


EL PASO COUNTY
COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Planning Commission
 Brian Risley, Chair**

**FROM: Ryan Howser, Planner II
 Lupe Packman, Engineer I
 Craig Dossey, Executive Director**

**RE: Project File #: SF-21-013
 Project Name: Bridle Bit Ranch Filing No. 1A
 Parcel No.: 62100-01-011**

OWNER:	REPRESENTATIVE:
Nicole Telle 12730 Bridle Bit Road Colorado Springs, CO, 80908	Whitehead Engineering, LLC P.O. Box 1551 Colorado Springs, CO, 80901

Commissioner District: 1

Planning Commission Hearing Date:	10/7/2021
Board of County Commissioners Hearing Date	10/26/2021

EXECUTIVE SUMMARY

A request by Nicole Telle for approval of a vacation and replat of one (1) single-family residential lot into two (2) single-family residential lots. The 10.12-acre property is zoned RR-5 (Residential Rural) and is located on the west side of Bridle Bit Road, approximately one mile east of the Shoup Road and Highway 83 intersection and is within Section 10, Township 12 South, Range 66 West of the 6th P.M. The subject property is located within the boundaries of the Black Forest Preservation Plan (1987).

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 Nicole Telle for approval of a vacation and replat of one (1) single-family residential lot into two (2) single-family residential lots.

Waiver(s)/Deviation(s): The applicants are requesting a waiver to Section 8.4.3.B.2.e of the Code to allow for a lot without frontage on a public road.

Section 8.4.3.B.2.e, *Minimum Frontage*, of the Code states: "Lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads are approved by the BoCC pursuant to waiver granted under Section 8.4.4 (E)."

The applicant is proposing to create two (2) lots. One (1) of the lots is proposed to have direct access to Bridle Bit Road, an existing public road. The second lot is proposed to have access to Bridle Bit Road via an access easement, as depicted on the plat.

PCD Executive Director Recommendation:

The PCD Executive Director recommends approval of the requested waiver. Per the proposed minor subdivision, adequate lot accessibility can be provided via the proposed access easement. The applicant has depicted a layout that accommodates lot access to Bridle Bit Road, an existing public road.

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

B. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

The request to replat the tract includes two (2) actions, vacation of the portion of the original subdivision plat where the change is proposed and approval of a new subdivision plat. These actions can be taken concurrently. First the BoCC shall find that the request meets the vacation criteria for approval outlined in Section 7.2.3.A.3,

Vacation of a Plat with No Rights-of-Way, of the El Paso County Land Development Code (2019):

- Vacation of the recorded plat will not leave any lots or parcels without adequate utility or drainage easements;
- Vacation of the recorded plat will not vacate road rights-of-way or access easements needed to access other property;
- Vacation of the recorded plat will not inhibit the provision of adequate public facilities or services to other property as required by this Code;
- Vacation of the recorded plat is consistent with the Master Plan;
- Vacation of the recorded plat will not adversely affect the public health, safety, and welfare; and
- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the vacation of the plat has been resolved.

Secondly, the BoCC shall find that the request meets the final plat criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2019):

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

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

D. LOCATION

North: RR-5 (Residential Rural)	Single-family detached residential
South: RR-5 (Residential Rural)	Single-family detached residential
East: RR-5 (Residential Rural)	Single-family detached residential
West: PUD (Planned Unit Development)	Single-family detached residential

E. BACKGROUND

The property was initially zoned A-5 (Agricultural) on January 3, 1955 when zoning was initiated for this portion of El Paso County. Due to changes in the nomenclature of the El Paso County Land Development Code, the A-5 zoning district was renamed as the RR-5 (Residential Rural) zoning district.

The property was platted on February 15, 1980 as Lots 3 and 4 of the Bridle Bit Ranch subdivision (Plat No. 5415). The Board of County Commissioners (BoCC) approved a resolution to vacate the interior lot line between Lots 3 and 4 on April 19, 1982, merging Lots 3 and 4 into one legal lot recognized as Lot 4 (Resolution No. 82-147, Land Use-67).

A subdivision action is required in order to undo the lot line vacation and convert the existing Lot 4 back into two (2) lots. The applicant requests to subdivide the property into two (2) lots with a different configuration than how Lots 3 and 4 were originally platted. The original configuration divided the lots north and south; the original Lot 3 comprised the northernmost portion of the current subject property and the original Lot 4 comprised the southernmost portion. The applicant proposes to divide the property such that the proposed Lot 4A would comprise the westernmost 5.033 acres of the property and the proposed Lot 4B would comprise the easternmost 5.087 acres.

There is an existing residence on the property which was constructed in 1982 and is expected to remain on Lot 4B. The existing residence will meet all of the setback requirements of the RR-5 zoning district. The existing well and on-site wastewater treatment system (septic) will be completely contained within Lot 4B and will continue to serve the existing residence. Applications for a new well and a septic permit will be required prior to development of Lot 4A.

F. ANALYSIS

1. Land Development Code Compliance

The vacation and replat application meets the final plat submittal requirements, the standards for Actions Vacating or Altering a Recorded Plat in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (2019).

2. Zoning Compliance

The subject parcel is zoned RR-5 (Residential Rural). The RR-5 zoning district is intended to accommodate low-density, rural, single family residential development. The density and dimensional standards for the RR-5 zoning district are as follows:

- Minimum lot size: 5 acres *
- Minimum width at the front setback line: 200 feet
- Minimum setback requirement: front 25 feet, rear 25 feet, side 25 feet *
- Maximum lot coverage: 25%
- Maximum height: 30 feet

* In the event that the land to be partitioned, platted, sold or zoned abuts a section line County road, the minimum lot area for lots abutting the road shall be 4.75 acres and minimum lot width shall be 165 ft.

*Agricultural stands shall be setback a minimum of 35 feet from all property lines.

The applicant is requesting approval of a vacation and replat to replat one (1) single-family residential lot into two (2) single-family residential lots. The lots will meet the minimum lot size requirement of five (5) acres, with Lot 4A proposed to be 5.33 acres and Lot 4B proposed to be 5.87 acres. Individual site plans will need to be submitted for review for any proposed single-family dwelling in order to ensure compliance with the applicable dimensional standards. The existing residence on the property was constructed in 1982 and is proposed to remain on Lot 4B. If approved, the existing residence will meet all of the setback requirements of the RR-5 zoning district.

3. Policy Plan Analysis

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

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

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

***Policy 10.2.2** – Carefully consider the availability of water and wastewater services prior to approving new development.*

The subject property is zoned RR-5 (Residential Rural) and is surrounded by other rural residential properties. Properties to the north, south, and east of the subject property are also located within the Bridle Bit Ranch subdivision and range in size from 5.03 acres to 10.08 acres. To the west are two (2) platted lots within the New Breed Ranch Filing No. 2 subdivision (Plat No. 13330), which are 4.03 acres and 4.27 acres. The proposed lot sizes are compatible with the surrounding properties, which are all substantially similar to the proposed lot sizes. All of the surrounding properties are being used for single-family detached residential purposes.

The proposed use of the property is single-family residential, which is consistent with the uses of the surrounding properties. The State Water Engineer and the County Attorney's Office have each provided a recommendation for sufficient water supply for the proposed subdivision. Therefore, staff recommends that a finding of general consistency with the Plan can be made.

4. Small Area Plan Analysis

The property is located within the Timbered Area of the Black Forest Preservation Plan (1987). Chapter III, Section 1 of the Plan identifies this area as "limited to low density residential or open space." Relevant goals and policies are as follows:

***Goal 3.A** – Promote a residential environment which perpetuates the rural-residential character of the Black Forest Planning Area.*

***Policy 3.1** – Continue the promotion of residential subdivisions with an overall average minimum lot area of 5 acres in the Timbered Area and other designated portions of the planning area. The minimum lot size for five-acre overall density areas should be at least 2 ½ acres in most instances.*

The density of the proposed vacation and replat is approximately one (1) dwelling unit per five (5) acres, which is consistent with the allowed densities of the surrounding RR-5-zoned parcels as well as other developments in the Black Forest area. The proposed vacation and replat promotes rural residential development, maintains an overall average minimum lot area of 5 acres, and retains a density consistent with surrounding properties, as discussed above in the Policy Plan Analysis section. Therefore, staff recommends that the proposed subdivision is in general conformance with the Black Forest Preservation 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 5.4 – Promote the long-term use of renewable water.

Policy 6.0.1 – Continue to require documentation of the adequacy or sufficiency of water, as appropriate, for proposed development.

The development area is located within Region 2, Monument Area, which is anticipated to experience significant growth through 2060. Specifically, the Plan states:

“Substantial growth is projected along Highway 83 in northwestern El Paso County. Planned growth areas are expected to be low density and would currently rely on well and septic systems, as no centralized well or sewer systems are available. Region 2 bordering Douglas County also has projected growth by 2060 between Furrow Road and Roller Coaster Road.”

The Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The proposed development will not be served by a central water system. The following has been included for informational purposes only as it pertains to water demands and supplies in Region 2 for central water providers:

The property is located within Planning Region 2 of the Plan, which is an area anticipated to experience substantial growth. The Plan identifies the current demand for Region 2 to be 7,532 acre-feet per year (AFY) (Figure 5.1) with a current supply of 13,607 AFY (Figure 5.2). The projected demand in 2040 is at 11,713 AFY (Figure 5.1) with a projected supply of 20,515 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 is 13,254 AFY (Figure 5.1) with a projected supply of 20,756 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 7,502 AFY is anticipated for Region 2.

Water sufficiency has been analyzed with the review of the proposed vacation and replat. The augmentation decree for the property allows the subdivision to draw 0.458 acre-feet of water per year per lot from the Denver and Dawson aquifers, which would result in the withdrawal of approximately 1.35 AFY per individual well for the three (3) proposed lots. The applicant’s water resources report indicates an annual allocation of approximately 0.477 acre-feet available in

the Dawson aquifer over a 300-year period and an annual allocation of approximately 2.78 acre-feet available in the Denver aquifer over a 300-year period.

The applicant's water resources report and augmentation plan include measures for recharging water resources in the Dawson and Denver aquifers. 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 vacation and replat has an adequate water supply in terms of quantity and dependability. El Paso County Public Health has recommended that the proposed vacation and replat has an adequate water supply in terms of quality. Please see the Water section below for a summary of the water findings and recommendations for the proposed vacation and replat.

6. 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 Community Services Department, Environmental Division and El Paso County Conservation District were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies eolian deposits (wind-blown sands) 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.

Please see the Parks section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

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

No hazards were identified with the vacation and replat application.

2. Wildlife

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

3. Floodplain

The property is not located within a defined floodplain as determined from review of the FEMA Flood insurance Rate Map panel number 08041C0295G, dated December 7, 2018.

4. Drainage and Erosion

The parcel is located on the boundary of the Black Squirrel Creek (FOMO3600) and Kettle Creek (FOMO3000) drainage basins. The new lot that will be created with this vacation and replat application will exclusively be located within the Black Squirrel Creek drainage basin. Drainage and Bridge fees did not exist for El Paso County at the time of the initial platting of the Bridle Bit Ranch subdivision (Plat No. 5415), therefore no fees were ever assessed for this lot. Two lots were replated into one lot (VR94015) in 1994 and fees were also not assessed at that time. Since drainage fees were never paid, fees will be assessed during this replat in the amounts of \$2,041.48 for drainage fees and \$158.20 for bridge fees at the time of plat recordation for Black Squirrel Creek. This fee is inclusive of all applicable discounts. This is for the additional lot being created only. Per Engineering Criteria Manual Section 3.10.2a, the applicant qualifies for a 25 percent reduction of drainage fees, which applies for low density lots comprised of 2.5 acre lots or more and is reflected in the drainage fees. Drainage fees will be due for any new impervious areas, per ECM 3.13a.

Runoff enters from the northeast and sheet flows across the parcel towards the southwest. There are no major drainage facilities on the property except a driveway culvert. The applicant is not proposing any drainage improvements to the site for the development of the new lot.

5. Transportation

The site obtains access from Bridle Bit Road, which is a rural local road maintained by the County. The new lot will obtain access at the northeast corner of the lot from Bridle Bit Road. Sight distance requirements per the ECM will be met between the new and existing driveway.

The El Paso County 2016 Major Transportation Corridors Plan Update does not depict roadway improvement projects in the immediate vicinity of the site. The development is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471, as amended). Road impact fees shall be paid in full at the time of subsequent building permits.

H. SERVICES

1. Water

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State Water Engineer's Office has made a recommendation regarding a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office recommends a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health has made a recommendation regarding a finding of sufficiency for water quality and has no outstanding comments.

2. Sanitation

Wastewater service is proposed to be provided by onsite wastewater treatment systems (OWTS). The existing developed lot (Lot 4B) has an approved OWTS that was installed in 1982 (Permit No. 1039). An application for a new OWTS permit will be required prior to development of Lot 4A.

3. Emergency Services

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

4. Utilities

Electrical service will be provided by Mountain View Electric Association and natural gas service will be provided by Black Hills Energy. Both providers were sent a referral for the map amendment and have no outstanding comments.

5. Metropolitan Districts

The subject property is not located within a metropolitan district.

6. Parks/Trails

The El Paso County Parks Master Plan (2013) shows a master planned trail alignment along the west edge of the subject property. More specifically, the master plan identifies the proposed LaForet Regional Trail running along the western edge of the proposed subdivision. The proposed LaForet Regional Trail alignment runs along Shoup Road east and west, then heads north through Bridle Bit Ranch, continuing through adjacent subdivisions, until it intersects with Black Forest Regional Park. The Community Services Department, Parks

Division, is requesting a 25-foot trail easement be provided on the west side of the subject property to accommodate the LaForet Regional Trail. The requested trail easement is being provided as depicted on the proposed replat map.

Fees in lieu of park land dedication for the two lots (originally platted as Lots 3 and 4) were paid to El Paso County for the benefit of Regional Area 2 and Urban Area 2 at the time of plat recording of the Bridle Bit Ranch subdivision (Plat No. 5415). These fees are assessed based on the original number of platted lots. Since this property was originally platted as two (2) lots, no fees or land dedication will be required with the recording of the final plat. However, the applicant is providing a 25-foot trail easement on the west side of the property to accommodate the LaForet Regional Trail.

7. Schools

Fees in lieu of school land dedication for the two lots (originally platted as Lots 3 and 4) were paid to El Paso County for the benefit of Academy School District No. 20 at the time of plat recording of the Bridle Bit Ranch subdivision (Plat No. 5415). These fees are assessed based on the original number of platted lots. Since this property was originally platted as two (2) lots, no fees or land dedication will be required with the recording of the final plat.

I. APPLICABLE RESOLUTIONS

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J. STATUS OF MAJOR ISSUES

There are no major issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission 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 Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 18-471), 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 \$2,041.48 and bridge fees in the amount of \$158.20 for Black Squirrel Creek drainage basin (FOMO3600) shall be paid to El Paso County at the time of final plat recordation.
9. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

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 the Planning and Community Development Department Inspections staff and a Construction Permit is issued by the Planning and Community Development Department.
3. Fees in lieu of park land dedication for the two lots (originally platted as Lots 3 and 4) were paid to El Paso County for the benefit of Regional Area 2 and Urban Area 2 at the time of plat recording of the Bridle Bit Ranch subdivision (Plat No. 5415). Therefore, no fees or land dedication will be required with the recording of the final plat.
4. Fees in lieu of school land dedication for the two lots were paid to El Paso County for the benefit of Academy School District No. 20 at the time of plat recording of the Bridle Bit Ranch subdivision (Plat No. 5415). Therefore, no fees or land dedication will be required with the recording of the final plat.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified nine (9) adjoining property owners on September 17, 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

El Paso County Parcel Information

PARCE	NAME
6210001	TELLE NICOLE T

File Name: SF-21-013

Zone Map No. --

Date: September 15, 2021



Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
15 (719) 520-6600



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BRIDLE BIT RANCH FILING 1A

Letter of Intent

Owner / Applicant

Nicole T Telle
12730 Bridle Bit Road
Colorado Springs, CO 80908
(719) 332-0238

Consultant

David J Whitehead, P.E.
Whitehead Engineering, LLC
P.O. Box 1551
Colorado Springs, CO 80901

Site Data

Address: 12730 Bridle Bit Rd.
Colorado Springs, CO 80908

TID No. 62100-01-011

Area: 10.12 acres

Zoning: RR-5

Location: SE1/4 SE1/4 S10, T12S, R66W of the 6th P.M.

Request

This request is to subdivide the existing 10.12-acre lot into 2 lots of 5.0 acres each.

The current property is made up of two lots from the original subdivision, Lots 3 and 4 Bridle Bit Ranch which was recorded in April 1980. Subsequently the two lots were combined into the current configuration by County Commissioners resolution 82-147.

This request will allow of a single-family home to be constructed on the new lot. The proposed lot sizes are consistent with the surrounding developments.

This application conforms to the requirements set forth in the Land Development Code 7.2.4 (C)(4).

1. This replat complies with the pertinent provisions of the LDC and the ECM. This replat restores the vacated lots per County Commissioners Resolution 82-147. The resolution combined two lots into one. The land use action will restore the property to 2 parcels which is consisted with the originally recorded plat.
2. There are no non-conforming lots created by this land use request. Each lot is larger than that required by the existing zoning. Further there are no existing nonconforming lots.
3. The replat restores the original number of lots (2) created by the original plat of the subdivision, Bridle Bit Ranch Filing No. 1, and subsequently combined by County Commissioners resolution 82-147.
4. Access to both lots will be provided from, Bridle Bit Road, an existing public R-O-W. Bridle Bit Rd. is a paved road. Access to Lot 4A will be though a 30-foot-wide access easement across the northern most portion of Lot 4B connecting the lot to Bridle Bit Rd. Lot 4B has existing access to Bridle Bit Rd. which will remain unchanged.
5. This subdivision will not create any conditions that would adversely impact the health, Safety and Welfare of the of the public.
6. This subdivision is a part of a homeowner's association, "Bridle Bit Ranch Association, Inc." and there are Declarations and Protective Covenants last restated and recorded with the El Paso County Clerk on June 2, 2005, at Reception Number 205081371. This land use item does not conflict or create a conflict with any of the restrictions or requirements of the covenants.

Existing Facilities

There is an existing Single-family residence with an outbuilding on the property. They are served by a well (Dawson Formation) and an individual septic system.

All required public improvements were constructed with the original subdivision in 1980. The adjacent public street: Bridle Bit Rd. is in a 60-foot public R-O-W and is a paved roadway.

Electric facilities are installed underground and are owned and Operated by Mountain View Electric Association.

Natural gas facilities are installed and are owned and operated by Black Hills Energy.

Telephone facilities are installed both above and below ground depending on location and are owned and operated by Century Link Communications.

Proposed Facilities

A new single-family residence on the new lot. It will be served by existing utility service providers in the area and will have a well (Dawson Formation) and an individual septic system.

No new public facilities are proposed.

Policy Plan

The El Paso County Policy Plan underpins the implementation of the County Master Plan and Small-Area plans. The site that is the subject of this land use application lies within a Small-Area plan – Black Forest Preservation Plan.

This application is consistent with Goal 1.1 of the Policy Plan to protect and enhance the unique and individual qualities of the County. The development on new 5-acre lot will minimize the disturbed area and remain consistent with adjacent development.

This land use application is in conformance with the pertinent policies contained in the plan.

Black Forest Preservation Plan

The site lies within the boundaries for the Black Forest Preservation Plan. The site and proposed division conform to all pertinent elements of the plan. Significant elements of the plan are discussed below.

There are no Historic Sites or Structures on or near the site.

The septic system suitability is identified as having moderate or slight constraints. The new septic system will be an engineered system conforming to State & County requirements. There is an existing system on the site that is functioning

without issue. The Septic system report submitted with the application addresses the proposed system for the new lot.

Environmental Constraints (Map 5)

The only defined constraint is Wildfire. This constraint has been addressed in the Wildfire Mitigation plan submitted with this application.

Groundwater Resources

There is an existing well (Permit # 116298) serving the existing residence on the site. A new Decree of the Water Court for the proposed subdivision has been entered (Case # 2019CW3039, 25 June 2020). The decree establishes water rights, withdrawal rates and augmentation requirements and 300-year life for the site. The existing well will need to be re-permitted as a non-exempt well.

Community Services & Public Facilities

- The proposed subdivision, two five acre lots, is consistent with the rural residential goal of the plan and the adjacent subdivisions.
- The site is in School District 20
- The site is in the Black Forest Fire Protection District. A commitment to serve letter has been submitted with this application.
- Black Hills Energy supplies natural gas to the site. A commitment to serve letter has been submitted as a part of this application.
- Mountain View Electric Association (MVEA) provides electricity to the site. A commitment to serve letter has been submitted as a part of this application.

The site exists within the “Timbered Area” visual element of the plan (Map 11). This subdivision will not have an impact on this visual element.

The Visual Design Recommendation Matrix (Timbered Area) identifies the following guidelines:

- Use materials and colors compatible with the area
- Align roads with topography – no new roads are proposed.
- Identify and Protect Historic Sites – no historic site on or near site.
- Cluster development below site line.
- Provide visual entry points – only one new residential driveway – no entry point.
- Enhance surrounding visual features.

- Preserve and maintain vegetation – new residence construction will minimize disturbance to existing vegetation.

Water Master Plan

The site is in region 2 of the El Paso County Water Master Plan. Both lots in this subdivision will obtain their water from water wells in accordance with the court decree. There is one existing well onsite. This decree includes augmentation and provides for a 300-yr supply.

This land use application conforms to the pertinent policies of the Water Master Plan, including Policy 4.3.1 (Preserve Denver Basin Groundwater), 4.3.2 (Systematic Monitoring of Bedrock Aquifers), 4.3.3 (Incentivize use of Deeper Aquifers), 4.3.6 (Well Monitoring).

Waiver Requests

Applicant is requesting a waiver to Section 8.4.3.B.2.e of the Land Development Code for a lot without frontage on a Public Road. The code section requires a Minimum Frontage of 30 feet on and have access from a Public Road. This proposal for two lots will provide a lot (lot 4B) with direct access to Bridle Bit Road. Lot 4B has the existing home and related improvements on it. The second lot (lot 4A) will have access to Bridle Bit Road by way of a 40-foot-wide Ingress/Egress Easement across the most northerly portion of Lot 4B. This easement is in lieu of a flag stem for the lot.

BRIDLE BIT RANCH FILING NO. 1A

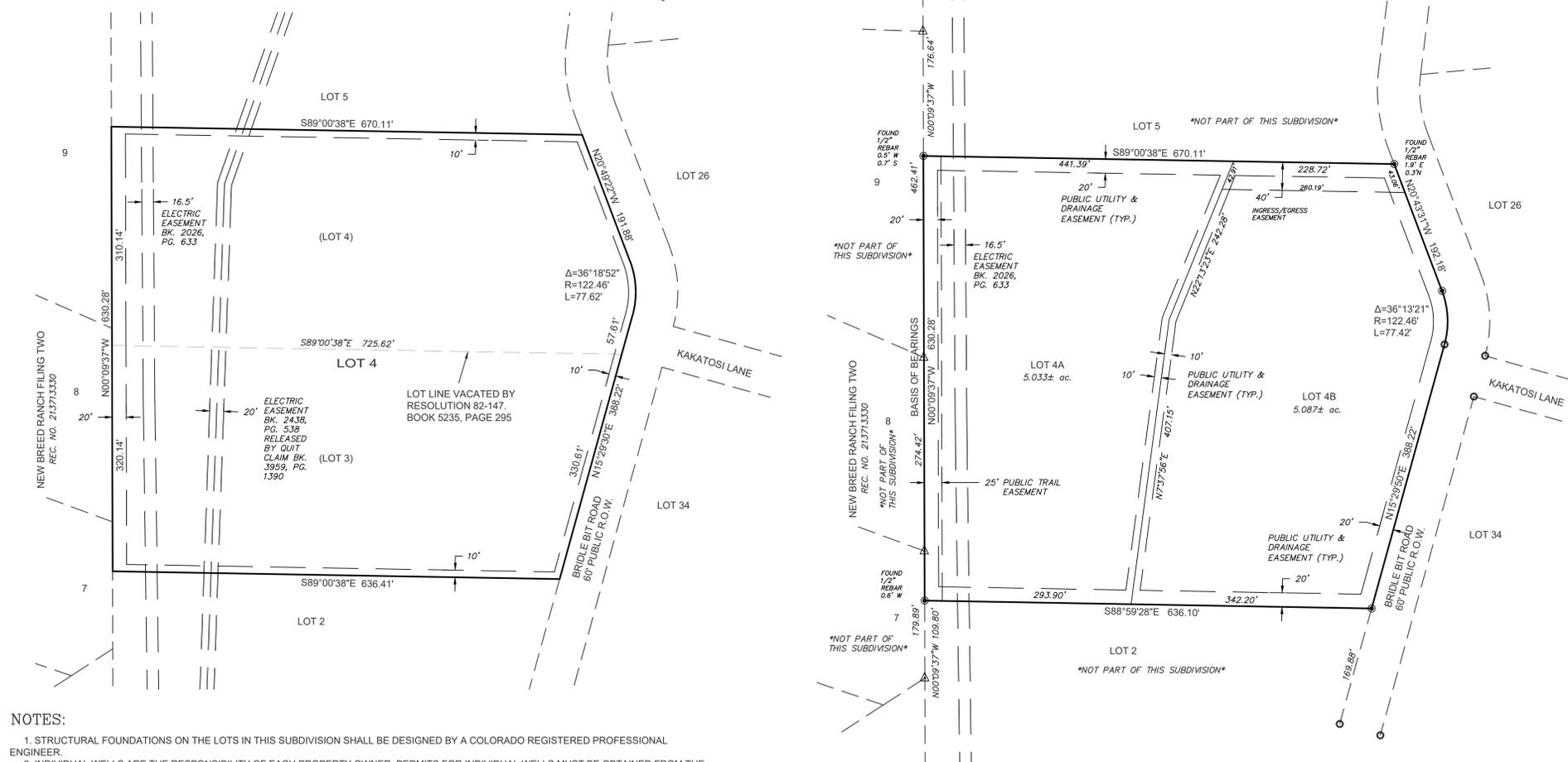
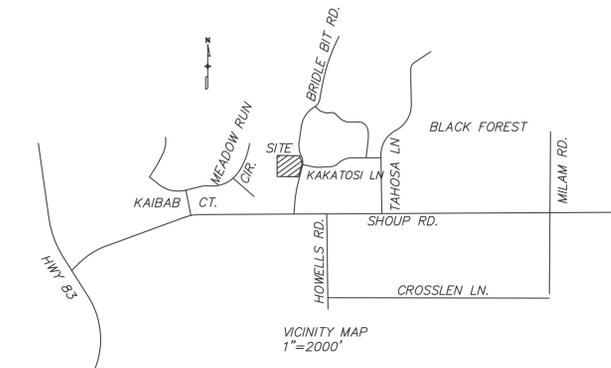
A VACATION AND REPLAT OF LOT 4 "BRIDLE BIT RANCH"

IN THE SOUTHEAST QUARTER OF SECTION 10, T12S, R66W, 6th P.M.

EL PASO COUNTY, COLORADO

AS PLATTED / VACATED

AS REPLATTED



BE IT KNOWN BY THESE PRESENTS:

THAT NICOLE T. TELLE IS THE OWNER OF THE FOLLOWING DESCRIBED TRACT OF LAND, TO WIT:

LOTS 3 AND 4, BRIDLE BIT RANCH, NOW KNOWN AS LOT 4, EL PASO COUNTY, COLORADO, AND VACATED BY RESOLUTION 82-147 AS RECORDED IN BOOK 5235 AT PAGE 295 OF THE EL PASO COUNTY RECORDS.

CONTAINING 10.12 ACRES, MORE OR LESS.

OWNERS CERTIFICATE:

NICOLE T. TELLE, BEING THE OWNER, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS IN THE LAND DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LANDS INTO LOTS AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF BRIDLE BIT RANCH FILING NO. 1A. THE UTILITY EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES, 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.

IN WITNESS WHEREOF:

THE AFOREMENTIONED NICOLE T. TELLE, HAS EXECUTED THIS INSTRUMENT THIS ____ DAY OF _____, 2021.

NICOLE T. TELLE

NOTARIAL:

STATE OF COLORADO)
COUNTY OF EL PASO) SS
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2021 BY NICOLE T. TELLE.

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC

EASEMENTS:

UNLESS OTHERWISE INDICATED ALL SIDE, FRONT AND REAR LOT LINES ARE HEREBY PLATTED WITH A TEN (10) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT. THE EXTERIOR SUBDIVISION BOUNDARY IS HEREBY PLATTED WITH A TWENTY (20) FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT. LOT 4B IS HEREBY PLATTED WITH A FORTY (40) FOOT INGRESS AND EGRESS FOR THE BENEFIT OF LOT 4A AS SHOWN. THE SOLE RESPONSIBILITY FOR MAINTENANCE OF THESE EASEMENTS ARE HEREBY VESTED WITH THE INDIVIDUAL PROPERTY OWNERS. THE PUBLIC TRAIL EASEMENT IS HEREBY DEDICATED TO EL PASO COUNTY FOR A FUTURE PUBLIC TRAIL SYSTEM.

SURVEYOR'S CERTIFICATION:

I, KEVIN M. O'LEARY, 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 THE SURVEY, 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 _____, 2021.

KEVIN M. O'LEARY _____ DATE _____
COLORADO REGISTERED PLS #28658
FOR AND ON BEHALF OF
LWA LAND SURVEYING, INC.

RECORDING:

STATE OF COLORADO) SS
COUNTY OF EL PASO)
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT MY OFFICE AT ____ O'CLOCK ____ M., THIS ____ DAY OF _____, 2021, AND IS DULY RECORDED AT RECEPTION NO. _____ OF THE RECORDS OF EL PASO COUNTY, COLORADO.

CHUCK BROERMAN _____ FEE: _____
BY: _____ SURCHARGE: _____
COUNTY CLERK AND RECORDER

FEES:

DRAINAGE FEES: _____
BRIDGE FEES: _____
SCHOOL FEES: _____
PARK FEES: _____

REVISION:	DATE:
COUNTY COMMENTS	7-16-21
TRAIL EASEMENT	9-20-21

BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

THIS PLAT FOR BRIDLE BIT RANCH FILING NO. 1A WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS ON THIS ____ DAY OF _____ OF 2021, SUBJECT TO ANY NOTES SPECIFIED HEREON AND ANY CONDITIONS INCLUDED IN THE RESOLUTION OF APPROVAL. BRIDLE BIT RANCH IN ITS 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 AND RECORDER, RECEPTION NO. 657851. (PLAT BOOK L-3, PAGE 20.)

CHAIR, BOARD OF COUNTY COMMISSIONERS _____ DATE _____

DIRECTOR, COUNTY PLANNING AND COMMUNITY DEVELOPMENT _____ DATE _____

COUNTY ASSESSOR _____ DATE _____

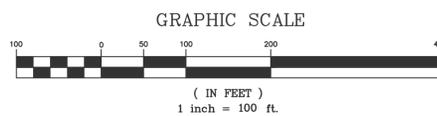
OWNER: NICOLE T. TELLE
12730 BRIDLE BIT ROAD
COLORADO SPRINGS, CO 80908
719-332-0238

PREPARED BY
LWA LAND SURVEYING, INC.
953 EAST FILLMORE STREET
COLORADO SPRINGS, COLORADO 80907
Phone (719) 636-5179
BRIDLE BIT.DWG
MAY 14, 2021
PROJECT 18034
SHEET 1 OF 1

SF-21-013

NOTES:

- STRUCTURAL FOUNDATIONS ON THE LOTS IN THIS SUBDIVISION SHALL BE DESIGNED BY A COLORADO REGISTERED PROFESSIONAL ENGINEER.
- 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.
- SEWAGE TREATMENT IS THE RESPONSIBILITY OF EACH INDIVIDUAL PROPERTY OWNER. THE EL PASO COUNTY DEPARTMENT OF HEALTH AND ENVIRONMENT MUST APPROVE EACH SYSTEM AND IN SOME CASES THE DEPARTMENT MAY REQUIRE AN ENGINEERED DESIGN PRIOR TO PERMIT APPROVAL.
- THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THE FINAL PLAT FOR THIS SUBDIVISION AND ARE ON FILE AT THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT: DRAINAGE REPORT; WATER RESOURCES REPORT; WASTEWATER DISPOSAL REPORT; GEOLOGY AND SOILS REPORT; FIRE PROTECTION REPORT AND FOUND IN PCD FILE # SP-21-013.
- ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGH THEIR PROPERTY. 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 OR RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENTS.
- MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY DEPARTMENT OF TRANSPORTATION AND UNITED STATES POSTAL SERVICE REGULATIONS.
- THE OWNER, ITS SUCCESSORS AND ASSIGNS SHALL ADVISE THE FUTURE OWNERS OF THESE LOTS OF ALL APPLICABLE REQUIREMENTS OF THE DETERMINATION OF WATER RIGHT PER THE WATER DECREE CASE NUMBER 2019CW3039, FILED JUNE 25, 2020.
- WATER IN THE DAWSON AQUIFER IS ALLOCATED BASED ON A 100 YEAR AQUIFER LIFE; HOWEVER, FOR EL PASO COUNTY PLANNING PURPOSES, WATER IN THE DAWSON AQUIFER IS EVALUATED BASED ON A 300 YEAR AQUIFER LIFE, WHICH IS BASED ON AN ALLOCATION APPROACH. APPLICANTS, ALL FUTURE OWNERS IN THE SUBDIVISION SHOULD BE AWARE THAT THE ECONOMIC LIFE OF A WATER SUPPLY BASED ON WELLS IN A GIVEN DAWSON 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 AND ALTERNATIVE RENEWABLE WATER RESOURCES SHOULD BE ACQUIRED AND INCORPORATED IN A PERMANENT WATER SUPPLY PLAN THAT PROVIDES FUTURE GENERATIONS WITH A WATER SUPPLY.
- THE 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 DEPARTMENT OF WILDLIFE, COLORADO DEPARTMENT OF TRANSPORTATION, U.S. ARMY CORP. OF ENGINEERS, THE U.S. FISH AND WILDLIFE SERVICE REGARDING THE ENDANGERED SPECIES ACT.
- THE ADDRESSES EXHIBITED ON THIS PLAT ARE FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT THE LEGAL DESCRIPTION AND ARE SUBJECT TO CHANGE.
- NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY. INDIVIDUAL LOT PURCHASERS ARE RESPONSIBLE FOR CONSTRUCTING DRIVEWAYS, INCLUDING THE NECESSARY CULVERTS.
- THE SUBDIVIDER AGREES ON BEHALF OF HIMSELF AND ANY DEVELOPER OR BUILDER SUCCESSORS AND ASSIGNEES THAT THE 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 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 THE SALE OF THE PROPERTY.
- THIS PROPERTY IS LOCATED WITHIN AND SERVICED BY THE MOUNTAIN VIEW ELECTRIC ASSOCIATION SERVICE DISTRICT, THE FALCON FIRE PROTECTION DISTRICT, EL PASO COUNTY SCHOOL DISTRICT NO. 49 AND THE BLACK HILLS ENERGY CORPORATION SERVICE DISTRICT.
- DRAINAGE EASEMENTS; NO PERMANENT DWELLING UNIT, TEMPORARY STRUCTURES, INCLUDING SHEDS AND OUT BUILDING, WATER WELL OR WASTEWATER TREATMENT SYSTEM MAY BE CONSTRUCTED IN THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. DRAINAGE CULVERTS AND FENCES THAT DO NOT BLOCK OR IMPEDE STORM WATER RUNOFF ARE ALLOWED IN AND ACROSS DRAINAGE EASEMENTS.
- THIS PROPERTY IS LOCATED WITHIN ZONE X "AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN" AS DETERMINED BY THE FLOOD INSURANCE RATE MAP NUMBER 08041C0295 G, EFFECTIVE DATE DECEMBER 7, 2018.
- ACCESS TO LOT 4A SHALL BE VIA THE INGRESS/EGRESS EASEMENT AS SHOWN. THE RESPONSIBILITY AND MAINTENANCE OF SAID ACCESS IS SUBJECT TO THE MAINTENANCE AGREEMENT AND ALL COVENANTS AND RESTRICTIONS CONTAINED THEREIN PER THE DOCUMENT RECORDED AT RECEPTION NUMBER _____ OF THE EL PASO COUNTY RECORDS.
- INDIVIDUAL LOT PURCHASERS ARE RESPONSIBLE FOR CONSTRUCTING DRIVEWAYS, INCLUDING NECESSARY DRAINAGE CULVERTS FROM BRIDLE BIT ROAD PER LAND DEVELOPMENT CODE SECTION 6.3.3.C.2 AND 6.3.3.C.3. DUE TO THEIR LENGTH, SOME OF THE DRIVEWAYS WILL NEED TO BE SPECIFICALLY APPROVED BY THE BLACK FOREST FIRE PROTECTION DISTRICT.



THE BASIS OF BEARINGS FOR THIS SURVEY IS THE WEST LINE OF THE ORIGINAL LOTS 3 AND 4 BRIDLE BIT RANCH, N0°09'37"W - 630.28'. THE DIRECTION IS BASED ON THE BRIDLE BIT PLAT AND THE LINE IS MONUMENTED AS SHOWN.

UNITS OF MEASURE ARE U.S. SURVEY FEET

- FOUND A 1/2" DIAMETER REBAR OR AS NOTED
- △ FOUND 1/2" DIAMETER REBAR AND CAP "HANNIGAN PLS 25629"
- FOUND / SET A 5/8" DIAMETER REBAR, 18" IN LENGTH, WITH A 1-1/2" DIAMETER ALUMINUM CAP "LWA PLS 28658"

MONUMENTS ARE FLUSH WITH THE GROUND UNLESS NOTED OTHERWISE

TITLE NOTES:

RESEARCH FOR RECORDED RIGHTS OF WAY AND EASEMENTS WAS DONE BY LAND TITLE GUARANTEE COMPANY, FILE NO. SR55076216-4, EFFECTIVE DATE 1/2/2021.

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY LWA LAND SURVEYING, INC. OR KEVIN M. O'LEARY.

THE PROPERTY IS SUBJECT TO THE TELEPHONE EASEMENT RECORDED IN BOOK 2026 AT PAGE 633 AND SHOWN HEREON.

THE ELECTRIC EASEMENT RECORDED IN BOOK 2438 AT PAGE 538 WAS RELEASED BY THE QUIT CLAIM DEED RECORDED IN BOOK 1399 AT PAGE 1390.

FIELD MEASUREMENTS BETWEEN EXISTING AND RE-ESTABLISHED CORNER MONUMENTS VARY FROM THE RECORD DIMENSIONS. THEREFORE THE AS-PLATTED AND AS RE-PLATTED BEARINGS AND DISTANCES DIFFER AS SHOWN.

ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO C.R.S. 18-4-508.



April 20, 2021

Ryan Howser
El Paso County Development Services Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910

RE: Bridle Bit Ranch Filing 1A – Final Plat
SE1/4 of Sec. 10, Twp. 12S, Rng. 66W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 27650

To Whom It May Concern,

We have received the submittal to subdivide a 10+/- acre parcel into two lots, which will each be 5+/- acres in size. The proposed supply of water for this development is to be served by individual on-lot wells and wastewater is to be served by individual septic systems.

Water Supply Demand

The Water Supply Information Summary, included with the submittal, provided limited useful information. However, the plan for augmentation decreed in case no. 2019CW3039 approved a plan for augmentation, which would allow for the operation of two wells. The estimated water supply for each well was decreed as 0.458 acre-feet/year, for use in a single-family residence, irrigation of lawn and garden and the watering of up to four horses or equivalent livestock.

Source of Water Supply

The anticipated source of water is to be provided by two on-lot wells. One will produce from the Dawson aquifer and the second will produce from the Denver aquifer. Both wells will operate pursuant to the augmentation plan decreed in case no. 2019CW3039 (Division 2). The water underlying this property was adjudicated and the applicant is the owner of the Dawson, Denver, Arapahoe, and Laramie Fox-Hills aquifers.

According to the decree referenced above, the following amounts of water shown in Table 1, below, were determined to be available underlying the 10.12 ± acre tract of land owned by the applicant.



Table 1 - Denver Basin Ground Water Rights

Aquifer	Tributary Status	Volume (AF)	Annual Allocation 100 Year (AF/Year)	Annual Allocation 300 Year (AF/Year)
Dawson	NNT	143	1.43	0.477
Denver	NNT 4%	834	8.34	2.78
Arapahoe	NNT 4%	421	4.21	1.40
Laramie-Fox Hills	NT	281	2.81	0.937

The plan for augmentation decreed in case no. 2019CW3039 allows for diversion of 0.458 acre-feet per year from the Dawson aquifer and 0.458 acre-feet from the Denver aquifer for the uses proposed in the subdivision referral.

This office has record of one existing well located on the property. Well permit no. 116298 is an exempt well permitted pursuant C.R.S. 37-62-602. The referral documents indicate that the applicant intends to use this existing well as part of the water supply to the proposed subdivision. **This will require that the applicant apply for, and obtain a new well permit issued pursuant to Section 37-90-137(4) C.R.S.**

The proposed source of water for this subdivision is a bedrock aquifer in the Denver Basin. The State Engineer’s Office does not have evidence regarding the length of time for which this source will be a physically and economically viable source of water. According to 37-90-137(4)(b)(I), C.R.S., “Permits issued pursuant to this subsection (4) shall allow withdrawals on the basis of an aquifer life of one hundred years.” Based on this **allocation** approach, the annual amounts of water decreed is equal to one percent of the total amount available as determined by Rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Therefore, the water may be withdrawn in those amounts for a maximum of 100 years.

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

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

The State Engineer’s Office does not have evidence regarding the length of time for which this source will “meet the average annual demand of the proposed subdivision.” However, treating El Paso County’s requirement as an **allocation** approach based on three hundred years, the annual estimated demand, for the entire subdivision, is a maximum of 0.458 acre-feet (from each aquifer) as allowed by the augmentation plan. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

State Engineer’s Office Opinion

Based on the above, it is our opinion, pursuant to CRS 30-28-136(1)(h)(I), that the anticipated water supply can be provided without causing material injury to decreed water rights so long as the applicant obtains well permits issued pursuant to C.R.S. 37-90-137(4) and the plan for augmentation noted herein, for all wells in the subdivision and operates the wells in accordance with the terms and conditions of any future well permits.

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

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

Our opinion is qualified by the following:

The Division 2 Water Court has retained jurisdiction over the final amount of water available pursuant to the above-referenced decrees, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifers, and identified in case no. 2019CW3039 (Division 2), was calculated based on estimated current aquifer conditions. For planning purposes, the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 300 years used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply. Furthermore, that applicant will need to apply for, and obtain a new well permits issued pursuant to Section 37-90-137(4) C.R.S.

Should you or the applicant have questions regarding any of the above, please contact me at this office.

Sincerely,



Ivan Franco, P.E.
Water Resource Engineer

cc: Bill Tyner, Division 2 Engineer
Doug Hollister, District 10 Water Commissioner

EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

Diana K. May, County Attorney

Assistant County Attorneys

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

August 30, 2021

SF-21-13 Bridle Bit Ranch Filing No. 1A

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

FINDINGS AND CONCLUSIONS:

1. This is a proposal by Nicole Telle (“Applicant”) for a final plat amendment to divide a 10.12 acre parcel into a 2-lot subdivision (the “Property”). The Property is zoned RR-5 (Rural Residential). There is an existing single-family residence on the Property which is served by an existing well.

2. The Applicant has provided for the source of water to derive from individual on-lot wells as provided in the Decree and Augmentation Plan issued to Clifford and Nicole Telle on June 25, 2020, in District Court Water Division 2 Case No. 19CW3039, as consolidated with Case No. 19CW3113 (“Decree” and “Augmentation Plan”). The Decree awarded a vested right to 233 acre-feet of groundwater from the not nontributary Dawson aquifer and a vested right to 834 acre-feet of groundwater from the not nontributary Denver aquifer as further detailed by the State Engineer’s Office in paragraph 3 below. The Augmentation Plan permits withdrawal of 0.458 acre-feet/lot year from each aquifer. Pursuant to the Water Supply Information Summary (“WSIS”), the water demand is 0.916 acre-feet/year for the subdivision, which includes 0.52 acre-feet for household use (0.26 acre-feet/lot), 0.324 acre-feet for irrigation, and 0.072 acre-feet for stock watering. Based on this total demand, Applicant must be able to provide a supply of 274.8 acre-feet of water (0.916 acre-feet per year x 300 years) to meet the County’s 300-year water supply requirement.

3. In a letter dated April 20, 2021, the State Engineer reviewed the submittal to subdivide the 10.12 acre parcel into a 2-lot subdivision. The State Engineer stated that the “source of water is to be provided by two on-lot wells. One will produce from the Dawson aquifer and the second will produce from the Denver aquifer. Both wells will operate pursuant to the augmentation plan decreed in case no. 2019CW3039 (Division 2). The water underlying this property was adjudicated and the applicant is the owner of the Dawson, Denver, Arapahoe, and Laramie Fox-Hills aquifers.” According to the Decree, the uses for the water are “single-family residence, irrigation of lawn and garden and watering of up to four horses or equivalent

livestock.” The following amounts of water were determined to be available under the Property as follows:

Aquifer	Tributary Status	Volume (AF)	Annual Allocation 100 Year (AF/Year)	Annual Allocation 300 Year (AF/Year)
Dawson	NNT	143	1.43	0.477 ¹
Denver	NNT 4%	834	8.34	2.78
Arapahoe	NNT 4%	421	4.21	1.40
Laramie-Fox Hills	NT	281	2.81	0.937

The State Engineer further states that the Augmentation Plan “allows for diversion of 0.458 acre-feet per year from the Dawson aquifer and 0.458 acre-feet from the Denver aquifer.” The State Engineer notes there is an existing well on the property (well permit no. 116298). Since the Applicant is planning to use the existing well, the Applicant will need to apply for and obtain a new well permit pursuant to C.R.S. § 37-90-137(4). Finally, the State Engineer stated that “it is our opinion that pursuant to CRS 30-28-136(1)(h)(I), that the anticipated water supply can be provided without causing material injury to decreed water rights so long as the applicant obtains well permits issued pursuant to C.R.S. 37-90-137(4) and the plan for augmentation noted herein, for all wells in the subdivision and operates the wells in accordance with the terms and conditions of any future well permits.”

4. Findings of Fact, Conclusions of Law, Ruling of Referee and Decree Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation, Case No. 19CW3039 (“Decree” and “Augmentation Plan”). The Decree and Augmentation Plan was issued on June 25, 2020, and approves the plan for augmentation to allow withdrawal from the not nontributary Dawson and Denver aquifers for this subdivision. The aquifers require the use of septic return flows from indoor uses to meet the respective requirements to replace depletions to the stream system during 300 years of pumping. Such return flows may not be otherwise used, sold, traded, or assigned.

The Decree adjudicates 233 acre-feet of not nontributary Dawson aquifer water and 834 acre-feet of not nontributary Denver aquifer water underlying the 10.12-acre Property. Pursuant to the Augmentation Plan, the subdivision may withdraw 0.458 acre-feet/year from each well/each aquifer for a period of 300 years, for use in one single-family residence, irrigation of lawn and gardens and watering of up to four large domestic animals.

Pursuant to the Augmentation Plan, the Applicant is required to provide replacement water from septic and leaching field return flows from in-home use of the groundwater during the pumping

¹ Note: Paragraph 38 of the Decree identifies a vested right to 233 acre-feet of Dawson aquifer water; however, the Augmentation Plan permits withdrawal of 137.4 acre-feet/year and the full amount is subject to Well Permit No. 116298 being re-permitted as a non-exempt well. Any remaining Dawson water not allowed for withdrawal in the Augmentation Plan “shall not be withdrawn for any purpose except pursuant to a separate court-approved plan....”

life of the wells. The Applicant is required to replace 4% of the annual amount from the one Denver aquifer well. The Applicant is required to replace actual stream depletions attributable to pumping the maximum amount from the one Dawson aquifer well. The Augmentation Plan provides that replacement of post-pumping depletions associated with the wells will occur from the Laramie-Fox Hills aquifer. The Augmentation Plan states the “[p]ursuant to C.R.S. §37-90-137(9)(b), no more than 98% of water withdrawn annually from a nontributary aquifer shall be consumed. The reservation of 281 acre feet from the Laramie-Fox Hills aquifer results in 275.4 acre feet of available post-pumping augmentation water, which will be sufficient to replace post-pumping depletions from pumping the Dawson aquifer and Denver aquifer groundwater”

5. Analysis. Applicant’s water demand for Bridle Bit Ranch Filing 1A is 0.916 acre-feet per year for a total demand of 274.8 acre-feet for the subdivision for 300 years. The Augmentation Plan in Case No. 19CW3039 permits withdrawal of 0.458 acre-feet/year (137.4 acre-feet total) of Dawson aquifer water for a period of 300 years and 0.458 acre-feet/year (137.4 acre-feet total) of Denver aquifer water for a period to 300 years. Based on the demand of 0.916 acre-feet/year for the 2-lot subdivision and the Augmentation Plan permitting withdrawals in that amount for a period of 300 years, there appears to be a sufficient water supply to meet the water demands of Bridle Bit Ranch Filing 1A.

6. Section 8.4.7.B.10.g., of the Land Development Code allows that in the absence of evidence to the contrary, a presumption is made that residential subdivisions of 4 or fewer lots will meet the water quality standards.

7. Therefore, based upon the Water Supply Information Summary, a finding of sufficiency and no injury by the State Engineer, the Decree and Augmentation Plan in Water Court Case No. 19CW3039, and based on the requirements below, the County Attorney’s Office recommends a finding that the proposed water supply is sufficient in terms of quantity and dependability. There is a presumption of sufficient water quality.

REQUIREMENTS:

A. Applicant and its successors and assigns shall comply with all requirements of the Decree and Augmentation Plan in Water Court Case No. 19CW3039, specifically, that water use shall not exceed 0.458 acre-feet annually for 1 lot using Dawson aquifer water and 0.458 acre-feet annually for 1 lot using Denver aquifer water and that all stream depletions will be replaced with non-evaporative septic system return flows for a period of 300 years, pursuant to the Court’s augmentation plan.

B. The County prefers that when there is an augmentation plan, Applicant create a homeowners’ association (“HOA”); however, alternatively to establishing an HOA, especially for minor subdivisions such as this, Applicant may 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 the Decree and Augmentation Plan in Water Court Case No. 19CW3039, including, but not limited to, ensuring that return flows

by the use of non-evaporative septic systems are made to the stream systems and that such return flows shall only be used to replace depletions and shall not be separately sold, traded, or assigned in whole or in part for any other purpose. The Covenants more specifically shall require that the lot served by the Dawson aquifer well and the lot served by the Denver aquifer well will have an occupied single-family dwelling that is generating return flows from a non-evaporative septic system. In addition, the Covenants shall advise future lot owners of this subdivision and their successors and assigns of their obligations regarding costs of operating the plan for replacement, including all monitoring and accounting. Such Covenants shall also address responsibility for any metering and data collecting that may be required regarding water withdrawals from wells pursuant to the plan for replacement, and shall protect the viability of the water supply by placing limitations in the Covenants as to amendments and termination as applied to said water supply.

The covenants shall address the following:

- 1) Identify the water rights associated with the property. The Covenants shall reserve 137.4 acre-feet of not nontributary Denver aquifer water on Lot 1, 137.4 acre-feet per lot of not nontributary Dawson aquifer on the existing Lot 2, and 281 acre-feet total of Laramie-Fox Hills aquifer water to be used for post-pumping depletions pursuant to the Augmentation Plan in Case No. 19CW3039, to satisfy El Paso County's 300-year water supply requirement for the 2 lots of Bridle Bit Ranch Filing 1A.
- 2) Require non-evaporative septic systems and reserve return flows from the same. The Covenants shall require each lot owner to use non-evaporative septic systems to ensure that return flows from such systems are made to the stream system to replace actual depletions during pumping, shall reserve said return flows to replace depletions during pumping, and shall state that said return flows shall not be separately sold, traded, assigned, or used for any other purpose. The Covenants more specifically shall require that each lot served by a Dawson or Denver well shall have an occupied single-family dwelling that is generating return flows from a non-evaporative septic system. The Covenants shall also include the following or similar language to ensure that such return flows shall only be used for replacement purposes: "Return flows shall only be used for replacement purposes, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose."
- 3) 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 the plan for augmentation in Decree and Augmentation Plan in Case No. 19CW3039 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.”

4) The Covenants shall advise 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 wells in the Dawson and Denver aquifers, and Augmentation Plan requirements regarding the Laramie-Fox Hills aquifer.

5) 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 Bridle Bit Ranch Filing 1A pursuant to the Decree and Augmentation Plan in Case No. 19CW3039. 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 a Decree from the Colorado Water Court 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 adjudication.”

6) The Covenants shall address termination using the following or similar language:

“These Covenants shall not terminate unless the requirements of the Decree and Augmentation Plan in Case No. 19CW3039 are also terminated by the Colorado Water Court and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County.”

C. Applicant and its successors and assigns shall reserve in the Covenants and in any deeds of the Property the amount of at least 0.458 acre-feet annually from the Dawson aquifer (137.4 acre-feet total) and 0.458 acre-feet annually from the Denver aquifer (137.4 acre-feet total) for the subdivision for a period of 300 years for a total of 274.8 acre-feet for the 2-lot subdivision. 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. Applicant shall convey by recorded warranty deed the reserved Dawson and Denver aquifer water rights to the individual lot owners. Applicant shall provide copies of said Covenants or other such reservation and conveyance instruments that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney’s Office prior to recording the minor subdivision plat.

Any and all conveyance instruments shall recite as follows:

For the water rights and return flows conveyed for the Dawson and Denver aquifers: "These water rights conveyed, and the return flows therefrom, are intended to provide a 300-year supply, and replacement during pumping, for each of the identified lots of Bridle Bit Ranch Filing 1A. 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."

D. Pursuant to the Decree and Augmentation Plan, Applicant shall recite that this water shall not be separated from transfer of title to the Property. Applicant shall provide copies of such reservation and conveyance instruments that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney's Office prior to recording the minor subdivision plat.

E. Applicant and its successors and assigns, at the time of lot sales, shall convey by warranty deed to individual lot owners sufficient water rights in the Denver aquifer or the Dawson aquifer, pursuant to the Decree and Augmentation Plan in Case No. 19CW3039 underlying the respective lots to satisfy El Paso County's 300 year water supply requirement. Denver aquifer requirements are 137.4 acre-feet per lot (0.458 acre-feet/year x 300 years) and Dawson aquifer requirements are 137.4 acre-feet per lot (0.458 acre-feet/year x 300 years). Applicant and its successors and assigns shall convey by warranty deed to individual lot owners sufficient water rights in the Laramie-Fox Hills aquifer to account for post-pumping depletions as required by the Augmentation Plan. Said conveyance instruments shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for the primary supply and replacement during pumping for the respective lots. Applicant shall provide form deeds for such conveyances that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney's Office prior to recording the minor subdivision plat.

F. Applicant and its successors and assigns shall submit a Declaration of Covenants, Conditions, and Restrictions 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 the Decree and Augmentation Plan in Case No. 19CW3039 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, the Decree and Augmentation Plan in Case No. 19CW3039 and 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. Applicant shall apply for and obtain a new well permit pursuant to C.R.S. § 37-90-137(4) as required by the State Engineer's Office and must operate all wells in accordance with the terms and conditions of any future well permits.

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."

cc: Ryan Howser, Planner II



Prevent • Promote • Protect

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Bridle Bit Ranch Filing 1A, SF-21-13

Please accept the following comments from El Paso County Public Health for the plat amendment request referenced above:

- **Water service for newly created lot will be by an individual private well. The location of the well must be a minimum of 100' from the closest portion of the proposed primary and secondary soil treatment areas (STA), and 100' minimum from any existing or proposed soil treatment area. There is a finding for sufficiency based upon the original findings in 1980 from the Dawson aquifer and the water quality sample results submitted in the GWI, LLC., 16 January 2021, Water Quality Report, with testing completed at Colorado Analytical Laboratories, Inc.**
- **Wastewater service for the new undeveloped lot (Lot 1) is to be an on-site wastewater treatment system (OWTS). An application for a New OWTS Permit is required prior to development of the lot.**
- **The primary and secondary OWTS soil treatment areas (STA) of the existing developed lot and the proposed new lot must be protected from all vehicular traffic or any activity that will subject the STA's to compaction. If the STA's are compromised by compaction, then El Paso County Public Health will require the area(s) to be abandoned and new areas with associated soil testing be submitted and approved.**
- **The existing developed lot (Lot 2) has an approved OWTS originally installed in 1982. In 2007 the garage/office outbuilding was connected to the existing septic tank. In 2008 an addition to the 1982 STA was approved. The STA's must be a minimum of 10' from the new property line and satisfy the required minimum horizontal installation setback to the new well proposed for the undeveloped lot.**

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