608-acre feet per year, which may result in a deficit unless the Cherokee Water and Sanitation District obtains additional water rights.

Cherokee Metropolitan District participated in the water provider surveys in conjunction with developing the Water Master Plan. The needs analysis in the Plan states that the District will need to obtain additional water supplies required for the 2040 and 2060 horizons compared to the supplies currently available today. The District’s participation in the planning effort indicates that the District is aware of their future water needs and anticipates adding water supplies incrementally to meet the growing and projected demands.

Cherokee Metropolitan District has provided a water and wastewater commitment letter to serve the development.

Please see the Water section below for a summary of the water findings and recommendations for the proposed development with regard to water quantity, quality, and dependability.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential. The El Paso County Community Service Department, Environmental Services Division, was sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies potential upland 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.

The El Paso County Parks Master Plan (2013) does not depict any parks or trails within the vicinity of the proposed development.

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

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

Please see the Floodplain section below for information regarding the floodplain on the subject parcel.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential.

3. Floodplain

As shown on FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0543G, effective December 7, 2018, a portion of the subject property is located within Zone AE 100-year floodplain, where studied base flood elevations are provided on the FIRM panel. The northwest corner of the property contains the FEMA floodplain from the East Fork Sand Creek sub-tributary channel which is within proposed Tract A, a floodplain and open space tract per plat note no. 23. The Sand Creek sub-tributary and associated floodplain continues from north to south outside the west property boundary. The floodplain is being included within a non-buildable tract which will preclude any development within the floodplain area as well as any storage of materials that could result in a rise in the base flood elevation.

4. Drainage and Erosion

The proposed Dwire minor subdivision is located within the Sand Creek Drainage Basin (FOFO4000), studied in 1996. This basin requires drainage and bridge fees to be paid at the time of final plat recording.

The property generally drains to the southwest into the East Fork Sand Creek sub-tributary channel, which ultimately outfalls into Fountain Creek. A full-spectrum detention (FSD) basin is proposed along the south property boundary to provide detention and water quality for developed areas of the site in accordance with County criteria. A portion of the site drains to the southeast and is conveyed to an offsite full-spectrum detention/water quality pond constructed by the Timberline Landscaping development (PCD file no. PPR-19-042). A portion of the Timberline Landscaping site also drains to the Dwire property and the Dwire full-spectrum detention basin. Drainage and maintenance easements for these cross-lot flows are accounted for in the respective detention basin maintenance agreements. The owner has also obtained an easement for the FSD outfall onto the neighboring property to the west.

Channel improvements have been constructed by others immediately downstream of the proposed FSD outfall and the channel flows into the incorporated boundaries of the City of Colorado Springs property approximately 1,100 feet downstream of the FSD outfall.

The Final Drainage Report for Dwire Storage Yard Filing No. 1 concludes that development of the site “will not adversely affect adjacent or downstream properties.”

Approvals of an erosion and stormwater quality control permit (ESQCP), a grading and erosion control plan, a financial assurance estimate (FAE) and a stormwater management plan (SWMP), all reviewed with the subdivision application, are required prior to grading the site in accordance with the requirements of the El Paso County Engineering Criteria Manual (2019). The associated site development plan for the proposed site improvements is in concurrent review.

5. Transportation

The proposed Dwire Storage Yard Filing No. 1 development is located at the north end of Capital Drive, approximately one-mile northeast of the intersection of Constitution Avenue and Marksheffel Road and 0.2 miles north of the intersection of Industry Road and Capital Drive. Capital Drive is a partially constructed non-residential collector accepted in 1988 as a 24-foot cross-section (half of the 48-

foot non-residential collector paved width) including curb and gutter only on the west side. The existing right-of-way is 40 feet (half of the required 80-foot non-residential collector right-of-way). Access to the development is shared with Timberline Landscaping, the adjacent parcel owner to the east, from the north end of Capital Drive, with a proposed paved public turnaround easement to allow traffic to turn around at the entrance to the sites.

The applicant has requested a waiver from Section 8.6.2, Responsibility for Road Construction, of the Land Development Code, which has also been addressed in the Waiver(s)/Deviation(s) section above in this report. Because the future east half of the Capital Drive right-of-way is within a parcel in the City of Colorado Springs, the applicant is unable to construct the east half of the non-residential collector. The property owner of the future right-of-way is required by their 2014 City annexation agreement ("Capital Annexation No. 1" Ordinance No. 14-92) to construct the east half of Capital Drive and dedicate the necessary right-of-way upon further development of that property that would require approval of a development plan and a final plat by the City. The proposed resolution of this issue is for the applicant to provide their fair share of construction costs in an escrow account, per Recommended Condition of Approval number 11 below. Plat note number 24 also notifies future lot purchasers that the City or County may require improvements to Capital Drive upon further subdivision or a change in use on the platted lot. The applicant's Letter of Intent states that they are agreeable to providing an escrow contribution.

Coincidentally, ownership of the portions of Capital Drive within the unincorporated portion of the County is anticipated to be transferred to the City of Colorado Springs upon completion of the necessary paperwork within the next few months. Title commitment documents enabling the right-of-way transfer have recently been obtained by the El Paso County Department of Public Works. The escrow account for the Capital Drive improvements will be transferred to the City at the same time the right-of-way is transferred.

According to the transportation memorandum submitted with the minor subdivision plat, traffic generated by the Dwire storage yard will be approximately 140 vehicle trips on an average weekday. This value is in conformance with the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP). The existing roads serving the proposed development, including Industry Road connecting to Marksheffel Road, will be adequate with the future Capital Drive widening improvements. The current Capital Drive road width allows for the proposed traffic with the main concern being that if vehicles are parked along the

road, passing vehicles need to take turns passing in those areas. As stated in the applicant's letter of intent, they have contacted a representative of the property to the south (west side of Capital Drive) "to request that their employees and patrons refrain from parking along the west side of Capital Drive," and "respectfully requests El Paso County staff to review the current parking regulations along the west side of Capital Drive."

This subdivision is subject to the El Paso County Road Impact Fee Program (Resolution 19-471), as amended, at the time of final plat recording. Plat note no. 17 states that the property will be included in Public Improvement District No. 2, which will subject the property to a 10-mill levy and a lower road impact fee at the time of building permit approval.

H. SERVICES

1. Water

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: Water is to be provided by the Cherokee Metropolitan District. The State Engineer's Office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office has made a recommendation for a finding of sufficiency with regard to water quantity and dependability, which will be provided at time of hearing. El Paso County Public Health has made a favorable recommendation regarding water quality sufficiency.

2. Sanitation

Wastewater service is provided by Cherokee Metropolitan District. The District has provided a wastewater commitment letter demonstrating adequate capacity to serve the development.

3. Emergency Services

The property is within the Falcon Fire Protection District. A referral was sent to the District. The District did respond and has no objection to the development. The District provided a commitment letter to serve the industrial development.

4. Utilities

Mountain View Electric Association will provide electrical service and Colorado Springs Utilities will provide natural gas service to the development.

5. Metropolitan Districts

The property is within the boundaries of Cherokee Metropolitan District. The District does not have an ad valorem (property tax) mill levy but instead charges rates based upon the amount of water used and wastewater produced.

6. Parks/Trails

Dedication of park land and fees in lieu of park land dedication are not required for industrial developments.

7. Schools

Dedication of school land or fees in lieu of school land dedication are not required for industrial developments.

I. APPLICABLE RESOLUTIONS

Approval Page 19

Disapproval Page 20

J. STATUS OF MAJOR ISSUES

There are no major issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2019) 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.
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 Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The 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.
8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided at the time of final plat recordation.
9. 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.
10. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
11. The Subdivider(s) shall participate in a fair and equitable manner in offsite transportation improvements, specifically the cost of improving Capital Drive to a collector road cross-section.

12. An escrow agreement for the offsite improvements to Capital Drive, as approved by the Planning and Community Development Department Director and the County Attorney's Office, shall be completed at the time of final plat recordation.
13. A fair share contribution toward the offsite improvements, based on proportional calculated traffic generation shall be deposited by the Subdivider(s) in conjunction with the final plat recordation.
14. The escrow agreement will be transferred/assigned to the City upon transfer of Capital Drive from the County to the City of Colorado Springs.

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 staff 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 seven (7) adjoining property owners on April 16, 2021, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Plat Drawing
State Engineer's Letter
County Attorney's Letter
El Paso County Public Health Recommendation Letter
CAD-O Map (Commercial Airport District Overlay)

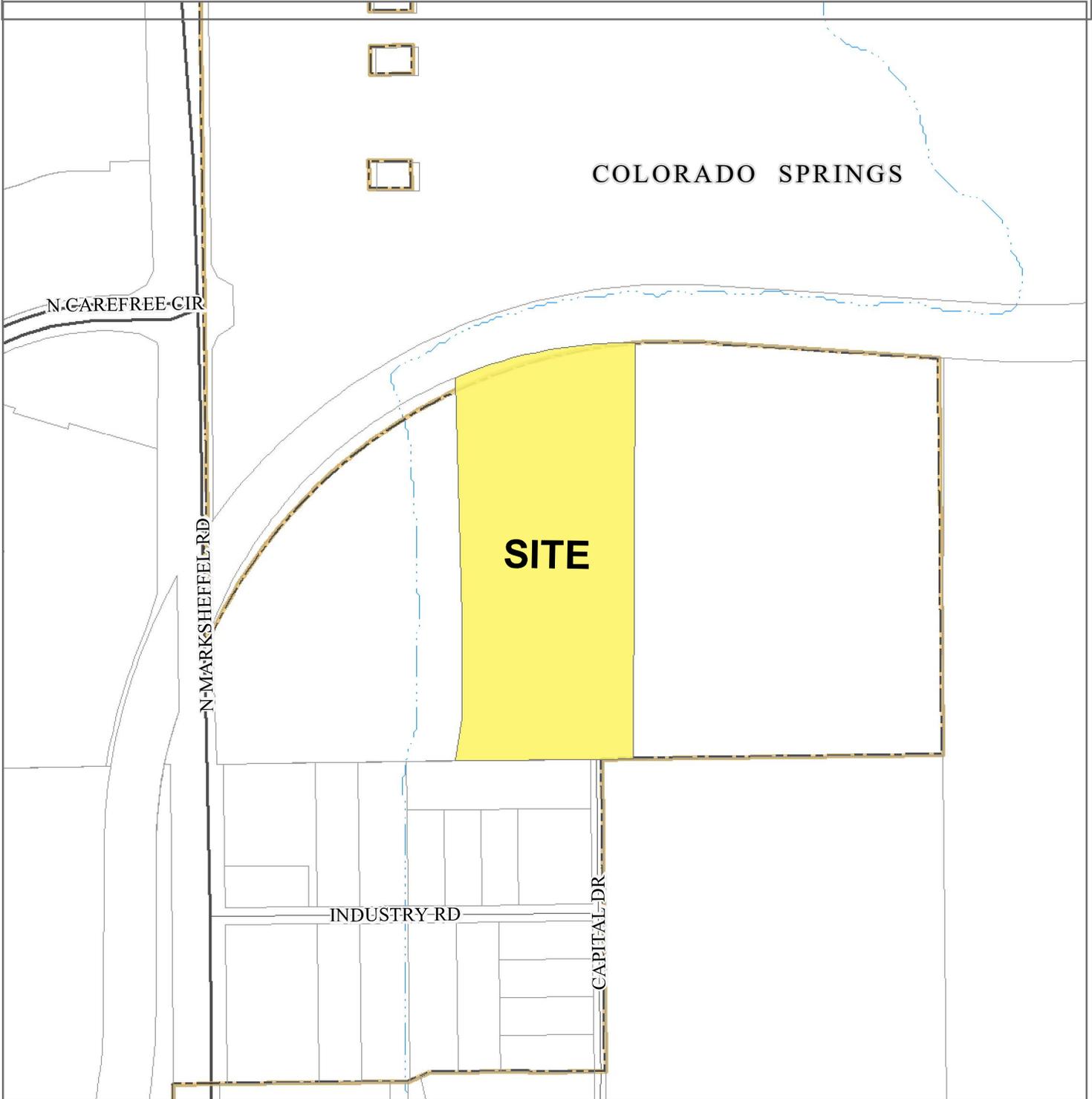
El Paso County Parcel Information

PARCEL	NAME
5300000552	DL HOLDINGS LLC

File Name: MS-20-002

Zone Map No. --

Date: April 15, 2021



Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
18 (719) 520-6600



COPYRIGHT 2018 by the Board of County Commissioners, El Paso County, Colorado. All rights reserved. No part of this document or data contained hereon may be reproduced; used to prepare derivative products; or distributed without the specific written approval of the Board of County Commissioners, El Paso County, Colorado. This document was prepared from the best data available at the time of printing. El Paso County, Colorado, makes no claim as to the completeness or accuracy of the data contained hereon.



212 N. Wahsatch Ave, Suite 305
Colorado Springs, CO 80903
Mail to: PO Box 1360
Colorado Springs, CO 80901
719.955.5485

March 7, 2021

Nina Ruiz
Planning Manager
El Paso County, Planning and Community Development
2880 International Circle, Suite 110
Colorado Springs, CO 80910

RE: Dwire Storage Yard Fil. No. 1 - Minor Subdivision Final Plat

DL Holdings, LLC 6547 N. Academy Blvd. #523, Colorado Springs, CO 80918

The purpose and request of this application is to subdivide the existing 19.632 ac parcel into (1) single industrial use lot which complies with the current I-3 zoning regulations. This application intends to mitigate and resolve any additional course of action regarding the current use code violation on the property. The subject parcel of land has been identified by El Paso County to be in code violation since 2006 as a use of a contractor's yard. The Dwire Storage Yard Minor Subdivision and Site Development Plan concurrent applications for Lot 1 shall hereby mitigate and resolve the notice of code violation.

The Dwire Storage Yard Filing No. 1 subdivision is located in the SW quarter of Section 28, Township 13 South, Range 65 West of the 6th P.M. in El Paso County, Colorado. The Dwire Storage Yard parcel is bound to the north by the Rock Island Trail, east tributary Sand Creek, and vacant land, to the west by the Transit Mix parcel site, to the south by Lot 7 of the Marksheffel Industrial Park & the existing Capitol Drive roadway, and to the east by the Timberline Storage Yard parcel.

The Dwire parcel in its entirety consists of 19.362 acres and is currently zoned "I-3 CAD-O" Heavy Industrial w/ Commercial Airport District overlay, under TSN: 53000-00-552. This proposal consists of subdividing the existing 19.362 ac into a single industrial lot and three tracts. Lot 1 shall consist of a proposed office and warehouse buildings, with associated parking area, lighting, landscaping, along with utility and drainage facilities.

The three private tract parcels; Tract A in the northwest corner of the site contains the 100 yr floodplain area of Sand Creek as identified in the FEMA Map Number 08041C0543G and shall be designated a “No Build / No Disturbance” area. Tract B along the southern border of the site contains a private Full Spectrum Detention Pond water quality facility for the subdivision. Tract C is anticipated to be replatted in the future, and shall be utilized as a storage yard by the property owner in the interim. All tracts shall be owned and maintained by the property owner, DL Holdings, LLC.

Capital Drive is the legal access to the existing 19.362 ac. A traffic impact study has been prepared by LSC, Transportation Consultants, Inc and shall be submitted with this Minor Subdivision application package along with commitment letters from each utility service provider.

Site Suitability per LDC 7.2.1 (d) (2) & (3)

Conformance to County Planning Areas: The proposed minor subdivision site is located in the Proposed Cimarron Hills Small Area Master Plan area. Although the Proposed Cimarron Hills Master Plan criteria is currently under review, the Dwire Storage Yard project’s proposed use is in conformance with the similar existing zoning “Heavy/Light Industrial” uses along the Capital Drive corridor and the immediate area. Therefore, it is expected that the Dwire project will be in general conformance to the master plan’s future guidelines, goals, and visions, thereby having minimal adverse impacts on the Proposed Cimarron Hills Master Plan.



El Paso County Water Master Plan:

This property lies within the Denver Basin Aquifer and is located in Region 5 of the El Paso Water Master Plan.

Current Water Demand for Region 5 is **4,396** AF per year. The anticipated demand for Region 5 in 2040 is 6,468 AF and in 2060 are 9,608.

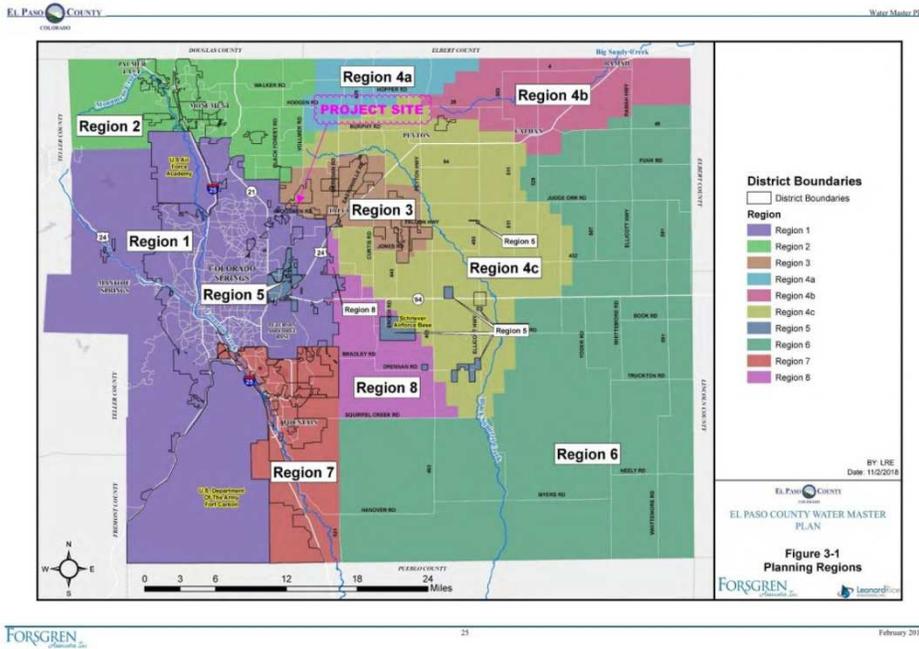
Current Water Supply for Region 5 is **4,849** AF per year. The anticipated supply for Region 5 in 2040 is 6,800 and in 2060 are 10,131.

The applicant has contacted a representative of The Cherokee Metropolitan District and has received a “Will Serve” letter dated November 5, 2020. A Water Resource Supply report has been prepared in which outlines Cherokee Metro District conformity and adequate supply per the County requirement. Anticipated used to include both domestic and irrigation use is 3.52 AF/yr of water demand for the Dwire Storage Yard project site. The additional water demand for the office/warehouse storage yard following this minor subdivision application shall be of relatively minimal impact.

Goals and Policies: The El Paso County Water Supply Master Plan identifies specific goals that promote water supply conservation, quality and sustainability, in which should be upheld and supported by the Dwire minor subdivision development

Goal 4.2 - Support the efficient use of water supplies & Goal 6.1.2 - Promote water

conservation: Per the El Paso County Water Master Plan, the full 2060 build-out water supply is anticipated to have a fair water supply surplus. Through water conservation actions by all Region 5 users could help ensure this surplus is obtained. Water conservation actions could be promoted via low water usage landscaping, such as xeriscape style landscaping with minimal grass lawn areas that require substantially more water to maintain.



Utilities Providers: The Dwire Storage Yard project site shall be served by Colorado Springs utilities for natural gas and Mountain View Electric Association for electric service. The site lies within the Cherokee Metropolitan District for water and wastewater services. All commitment letters have been provided in conjunction with the application for the Minor subdivision. Shall this application be approved, new utility services using for the new office building structure(s) shall be required.

Topographical conditions presenting hazards or requiring special precautions: Tract A is in the northwest corner of the site contains the 100 yr floodplain area of Sand Creek as identified in the FEMA Map Number 08041C0543G and shall be designated a “No Build / No Disturbance” area. A 6’ chain link fence is proposed to ensure storage yard activities shall not encroach into the specified “No Build / No Disturbance” of Tract A.

Drainage Improvements: A Final Drainage Report and Grading and Erosion Control Plans / BMP plans have been prepared to analyze the developed / future and offsite flows contributing to this project site. These flows shall be conveyed to Tract B along the southern border of the site contains a private Full Spectrum Detention Pond water quality facility for the subdivision to ensure conformance while complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM.

Public improvements: Capital Drive shall be the ingress/egress access point for the Dwire Storage Yard project. Capital Drive currently lies within a 40' ROW. In contrast, the east portion of Capital Drive shall require an additional 40' of ROW dedication by the privately-owned east property at the time of development in the future. See Waiver / Deviation Request below for Capital Drive Improvements.

Natural Features and Public Facilities: The site is flanked to the west by Sand Creek and is bound to the north by the Rock Island Trail. It's the applicant intends to keep the north and west property lines adjacent to these features as natural and open and in their current state by limiting any new fencing to allow for natural movement of wildlife across and through the property and to keep the natural appeal of the existing creek and trail. The property is relatively isolated from any significant corridors or thoroughfares; therefore, no design factors were incorporated regarding bike paths or public transportation. However, the existing trail to the north of the site shall continue to serve as an access pathway for public use. Therefore, it is not anticipated that the development of the Dwire Storage Yard minor subdivision shall negatively impact the surrounding properties and or existing public facilities.

Public Services: The Dwire Storage Yard site currently lies within the jurisdictions of all public services such as fire and police protection by the Falcon Fire Department and the City of Colorado Springs Police and or El Paso County Sheriff Departments.

El Paso County Land Development Code Compliancy: The Dwire Storage Yard Facility minor subdivision has been designed in adherence and compliance with all standards and details outlined in Chapter 6 and Chapter 8 of the El Paso County Land Development Code, except for the waivers requested on the following pages.

Capital Drive - Waiver and Deviation Requests

We respectfully request a waiver to deviate from the El Paso County *LDC Chapter 8: 8.6.2 Responsibility for Road Construction Sections: (A&C) and ECM 2.3 - Roadway Design Criteria* for the Capital Drive roadway.

This deviation request is specifically for the improvements to the (East Side) of the existing Capital Drive road. This road provides direct access to the Dwire project site, and the east side improvements are unable to be constructed at this time as the required 40' ROW has not been dedicated.

Capital Drive is classified as an "*Urban Nonresidential Collector*," which extends from approximately 500 feet south of the Capital Drive/Industry Drive intersection to about 500 feet north of the Capital Drive/Industry Drive intersection to the entry points of the Dwire and Timberline Landscaping parking lots. The west side of Capital Drive was constructed as part of the original commercial subdivision, "Marksheffel Industrial Park." The west side of Capital Drive is currently paved with (22-24 foot-wide) half-section completed within a 40-foot-wide half-ROW dedication. The 40-foot-wide east half-ROW has not been dedicated at this time and remains as private property in the City of Colorado Springs. The east half-ROW dedication is required to complete the roadway improvements to the EPC standards for the "*Urban Nonresidential Collector Roadway*." "The future improvements would include 40-foot ROW dedication, sidewalk, curb, and gutter along with an additional pavement of approx (24-26 foot wide), totaling a 48-foot wide pavement mat width per the *ECM 2.3 - Roadway Design Criteria*. The owner has agreed to provide the requested \$75,000 in escrow for the Capital Drive future improvements as detailed below. It's the owners understanding that the escrow shall be returned to the owner if the roadway improvements are not completed within the required timeframe of the escrow agreement, or provided to the City or to adjacent owner that will construct the improvements, whichever comes first.

The applicant has contacted a TruGreen Lawn Care representative at 3460 Capital Drive (directly south of the Dwire project site) to request that their employees and patrons refrain from parking along the west side of Capital Drive. If Capital Drive is kept clear from parked cars, it will allow

using Capital Drive as an active roadway rather than a parking lane. Although the applicant has encouraged a “No Parking” use along the west side, the applicant does not have legal means to enforce the request. Therefore, the applicant respectfully requests El Paso County staff to review the current parking regulations along the west side of Capital Drive. It would be beneficial for the county to impose a “No Parking” requirement to include signage and or striping along the west side of Capital Drive. Once the Capital Drive future improvements have been completed, to a full build-out of an **“Urban Nonresidential Collector Roadway,”** then the parking restrictions could be reevaluated at that time.

Per the County Fee Program standard unit costs, County Staff calculates a price of at least \$75,000 to complete 600 LF of Capital Drive (half-section) from the intersection with Industry Road north to the Dwire/Timberline joint access point. The Dwire site owner has agreed to provide the requested \$75,000 in escrow for the East-half Capital Drive future improvements. It’s the owners understanding that the escrow shall be returned to the owner if the roadway improvements are not completed within the required timeframe of the escrow agreement, or provided to the City or to adjacent owner that will construct the improvements, whichever comes first. The currently vacant east property has been annexed into the City and very unlikely to revert to County jurisdiction. The applicant's understanding is that El Paso County is now in negotiations with the City of Colorado Springs to transfer the Capital Drive roadway to City jurisdiction. Furthermore, the applicant understands that upon the transfer of Capital Drive to the City of Colorado Springs, the applicant's escrow funds shall be returned fully to the owner if it's been determined that the escrow funds are not required to be held under the City of Colorado Springs jurisdiction.

Should you require any additional information, please contact me at 719-491-0818.

Respectfully,

Virgil A. Sanchez, P.E.
M&S Civil Consultants, Inc.



DWIRE STORAGE YARD FILING NO. 1

A PARCEL OF LAND IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 28,
TOWNSHIP 13 SOUTH, RANGE 65 WEST, OF THE SIXTH PRINCIPAL MERIDIAN,
EL PASO COUNTY, STATE OF COLORADO

KNOW ALL MEN BY THESE PRESENTS:

THAT DL HOLDINGS, LLC, A COLORADO LIMITED LIABILITY COMPANY, BEING THE OWNERS OF THE FOLLOWING DESCRIBED TRACT OF LAND:

LEGAL DESCRIPTION:

A PARCEL OF LAND IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 28, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: A PORTION OF THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 28, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO. THE SECTION CORNER COMMON TO SECTIONS 28, 29, 32, AND 33 BEING MONUMENTED WITH A 3" ALUMINUM CAP STAMPED "PLS 38256", FROM WHICH A YELLOW PLASTIC CAP STAMPED "PLS 37909", BEARS S89°58'59"E, A DISTANCE OF 861.03 FEET.

BEGINNING AT THE AFORESAID YELLOW PLASTIC CAP;
THENCE N09°06'45"E A DISTANCE OF 145.85 FEET;
THENCE N00°59'19"E A DISTANCE OF 325.07 FEET;
THENCE N01°07'15"W A DISTANCE OF 804.53 FEET TO THE SOUTHERLY LINE OF THE FORMER CHICAGO, ROCK ISLAND, AND PACIFIC RAILROAD AS RECORDED UNDER RECEPTION NO. 215057836 IN THE RECORDS OF EL PASO COUNTY, COLORADO;
THENCE 649.44 FEET ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT ON SAID SOUTHERLY LINE, SAID CURVE HAVING A RADIUS OF 1795.32 FEET, AND A CENTRAL ANGLE OF 20°43'34" (THE CHORD OF WHICH BEARS N73°36'49"E, 645.91 FEET);
THENCE S00°13'52"W A DISTANCE OF 1455.11 FEET TO THE AFORESAID SOUTH LINE OF SECTION 28;
THENCE S89°57'07"W ALONG SAID SOUTH LINE A DISTANCE OF 626.77 FEET TO THE POINT OF BEGINNING;

SAID PARCEL CONTAINS A CALCULATED AREA OF 843,414 S.F. (19.362 ACRES MORE OR LESS).

DEDICATION:

THE UNDERSIGNED OWNER HAS CAUSED SAID TRACT OF LAND TO BE PLATTED INTO LOTS, TRACTS, AND EASEMENTS, AS SHOWN ON THE PLAT. THE UNDERSIGNED DOES HEREBY DEDICATE, GRANT AND CONVEY TO EL PASO COUNTY THOSE PUBLIC EASEMENTS AS SHOWN ON THE PLAT; AND FURTHER RESTRICTS THE USE OF ALL PUBLIC EASEMENTS TO EL PASO COUNTY AND/OR ITS ASSIGNS, PROVIDED HOWEVER, THAT THE SOLE RIGHT AND AUTHORITY TO RELEASE OR QUITCLAIM ALL OR ANY SUCH PUBLIC EASEMENTS SHALL REMAIN EXCLUSIVELY VESTED IN EL PASO COUNTY. THIS TRACT OF LAND AS PLATTED HEREIN SHALL BE KNOWN AS "DWIRE STORAGE YARD FILING NO. 1", IN EL PASO COUNTY, COLORADO.

OWNER:

THE AFOREMENTIONED, DL HOLDINGS, LLC, A COLORADO LIMITED LIABILITY COMPANY, BY JEFF DWIRE, AS MANAGER, HAS EXECUTED THIS INSTRUMENT THIS _____ DAY OF _____, 2020, A.D.

JEFF DWIRE, MANAGER
DL HOLDINGS, LLC, A COLORADO LIMITED LIABILITY COMPANY

NOTARIAL:

STATE OF COLORADO)
) SS
COUNTY OF EL PASO)

THE ABOVE AND AFOREMENTIONED INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2020, A.D. BY JEFF DWIRE, MANAGER OF DL HOLDINGS, LLC, A COLORADO LIMITED LIABILITY COMPANY.

WITNESS MY HAND AND OFFICIAL SEAL:
MY COMMISSION EXPIRES: _____
NOTARY PUBLIC: _____

GENERAL PLAT NOTES:

1. BASIS OF BEARINGS:

BEARINGS ARE BASED ON A PORTION OF THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 28, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO. THE SECTION CORNER COMMON TO SECTIONS 28, 29, 32, AND 33 BEING MONUMENTED WITH A 3" ALUMINUM CAP STAMPED "PLS 38256", FROM WHICH A YELLOW PLASTIC CAP STAMPED "PLS 37909", BEARS S89°58'59"E, A DISTANCE OF 861.03 FEET. THE UNITS OF MEASUREMENT IS U.S. SURVEY FEET.

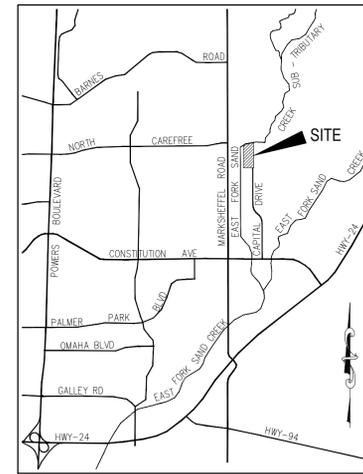
2. FLOODPLAIN STATEMENT:

THE FLOOD INSURANCE RATE MAP (FIRM) PANEL NO. 08041C0543G, EFFECTIVE DATE DECEMBER 7, 2018, HAS BEEN EXAMINED AS IT RELATES TO THE PROPERTY BEING PLATTED. A PORTION OF THE PROPERTY LIES WITHIN ZONE AE AND ZONE AE FLOODWAY (AREA OF BASE FLOOD ELEVATION DETERMINED) AS SHOWN HEREON.
NO STRUCTURES ARE PERMITTED WITHIN THE DESIGNATED FLOODPLAIN AREAS.

3. TITLE COMMITMENT:

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY M&S CIVIL CONSULTANTS, INC. TO DETERMINE THE COMPATIBILITY OF THIS DESCRIPTION WITH THAT OF ADJACENT TRACTS OF LAND, OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHT-OF-WAY OR TITLE OF RECORD, M&S CIVIL CONSULTANTS, INC., RELIED UPON TITLE COMMITMENT FILE NO. RND55075005-4, PREPARED BY LAND TITLE GUARANTEE COMPANY, AS AGENT FOR OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, DATED MAY 28, 2020.

- i. (TC#9) THE PROPERTY MAY BE SUBJECT TO RESERVATIONS AS CONTAINED IN PATENT OF THE UNITED STATES RECORDED FEBRUARY 4, 1861 IN BOOK 35 AT PAGE 46.
- ii. (TC#10) THE PROPERTY MAY BE SUBJECT TO RESERVATIONS AS CONTAINED IN PATENT OF THE UNITED STATES RECORDED MARCH 29, 1893 IN BOOK 143 AT PAGE 127.
- iii. (TC#11) THE PROPERTY MAY BE SUBJECT TO RIGHT OF WAY EASEMENT AS GRANTED TO COLORADO INTERSTATE GAS COMPANY IN INSTRUMENT RECORDED SEPTEMBER 26, 1934, IN BOOK 908 AT PAGE 90.
THE EXACT LOCATION OF WHICH IS NOT SPECIFICALLY DESCRIBED.
- iv. (TC#12) THE PROPERTY MAY BE SUBJECT TO TERMS, CONDITIONS, PROVISIONS, AGREEMENTS, DUTIES, AND OBLIGATIONS CONTAINED IN RIGHT OF WAY CONTRACT OPTION RECORDED APRIL 13, 1966 IN BOOK 2127 AT PAGE 180.
- v. (TC#13) THE PROPERTY MAY BE SUBJECT TO RESERVATION BY GRANTOR AND EXCEPTION FOR A RIGHT OF WAY FOR A RAILROAD SPUR RECORDED DECEMBER 9, 1974 IN BOOK 2722 AT PAGE 86.
- vi. (TC#14) THE PROPERTY MAY BE SUBJECT TO EASEMENT AND RIGHT OF WAY DESCRIBED IN RIGHT OF WAY DEED RECORDED DECEMBER 9, 1974 IN BOOK 2722 AT PAGE 87.
- vii. (TC#15) THE PROPERTY MAY BE SUBJECT TO EASEMENTS DESCRIBED IN WARRANTY DEED RECORDED JULY 1M 1977 IN BOOK 2936 AT PAGE 973.
- viii. (TC#16) THE PROPERTY MAY BE SUBJECT TO RIGHT OF WAY EASEMENT AS GRANTED TO MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC., A COOPERATIVE CORPORATION IN INSTRUMENT RECORDED NOVEMBER 30, 1978, IN BOOK 3114 AT PAGE 312.
THE EXACT LOCATION OF WHICH IS NOT SPECIFICALLY DESCRIBED.
- ix. (TC#17) THE PROPERTY MAY BE SUBJECT TO RIGHT OF WAY EASEMENT AS GRANTED TO MOUNTAIN VIEW ELECTRIC ASSOCIATION, INCORPORATED, A CORPORATION IN INSTRUMENT RECORDED AUGUST 09, 1979, IN BOOK 3212 AT PAGE 405.
- x. (TC#18) THE PROPERTY MAY BE SUBJECT TO TERMS, CONDITIONS, PROVISIONS, EASEMENTS, AGREEMENTS, DUTIES, AND OBLIGATIONS CONTAINED IN EASEMENT DEED RECORDED NOVEMBER 20, 1981 IN BOOK 3505 AT PAGE 9.
- xi. (TC#19) THE PROPERTY MAY BE SUBJECT TO TERMS, CONDITIONS, PROVISIONS, EASEMENTS, AGREEMENTS, DUTIES, AND OBLIGATIONS CONTAINED IN EASEMENT AGREEMENT RECORDED NOVEMBER 20, 1981 IN BOOK 3505 AT PAGE 14.
- xii. (TC#20) THE PROPERTY MAY BE SUBJECT TO TERMS, CONDITIONS, PROVISIONS, EASEMENTS, AGREEMENTS, DUTIES, AND OBLIGATIONS CONTAINED IN EASEMENT DEED RECORDED APRIL 12, 1982 IN BOOK 3552 AT PAGE 190.
- xiii. (TC#21) THE PROPERTY MAY BE SUBJECT TO TERMS, CONDITIONS, PROVISIONS, EASEMENTS, AGREEMENTS, DUTIES, AND OBLIGATIONS CONTAINED IN EASEMENT DEED RECORDED APRIL 12, 1982 IN BOOK 3552 AT PAGE 192.
- xiv. (TC#22) THE PROPERTY MAY BE SUBJECT TO TERMS, CONDITIONS, PROVISIONS, EASEMENTS, AGREEMENTS, DUTIES, AND OBLIGATIONS CONTAINED IN EASEMENT DEED RECORDED MAY 3, 1982 IN BOOK 3559 AT PAGE 817.
- xv. (TC#23) THE PROPERTY MAY BE SUBJECT TO AN AVIGATION EASEMENT TO THE CITY OF COLORADO SPRINGS RECORDED JULY 24, 1985 IN BOOK 5038 AT PAGE 1088.
- xvi. (TC#24) THE PROPERTY MAY BE SUBJECT TO TERMS, CONDITIONS, PROVISIONS, EASEMENTS, AGREEMENTS, DUTIES, AND OBLIGATIONS CONTAINED IN EASEMENT DEED RECORDED NOVEMBER 20, 1991 IN BOOK 3505 AT PAGE 6.
- xvii. (TC#25) THE PROPERTY MAY BE SUBJECT TO TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS, AND EASEMENTS AS SET FORTH AND GRANTED IN GRANT OF RIGHT-OF-WAY TO MOUNTAIN VIEW ELECTRIC ASSOCIATION RECORDED FEBRUARY 13, 1995 IN BOOK 6603 AT PAGE 219.
THE EXACT LOCATION OF WHICH IS NOT SPECIFICALLY DESCRIBED.
- xviii. (TC#26) THE PROPERTY MAY BE SUBJECT TO EFFECTS OF RESOLUTION NO. 96-406, LAND USE-148 RECORDED DECEMBER 5, 1996 UNDER RECEPTION NO. 96150933.
- xix. (TC#27) THE PROPERTY MAY BE SUBJECT TO EASEMENT GRANTED TO CHEROKEE METROPOLITAN DISTRICT BY TRANSIT MIX CONCRETE CO. BY GRANT OF EASEMENT RECORDED NOVEMBER 30, 1998 UNDER RECEPTION NO. 98174726.
- xx. (TC#28) THE PROPERTY MAY BE SUBJECT TO TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS, AND EASEMENTS AS SET FORTH AND GRANTED IN SANITARY SEWER EASEMENT AGREEMENT RECORDED APRIL 8, 1999 UNDER RECEPTION NO. 99053845.
- xxi. (TC#29) THE PROPERTY MAY BE SUBJECT TO EASEMENT GRANTED TO CHEROKEE METROPOLITAN DISTRICT BY TRANSIT MIX CONCRETE CO. BY GRANT OF EASEMENT RECORDED APRIL 8, 1999 UNDER RECEPTION NO. 99053846.
- xxii. (TC#30) THE PROPERTY MAY BE SUBJECT TO TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS, AND EASEMENTS AS SET FORTH AND GRANTED IN GRANT OF EASEMENT AND AGREEMENT RECORDED JUNE 10, 2003 UNDER RECEPTION NO. 203128178.



VICINITY MAP
N.T.S.

TRACT TABLE				
TRACT	SIZE (ACRES)	USE	MAINTENANCE	OWNERSHIP
A	0.433	FLOODPLAIN (NO BUILD)	DL	DL
B	1.469	DETENTION POND/DRAINAGE	DL	DL
C	10.572	DRAINAGE/NO BUILD AREA	DL	DL
TOTAL	12.474	(TOTAL ACREAGE OF ALL TRACTS)	N/A	N/A
DL = DL HOLDINGS, LLC, A COLORADO LIMITED LIABILITY COMPANY				

GENERAL PLAT NOTES (CONT.):

- xxiii. (TC#31) THE PROPERTY MAY BE SUBJECT TO TERMS, CONDITIONS, PROVISIONS, BURDENS, AND OBLIGATIONS AS SET FORTH IN ORDINANCE ANNEXING TO THE CITY OF COLORADO SPRINGS RECORDED JUNE 13, 2005 UNDER RECEPTION NO. 205087756 AND ANNEXATION AGREEMENT RECORDED JUNE 13, 2005 UNDER RECEPTION NO. 205087757.
- xxiv. (TC#32) THE PROPERTY MAY BE SUBJECT TO TERMS, CONDITIONS, PROVISIONS, BURDENS, AND OBLIGATIONS AS SET FORTH IN RESOLUTION NO 13-311 RECORDED SEPTEMBER 11, 2013 UNDER RECEPTION NO. 213115766.
- xxv. (TC#33) THE PROPERTY MAY BE SUBJECT TO TERMS, CONDITIONS, PROVISIONS, BURDENS, AND OBLIGATIONS AS SET FORTH IN PRIVATE DETENTION BASIN/ STORMWATER QUALITY BEST MANAGEMENT PRACTICE MAINTENANCE AGREEMENT AND EASEMENT RECORDED SEPTEMBER 11, 2013 UNDER RECEPTION NO. 213115767.
- xxvi. (TC#34) THE PROPERTY MAY BE SUBJECT TO TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN GRANT OF RIGHT-OF-WAY RECORDED SEPTEMBER 07, 2016 UNDER RECEPTION NO. 216101814.
THE EXACT LOCATION OF WHICH IS NOT SPECIFICALLY DESCRIBED.
- xxvii. (TC#36) THE PROPERTY MAY BE SUBJECT TO TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN PERMANENT DRAINAGE, ACCESS AND MAINTENANCE AGREEMENT RECORDED NOVEMBER 14, 2019 UNDER RECEPTION NO. 219143275.

THE PROPERTY IS SUBJECT TO AN AVIGATION EASEMENT AS SPECIFIED ON THE INSTRUMENT RECORDED AT BOOK 5038 AND PAGE 1088 OF THE RECORDS OF EL PASO COUNTY, COLORADO. THIS EASEMENT IS SUBJECT TO THE TERMS AND CONDITIONS AS SPECIFIED IN THE INSTRUMENT RECORDED UNDER RECEPTION NO. 217089667 OF THE RECORDS OF EL PASO COUNTY, COLORADO.

- A. NO ELECTROMAGNETIC, LIGHT, ANY PHYSICAL EMISSIONS WHICH MAY INTERFERE WITH AIRCRAFT, AVIATION, COMMUNICATIONS OR NAVIGATIONAL AIDS ARE ALLOWED.
 - B. NOTICE: THIS PROPERTY MAY BE IMPACTED BY NOISE CAUSED BY AIRCRAFT OPERATING INTO AND OUT OF THE COLORADO SPRINGS MUNICIPAL AIRPORT. THE BUYER SHOULD FAMILIARIZE HIMSELF/HERSELF WITH THE POTENTIALITY AND THE RAMIFICATIONS THEREOF.
 - C. NO MAN-MADE OR NON-MAN MADE OBSTRUCTIONS ARE ALLOWED TO PENETRATE THE 40:1 APPROACH SURFACE.
 - D. IF USE OF TEMPORARY CONSTRUCTION EQUIPMENT WILL EXCEED 200 FEET ABOVE GROUND LEVEL IN HEIGHT AT THIS SITE, THE APPLICANT MUST FILE FEDERAL AVIATION ADMINISTRATION (FAA) FORM 7460-1 "NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION" FOR THE EQUIPMENT AND PROVIDE FAA DOCUMENTATION TO THE AIRPORT BEFORE THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES.
4. ALL EASEMENTS OR INTERESTS OF RECORD AFFECTING ANY OF THE PLATTED PROPERTY DEPICTED HEREON SHALL NOT BE AFFECTED AND SHALL REMAIN IN FULL FORCE AND EFFECT.
 5. A 50.00 FOOT RADIUS TURN-AROUND EASEMENT IN THE SOUTHEAST CORNER OF LOT 1 (AS SHOWN ON SHEET 2) IS HEREBY DEDICATED FOR PUBLIC ACCESS.

SURVEYORS CERTIFICATE

I VERNON P. TAYLOR, 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 FEBRUARY 5, 2015 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, SUBDIVISION, OR SURVEYING OF LAND AND ALL APPLICABLE PROVISIONS OF THE EL PASO COUNTY LAND DEVELOPMENT CODE.

I ATTEST THE ABOVE ON THIS _____ DAY OF _____, 2020.

VERNON P. TAYLOR
COLORADO PLS NO. 25966, FOR AND
ON BEHALF OF M&S CIVIL CONSULTANTS, INC
102 E. PIKES PEAK AVE., 5TH FLOOR
COLORADO SPRINGS, COLORADO 80903

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, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

THIS PLAT FOR "DWIRE STORAGE YARD FILING NO. 1" WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS ON THE _____ DAY OF _____, 2020, A.D., SUBJECT TO ANY NOTES SPECIFIED HEREON AND ANY CONDITIONS INCLUDED IN THE RESOLUTION OF APPROVAL. THE DEDICATIONS OF LAND TO THE PUBLIC INCLUDING STREETS AND EASEMENTS ARE ACCEPTED, BUT PUBLIC IMPROVEMENTS THEREON WILL NOT BECOME THE MAINTENANCE RESPONSIBILITY OF EL PASO COUNTY UNTIL PRELIMINARY ACCEPTANCE OF THE PUBLIC IMPROVEMENTS IN ACCORDANCE WITH THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE AND ENGINEERING CRITERIA MANUAL, AND THE SUBDIVISION IMPROVEMENTS AGREEMENT.

CHAIR, BOARD OF COUNTY COMMISSIONERS _____ DATE _____

COUNTY APPROVAL:

APPROVAL IS GRANTED FOR THIS PLAT OF "DWIRE STORAGE YARD FILING NO. 1" ON THIS _____ DAY OF _____, 2020, A.D.

EL PASO COUNTY DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT _____

EL PASO COUNTY ASSESSOR _____

RECORDING:

STATE OF COLORADO)
COUNTY OF EL PASO) SS

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT MY OFFICE AT ____O'CLOCK ____ THIS _____ DAY OF _____, 2020, A.D., AND IS DULY RECORDED UNDER RECEPTION NUMBER _____ OF THE RECORDS OF EL PASO COUNTY, COLORADO.

CHUCK BROERMAN, RECORDER

FEES: _____ BY: _____ DEPUTY

FEES:

DRAINAGE FEE: _____
BRIDGE FEE: _____
SCHOOL FEE: _____
PARK FEE: _____

SUMMARY:

1 LOT	6.887 ACRES±	35.57%
3 TRACTS	12.474 ACRES±	64.43%
TOTAL	19.362 ACRES	100.00%

FINAL PLAT
DWIRE STORAGE YARD FILING NO. 1
JOB NO. 43-117
DATE PREPARED: 01/23/2020
DATE REVISED: 10/30/2020



102 E. PIKES PEAK AVE., 5TH FLOOR
COLORADO SPRINGS, CO 80903
PHONE: 719.955.5485

FILE NO. AR FP MS-20-002

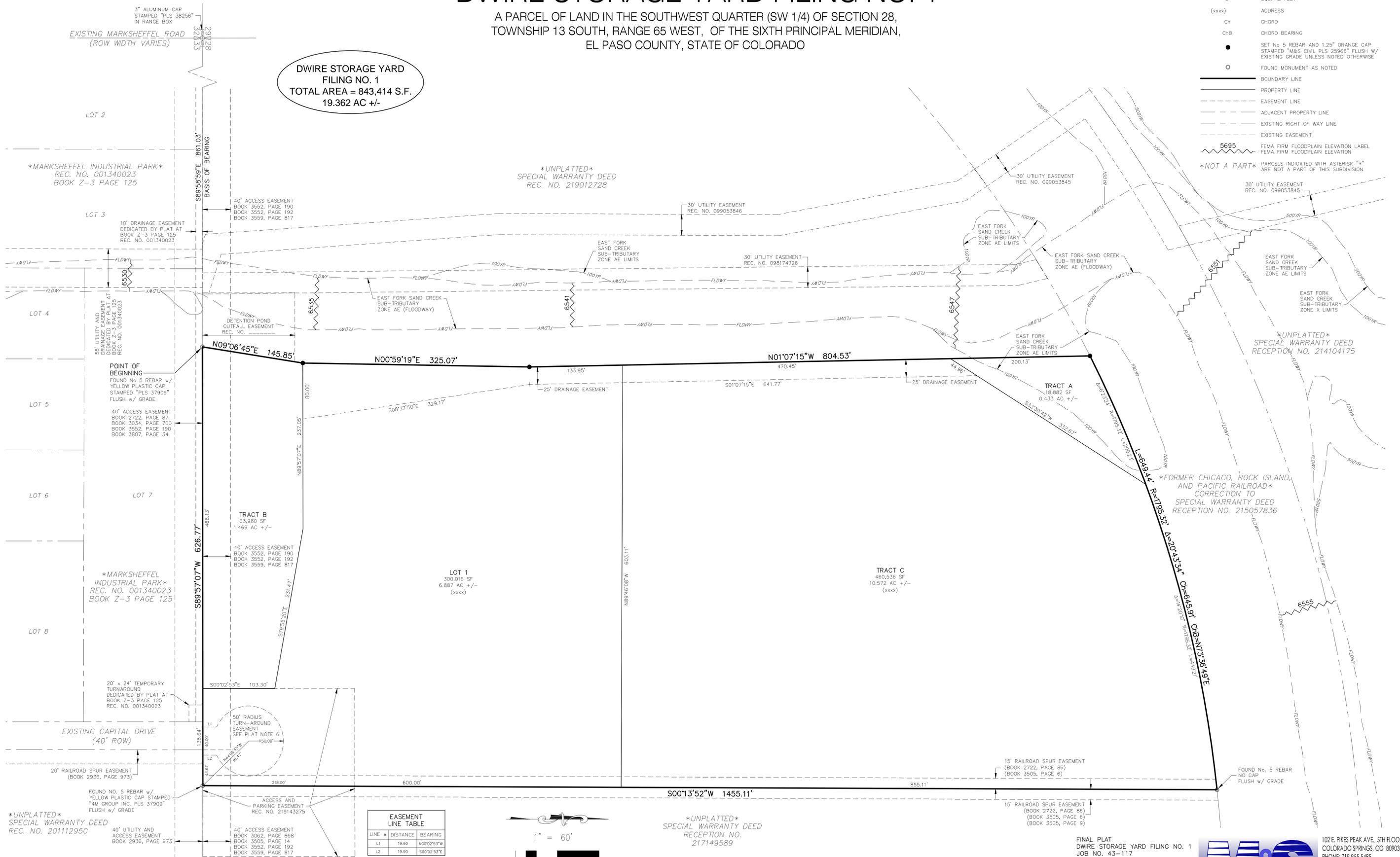
SHEET 1 OF 2

DWIRE STORAGE YARD FILING NO. 1

A PARCEL OF LAND IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 28,
TOWNSHIP 13 SOUTH, RANGE 65 WEST, OF THE SIXTH PRINCIPAL MERIDIAN,
EL PASO COUNTY, STATE OF COLORADO

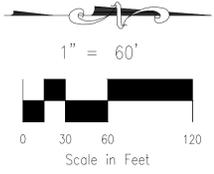
**DWIRE STORAGE YARD
FILING NO. 1**
TOTAL AREA = 843,414 S.F.
19.362 AC +/-

- LEGEND:**
- SF SQUARE FEET
 - (xxxx) ADDRESS
 - Ch CHORD
 - ChB CHORD BEARING
 - SET No 5 REBAR AND 1.25" ORANGE CAP STAMPED "M&S CIVIL PLS 25966" FLUSH W/ EXISTING GRADE UNLESS NOTED OTHERWISE
 - FOUND MONUMENT AS NOTED
 - BOUNDARY LINE
 - PROPERTY LINE
 - - - EASEMENT LINE
 - - - ADJACENT PROPERTY LINE
 - - - EXISTING RIGHT OF WAY LINE
 - - - EXISTING EASEMENT
 - 5695 FEMA FIRM FLOODPLAIN ELEVATION LABEL FEMA FIRM FLOODPLAIN ELEVATION
 - *NOT A PART* PARCELS INDICATED WITH ASTERISK "*" ARE NOT A PART OF THIS SUBDIVISION



EASEMENT LINE TABLE

LINE #	DISTANCE	BEARING
L1	19.90	N00°02'53"W
L2	19.90	S00°02'53"E



UNPLATTED
SPECIAL WARRANTY DEED
RECEPTION NO.
217149589

FINAL PLAT
DWIRE STORAGE YARD FILING NO. 1
JOB NO. 43-117
DATE PREPARED: 01/23/2020
DATE REVISED: 10/30/2020



102 E. PIKES PEAK AVE., 5TH FLOOR
COLORADO SPRINGS, CO 80903
PHONE: 719.955.5465

FILE NO. AR FP MS-20-002

SHEET 2 OF 2

File: O:\43117A-Dwire Yard\dwire Yard\dwire\Survey\Plat\43-117 Dwire Final Plat.dwg Plotstamp: 10/30/2020 3:43 PM



October 6, 2020

El Paso County Planning Department
2880 International Circle
Colorado Spring, CO 80910

RE: Dwire Minor Subdivision (Dwire Storage Yard) - Final Plat
SW1/4 of Sec. 28, Twp. 13S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Referral No. 27073

To Whom It May Concern:

We have received additional information regarding the above referenced proposal to subdivide an existing 19.362 acre tract of land into one industrial lot and 2 private tracts. This office previously provided written comments dated March 18, 2020; this letter is intended to supersede those prior comments. The one industrial lot will now be 17.46 acres in size. Private Tract A will be 0.433 ± acres and Private Tract B will be 1.47 ± acres. According to the submittal, the proposed supply of water and wastewater disposal is to be served by Cherokee Metropolitan District ("Cherokee").

Water Supply Demand

The Water Supply Information Sheet, Form no. GWS-76, provided with the submittal estimates a demand of 15.7 acre-feet per year for all intended uses within the subdivision. The breakdown of these uses is not well defined, it is only noted that 2 acre-feet are designated for irrigation use and 13.7 acre-feet are intended for all other uses (presumably including commercial and all drinking and sanitary needs).

Source of Water Supply

The source of water for the proposed development will be Cherokee Metropolitan District. A letter of commitment from Cherokee, dated December 30, 2019, was provided with the referral materials indicating that Cherokee is committed to providing 15.7 acre-feet/year to the proposed subdivision. The letter also notes Cherokees commitment to provide wastewater disposal.

According to the records of this office, Cherokee has sufficient water resources to supply this development as described above.

Additional Comments

The application materials indicate that a storm water detention structure may be constructed as a part of this project. The applicant should be aware that, unless the structure can meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject



to administration by this office. The applicant should review DWR's *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, attached, to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The applicant is encouraged to use *Colorado Stormwater Detention and Infiltration Facility Notification Portal*, located at <https://maperture.digitaldataservices.com/qyh/?viewer=cswdif>, to meet the notification requirements.

State Engineer's Office Opinion

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

Sincerely,



Ivan Franco, P.E.
Water Resource Engineer

Cc: Bill Tyner, Division Engineer
Doug Hollister, Water Commissioner District 10

EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

Diana K. May, County Attorney

Assistant County Attorneys

Lori L. Seago
Lisa A. Kirkman
Steven A. Klaffky
Mary Ritchie
Bryan E. Schmid
Nathan J. Whitney
Michael J. Desmond
Christopher M. Strider
Terry A. Sample

April 28, 2021

MS-20-2 Dwire Storage Yard Filing No. 1
Minor Subdivision

Reviewed by: Lori L. Seago, Senior Assistant County Attorney
Edi Anderson, Paralegal, ACP

FINDINGS AND CONCLUSIONS:

1. This is a minor subdivision proposal by DL Holdings, LLC ("Applicant") for the subdivision of 1 lot, plus 3 tracts (tracts A – C) on 19.362 acres of land (the "Property"). The proposal is intended to mitigate current land development code violations that may be present on the Property. Applicant indicates the 1 lot will be utilized for an office and warehouse buildings. The 3 tracts are described as follows: Tract A is in a no-build floodplain area; Tract B contains a private detention pond; and Tract C is anticipated to be replatted in the future. Future development of the tracts will require separate water review findings and are not included in this review. The Property is zoned I-3 (Heavy Industrial) with CAD-O (Commercial Airport District Overlay).

2. The Applicant has provided for the source of water to derive from the Cherokee Metropolitan District ("District", "Cherokee" or "CMD"). Pursuant to the Water Supply Information Summary ("WSIS"), the annual water demand for the 1-lot development is 3.52 acre-feet per year, which equates to 2.30 acre-feet for industrial use and 1.22 acre-feet for irrigation. Based on Applicant's figures, the Applicant must be able to provide a supply from the District of 1,056 acre-feet of water (3.52 acre-feet per year x 300 years) to meet the County's 300-year water supply requirement.

3. The General Manager of the District provided a letter dated November 5, 2020 committing to provide water service for the 1 lot Dwire Storage Yard development which is located within the District's boundaries. The District's commitment is delineated as follows:

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



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

Type of Use	Demand (AF/yr)
Domestic	2.30
Irrigation	1.22
Total	3.52

The District letter states that “this document will serve is [sic] as a formal Letter of Commitment from the Cherokee Metropolitan District to provide municipal water and sewer services for the DWIRE Storage Yard Development, located at the east side of the intersection of Industry Road and Capital Drive.”

The District’s commitment is only a conditional commitment, as the letter states: “[t]o confirm this commitment you must provide the District with a copy of the final plat approval from El Paso County Development Services within 12 months of the date of this letter. Otherwise, the District may use this allocation for other developments requesting a water commitment.”

4. The Applicant provided a *Water/Wastewater Report for Dwire Storage Yard Filing No. 1* by M&S Civil Consultants, Inc. dated November 2020 (the “Report”). The Report details the expected water demands in the amount of 3.52 acre-feet/year. The Report further notes that “CMD water is sourced entirely from groundwater, both renewable and Denver Basin non-renewable sources, in two regions. ... CMD is developing owned water supplies to increase available water and improve flexibility in provision of summer flows. By the end of 2020, these new wells will contribute 458.3 annual acre-feet of capacity to the CMD system for a total of 4,443.0 annual acre-feet of exportable water supplies sourced from alluvial and deep bedrock aquifers.” And finally, with “4,443.0 annual acre-feet of exportable supply and 4,042.5 annual acre-feet of commitments, CMD has a water balance of 400.5 annual acre-feet before the subject development.”

5. In a letter dated October 6, 2020, the State Engineer reviewed the application to subdivide 19.362 acres into 1 lot and 2 tracts, with a water demand of 15.7 acre-feet/year.¹ The State Engineer states that “[a]ccording to the records of this office, Cherokee has sufficient water resources to supply this development as described above.”

Finally, the State Engineer declared that “[p]ursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply can be provided without causing injury to decreed water rights, and the supply is expected to be adequate.”

¹ Applicant provided an updated proposal, WSIS, and District letter following the State Engineer review. The updated proposal references 1 lot and 3 tracts with an annual water demand of 3.52 acre-feet/year. The State Engineer recommended a sufficiency finding based on the 15.7 acre-feet demand; therefore, the County Attorney’s Office is providing their review pursuant to the State Engineer sufficiency finding which exceeds the actual water demand, but with the requirement that State Engineer must provide an updated sufficiency letter prior to recording the final plat.

6. Section 8.4.7(B)(10)(g) of the El Paso County Land Development Code allows for a presumption of water quality when water is supplied from an existing Community Water Supply, which operates in conformance with the Colorado Primary Drinking Water Regulations and the CDPHE requirements, as clarified by El Paso County Public Health, and is determined to meet the required water quality standards.

7. Analysis: As indicated above, this review is based on a water demand of 3.52 acre-feet/year, which the District has committed to serve. The State Engineer determined that Cherokee Metropolitan District has adequate water resources to serve the proposed development.

8. Therefore, based upon the finding of sufficiency and no injury to existing water rights by the State Engineer, a water demand of 3.52 acre-feet/year and a commitment from the District in the amount of 3.52 acre-feet/year for a period of 300 years, but given the conditional nature of the commitment to serve by the District, and subject to the conditions set forth below, the County Attorney's Office recommends a finding of **conditional sufficiency** as to water quantity and dependability for the Dwire Storage Yard Filing No. 1 minor subdivision.

CONDITIONS OF COMPLIANCE:

A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, and specifications set by the District.

B. Applicant must obtain final plat approval and provide evidence thereof to the District within 12 months of the District's commitment letter dated November 5, 2020 (approval must be provided by November 5, 2021), to retain the District's water commitment. **If Applicant fails to do so, this recommended finding of conditional sufficiency will be deemed moot and no longer valid. Once Applicant provides proof to the District that satisfies the District's condition of final plat approval, this conditional finding of sufficiency will automatically convert to a full sufficiency finding.**

C. Prior to recording the first final plat, Applicant must obtain an updated letter from the State Engineer's Office detailing the correct number of tracts and the updated water demand of 3.52 acre-feet/year as described in footnote 1.

D. Any future development on Tracts A, B, or C will need to be submitted for separate subdivision review, including finding of water sufficiency.

cc: Nina Ruiz, Planning Manager



Prevent • Promote • Protect

Environmental Health Division
1675 W. Garden of the Gods Road
Suite 2044
Colorado Springs, CO 80907
(719) 578-3199 *phone*
(719) 578-3188 *fax*
www.elpasocountyhealth.org

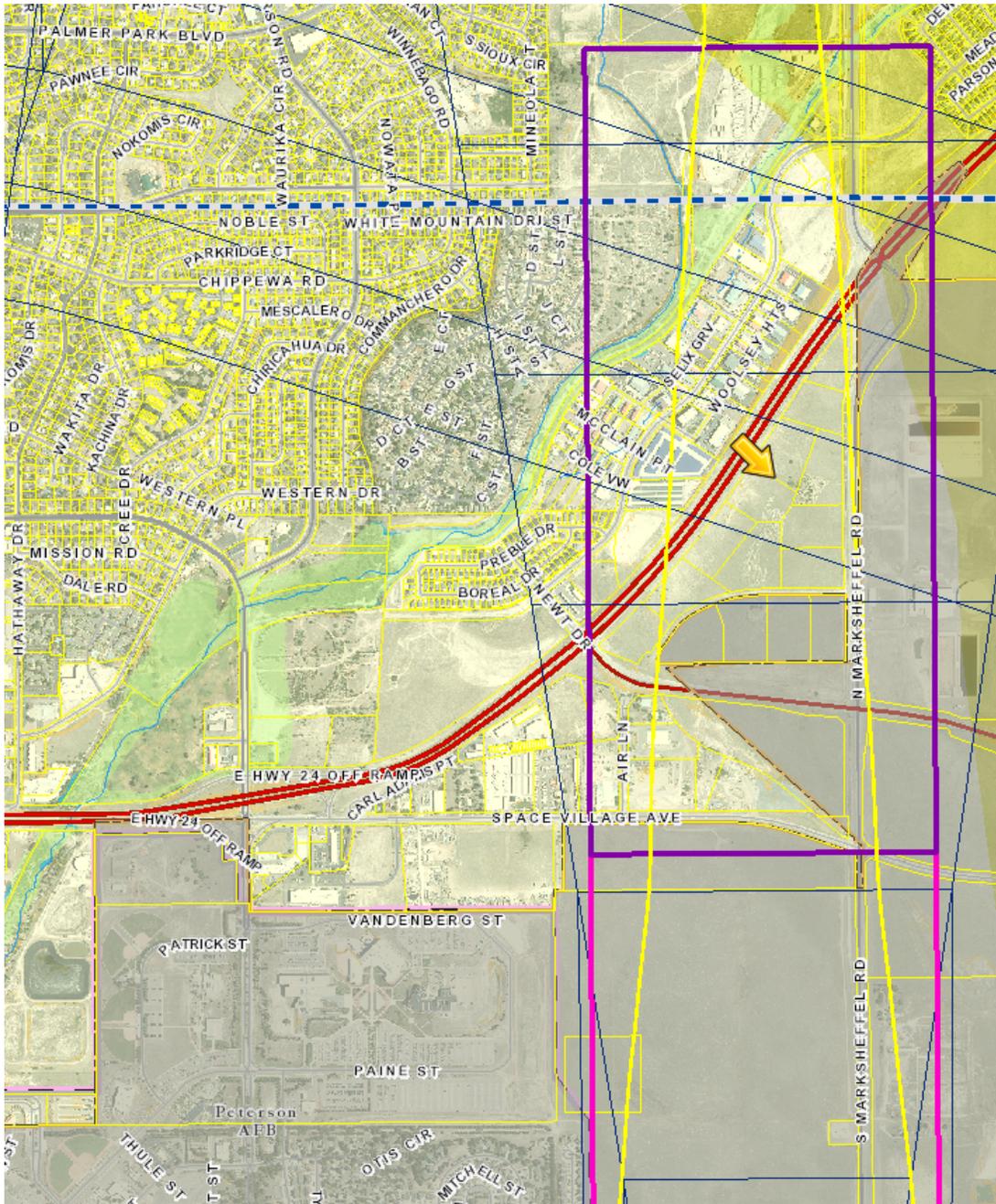
Dwire Minor Subdivision, MS-20-2

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

- Water and wastewater services for the subdivision are provided by Cherokee Metropolitan District. There is a finding for sufficiency in terms of water quality from this Colorado Department of Public Health and Environment (CDPHE) approved district. The CDPHE has assigned PWSID# CO0121125 to the District.
- The water quality basin must have mosquito control responsibilities included as a part of the construction design and maintenance plan to help control mosquito breeding habitat and minimize the potential for West Nile Virus.
- Earthmoving activity in excess of one acre, but less than twenty-five acres, requires a local Construction Activity Permit from El Paso County Public Health. Go to <https://www.elpasocountyhealth.org/service/air-quality/construction-activity-application> for more information.

Mike McCarthy
El Paso County Public Health
Environmental Health Division
719.575.8602 (O)
mikemccarthy@elpasoco.com
28March2020

CAD-O MAP



☑ Air Features

☑ CS Airport 2017 Noise Contours

- 65 dB
- 70 dB
- 75 dB

☑ Airport Accident Zone

- Clear Zone
- APZ I
- APZ II

☑ Part77 Surfaces