

EL PASO COUNTY



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

COLORADO

HOLLY WILLIAMS
STAN VANDERWERF
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Kylie Bagley, Planner III
Edward Schoenheit, Engineer I
Meggan Herington, AICP, Executive Director

RE: Project File Numbers: SF2324
Project Name: Hay Creek Valley
Parcel Nos: 710000267, 710000268, 710000269, 710000270 713300001,
& 7133007014

OWNER:	REPRESENTATIVE:
O M Fitzgerald 2855 Hay Creek Rd Colorado Springs, CO 80255	Matrix Design Group, Inc. Jason Alwine (719) 457-5609

Commissioner District: 3

Planning Commission Hearing Date:	4/18/2024
Board of County Commissioners Hearing Date:	5/9/2024

EXECUTIVE SUMMARY

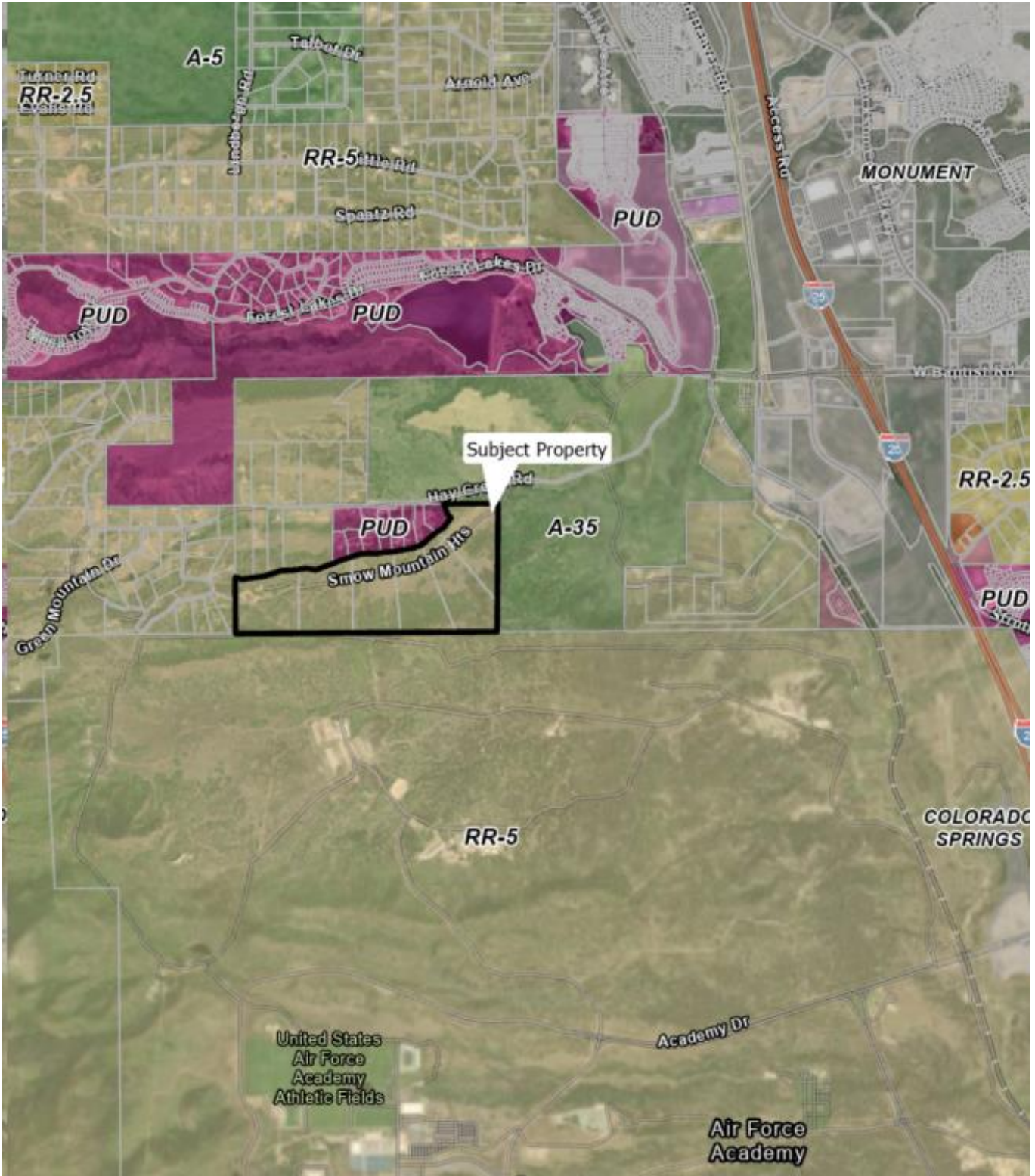
A request by View Homes, Inc. for approval of a Final Plat for the Hay Creek Valley Subdivision to create 20 single-family residential lots and 3 tracts. The site is 214.62 acres, zoned RR-5 (Residential Rural) 5-acre minimum lot size, and is located south of the Town of Monument, adjacent to Hay Creek Road. The property is currently improved with a single-family residence, which will remain on a lot in the western portion of the project.

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

Zoning Map with Location



2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

A. WAIVERS/AUTHORIZATION

Waiver(s):

The following waivers were approved by the Board of County Commissioners on October 12, 2023, with the approval of the Preliminary Plan (PCD File Number SP231).

A Waiver of Section 8.4.4.C of the LDC is requested. More specifically, the waiver will allow for private roads to be built in lieu of public roads for the subdivision. The private roads are proposed to be built to County standards with the exception of the proposed ECM modifications and are proposed to be maintained and owned by the Homeowner's Association (HOA).

A Waiver of Section 6.3.3.C of the LDC is requested. More specifically, access to a planned building area shall be provided by a minimum of 2 separate routes in accordance with the requirements of this Code and the ECM if the cul-de-sac exceeds the length allowed by the ECM. The Monument Fire District has agreed to this request.

In approving a waiver from any of the subdivision design standards and requirements, the Board of County Commissioners shall find that the waiver meets the criteria for approval outlined in Section 7.3.3 (Waivers) of the El Paso County Land Development Code (As Amended):

- The waiver does not have the effect of nullifying the intent and purpose of this Code;
- The waiver will not result in the need for additional subsequent waivers;
- The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;
- The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property;
- A particular non-economical hardship to the owner would result from a strict application of this Code;
- The waiver will not in any manner vary the zoning provisions of this Code; and
- The proposed waiver is not contrary to any provision of the Master Plan.

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



B. APPROVAL CRITERIA

In approving a Final Plat, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code ("Code") (as amended):

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of this Code;
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of this Code (this finding may not be deferred to Final Plat if the applicant intends to seek administrative Final Plat approval);
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)];
- Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the Engineering Criteria Manual (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
- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
- The subdivision meets other applicable sections of Chapter 6 and 8; and
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. § 34-1-302(1), et seq.]

C. LOCATION

North:	PUD (Planned Unit Development)	Single-family Residential
South:	United States Air Force Academy	Government Federal
East:	A-35 (Agricultural)	Agricultural
West:	RR-5 (Residential Rural)	Single-family Residential

D. BACKGROUND

A Preliminary Plan (PCD File Number SP231) for Hay Creek Valley was approved by the Board of County Commissioners on October 12, 2023, without a finding of water sufficiency. The proposed Final Plat is consistent with the approved Preliminary Plan and did receive a finding of water sufficiency.



E. LAND DEVELOPMENT CODE AND ZONING ANALYSIS

The Final Plat application meets the Final Plat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (As Amended).

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: None
- Maximum height: 30 feet

In order to initiate any new residential uses on the property, the applicant will need to obtain site plan approval. Any proposed additional structures will require site plan review and will include confirmation that all site improvements (existing and proposed) will comply with the dimensional standards included in Chapter 5 as well as the Development Standards of Chapter 6 of the Code.

F. MASTER PLAN COMPLIANCE

The proposed Final Plat is consistent with the Master Plan analysis which was provided with the Preliminary Plan application SP-23-001 and approved by the BoCC on October, 12, 2023.

1. Water Master Plan Analysis

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

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

Policy 1.1.1 – *Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.*

Goal 1.2 – *Integrate water and land use planning.*

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 2 of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 2 for central water providers:

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 for Region 2 is at 11,713 AFY (Figure 5.1) with a projected supply of 20,516 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region is 2 is at 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.

See the Water section below for a summary of the water findings and recommendations for the proposed subdivision.

2. Other Master Plan Elements

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

The Master Plan for Mineral Extraction (1996) identifies stream terrace deposit in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

Geologic hazards were identified during the review of the Final Plat and have been found to impact all the proposed lots. The Colorado Geological Survey has reviewed the Final Plat documents and has no outstanding comments at this time. Proposed geologic mitigation measures include the evaluation of the temporary cuts, if performed, and permanent wall conditions, including slope stability analysis. These notes are included on the Final Plat document.

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300

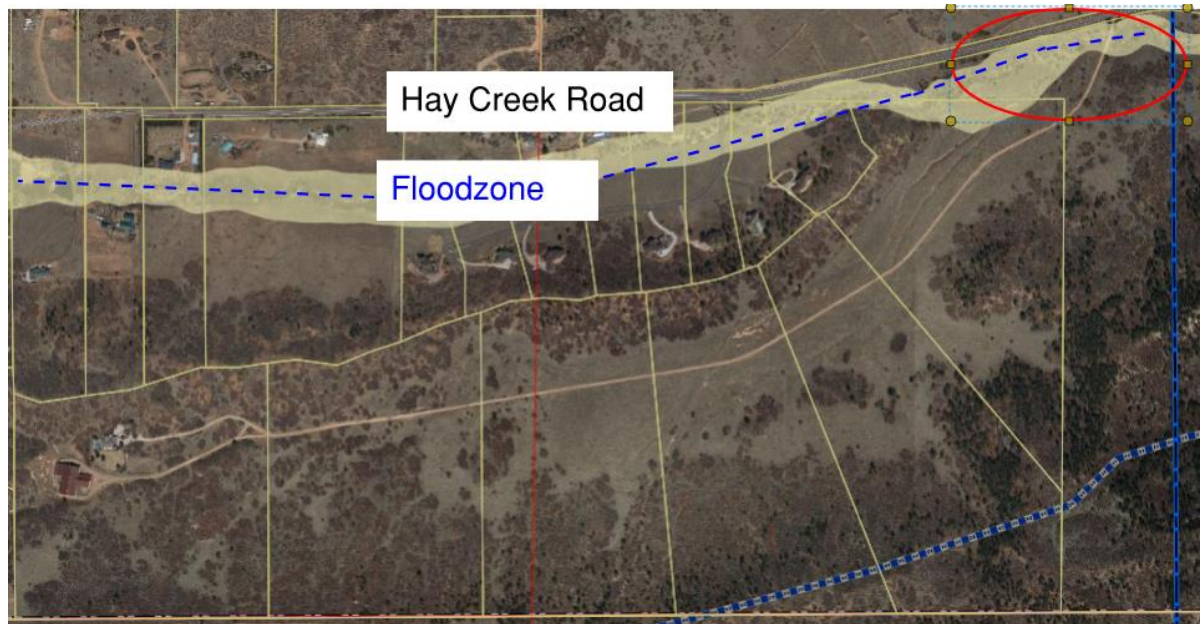


COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

2. Floodplain

The majority of the six parcels that comprise the development area are not located within a floodplain as determined by a review of the Federal Insurance Rate Map panel number 08041C0267G, effective December 7th, 2018. The parcels located outside the floodplain area are located in Zone "X" an area of minimal flood hazard determined to be outside the 500-year flood zone. The northeastern section of the development as shown in Exhibit 1 is located in a Zone A floodplain area. This parcel area will be designated as a tract and will not impact platted lots.

Exhibit 1.



3. Drainage and Erosion

The property is located in the Beaver Creek drainage basin and the Air Force Academy drainage basin. Beaver Creek drainage basin fees in the amount of \$194,051.58 will be due at the time of Final Plat recordation. Beaver Creek has no current bridge fees. The Air Force Academy drainage basin has no drainage or bridge fees. A Final Drainage Report has been submitted with the application. No public drainage improvements are proposed. A private detention basin pond is proposed as part of the drainage plan for the development which will be maintained by the Hay Creek Valley HOA. The Final Drainage Report concluded that no adverse stormwater drainage impacts to adjacent or downstream properties are projected to occur.

4. Transportation

The property is located off Hay Creek Road, which is a county-maintained, paved, rural major collector road. Access to Hay Creek Road will be via White Bear Point, which will be a private, paved, local, two-lane rural road maintained by the Hay Creek Valley HOA. The private road will terminate with a dead-end cul-de-sac meeting the Engineering Criteria Manual and Fire District design requirements. White Bear Point gains direct access to Hay Creek Road through a recorded access easement agreement with an adjoining property owner. The applicant has requested three (3) Deviations from the Engineering Criteria Manual (ECM) pertaining to the private road design, which have been approved. A Traffic Impact Study was completed for the planned development. The development is expected to generate approximately 218 daily trips to the surrounding road network. White Bear Point will improve the intersection with Hay Creek Road by widening and aligning the access point. No additional off-site public road improvements along Hay Creek are proposed with the development.

County Road Impact Fees will be applicable as approved by Resolution 19-471 (as amended) and will be assessed at the time of plat recordation.

H. SERVICES

1. Water

Water will be provided by individual onsite wells. Water sufficiency has been analyzed with the review of the proposed subdivision. The applicant has shown a sufficient water supply for the required 300-year period. The State Engineer and the County Attorney's Office have recommended that the proposed Final Plat has an adequate water supply in terms of quantity and dependability. El Paso County Public Health has recommended that there is an adequate water supply in terms of quality.

2. Sanitation

On-Site Waste Water Treatment System will serve as the sanitation service. Septic tanks and leech fields will be installed on each lot.

3. Emergency Services

The property is within the Monument Fire District. The district and Colorado State Forest Service were sent referrals. The Colorado State Forest Service recommends that all forested acres be mitigated to reduce the risk of wildfire and that defensible space be



created for each dwelling using the standards in the CSFS "Home Ignition Zone Guide" and that all wildfire mitigation be completed before or during dwelling construction.

4. Utilities

Electrical service is provided by Mountain View Electric Association (MVEA). Black Hills Energy will provide Natural Gas. The agencies were sent a referral and have no outstanding comments.

5. Schools

The site is within the boundaries of Lewis-Palmer School 38. Fees in lieu of school land dedication are applicable to subdivisions.

I. STATUS OF MAJOR ISSUES

No major issues remain.

J. RECOMMENDED CONDITIONS AND NOTATIONS

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

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.



5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County-owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
8. Drainage fees in the amount of \$194,051.58 shall be paid for the Beaver Creek drainage basin (FOMO4600) at the time of plat recordation.
9. All forested acres must be mitigated to reduce the risk of wildfire and that defensible space be created for each dwelling using the standards in the Colorado State Forest Service "Home Ignition Zone Guide". All wildfire mitigation shall be completed before or during dwelling construction.
10. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 3/22/2024, as provided by the County Attorney's Office.

NOTATIONS

1. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

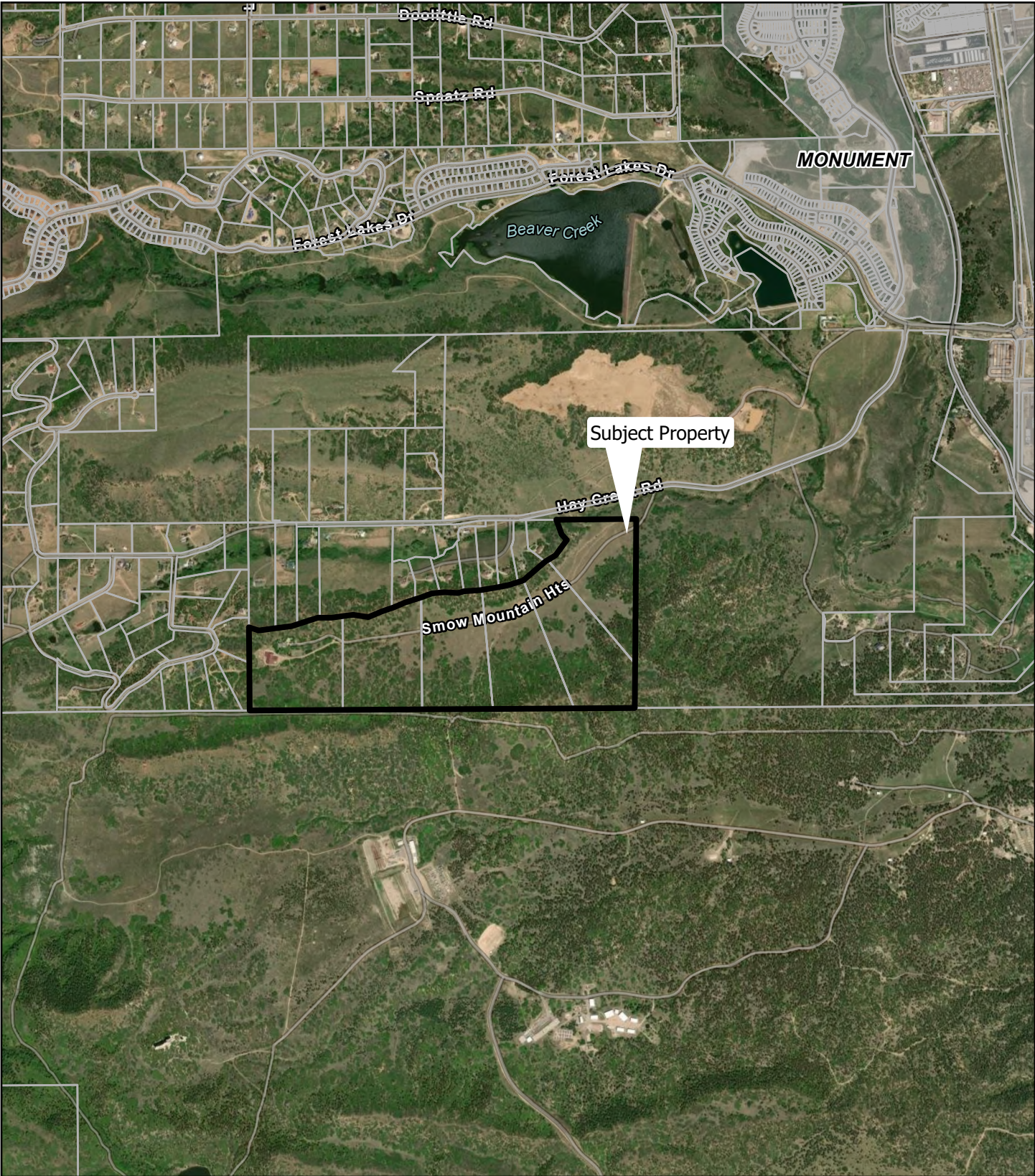
K. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 21 adjoining property owners on April 3, 2024, for the Planning Commission. Responses will be provided at the hearing.

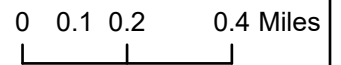
L. ATTACHMENTS

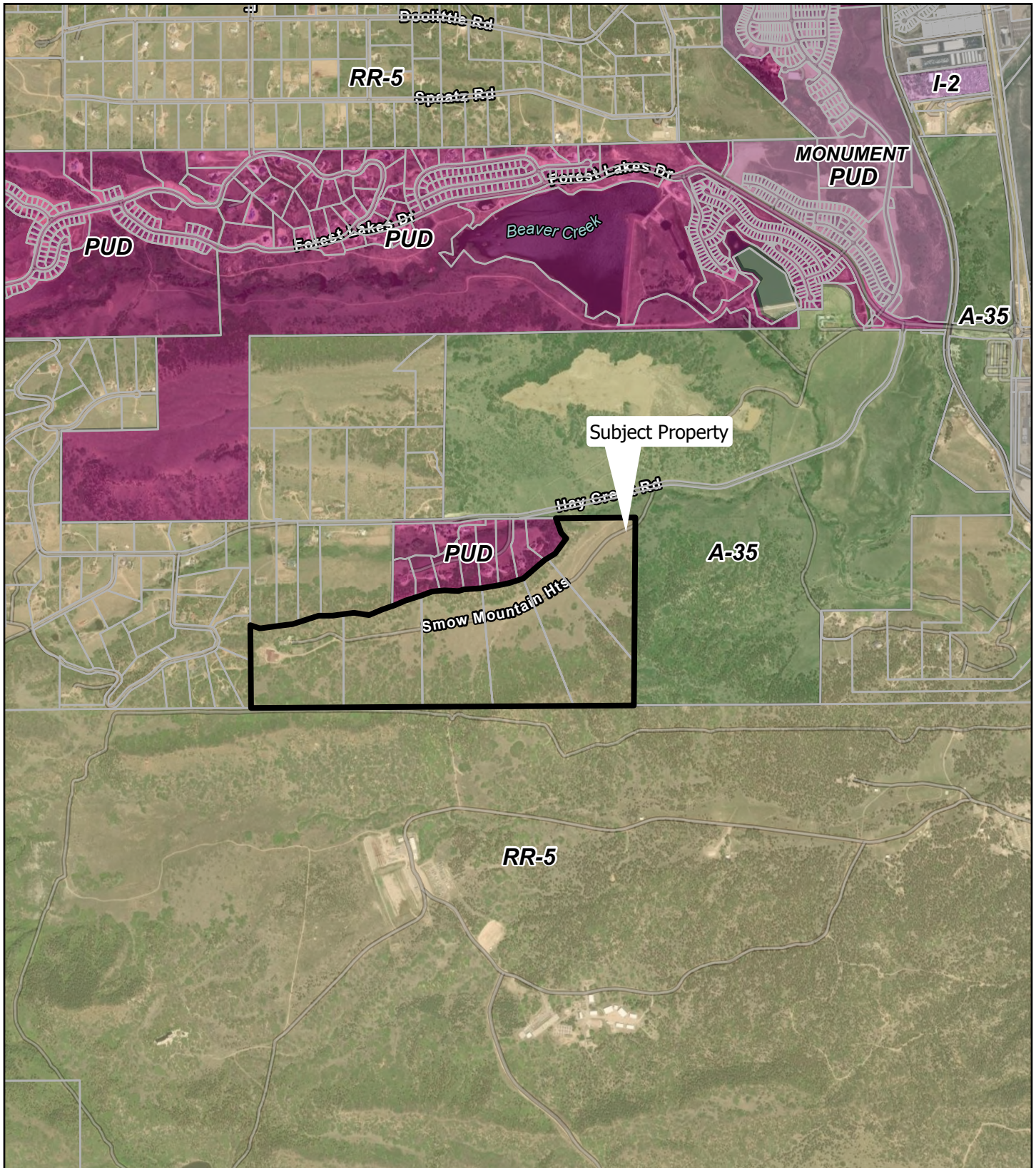
- Map Series
- Letter of Intent
- Plat Drawing
- County Attorney's Letter
- State Engineer's Letter
- Draft Resolution



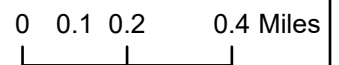


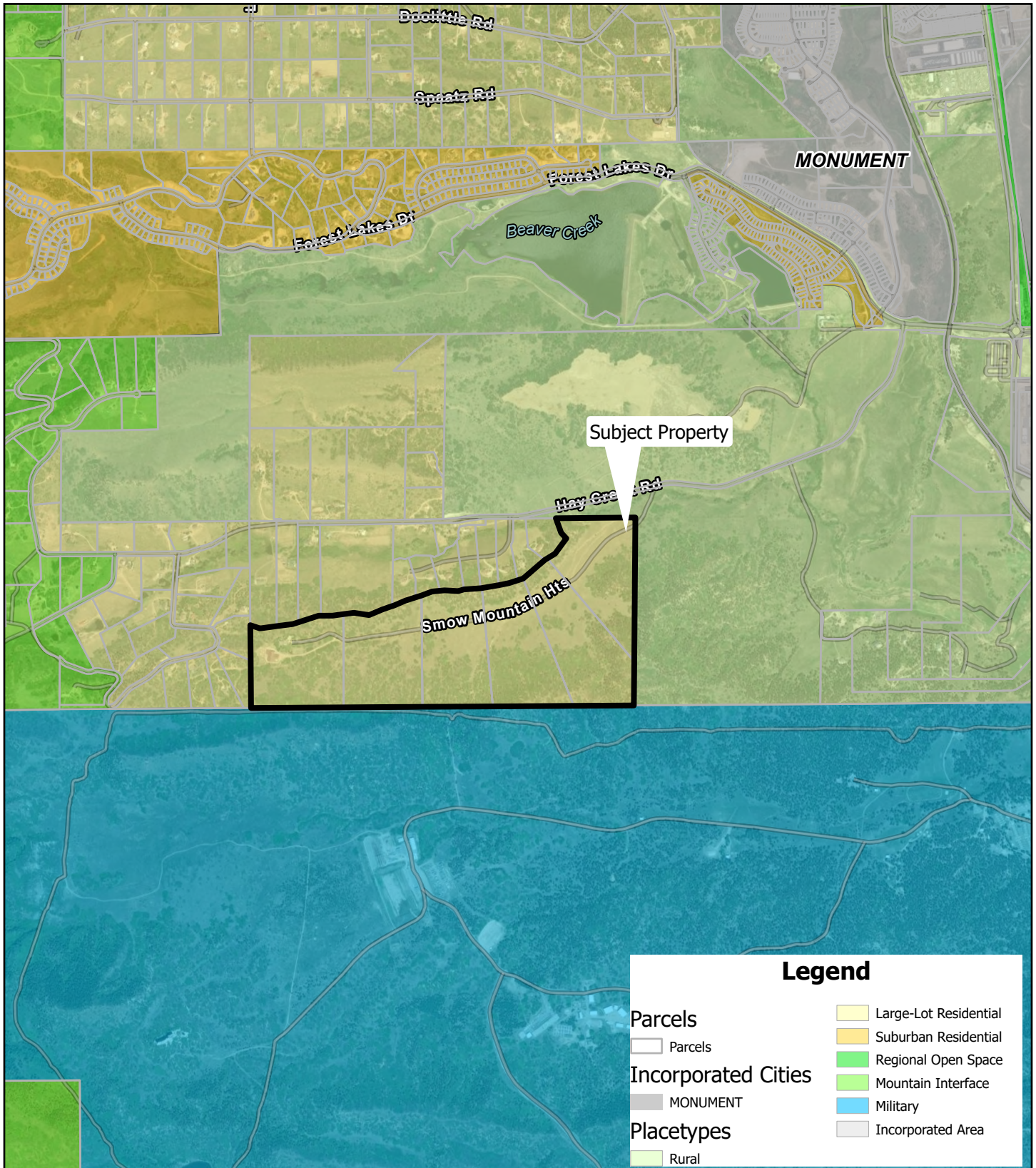
Aerial Map





Zoning Map



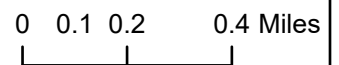


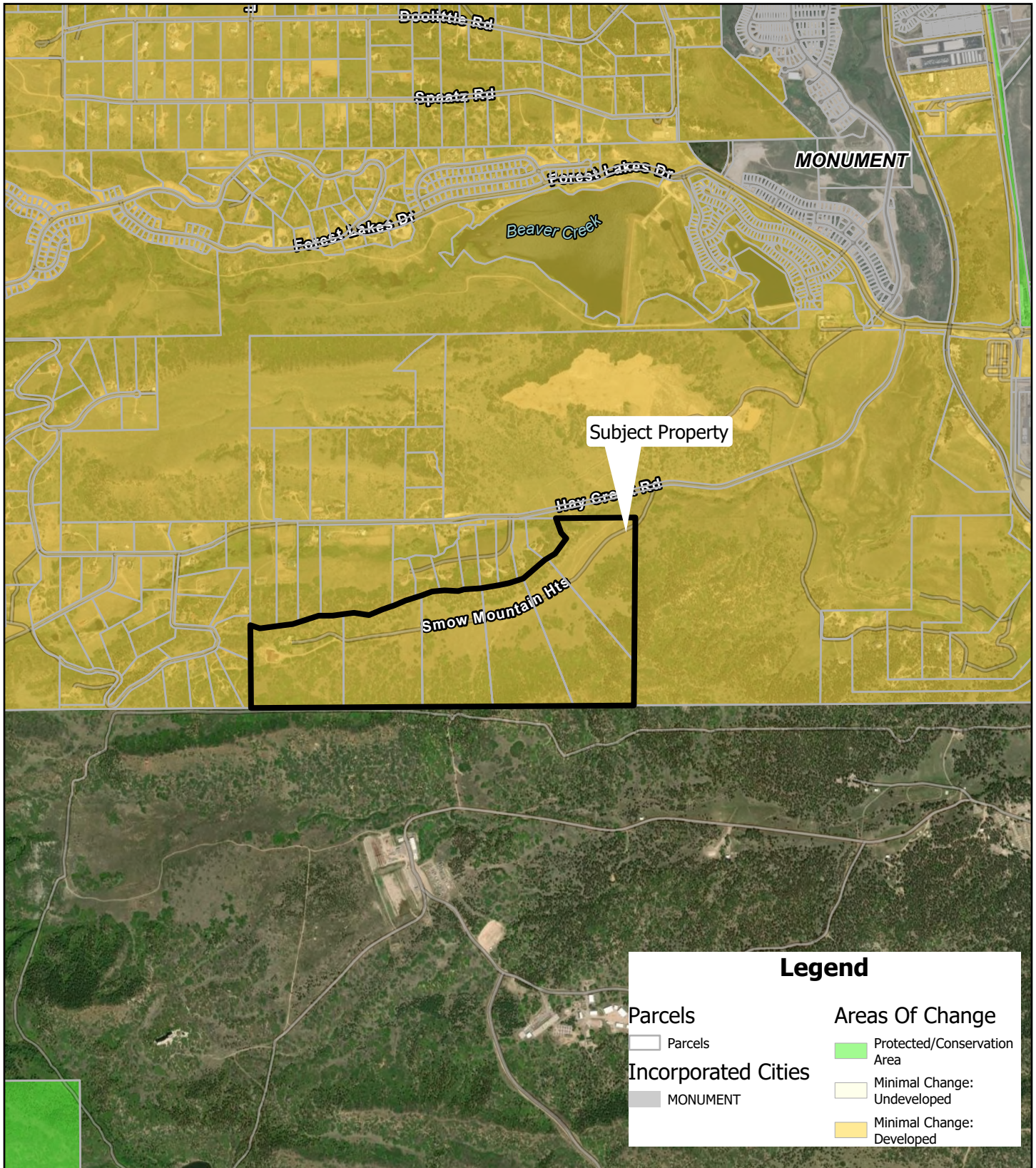
Legend

Parcels	Large-Lot Residential
Parcels	Suburban Residential
Incorporated Cities	Regional Open Space
MONUMENT	Mountain Interface
Placetypes	Military
Rural	Incorporated Area



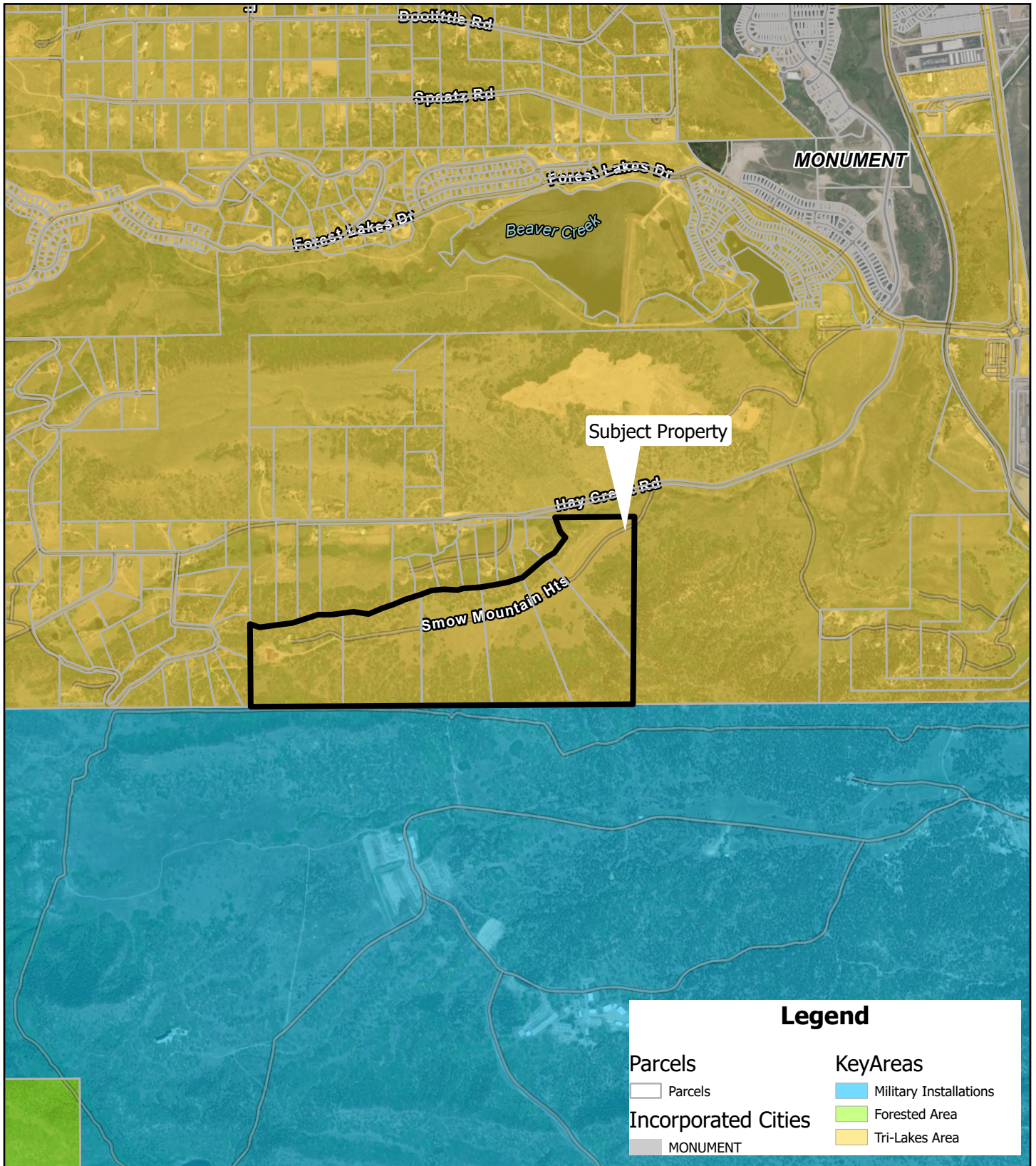
Placetypes Map



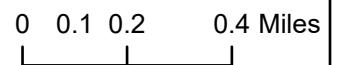


Area of Change Map





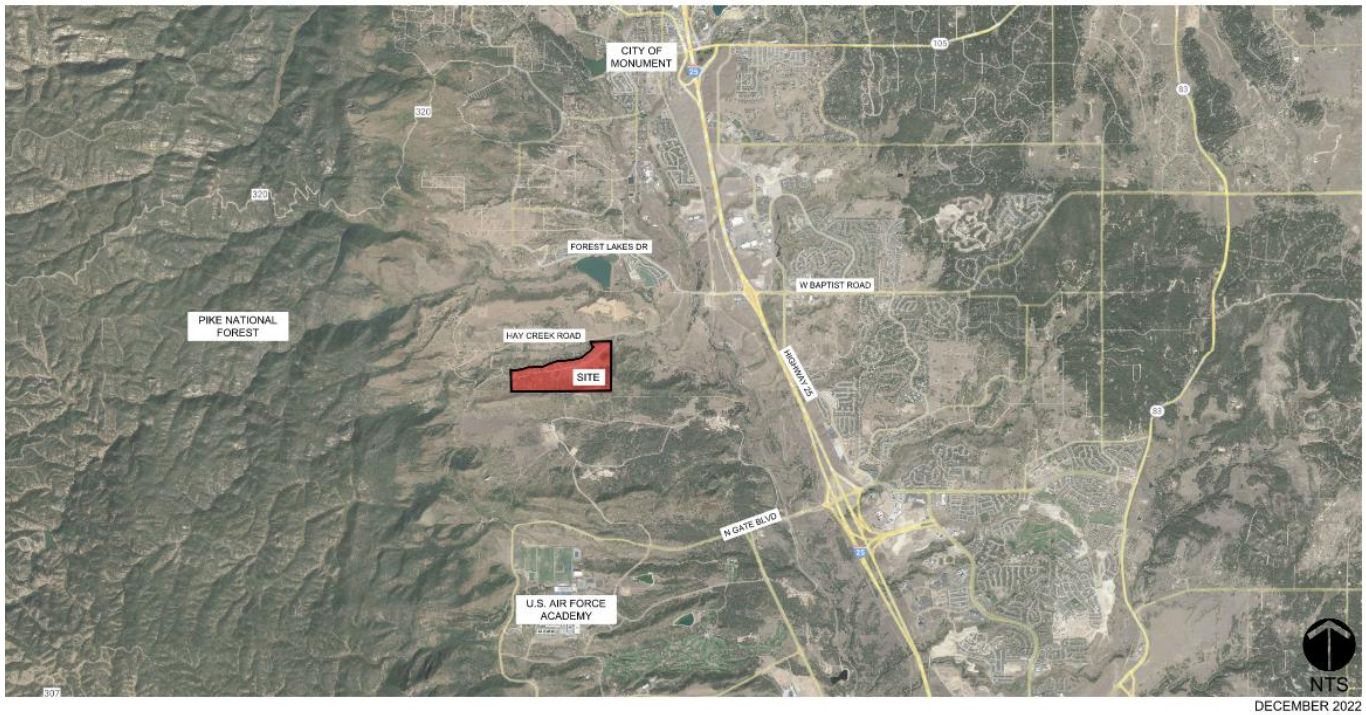
Key Areas Map



Hay Creek Valley Subdivision Letter of Intent Final Plat

September 15th, 2023

(REV1 – November 20th, 2023)



Prepared for:

View Homes Inc

555 Middle Creek Parkway, Suite 500
Colorado Springs, CO 80921

Prepared by:

Matrix Design Group

2435 Research Parkway, Suite 300
Colorado Springs, Co 80920

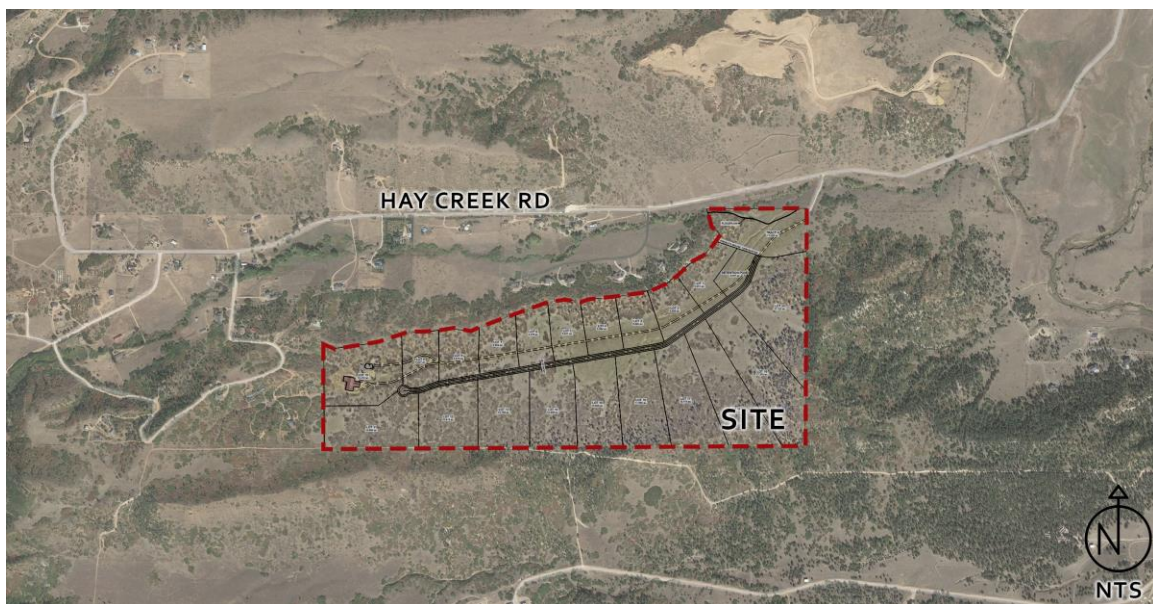
Owner/ Applicant: View Homes, Inc
555 Middle Creek Parkway, Suite 500
Colorado Springs, CO 80921
Office: (719) 382-9433

Planner/ Engineer: Matrix Design Group
2435 Research Parkway, Suite 300
Colorado Springs, CO 80920
Office: (719) 575-0100

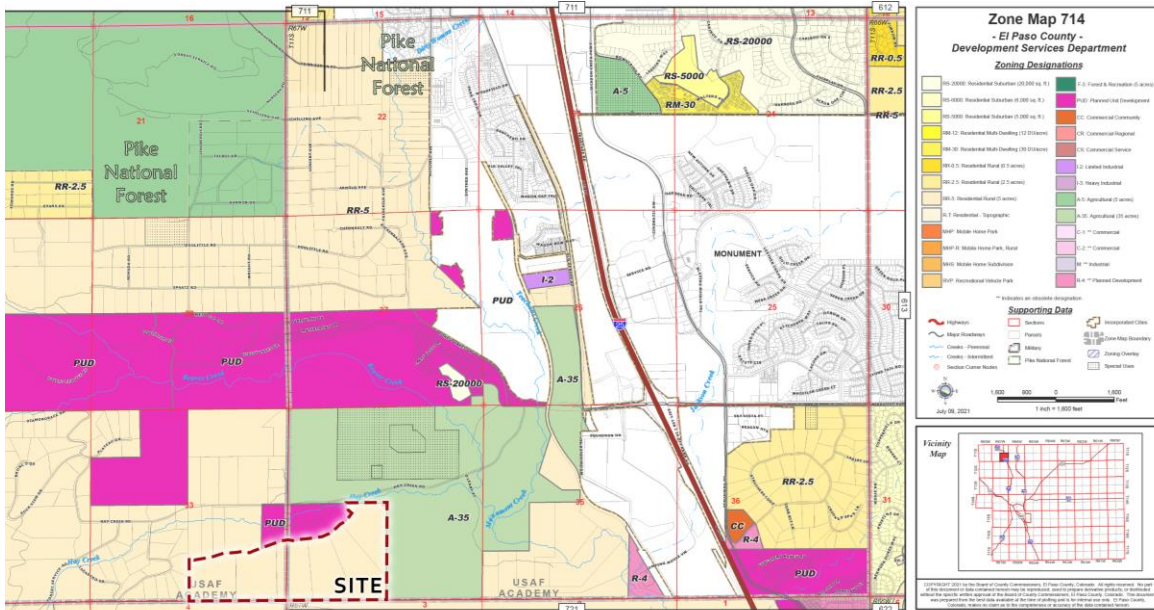
Tax Schedule No: 7133007014, 7133000001, 7100000270, 7100000267,
7100000268, 7100000269

Site Location, Size, and Zoning:

Matrix Design Group, on behalf of View Homes, Inc, is respectfully submitting a Final Plat application for the proposed Hay Creek Valley Subdivision project. The site is 214.62 acres located south of the City of Monument in El Paso County adjacent to Hay Creek Road with 20 single-family detached residential lots and 3 tracts proposed. The site is currently zoned RR-5 which shall remain. The site has one single-family residence which shall remain in the western portion of the site. The proposed Final Plat application submittal includes 6 un-platted existing parcels revised to 20 proposed lots with one of those lots including an existing home to remain on 214.62 acres for a density of <math><0.1 \text{ DU/ Acre}</math> and is in compliance with the current RR-5 zoning requirements with the proposed parcels ranging in size from 5.5 to 17 ac.



The site is bordered to the north and west by rural single-family residential parcels, to the south by the Air Force Academy, and vacant land to the east.



Request & Justification:

The purpose of this application is to request approval of a Final Plat which illustrates the proposed single-family detached rural residential community and open spaces; the necessary width and classification of private roadways; and roadway centerline data. The plat describes the lot sizes, private road tract, and easements necessary for the development.

The previous Preliminary Plan application (SP231) requested 2 deviations, 2 waivers and deferring a finding for water sufficiency.

- SP231 Deviation request #1: Cul-de-sac length greater than 1,600 ft with no mid-way turn around (ECM 2.3.8.A)
- SP231 Deviation request #2: Minimum centerline radius less than 300'
- SP231 Waiver request #1: Minimum two access points [one provided] (LDC 6.3.3.2.C)
- SP231 Waiver request #2: Private road instead of a public roadway (ECM 2.2.4.A.6)
- SP231 Deferment on findings of sufficiency of water to run concurrent with the Final Plat process.

No new deviations or waivers are requested with the Final Plat application.

The proposed Final Plat illustrates 19 new and 1 existing single-family residential parcels on 214.62 acres for a density of <0.1 DU/ Acre. The lots range in size from 5.5 acres up to 17 acres. The Final Plat includes 11.642 acres of total open space and 6.359 acres of new private street right-of-way providing access to the residential units. The open space tract contains the wetland, floodplain, and threatened Preble's meadow jumping mouse

habitat which shall remain undeveloped. There is also a 3-acre tract for a stormwater detention facility to capture and treat developed drainage flows.

The single street through the parcel will be a private road and allow private driveway access for all lots. There shall be no direct lot access to any surrounding streets. The private road, White Bear Point, is designed to handle existing and proposed traffic, as well as emergency vehicles, expected within the Hay Creek Valley Subdivision. Due to the small size of the development and limited trip generation, a traffic impact analysis is required for less than 100 trips; however, a trip generation letter was completed as requested by staff to include existing daily counts for this area and is included for review.

The community is designed to provide for functioning automobile circulation utilizing a private rural residential roadway, which will follow the cross-section for a local rural roadway, outlined by El Paso County Engineering Criteria Manual. The Final Plat drawings illustrate 1 phase for the platting of individual lots and the construction of housing. Roadways, drainage, and necessary improvements will be constructed in the most optimal and efficient manner in order to facilitate development construction and sequencing.

A "Geologic Hazards Evaluation and Preliminary Geotechnical Investigation", Hay Creek Valley Development, El Paso County, Colorado" (CTL | Thompson, dated December 27, 2022) is included with the submittal package. There are no significant geological hazards; however, the potential for geologic hazards or constraints includes expansive near-surface soils and bedrock, soils susceptible to erosion, steep slopes, and flooding. Regional geologic conditions that impact the site include seismicity and radioactivity. These geological conditions can be mitigated with engineering design and construction methods commonly employed in this area. If the previously listed potential geological hazards are found to exist, an evaluation shall be performed at the time of the final geotechnical investigation for those individual lots. No build areas have been defined on the approved preliminary plan protecting existing steep slopes found onsite to eliminate any potential soil issues.

El Paso County Final Plat Section 7.2.1(D)-3F Approval Criteria

1. *The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;* The Hay Creek Valley Subdivision is located within the Large-Lot Residential and Military place types as defined by Your El Paso County Master Plan. The plan supports the rural character of the County by providing for a unique and desirable neighborhood within the rolling foothills of the Front Range while also supporting the continuation of similar land uses near a Military base. Large lots with large stands of existing conifer forests will provide a buffer between residential dwellings and military properties.
2. *The subdivision is in substantial conformance with the approved preliminary plan;* The subdivision is in conformance with the approved preliminary plan - SP231.

3. *The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials; The subdivision is in conformance with subdivision design standards of zoning district RR-5 per the El Paso County Land Development Code.*
4. *Either a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of this Code, or, with respect to applications for administrative final plat approval, such finding was previously made by the BoCC at the time of preliminary plan approval; All of the proposed lots will be served by well water (individual). A water court decree is provided with this final plat submittal.*
5. *A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of this Code; All of the proposed lots will be served by on-site private septic systems.*
6. *All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)]; A "Geologic Hazards Evaluation and Preliminary Geotechnical Investigation", Hay Creek Valley Development, El Paso County, Colorado" (CTL | Thompson, dated December 27, 2022) is included with the submittal package. There are no significant geological hazards; however, the potential for geologic hazards or constraints includes expansive near-surface soils and bedrock, soils susceptible to erosion, steep slopes, and flooding. regional geologic conditions that impact the site include seismicity and radioactivity. These geological conditions can be mitigated with engineering design and construction methods commonly employed in this area. If the previously listed potential geological hazards are found to exist, an evaluation shall be performed at the time of the final geotechnical investigation for those individual lots. No build areas have been defined on the approved preliminary plan protecting existing steep slopes found onsite to eliminate any potential soil issues.*
7. *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; Adequate drainage improvements; complying with State law, this Code and the ECM are proposed and illustrated on the drawings. Due to the size of the lots and use, no onsite water detention is required on individual lots; however, an overall detention pond will be constructed on Tract B to capture developed flows as required.*

8. *Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM; Legal and physical access will be provided to all parcels by recorded easement and private roadways. The private road, White Bear Point, extends off Hay Creek Road which is a public ROW.*
9. *Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision; All necessary public services will be available to serve the proposed subdivision. Commitment letters for fire, electric, and gas have been provided with this submittal. All of the proposed lots will be on well water and septic tanks. The site will be served via an underground 33,000-gallon tank for Fire Protection in coordination with the fire district as no municipal water will be provided. More detailed information regarding the necessary services provided for this development has been further illustrated in this LOI.*
10. *The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; The proposed subdivision complies with the fire protection standards of Chapter 6 or items outlined in the Fire Commitment Letter dated 04-10-2023 including water supply, roads, and access. The site will be served via an underground 33,000-gallon tank as no municipal water will be provided. All the proposed lots will be on well water and septic tanks. A wildlife fire hazard mitigation plan was provided, and recommendations are followed such as thinning of gambel oak understory that presents a ladder fuel risk and regularly mowing grasses to keep them short. In addition, a fire protection district commitment letter to serve this development has been provided.*
11. *Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8; Due to the limited construction and large lots, it is not anticipated that the application will have significant impacts on wildlife in the area, noise pollution or hinder the scenic viewshed. Roadways, drainage, and necessary improvements will be constructed in the most optimal and efficient manner in order to facilitate development construction and sequencing.*
12. *Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated; As the property has no municipal water, all of the proposed lots will be on well water and septic tanks.*
13. *The subdivision meets other applicable sections of Chapter 6 and 8; and . The proposed subdivision meets other applicable design standards of Chapter 6 and 8 of this Code. Two deviations and two waivers, as listed above in more detail, were approved with the Preliminary Plan submittal (SP231).*

14. *The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.]* The proposed project does not contain any mineral deposits of commercial value.

El Paso County Water Master Plan:

As the property has no municipal water, all of the proposed lots will be on well water and septic tanks.

In addition, Hay Creek Valley meets the stated Goals and Policies:

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

Water conservation is achieved through the use of well water for all proposed lots. The common open space emphasizes water conservation by remaining native. No landscape areas are proposed. The sufficiency of findings for water quality and quantity were deferred until time of final plat submission. As a result, the Final Plat will be required to attend Planning Commission and EPC Board of County Commissioner hearings. A water court decree is provided with this final plat submittal.

Total Number of Residential Units, Density, and Lot Sizes: 20 Single-Family (1 existing and 19 new) Detached Rural Residential Units for a density of <0.1 DU/ Acre. The site layout includes a mix of residential lot sizes ranging from 5.5 to 17 acres.

Total Number of Industrial or Commercial Sites:

There are no industrial or commercial sites proposed with this project.

Phasing Plan and Schedule of Development:

The drawings illustrate 1 phase for the platting of individual lots. Roadways, utilities, drainage, and necessary improvements will be constructed in the most optimal and efficient manner to facilitate development construction and sequencing.

Areas of Required Landscaping:

There are no areas of required landscaping per El Paso County Code 6.2.2(A)(2)(a).

Approximate Acres and Percent of Land Set Aside for Open Space:

While no open space is required, the PSDP proposes 11.642 acres of open space totaling 5% of the overall site acreage. The open space tract will include existing natural open space to remain to preserve habitat for the Preble's meadow jumping mouse.

Types of Proposed Recreational Facilities:

There are no proposed recreational facilities on this site.

Traffic Engineering:

A 60' tract for a future private access road is proposed along the center of the property running east to west and terminating in a cul-de-sac. Vehicular access and street layout shall be as illustrated on the preliminary plan and final plat with all roadways to be private



and built to El Paso County standards. All property within this subdivision is subject to road impact fees in accordance with the El Paso County road impact fee program (resolution no. 19-471), as amended at the time of this final plat application.

Road Impact Fees:

The road impact fees will be paid in full prior to recording the Final Plat.

School District:

Projects (Plats) within El Paso County are required to either dedicate land or pay school district fees. Hay Creek Valley Subdivision will pay the Lewis-Palmer School District #38 fees of \$308 per lot for a total of \$4,312 for the 14 new lots. The existing lot will remain and will not be subject to school fees.

Proposed Services:

1. Water/ Wastewater: Individual Well and On-Site Septic Systems
2. Gas: Black Hills Energy
3. Electric: Mountain View Electric Association
4. Fire: Monument Fire District
5. School: Lewis-Palmer School District #38
6. Roads: El Paso County Road and Bridge
7. Police Protection: El Paso County Sheriff's Department

HAY CREEK VALLEY

SITUATED IN THE SOUTHEAST QUARTER OF SECTION 33 AND THE SOUTHWEST QUARTER OF SECTION 34,
TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
COUNTY OF EL PASO, STATE OF COLORADO.

KNOWN ALL MEN BY THESE PRESENTS:
RANDAL O'LEARY AND ANDREA O'LEARY, BEING THE OWNERS OF THE FOLLOWING DESCRIBED TRACT OF LAND, TO WIT:

LEGAL DESCRIPTION:
A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 33 AND THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH/ PRINCIPAL MERIDIAN; COUNTY OF EL PASO, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 33, FROM WHICH THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 33 BEARS NORTH 89°38'17" EAST, A DISTANCE OF 2,684.46 FEET, WITH ALL BEARINGS HEREIN RELATIVE THERETO;
THENCE NORTH 00°25'17" WEST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF SECTION 33, A DISTANCE OF 1,169.26 FEET;
THENCE THE FOLLOWING TWENTY-TWO (22) COURSES:

1. SOUTH 71°29'43" EAST, A DISTANCE OF 140.51 FEET;
2. NORTH 82°07'46" EAST, A DISTANCE OF 458.69 FEET;
3. NORTH 71°31'45" EAST, A DISTANCE OF 368.66 FEET;
4. NORTH 89°30'59" EAST, A DISTANCE OF 195.64 FEET;
5. NORTH 82°27'48" EAST, A DISTANCE OF 300.93 FEET;
6. SOUTH 81°25'26" EAST, A DISTANCE OF 208.57 FEET;
7. NORTH 66°51'51" EAST, A DISTANCE OF 197.45 FEET;
8. NORTH 70°47'03" EAST, A DISTANCE OF 178.13 FEET;
9. NORTH 66°11'16" EAST, A DISTANCE OF 170.15 FEET;
10. NORTH 71°47'12" EAST, A DISTANCE OF 403.02 FEET;
11. NORTH 84°26'00" EAST, A DISTANCE OF 168.75 FEET;
12. SOUTH 87°26'44" EAST, A DISTANCE OF 197.38 FEET;
13. NORTH 74°51'53" EAST, A DISTANCE OF 86.71 FEET;
14. NORTH 86°13'24" EAST, A DISTANCE OF 233.11 FEET;
15. NORTH 80°10'48" EAST, A DISTANCE OF 260.90 FEET;
16. NORTH 78°52'32" EAST, A DISTANCE OF 149.05 FEET;
17. NORTH 71°58'16" EAST, A DISTANCE OF 210.75 FEET;
18. NORTH 49°30'50" EAST, A DISTANCE OF 403.50 FEET;
19. NORTH 57°57'37" EAST, A DISTANCE OF 170.21 FEET;
20. NORTH 37°03'08" EAST, A DISTANCE OF 266.68 FEET;
21. NORTH 43°48'53" WEST, A DISTANCE OF 107.37 FEET;
22. NORTH 20°29'00" WEST, A DISTANCE OF 220.10 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 34;

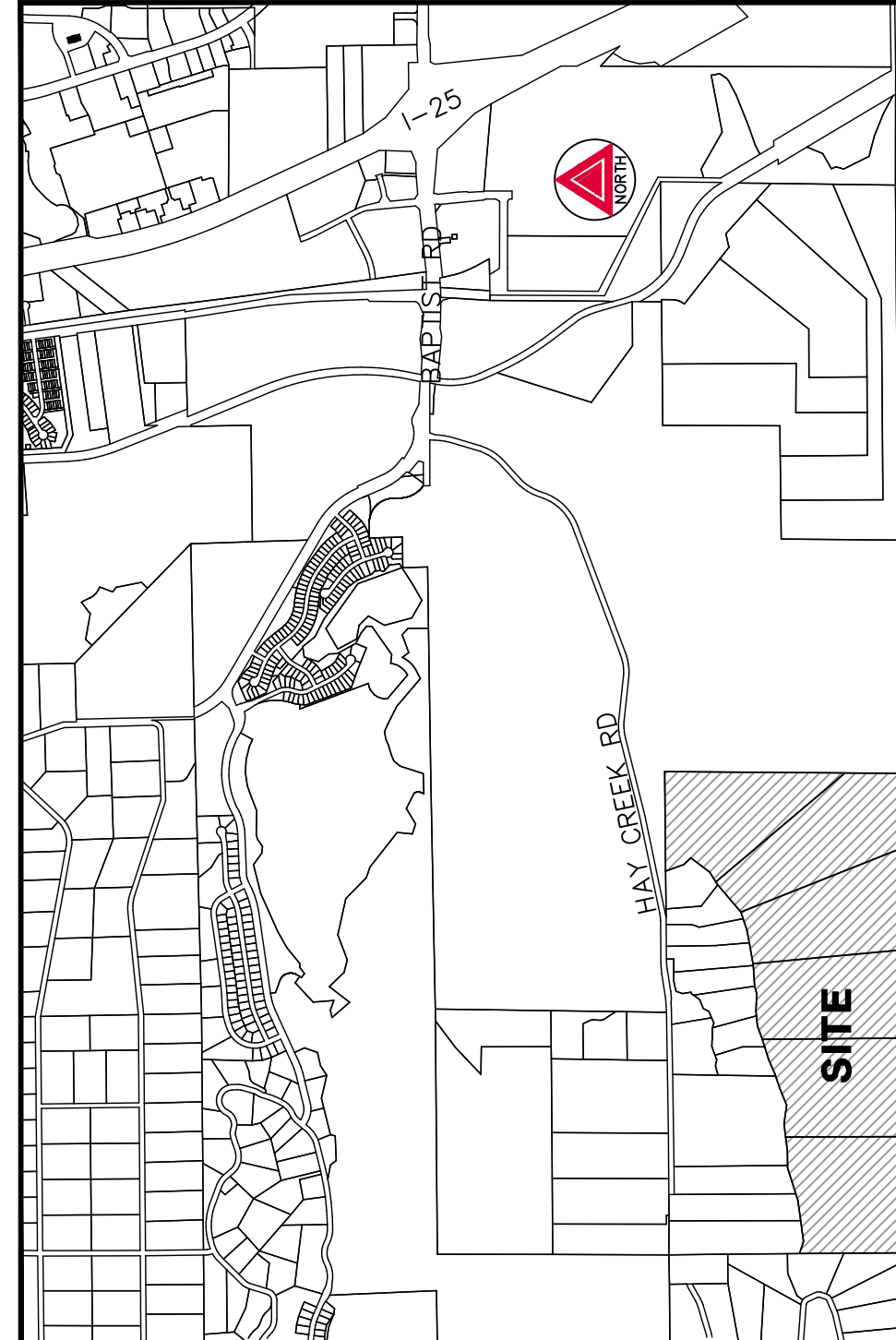
THENCE NORTH 89°30'43" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 1,125.83 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 34;

THENCE SOUTH 00°28'46" WEST, ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 34, A DISTANCE OF 2,654.48 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER;

THENCE SOUTH 89°38'45" WEST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2,683.98 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 33;

THENCE SOUTH 89°38'17" WEST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 33, A DISTANCE OF 2,684.46 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 214.622 ACRES; (9,348,924 SQUARE FEET), MORE OR LESS.



VICINITY MAP
SCALE 1" = 2000'

SHEET INDEX

- SHEET 1 – COVER
- SHEET 2 – GENERAL NOTES
- SHEET 3 – MAP SHEET

LAND USE TABLE				
TRACT	AREA (SQ.FT)	AREA (AC ±)	USE	OWNED BY / MAINTAINED BY
TRACT A	506,425	11.626	DRAINAGE, UTILITIES, OPEN SPACE AND HABITAT PROTECTION	HAY CREEK VALLEY HOA
TRACT B	159,399	3.659	DETENTION, UTILITIES, DRAINAGE AND OPEN SPACE	HAY CREEK VALLEY HOA
TRACT C	2,771	0.064	UTILITIES, FIRE CISTERN	HAY CREEK VALLEY HOA
TRACT D	276,961	6.358	UTILITIES, PRIVATE ROAD	HAY CREEK VALLEY HOA
TOTAL	945,556	21.707		HOA = HOMEOWNERS ASSOCIATION, INC.

SURVEYOR'S CERTIFICATE:

I, SURVEYOR'S NAME, 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 DATE OF 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 _____, 20____

BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

THIS PLAT FOR HAY CREEK VALLEY WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS ON THE _____ DAY OF _____, 20____ SUBJECT TO ANY NOTES SPECIFIED HEREON AND ANY CONDITIONS INCLUDED IN THE RESOLUTION OF APPROVAL. THE DEDICATIONS OF LAND TO THE PUBLIC (STREETS, TRACTS, EASEMENTS; LIST THOSE APPLICABLE) 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.

JAMES E. LYNCH
COLORADO REGISTERED PLS #37933

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.

NOTICE: PER THE STATE OF COLORADO BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS RULE 1.6.B.2 THE WORD "CERTIFY" AS USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED. THE SURVEY REPRESENTED HEREON HAS BEEN PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND IS BASED UPON MY KNOWLEDGE, INFORMATION AND BELIEF.

CHAIR, BOARD OF COUNTY COMMISSIONERS _____ DATE _____

CLERK AND RECORDER:

STATE OF COLORADO
COUNTY OF EL PASO
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE ON THIS _____ DAY OF _____, 20____, AND WAS RECORDED AT RECEPTION NUMBER _____ OF THE RECORDS OF EL PASO COUNTY

EL PASO COUNTY CLERK AND RECORDER _____

HOLDER OF DEED OF TRUST:

VIVA LAND VENTURES, LP, A TEXAS LIMITED PARTNERSHIP
STATE OF TEXAS
) SS.
COUNTY OF EL PASO

ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____
BY _____ AS _____

MY COMMISSION EXPIRES _____

WITNESS MY HAND AND OFFICIAL SEAL _____

NOTARY PUBLIC _____

AZTEC
CONSULTANTS, INC.

300 East Mineral Ave., Suite 1
Aurora, Colorado 80012
Phone: (303) 711-8978
Fax: (303) 711-8977
www.aztecconsultants.com

DATE OF PREPARATION: 9/18/2023

SCALE: N.T.S.

SHEET 1 OF 3

DEVELOPER

COLA, LLC/VIEW HOMES, INC.

555 MIDDLE CREEK PKWY., SUITE 500
COLORADO SPRINGS, CO 80921

PCD FILE # SF2324

HAY CREEK VALLEY
SITUATED IN THE SOUTHEAST QUARTER OF SECTION 33 AND THE SOUTHWEST QUARTER OF SECTION 34,
TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
COUNTY OF EL PASO, STATE OF COLORADO.

EASEMENTS:

UNLESS OTHERWISE INDICATED, ALL SIDE, FRONT, AND REAR LOT LINES ARE HEREBY PLATTED ON EITHER SIDE WITH A 10 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT UNLESS OTHERWISE INDICATED. ALL EXTERIOR SUBDIVISION BOUNDARIES ARE HEREBY PLATTED WITH A 20 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT. THE SOLE RESPONSIBILITY FOR MAINTENANCE OF THESE EASEMENTS IS HEREBY VESTED WITH THE INDIVIDUAL PROPERTY OWNERS.

AVIGATION EASEMENT NOTES:

1. AN AVIGATION EASEMENT EFFECTING THE SUBJECT PROPERTY AND DEVELOPMENT IS SUBJECT TO THE TERMS AND CONDITIONS AS SPECIFIED IN THE INSTRUMENT RECORDED UNDER RECEPTION NO. _____ OF THE RECORDS OF EL PASO COUNTY, COLORADO.
2. NOTICE: THIS PROPERTY MAY BE IMPACTED BY NOISE AND OTHER SIMILAR INCIDENTAL SENSORY EFFECTS OF FLIGHT CAUSED BY AIRCRAFT USED IN THE UNITED STATES AIR FORCE ACADEMY'S AIRMANSHIP PROGRAM. THIS SHALL REMAIN IN EFFECT UNTIL THE ACADEMY SHALL CEASE TO BE ACTIVELY USED. THIS NOTICE SHALL RUN WITH THE LAND.

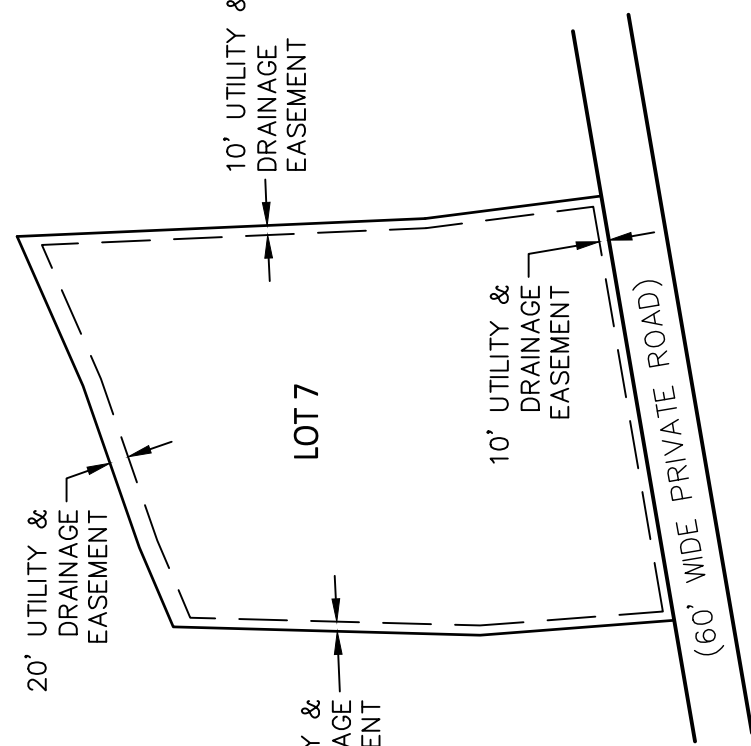
GENERAL NOTES:

1. THE FIELD WORK FOR THIS SURVEY WAS PERFORMED BY AN AZTEC CONSULTANTS, INC. SURVEY CREW ON JUNE 16, 2022.
2. PER C.R.S. 38-51-106, "ALL LINEAL UNITS DEPICTED ON THIS LAND SURVEY PLAT ARE U.S. SURVEY FEET, ONE METER EQUALS 39.37/12 U.S. SURVEY FEET, EXACTLY ACCORDING TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY."
3. BASIS OF BEARINGS: BEARINGS SHOWN HEREON ARE GRID BEARINGS DERIVED FROM GPS OBSERVATION BASED UPON THE COLORADO COORDINATE SYSTEM OF 1983 CENTRAL ZONE (NAD 83, 2011) REFERENCED TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 SOUTH, RANGE 67 WEST, SIXTH PRINCIPAL MERIDIAN BEING MONUMENTED AS SHOWN HEREON, TAKEN TO BEAR SOUTH 00°28'46" WEST, A DISTANCE OF 2,654.48 FEET.
4. A PORTION OF THIS PROPERTY IS LOCATED WITHIN ZONE A - NO BASE FLOOD ELEVATIONS DETERMINED, AS SHOWN HEREON. THE REMAINDER IS LOCATED IN OTHER AREAS - ZONE X, WHICH DETERMINES THE CHANGING FLOODING CHARACTERISTICS OF THE PROPERTY. THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) PANEL NO. 080410026Z WITH AN EFFECTIVE DATE OF DECEMBER 7, 2018. NO STRUCTURES ARE PERMITTED WITHIN THE DESIGNATED FLOODPLAIN AREAS.
5. LAND TITLE GUARANTEE COMPANY ORDER NO. RND5109385 WITH AN EFFECTIVE DATE OF 01/26/2023 AT 5:00 P.M. WAS RELIED UPON FOR RECORD INFORMATION REGARDING RIGHTS-OF-WAY, EASEMENT(S) AND ENCUMBRANCE(S). THIS SURVEY DOES NOT REPRESENT A TITLE SEARCH BY AZTEC CONSULTANTS, INC. TO DETERMINE OWNERSHIP, RIGHT(S)-OF-WAY, EASEMENT(S), OR OTHER MATTERS OF PUBLIC RECORD.
6. THE FOLLOWING REPORTS HAVE BEEN SUBMITTED AND ARE ON FILE AT THE COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT: WATER RESOURCE REPORT; WASTEWATER DISPOSAL REPORT; GEOLOGY AND SOILS REPORT; FIRE PROTECTION REPORT; WILDFIRE HAZARD REPORT; NATURAL FEATURES REPORT; TRANSPORTATION IMPACT STUDY.
7. THE TOTAL NUMBER OF LOTS BEING PLATTED IS 20. THE TOTAL NUMBER OF TRACTS BEING PLATTED IS 4.
8. DEVELOPER SHALL COMPLY WITH FEDERAL AND STATE LAWS, REGULATIONS, ORDINANCES, REVIEW AND PERMIT REQUIREMENTS, AND OTHER AGENCY REQUIREMENTS, IF ANY, OF A APPLICABLE AGENCIES INCLUDING, BUT NOT LIMITED TO, THE COLORADO DEPARTMENT OF PARKS AND WILDLIFE, COLORADO DEPARTMENT OF TRANSPORTATION, U.S. ARMY CORP. OF ENGINEERS, THE U.S. FISH & WILDLIFE SERVICE AND/OR COLORADO DEPARTMENT OF WILDLIFE REGARDING THE ENDANGERED SPECIES ACT.
9. THE ADDRESSES EXHIBITED ON THIS PLAT ARE FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT THE LEGAL DESCRIPTION AND ARE SUBJECT TO CHANGE.
10. NO LOT OR INTEREST THEREIN, SHALL BE SOLD, CONVEYED, OR TRANSFERRED WHETHER BY DEED OR BY CONTRACT, NOR SHALL BUILDING PERMITS BE ISSUED, UNTIL AND UNLESS EITHER THE REQUIRED PUBLIC AND COMMON DEVELOPMENT IMPROVEMENTS HAVE BEEN CONSTRUCTED AND COMPLETED AND PRELIMINARILY ACCEPTED IN ACCORDANCE WITH THE SUBDIVISION IMPROVEMENTS AGREEMENT BETWEEN THE APPLICANT/OWNER AND EL PASO COUNTY AS RECORDED UNDER RECEPTION NO. _____ IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO OR, IN THE ALTERNATIVE, OTHER COLLATERAL IS PROVIDED TO MAKE PROVISION FOR THE COMPLETION OF SAID IMPROVEMENTS IN ACCORDANCE WITH THE EL PASO COUNTY LAND DEVELOPMENT CODE AND ENGINEERING CRITERIA MANUAL. ANY SUCH ALTERNATIVE COLLATERAL MUST BE APPROVED BY BOARD OF COUNTY COMMISSIONERS OR, PERMY AND PROCEED WITH THE SUBDIVISION IMPROVEMENTS AGREEMENT. THE COUNTY OF EL PASO HAS THE SOLE AND EXCLUSIVE RIGHT TO ACCEPT OR TRANSFER THIS PLAT RESTRICTION MAY BE REMOVED OR RESCINDED BY THE BOARD OF COUNTY COMMISSIONERS OR, IF PERMITTED, BY THE SUBDIVISION IMPROVEMENTS AGREEMENT, BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR UPON EITHER APPROVAL OF AN ALTERNATIVE FORM OF COLLATERAL OR COMPLETION AND PRELIMINARY ACCEPTANCE BY THE EL PASO BOARD OF COUNTY COMMISSIONERS OF ALL IMPROVEMENTS REQUIRED TO BE CONSTRUCTED IN ACCORDANCE WITH SAID SUBDIVISION IMPROVEMENTS AGREEMENT. THE PARTIAL RELEASE OF LOTS FOR SALE, CONVEYANCE OR TRANSFER, SHALL BE GRANTED ACCORDANCE WITH THE SUBDIVISION IMPROVEMENTS AGREEMENT. LOTS AUTHORIZED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT.

GENERAL NOTES (CONT.):

14. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-506, C.R.S.
15. ALL COMMON DRIVEWAY EASEMENTS TO BE DRAINAGE AND UTILITY EASEMENTS IN THEIR ENTIRETY.
16. WATER TO BE PROVIDED VIA INDIVIDUAL ON SITE WELLS OPERATED THROUGH A STATE APPROVED WATER REPLACEMENT PLAN.
17. WASTE WATER TO BE INDIVIDUAL ON SITE SEPTIC SYSTEMS.
18. THIS PROPERTY IS LOCATED WITHIN AND SERVICED BY BLACK HILLS ENERGY, THE TRI-LAKES MONUMENT FIRE PROTECTION DISTRICT, AND THE LEWIS-PALMER SCHOOL DISTRICT NO. 38.
19. THERE SHALL BE NO DRIVEWAY ACCESS ONTO HAY CREEK ROAD.
20. DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY.
21. NO STRUCTURES OR FENCES ARE PERMITTED WITHIN DESIGNATED "FLOODPLAIN" OR "PARK AND OPEN SPACE" AREAS.
22. ALL ROADWAY AND DRAINAGE FACILITIES SHALL BE CONSTRUCTED TO EL PASO COUNTY STANDARDS AND SHALL BE OWNED AND MAINTAINED BY THE HAY CREEK HOA.
23. INDIVIDUAL LOT PURCHASERS ARE RESPONSIBLE FOR CONSTRUCTING DRIVEWAYS, INCLUDING NECESSARY DRAINAGE CULVERTS PER EL PASO COUNTY LAND DEVELOPMENT CODE. SPECIFIC LOTS MAY REQUIRE LARGER DRIVEWAY CULVERTS BASED ON THE APPROVED FINAL DRAINAGE REPORT. DRIVEWAY CULVERT ANALYSIS AND REQUIRED SIZING WILL BE PROVIDED WITH FINAL PLAT FOR LOTS THAT REQUIRE LARGER THAN AN 18-INCH DIAMETER PIPE.
24. A NOXIOUS WEED MANAGEMENT PLAN WILL BE PROVIDED TO THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT PRIOR TO CONSTRUCTION. IT IS THE APPLICANT'S RESPONSIBILITY TO COMPLY WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS INCLUDING BUT NOT LIMITED TO THE COLORADO NOXIOUS WEED ACT AND THE EL PASO COUNTY WEED MANAGEMENT PLAN.
25. DEVELOPMENT IS GATED AND EMERGENCY ACCESS WILL BE GAINED WITH A FIRE DEPARTMENT APPROVED KNOXBOX.
26. DEVELOPER IS RESPONSIBLE FOR INSTALLATION OF CISTERN FOR PURPOSES OF FIRE SUPPRESSION. CISTERN IS TO BE MAINTAINED BY THE HAY CREEK VALLEY HOA.
27. 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. HOMEBUILDERS ARE RESPONSIBLE TO ENSURE PROPER DRAINAGE AROUND STRUCTURES, INCLUDING ELEVATIONS OF FOUNDATIONS AND WINDOW WELLS IN RELATION TO SIDE-LOT DRAINAGE EASEMENTS AND SWALES. HOMEOWNERS SHALL NOT CHANGE THE GRADE OF THE LOT OR DRAINAGE SWALES WITHIN SAID EASEMENTS, AS CONSTRUCTED BY THE BUILDER, IN A MANNER THAT WOULD CAUSE ADVERSE DRAINAGE IMPACTS TO PROPERTIES. STRUCTURES, FENCES, MATERIALS OR LANDSCAPING THAT COULD IMPEDE THE FLOW OF RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENTS.
28. IF ANY PORTION OF A BUILDING IS PROPOSED TO ENCROACH INTO A DRAINAGE EASEMENT, AN ENGINEER'S SIGNATURE WILL BE REQUIRED FOR COUNTY REVIEW, BUT NO REPLAT OF THE DRAINAGE EASEMENT WILL BE REQUIRED.
29. EXCEPT AS OTHERWISE NOTED ON THE PRELIMINARY PLAN, INDIVIDUAL LOT PURCHASERS ARE RESPONSIBLE FOR CONSTRUCTING DRIVEWAYS INCLUDING NECESSARY DRAINAGE CULVERTS PER LAND DEVELOPMENT CODE 6.3.3.C2 AND 6.2.2.C.3. DUE TO THEIR LENGTH SOME OF THE DRIVEWAY MUST BE APPROVED BY THE FIRE DISTRICT. SOME LOTS WITHIN THIS SUBDIVISION WILL REQUIRE LARGER CULVERTS BASED ON THE APPROVED FINAL DRAINAGE REPORT AND SHALL BE SIZED AND DESIGNED BY A PROFESSIONAL ENGINEER IN THE STATE OF COLORADO. IF A DRIVEWAY IS PROPOSED TO CROSS A DRAINAGE EASEMENT, AN ENGINEERED SITE PLAN WILL BE REQUIRED FOR A COUNTY REVIEW.

30. TRACT B OF THIS PROPERTY IS SUBJECT TO A PRIVATE DETENTION BASIN/STORMWATER QUALITY BMP MAINTENANCE AGREEMENT AND EASEMENT AS RECORDED AT RECEPTION NO. _____ OF THE RECORDS OF EL PASO COUNTY, THE HAY CREEK VALLEY HOA IS RESPONSIBLE FOR MAINTENANCE OF THE SUBJECT DRAINAGE FACILITIES.



LOT EASEMENT TYPICAL

SCALE 1" = 200'

GENERAL NOTES (CONT.):

31. THE SUBDIVIDER(S) AGREE ON BEHALF OF HIM/HERSELF AND ANY DEVELOPER OF BUILDER SUBDIVISIONS THAT SUBDIVIDER AND/OR SAID SUCCESSORS AND ASSIGNS SHALL BE REQUIRED TO RECORD THE CULVERTS IN ACCORDANCE WITH THE EL PASO COUNTY IMPACT FEE PROGRAM. RECORDING OF THE CULVERTS SHALL BE THE RESPONSIBILITY OF THE SUBDIVIDER AT OR PRIOR TO THE TIME OF BUILDING PERMIT SUBMITTALS. THE FEE OBLIGATION, IF NOT PAID AT FINAL PLAT RECORDING, SHALL BE DOCUMENTS ON ALL SALES DOCUMENTS AND IN PLAT NOTES TO ENSURE THAT A TITLE SEARCH WOULD FIND THE FEE OBLIGATION BEFORE SALE OF THE PROPERTY.
32. INDIVIDUAL LOT PURCHASERS ARE RESPONSIBLE FOR CONSTRUCTING DRIVEWAYS, INCLUDING NECESSARY DRAINAGE CULVERTS PER LAND DEVELOPMENT CODE 6.3.3.C2 AND 6.2.2.C.3. DUE TO THEIR LENGTH SOME OF THE DRIVEWAYS MUST BE APPROVED BY THE FIRE DISTRICT.
33. ABSORPTION FIELD MUST BE LOCATED A MINIMUM OF 100 FEET FROM ANY WELL, INCLUDING THOSE ON ADJACENT PROPERTIES. ABSORPTION FIELDS MUST ALSO BE LOCATED A MINIMUM OF 50 FEET FROM ANY DRAINAGES, FLOODPLAINS, OR PUNDED AREAS AND 25 FEET FROM DRY GULCHES. PLEASE ADD NOTE IN REGARD TO ON-SITE WASTEWATER SYSTEMS.
34. FIRE CISTERN EASEMENTS SHALL BE PROVIDED AND DEDICATED TO THE APPROPRIATE FIRE DEPARTMENT. ACCESS TO THE CISTERN FROM A PUBLIC ROAD, EASEMENTS SHALL BE OF SUFFICIENT SIZE TO FACILITATE MAINTENANCE.
35. THE PRIVATE ROADS AS SHOWN ON THIS PLAT WILL NOT BE MAINTAINED BY EL PASO COUNTY UNTIL AND UNLESS THE STREETS ARE CONSTRUCTED IN CONFORMANCE WITH EL PASO COUNTY STANDARDS IN EFFECT AT THE DATE OF THE REQUEST FOR DEDICATION AND MAINTENANCE.

GEOLOGY STATEMENT:

1. A "GEOLOGIC HAZARDS EVALUATION AND PRELIMINARY GEOTECHNICAL INVESTIGATION", HAY CREEK DEVELOPMENT, EL PASO COUNTY, COLORADO" (CTL | THOMPSON, DATED DECEMBER 27, 2022) IS INCLUDED WITH THE SUBMITTAL PACKAGE.
2. THERE ARE NO SIGNIFICANT GEOLOGICAL HAZARDS, HOWEVER, THE POTENTIAL FOR GEOLOGIC HAZARDS OR CONDITIONS IN THE EXPANSIVE NEAR SURFACE SOILS AND BEDROCK SOILS SUSCEPTIBLE TO EROSION, STEEP SLOPES AND FLOODING. REGIONAL GEOLOGIC CONDITIONS THAT IMPACT THE SITE INCLUDE SEISMOICITY AND RADIOACTIVITY. THESE GEOLOGIC CONDITIONS CAN BE MITIGATED WITH ENGINEERING DESIGN AND CONSTRUCTION METHODS COMMONLY EMPLOYED IN THIS AREA. IF THE PREVIOUSLY LISTED POTENTIAL GEOLOGICAL HAZARDS ARE FOUND TO EXIST, AN EVALUATION SHALL BE PERFORMED AT THE TIME OF FINAL GEOTECHNICAL INVESTIGATION FOR THOSE INDIVIDUAL LOTS.
3. THE FOLLOWING LOTS (1-20) HAVE BEEN FOUND TO BE IMPACTED BY GEOLOGIC HAZARDS. EROSION MEASURES AND MAP OF THE HAZARDOUS AREA CAN BE FOUND IN THE REPORT DEVELOPED BY CTL | THOMPSON AND PREVIOUSLY LISTED POTENTIAL GEOLOGICAL HAZARDS DEVELOPMENT BY CTL | THOMPSON IN FILE SP9231 AVAILABLE AT THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT:
ROCKFALL RUNOUT ZONE;
POTENTIALLY SEASONALLY HIGH GROUNDWATER;
OTHER HAZARDS: EXPANSIVE SOILS & BEDROCK, SOILS SUSCEPTIBLE TO EROSION, STEEP SLOPES, AND FLOODING.
4. WHERE SIGNIFICANT CUTS AND/OR SITE GRADING ARE PLANNED ALONG THE SLOPE FOR LOTS 1 THROUGH 9, EVALUATION OF THE CUT SLOPE, NEW SITE GRADING AND RETAINING WALL/FOUNDATION WALL CONSTRUCTION SHOULD BE PERFORMED THAT INCLUDES STABILITY ANALYSIS. SLOPE EVALUATION WILL NEED TO INCLUDE THE ELEVATION OF TEMPORARY CUTS, IF PERFORMED, AND PERMANENT WALL CONDITIONS. INCLUDING SLOPE ANALYSIS MAY IMPACT THE PROPOSED RESIDENCE FOUNDATION.

300 East Mineral Ave, Suite 1 Aurora, Colorado 80012 Phone: (303) 711-8978 Fax: (303) 711-8971 www.aztecconsultants.com	
AZtec Proj. No.: 164022-01 Drawn By: BAM	
DEVELOPER COLA, LLC/VIEW HOMES, INC. 555 MIDDLE CREEK PKWY., SUITE 500 COLORADO SPRINGS, CO 80921	DATE OF PREPARATION: 9/18/2023 SCALE: N.T.S. SHEET 2 OF 3
PCD FILE # SF2324	

HAY CREEK VALLEY

SITUATED IN THE SOUTHEAST QUARTER OF SECTION 33
AND THE SOUTHWEST QUARTER OF SECTION 34,
TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE
SIXTH PRINCIPAL MERIDIAN,
COUNTY OF EL PASO, STATE OF COLORADO.

CURVE TABLE		
CURVE	DELTA	LENGTH
C1	18°35'10"	300.00'
C2	33°54'55"	400.00'
C3	25°49'31"	300.00'
C4	9°46'31"	300.00'
C5	19°15'55"	300.00'
C6	49°26'19"	56.00'
C7	50°03'02"	56.00'
C8	9°29'30"	270.00'
C9	16°20'02"	270.00'
C10	9°46'31"	330.00'
C11	19°15'55"	270.00'
C12	50°22'21"	66.00'
C13	88°07'23"	66.00'

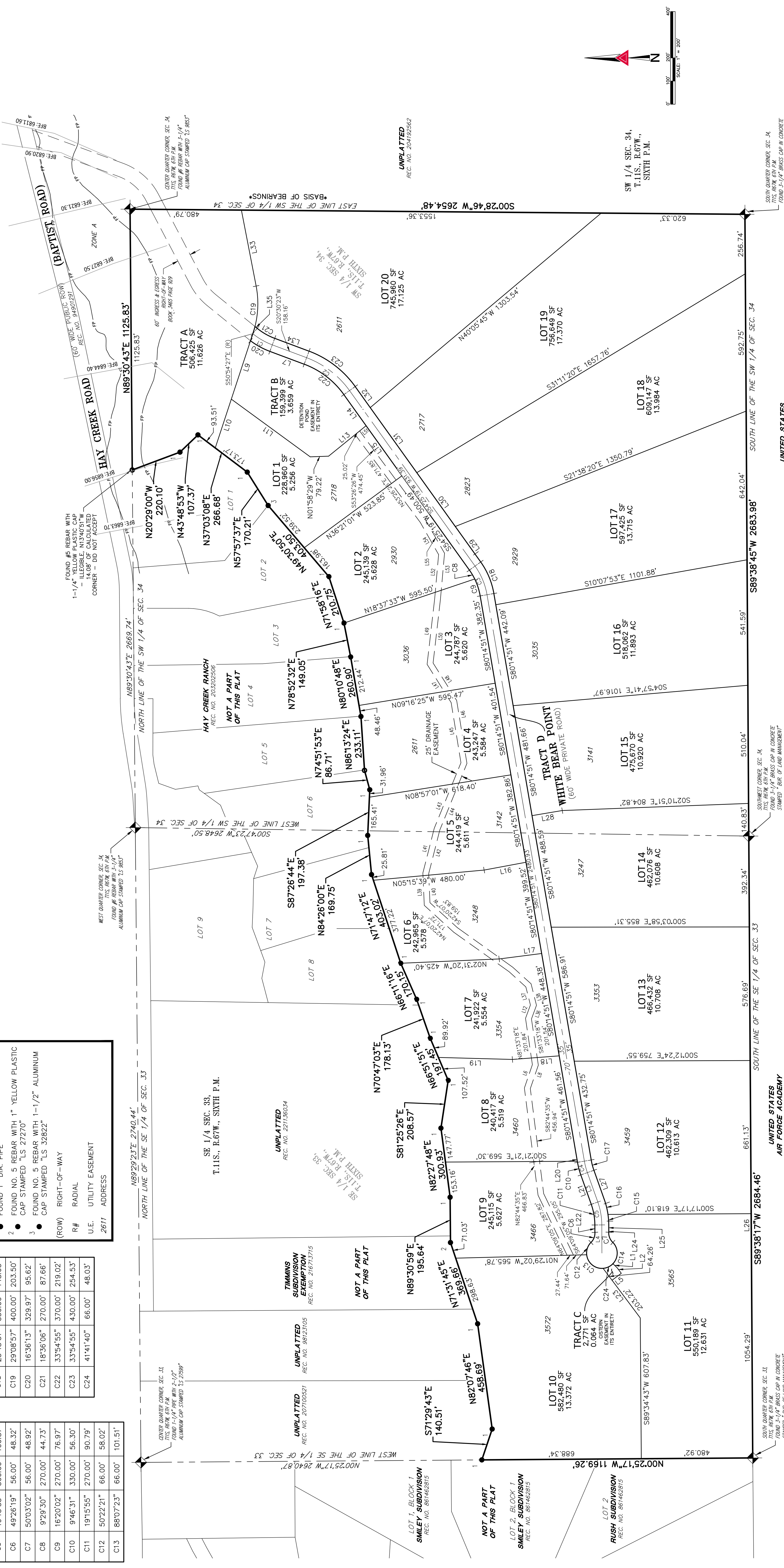
CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C14	88°11'12"	66.00'	101.58'
C15	7°54'28"	330.00'	45.55'
C16	11°21'27"	330.00'	65.41'
C17	9°46'31"	270.00'	46.07'
C18	25°48'31"	330.00'	148.65'
C19	29°08'57"	400.00'	203.50'
C20	16°36'13"	329.97'	95.62'
C21	18°36'06"	270.00'	87.66'
C22	33°54'55"	370.00'	219.02'
C23	33°54'55"	430.00'	254.53'
C24	41°41'40"	66.00'	48.03'

LEGEND

- ◆ ALIQUOT CORNER AS SHOWN HEREON
- SET NO. 5 X 18" REBAR WITH 1-1/2" YELLOW PLASTIC CAP STAMPED "AZTEC LS 37933"
- FOUND NO. 5 REBAR WITH 1-1/2" ALUMINUM CAP STAMPED "LS 32822"
- FOUND NO. 5 REBAR WITH 1" YELLOW PLASTIC CAP STAMPED "LS 27270"
- FOUND NO. 5 REBAR WITH 1-1/2" ALUMINUM CAP STAMPED "LS 32822"
- (ROW) RIGHT-OF-WAY
- R# RADIAL
- U.E. UTILITY EASEMENT
- 2611 ADDRESS

LINE TABLE			
LINE	BEARING	LENGTH	LENGTH
L51	S39°05'08"E	35.88'	35.88'
L52	S84°55'09"E	190.24'	190.24'
L53	N84°55'09"W	198.39'	198.39'
L54	N60°17'27"E	159.79'	159.79'
L55	S60°17'27"W	169.12'	169.12'

LINE TABLE			
LINE	BEARING	LENGTH	LENGTH
L46	S80°44'34"W	275.10'	275.10'
L47	N57°49'44"E	194.96'	194.96'
L48	S57°49'44"W	191.23'	191.23'
L49	S83°25'32"E	286.44'	286.44'
L50	N83°25'32"W	277.97'	277.97'



LINE TABLE		
LINE	BEARING	LENGTH
L31	S54°25'19"W	345.31'
L32	N75°50'09"E	80.45'
L33	S75°50'09"W	95.74'
L34	N87°31'17"E	139.68'
L35	S87°31'17"W	125.59'

LINE TABLE		
LINE	BEARING	LENGTH
L26	S89°38'17"W	1054.29'
L27	S70°28'20"W	134.82'
L28	S09°33'53"E	132.33'
L29	S54°25'19"W	158.16'
L30	S54°25'19"W	285.69'

LINE TABLE		
LINE	BEARING	LENGTH
L16	N10°31'56"W	183.68'
L17	N07°17'05"W	184.83'
L18	N04°22'12"W	202.63'
L19	N01°32'40"E	319.70'
L20	S80°14'51"W	461.56'

LINE TABLE		
LINE	BEARING	LENGTH
L11	S35°09'44"W	421.86'
L12	S89°48'11"E	61.54'
L13	S39°05'08"E	208.75'
L14	S54°25'19"W	164.95'
L15	S54°25'19"W	265.95'

LINE TABLE		
LINE	BEARING	LENGTH
L6	S71°07'51"E	106.60'
L7	S20°30'23"W	158.16'
L8	N71°07'51"W	106.87'
L9	N71°48'51"W	121.56'
L10	S71°45'44"E	221.73'

LINE TABLE		
LINE	BEARING	LENGTH
L36	N69°48'11"W	62.89'
L37	N75°50'09"E	80.45'
L38	S75°50'09"W	95.74'
L39	N87°31'17"E	139.68'
L40	S87°31'17"W	125.59'

LINE TABLE		
LINE	BEARING	LENGTH
L21	S70°28'20"W	134.82'
L22	S89°44'15"W	31.80'
L23	S53°08'14"W	267.47'
L24	S89°44'15"W	31.70'
L25	S89°44'15"W	31.70'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S43°56'49"W	25.00'
L2	S53°08'14"W	30.08'
L3	S70°28'20"W	134.82'
L4	S89°44'15"W	121.56'
L5	N36°51'46"W	50.00'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S43°56'49"W	25.00'
L2	S53°08'14"W	30.08'
L3	S70°28'20"W	134.82'
L4	S89°44'15"W	121.56'
L5	N36°51'46"W	50.00'

LINE TABLE		
LINE	BEARING	LENGTH
L11	S35°09'44"W	421.86'
L12	S89°48'11"E	61.54'
L13	S39°05'08"E	208.75'
L14	S54°25'19"W	164.95'
L15	S54°25'19"W	265.95'

LINE TABLE		
LINE	BEARING	LENGTH
L16	N10°31'56"W	183.68'
L17	N07°17'05"W	184.83'
L18	N04°22'12"W	202.63'
L19	N01°32'40"E	319.70'
L20	S80°14'51"W	461.56'

LINE TABLE		
LINE	BEARING	LENGTH
L16	S71°07'51"E	106.60'
L17	S20°30'23"W	158.16'
L18	N71°07'51"W	106.87'
L19	N71°48'51"W	121.56'
L20	S71°45'44"E	221.73'

LINE TABLE		
LINE	BEARING	LENGTH
L11	S35°09'44"W	421.86'
L12	S89°48'11"E	61.54'
L13	S39°05'08"E	208.75'
L14	S54°25'19"W	164.95'
L15	S54°25'19"W	265.95'

LINE TABLE		
LINE	BEARING	LENGTH
L11	S35°09'44"W	421.86'
L12	S89°48'11"E	61.54'
L13	S39°05'08"E	208.75'
L14	S54°25'19"W	164.95'
L15	S54°25'19"W	265.95'

FOR AND ON BEHALF OF
AZTEC CONSULTANTS, INC.

DATE OF PREPARATION: 9/18/2023
SCALE: 1"=200'
SHEET 3 OF 3

DEVELOPER
COLA, LLC./VIEW HOMES, INC.
555 MIDDLE CREEK PKWY., SUITE 500
COLORADO SPRINGS, CO 80921

300 East Mineral Ave., Suite 1
Aurora, CO 80012
Phone: (303) 711-8988
Fax: (303) 711-8987
www.aztecconsultants.com

Drawn By: BAM
AZTEC Proj. No.: 14-0022-01

UNITED STATES
AIR FORCE ACADEMY

UNITED STATES
AIR FORCE ACADEMY

UNITED STATES
AIR FORCE ACADEMY

UNITED STATES
AIR FORCE ACADEMY

UNITED STATES
AIR FORCE ACADEMY

UNITED STATES
AIR FORCE ACADEMY

UNITED STATES
AIR FORCE ACADEMY

UNITED STATES
AIR FORCE ACADEMY

UNITED STATES
AIR FORCE ACADEMY

County Attorney

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

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

March 22, 2024

SF-23-24 Hay Creek Valley

Reviewed by: Lori L. Seago, Senior Assistant County Attorney
April Willie, Paralegal

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. Hay Creek Valley is a proposal to combine six parcels and subdivide this 214-acre tract (the “property”) into 20 single-family lots by Randall and Andrea O’Leary (“Applicant”). The property is zoned RR-5 (Rural Residential).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary (“WSIS”), the subdivision is estimated to use 12.93 acre-feet/year comprising of 6.72 acre-feet per year for household use (0.34 acre-feet/year for a single-family dwelling), 5.38 acre-feet per year for irrigation of 6 acres, 0.72 acre-feet per year for stock watering of 80 animals and 0.11 acre-feet per year for fire protection. The Water Resources Report (“Report”), however, states that the fire protection cistern will be filled and maintained with offsite water rather than with groundwater from the underlying aquifers. Based on this total demand, after subtracting the amount for fire protection, Applicant must be able to provide a supply of 3,846 acre-feet of water (12.82 acre-feet per year x 300 years) to meet the County’s 300-year water supply requirement.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from one or more individual on-lot wells withdrawing from the not-nontributary Denver aquifer as provided in the Findings of Fact, Conclusions of Law, Ruling of Referee, and Decree in Division 2 Case No. 22CW3092 (“Decree”). There is an existing well with Permit No. 119564 serving an existing residence

ASSISTANT COUNTY ATTORNEYS

located on the property. This well must be re-permitted pursuant to the augmentation plan approved in the Decree.

The Decree allocates 8,147 acre-feet of water from the not-nontributary portion of the Denver aquifer. As El Paso County requires a 300-year supply, 8,147 acre-feet is divided by 300, leaving 27.16 acre-feet per year available to 20 lots from the Denver aquifer. Available Denver aquifer withdrawals available for this subdivision are to be used for the following: domestic, structure and equipment washing, hot tub, irrigation, commercial, stock water, recreation, wildlife, fire protection, and also storage and augmentation purposes.

The approved augmentation plan has a term of 300 years and requires that non-evaporative septic system return flows be used for augmentation during the pumping period for the 20 approved wells. Applicant must reserve 3,846 acre-feet of its water rights in the Denver aquifer and an additional 3,993 of its water rights in the Laramie-Fox Hills aquifer which shall be used for replacement of post pumping depletions. Each of the 20 wells may pump up to 0.81 acre-feet per year.

State Engineer's Office Opinion

4. In a letter dated February 7, 2024, the State Engineer stated that “[t]he proposed water supply is individual on-lot wells constructed in the not-nontributary Denver aquifer operating pursuant to the augmentation plan approved by the Division 2 Water Court in case no. 22CW3092. . .” There is an existing well with permit no. 119564 which will be re-permitted pursuant to the augmentation plan. Based on El Paso county’s 300-year requirement, 16.2 acre-feet/year or 0.81 acre-feet/year/well is allowed for withdrawal from all 20 wells pursuant to the Decree and augmentation plan.

Finally, the State Engineer provided their opinion, “. . . pursuant to 30-28-136(1)(h)(I), C.R.S. it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights so long as the Denver aquifer wells are operated in compliance with the decree granted in case no. 22CW3092.”

Recommended Findings

5. Quantity and Dependability. Applicant’s water demand for Hay Creek Valley is 12.82 acre-feet per year. This results in a demand of 3,846 acre-feet for the subdivision for 300 years. Under the Decree, Applicant owns the right to withdraw up to 16.2 acre-feet per year, for a total of 4,860 over 300 years, which is a surplus to the requested demand.

Based on the water demand of 12.82 acre-feet/year for Hay Creek Valley and the Decree’s allowable amount of up to 16.2 acre-feet per year, the County Attorney’s Office recommends a finding of sufficient water quantity and dependability for the Hay Creek Valley.

6. The water quality requirements of Section 8.4.7.B.10.g. of the El Paso County Land Development Code must be satisfied. **El Paso County Public Health shall provide a recommendation as to the sufficiency of water quality.**

7. **Basis.** The County Attorney's Office reviewed the following documents in preparing this review: a Water Resources Report dated March 2024, the Water Supply Information Summary, the State Engineer's Office Opinion dated February 7, 2024 and Findings of Fact, Conclusions of Law, Ruling of Referee, and Decree in Division 2 Case No. 22CW3092 entered on June 29, 2023. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

REQUIREMENTS:

A. Applicant and its successors and assigns shall comply with all requirements of the Findings of Fact, Conclusions of Law, Ruling of Referee, and Decree in Division 2 Case No. 22CW3092 ("Decree"), including that water withdrawn from the Denver aquifer shall not exceed 16.2 acre-feet per year, or 0.81 annual acre-feet per well. Depletions during pumping shall be replaced by individual on-lot non-evaporative septic systems.

B. Applicant must create a homeowners' association ("HOA") for the purpose of enforcing covenants and assessing any necessary fees related to compliance with the water decrees and augmentation plans for the property.

C. Applicant shall create restrictive covenants upon and running with the property which shall advise and obligate future lot owners of this subdivision, their successors and assigns, and the HOA regarding all applicable requirements of the Findings of Fact, Conclusions of Law, Ruling of Referee, and Decree in Division 2 Case No. 22CW3092.

Covenants shall specifically address the following:

1) Identify the water rights associated with the property. The Covenants shall reserve 3,846 acre-feet of not-nontributary Denver aquifer water and 3,993 acre-feet of Laramie-Fox Hills aquifer water pursuant to Findings of Fact, Conclusions of Law, Ruling of Referee, and Decree of Division 2 Case No. 22CW3092 to satisfy El Paso County's 300-year water supply requirement for the 20 lots of Hay Creek Valley. The Covenants shall further identify that 192.3 acre-feet (0.641 acre-feet/year) of Denver aquifer water is allocated to each residential lot and the entire 3,993 acre-feet of Laramie-Fox Hills is allocated to the HOA. Said reservations shall not be separated from transfer of title to the property and shall be used exclusively for primary water supply.

2) Advise of responsibility for costs. The Covenants shall advise the HOA, the lot owners, and their successors and assigns of their obligations regarding the costs of operating the plans for augmentation, which include pumping of the Denver wells in a manner to replace depletions during pumping and the cost of drilling Laramie-Fox Hills aquifer wells in the future to replace post-pumping depletions.

3) Require non-evaporative septic systems and reserve return flows from the same. The Covenants shall require that lot owners 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 and shall state that said return flows shall not be separately sold, traded, assigned, or used for any other purpose. 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. Lot owners must follow all applicable laws, rules, regulations, court orders, and permit conditions related to return flows."

4) Address future lot conveyances. The following or similar language shall be included in the Covenants to address future conveyances of the lots subsequent to the initial conveyance made by Applicant/Declarant:

"The water rights referenced herein shall be explicitly conveyed; however, if a successor lot owner fails to so explicitly convey the water rights, such water rights shall be intended to be conveyed pursuant to the appurtenance clause in any deed conveying said lot, whether or not Findings of Fact, Conclusions of Law, Ruling of Referee, and Decree in Division 2 Case No. 22CW3092 and the water rights therein are specifically referenced in such deed. The water rights so conveyed shall be appurtenant to the lot with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title."

5) Advise of monitoring requirements. The Covenants shall advise the HOA, future lot owners of this subdivision, and their successors and assigns of their responsibility for any metering, data collecting, and reporting that may be required regarding water withdrawals from existing and future wells in the Denver and Laramie-Fox Hills aquifers.

6) Require well permits. The Covenants shall require that well permits be obtained or re-permitted pursuant to the requirements of Findings of Fact, Conclusions of Law, Ruling of Referee, and Decree in Division 2 Case No. 22CW3092 and C.R.S. § 37-90-137(4) and (10).

7) Address amendments to the covenants. The Covenants shall address amendments using the following or similar language:

“Notwithstanding any provisions herein to the contrary, no changes, amendments, alterations, or deletions to these Covenants may be made which would alter, impair, or in any manner compromise the water supply for Hay Creek Valley pursuant to Findings of Fact, Conclusions of Law, Ruling of Referee, and Decree in Division 2 Case No. 22CW3092. 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 Division 2 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 determination.”

8) Address termination of the covenants. The Covenants shall address termination using the following or similar language:

“These Covenants shall not terminate unless the requirements of Findings of Fact, Conclusions of Law, Ruling of Referee, and Decree in Division 2 Case No. 22CW3092 are also terminated by the Division 2 Water Court and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County.”

D. Applicant and its successors and assigns shall reserve in any deeds of the property Denver aquifer water in the decreed amount of 3,846 acre-feet as well as 3,993 acre-feet of Laramie-Fox Hills aquifer water. Said reservation shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for primary and replacement supply.

E. Applicant and its successors and assigns shall convey by recorded warranty deed these reserved Denver aquifer water rights at the time of lot sales. Specifically, Applicant and future lot owners shall convey sufficient water rights in the Denver aquifer underlying the respective lots to satisfy El Paso County’s 300-year water supply requirement. This amount is 192.3 acre-feet per lot (0.641 acre-feet/year).

Any and all conveyance instruments shall also recite as follows:

For the water rights and return flows conveyed for the primary supply (Denver aquifer): “These water rights conveyed, and the return flows therefrom, are intended to provide a 300-year water supply, and replacement during pumping, for each of the lots of Hay Creek Valley. The water rights so conveyed and the return flows therefrom shall be appurtenant to each of the respective lots with which they

are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned, or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title.”

F. Applicant shall convey to the HOA by recorded warranty deed the reserved 3,993 acre-feet of Laramie-Fox Hills aquifer water rights for use in the augmentation plan to replace post-pumping depletions. Applicant shall recite in the deed that this water shall be used exclusively for augmentation supply and shall not be sold, conveyed, traded, bartered, assigned, or encumbered in whole or in part for any other purpose.

G. Applicant and its successors and assigns shall submit a Declaration of Covenants, Conditions, and Restrictions, form deeds, and any plat notes required herein to the Planning and Community Development Department and the County Attorney’s Office for review, and the same shall be approved by the Planning and Community Development Department and the County Attorney’s Office prior to recording the final plat. Said Declaration shall cross-reference Findings of Fact, Conclusions of Law, Ruling of Referee, and Decree in Division 2 Case No. 22CW3092 and shall identify the obligations of the individual lot owners thereunder.

H. Applicant and its successors and assigns shall record all applicable documents, including but not limited to Findings of Fact, Conclusions of Law, Ruling of Referee, and Decree of Water Court: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation from Division 2 Water Court, Case No. 22CW3092, 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.

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

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

J. Prior to recording the final plat:

- 1) Upload into eDARP proof that the existing well operating under Permit No. 119564 has be re-permitted.
- 2) A new WSIS must be uploaded to eDARP to reflect the water amounts listed in the Water Resources Report dated March 2024.

cc: Kylie Bagley, Project Manager, Planner



November 16, 2023

Kylie Bagley, Project Manager
El Paso County Planning and Community Development Department
Transmitted via EDARP portal: epcdevplanreview.com

Re: Hay Creek Subdivision
File #: SF2324
Part of the SE ¼ of Sec. 33 and the SW ¼ of Sec. 34, Twp. 11 South, Rng. 67 West, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 30983 - 2nd Letter

Dear Kylie Bagley:

We have received the re-submittal concerning the above referenced proposal to combine six parcels totaling 213 acres and subdivide this tract of land into 20 single-family lots and 3 tracts. The proposed water supply is individual on-lot wells constructed in the not-nontributary Denver aquifer operating pursuant to the augmentation plan approved by the Division 2 Water Court in case no. 22CW3092, including existing well with permit no. 119564 which services the existing residence on proposed Lot 10 and will be re-permitted pursuant to the augmentation plan. The comments in this letter supersede the comments from this office dated October 12, 2023.

Water Supply Demand

According to the previously provided Water Supply Information Summary, the estimated water demand for 20 household units is 6.72 acre-feet/year.

Source of Water Supply

The proposed water supply is individual on-lot wells constructed in the not-nontributary Denver aquifer operating pursuant to the augmentation plan approved by the Division 2 Water Court in case no. 22CW3092, including existing well with permit no. 119564 which services the existing residence on proposed Lot 10 and will be re-permitted pursuant to the augmentation plan.

The plan for augmentation decreed in case no. 22CW3092 allows for an average diversion of 0.81 acre-feet/year/well for 20 wells for a maximum of 300 years. The allowed uses are household use, structure and equipment washing, hot tub, irrigation, commercial, stock water, recreation, wildlife, fire protection, and also for storage and augmentation purposes associated with such uses. The total allowed diversion from all 20 wells is 16.2 acre-feet/year. The proposed uses and diversion amounts are allowed by the decree.

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 section 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 in 22CW3092 are equal to one percent of the total amount, 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 annual amounts for a maximum of 100 years.



The *El Paso County Land Development Code*, Section 8.4.7.(B)(7)(b) states:

“(7) Finding of Sufficient Quantity

(b) Required Water Supply. The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of 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 300 years, the allowed average annual amount of withdrawal would be reduced to one third of that amount, or 16.2 acre-feet/year as allowed by the 22CW3092 augmentation plan, which is **greater** than the annual demand for this subdivision. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

Applications for on lot well permits, submitted by an entity other than the current water right holder (Randall and Andrea O’Leary), must include evidence that the applicant has acquired the right to the portion of water being requested on the application. Our previous letter stated that the Applicant must provide evidence that they own the 22CW3092 water rights. The Applicant, View Homes Inc., provided evidence that the entity is controlled by Randall O’Leary, therefore it appears the Applicant has control over the water rights granted in case no. 22CW3092.

Additional Comments

The application materials indicate that a stormwater detention structure will 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), C.R.S., 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* to meet the notification requirements, located at <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>.

State Engineer’s Office Opinion

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

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

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

Our opinion is qualified by the following:

The Division 1 Water Court has retained jurisdiction over the final amount of water available pursuant to the above-referenced decree, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifer, and identified in this letter, are calculated based on estimated current aquifer conditions. The source of water is from a non-renewable aquifer, the allocations of which are based on a 100-year aquifer life. The county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 100 years (or 300 years) used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.

Please contact Wenli.Dickinson@state.co.us or (303) 866-3581 x8206 with any questions.

Sincerely,



Ioana Comaniciu, P.E.
Water Resource Engineer

Attachment: *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*

Ec: Water well permit no. 119564 file



COLORADO

Division of Water Resources

Department of Natural Resources

1313 Sherman Street, Room 821
Denver, CO 80203

Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado

February 11, 2016

The Division of Water Resources (DWR) has previously administered storm water detention facilities based on DWR's "Administrative Approach for Storm Water Management" dated May 21, 2011. Since the passage of Colorado Senate Bill 15-212, that administrative approach has been superseded. This document describes SB 15-212, codified in section 37-92-602(8), Colorado Revised Statutes (C.R.S.), and how the law directs administrative requirements for storm water management. The document is for informational purposes only; please refer to section 37-92-602(8) for comprehensive language of the law.

Pursuant to section 37-92-602(8), storm water detention facilities and post-wildland fire facilities shall be exempt from administration under Colorado's water rights system only if they meet specific criteria. The provisions of SB15-212 apply to surface water throughout the state. SB15-212 *only* clarifies when facilities may be subject to administration by the State Engineer; all facilities may be subject to the jurisdiction of other government agencies and must continue to obtain any permits required by those agencies.

Storm Water Detention Facilities

Pursuant to section 37-92-602(8), a storm water detention and infiltration facility ("Detention Facility") is a facility that:

- Is owned or operated by a government entity or is subject to oversight by a government entity, including those facilities that are privately owned but are required by a government entity for flood control or pollution reduction.
- Operates passively and does not subject storm water to any active treatment process.
- Has the ability to continuously release or infiltrate at least 97 percent of all of the water from a rainfall event that is equal to or less than a five-year storm within 72 hours of the end the rainfall event.
- Has the ability to continuously release or infiltrate at least 99 percent of all of the water from a rainfall event that is greater than a five-year storm within 120 hours of the end the rainfall event.
- Is operated solely for storm water management.



In addition, to qualify for the allowances provided in SB-212, the facility:

- Must not be located in the Fountain Creek watershed, unless the facility is required by or operated pursuant to a Colorado Discharge Permit System Municipal Separate Storm Sewer System Permit issued by the Department of Public Health and Environment pursuant to Article 8 of Title 25, C.R.S.
- Must not use water detained in the facility for any other purpose nor release it for subsequent diversion by the person who owns, operates, or has oversight over the facility. The facility cannot be operated as the basis for a water right, credit, or other water use right.
- Must not expose ground water.
- May include a structure or series of structures of any size.

If the Detention Facility was constructed *on or before* August 5, 2015 and meets all the requirements listed above, it does not cause material injury to vested water rights and will not be subject to administration by the State Engineer.

If the Detention Facility is constructed after August 5, 2015, meets the requirements listed above, and the operation of the detention facility does not cause a reduction to the natural hydrograph as it existed prior to the upstream development, it has a rebuttable presumption of non-injury pursuant to paragraph 37-92-602(8)(c)(II). A holder of a vested water right may bring an action in a court of competent jurisdiction to determine whether the operation of the detention facility is in accordance with paragraph 37-92-602(8)(c)(II)(A) and (B) has caused material injury. If the court determines that the vested water rights holder has been injured, the detention facility will be subject to administration.

In addition, for Detention Facilities constructed after August 5, 2015, the entity that owns, operates, or has oversight for the Detention Facility must, prior to the operation of the facility, provide notice of the proposed facility to the Substitute Water Supply Plan (SWSP) Notification List for the water division in which the facility is located. Notice must include: the location of proposed facility, the approximate surface area at design volume of the facility, and data that demonstrates that the facility has been designed to comply with section 37-92-602(8)(b) paragraphs (B) and (C). The State Engineer has not been given the statutory responsibility to review notices, however, DWR staff may choose to review notices in the course of their normal water administration duties. Not reviewing notices does not preclude the Division Engineer from



taking enforcement action in the event that the above criteria are not met in design and/or operation.

To satisfy the notification requirement, operators are encouraged to use the Colorado Stormwater Detention and Infiltration Facility Notification Portal developed by Urban Drainage and Flood Control District (“UDFCD”), located at:

<https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>.

Types of detention Facilities contemplated under this statute include underground detention vaults, permanent flood detention basins,¹ extended detention basins,² and full spectrum detention basins.³ Storm Water Best Management Practices⁴ (BMPs) not contemplated above, including all Construction BMPs and non-retention BMPs, do not require notice pursuant to SB-212 and are allowed at the discretion of the Division Engineer. Green roofs are allowable as long as they intercept only precipitation that falls within the perimeter of the vegetated area. Green roofs should not intercept or consume concentrated flow, and should not store water below the root zone. BMPs that rely on retention, such as retention ponds and constructed wetlands, will be subject to administration by the State Engineer.

Any detention facility that does not meet all of the statutory criteria described above, in design or operation, is subject to administration by the State Engineer.

¹ Flood detention basin: An engineered detention basin designed to capture and slowly release peak flow volumes to mitigate flooding (Urban Drainage and Flood Control, 2010).

² Extended detention basin: An engineered detention basin with an outlet structure designed to slowly release urban runoff over an extended time period (Urban Drainage and Flood Control, 2010).

³ Full spectrum detention basin: An extended detention basin designed to mimic pre-development peak flows by capturing the Excess Urban Runoff Volume and release it over a 72 hour period (Urban Drainage and Flood Control, 2010).

⁴ Best management practice: A technique, process, activity, or structure used to reduce pollutant discharges in stormwater (Urban Drainage and Flood Control, 2010).



Post-Wildland Fire Facilities

Pursuant to section 37-92-602(8), a post-wildland fire facility is a facility that:

- Includes a structure or series of structures that are not permanent.
- Is located on, in or adjacent to a nonperennial stream⁵.
- Is designed and operated to detain the least amount of water necessary, for the shortest duration of time necessary, to achieve the public safety and welfare objectives for which it is designed.
- Is designed and operated solely to mitigate the impacts of wildland fire events that have previously occurred.

In addition, to qualify for the allowances provided in SB-212, the facility:

- Must be removed or rendered inoperable after the emergency conditions created by the fire no longer exist, such that the location is returned to its natural conditions with no detention of surface water or exposure of ground water.
- Must not use water detained in the facility for any other purpose nor release it for subsequent diversion by the person who owns, operates, or has oversight over the facility. The facility will not be operated as the basis for a water right, credit, or other water use right.

If the post-wildland fire facility meets the requirements listed above, it does not cause material injury to vested water rights. While DWR recognizes that post-wildland fire facilities are essential to the protection of public safety and welfare, property, and the environment, DWR may, from time to time, request that the person who owns, operates, or has oversight of the post-wildland fire facility supply information to DWR to demonstrate they meet the criteria set forth above.

If a post-wildland fire facility does not meet all the criteria set forth above, it will be subject to administration by the State Engineer.

⁵ DWR may use the National Hydrography Dataset or other reasonable measure to determine the classification of a stream



Resources and References

Colorado Stormwater Detention and Infiltration Facility Notification Portal:
<https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>

Colorado Senate Bill15-212:
http://www.leg.state.co.us/CLICS/CLICS2015A/csl.nsf/fsbillcont3/13B28CF09699E67087257DE8006690D8?Open&file=212_enr.pdf

United States Geological Survey National Hydrography Dataset: <http://nhd.usgs.gov/>

Urban Drainage and Flood Control District 37-92-602(8) explanation memo and FAQ's:
<http://udfcd.org/crs-37-93-6028-explanation-memo-and-faqs/>

Urban Drainage and Flood Control District. (2010). *Urban Storm Drainage Criteria Manual: Volume 3, Best Management Practices*, updated November 2015. Located at:
<http://udfcd.org/volume-three>



FINAL PLAT (RECOMMEND APPROVAL)

_____ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SF2324

HAY CREEK VALLEY

WHEREAS, View Homes Inc. did file an application with the El Paso County Planning and Community Development Department for approval of a Final Plat for the Hay Creek Valley Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on April 18, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.
7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a Final Plat, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1.D.3.f of the Land Development Code ("Code") (as amended):

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

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

WHEREAS, a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of Subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of View Homes Inc. for approval of a Final Plat for the Hay Creek Valley Subdivision be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.

6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
8. Drainage fees in the amount of \$194,051.58 shall be paid for the Beaver Creek drainage basin (FOMO4600) at the time of plat recordation.
9. All forested acres must be mitigated to reduce the risk of wildfire and that defensible space be created for each dwelling using the standards in the Colorado State Forest Service "Home Ignition Zone Guide". All wildfire mitigation shall be completed before or during dwelling construction.
10. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 3/22/2024, as provided by the County Attorney's Office.

NOTATIONS

1. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

_____ seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	aye / no / non-voting / recused / absent
Sarah Brittain Jack	aye / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / absent
Jay Carlson	aye / no / non-voting / recused / absent
Becky Fuller	aye / no / non-voting / recused / absent

Jeffrey Markewich	aye / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / absent
Kara Offner	aye / no / non-voting / recused / absent
Bryce Schuettpelz	aye / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / absent

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

DONE THIS 18th day of April 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
Thomas Bailey, Chair

EXHIBIT A

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 33 AND THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6th PRINCIPAL MERIDIAN; COUNTY OF EL PASO, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

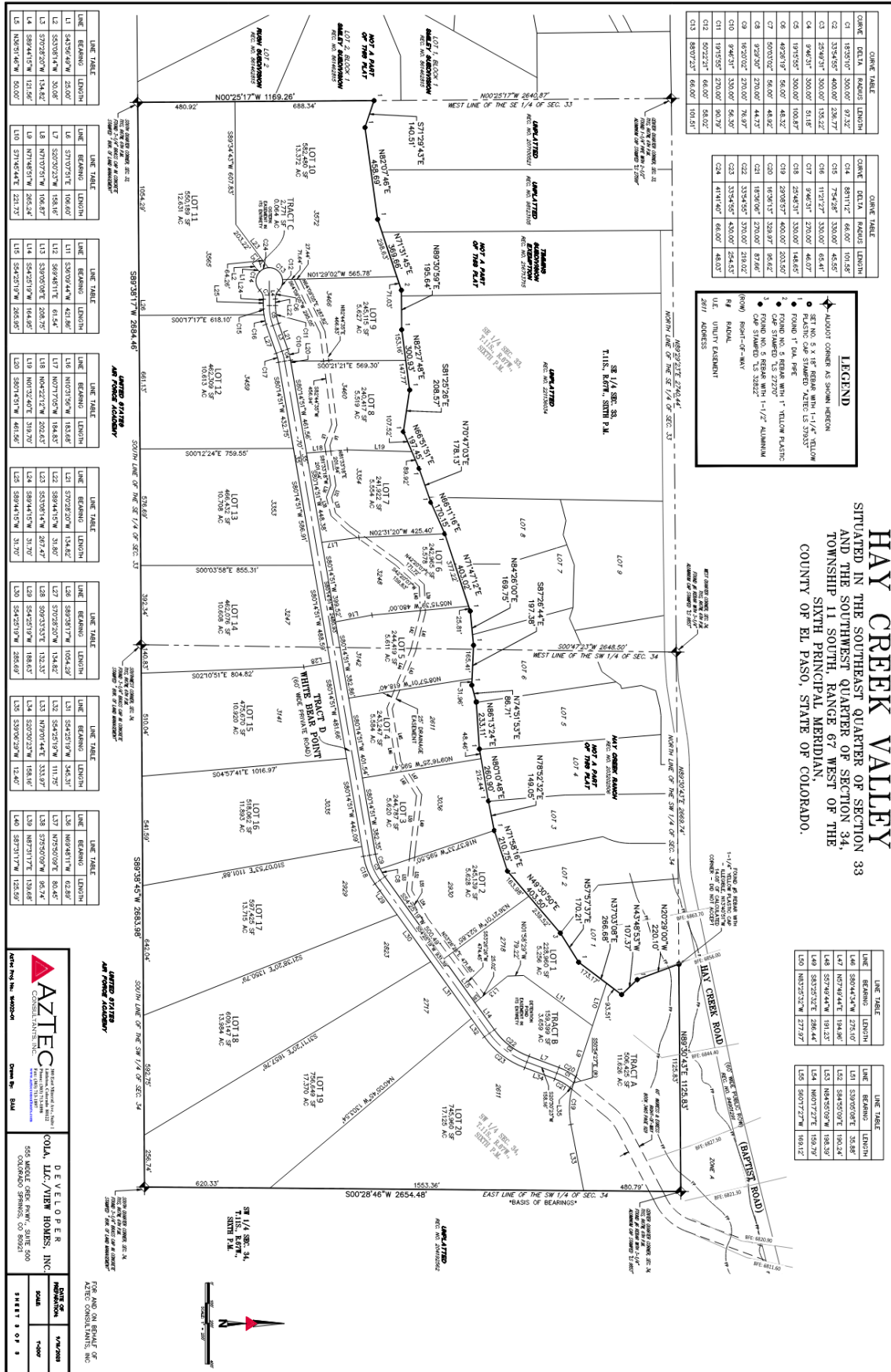
BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 33, FROM WHICH THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 33 BEARS NORTH 89°38'17" EAST, A DISTANCE OF 2,684.46 FEET, WITH ALL BEARINGS HEREIN RELATIVE THERETO;
THENCE NORTH 00°25'17" WEST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF SECTION 33, A DISTANCE OF 1,169.26 FEET;

THENCE THE FOLLOWING TWENTY-TWO (22) COURSES;

1. SOUTH 71°29'43" EAST, A DISTANCE OF 140.51 FEET;
2. NORTH 82°07'46" EAST, A DISTANCE OF 458.69 FEET;
3. NORTH 71°31'45" EAST, A DISTANCE OF 369.66 FEET;
4. NORTH 89°30'59" EAST, A DISTANCE OF 195.64 FEET;
5. NORTH 82°27'48" EAST, A DISTANCE OF 300.93 FEET;
6. SOUTH 81°25'26" EAST, A DISTANCE OF 208.57 FEET;
7. NORTH 66°51'51" EAST, A DISTANCE OF 197.45 FEET;
8. NORTH 70°47'03" EAST, A DISTANCE OF 178.13 FEET;
9. NORTH 66°11'16" EAST, A DISTANCE OF 170.15 FEET;
10. NORTH 71°47'12" EAST, A DISTANCE OF 403.02 FEET;
11. NORTH 84°26'00" EAST, A DISTANCE OF 169.75 FEET;
12. SOUTH 87°26'44" EAST, A DISTANCE OF 197.38 FEET;
13. NORTH 74°51'53" EAST, A DISTANCE OF 86.71 FEET;
14. NORTH 86°13'24" EAST, A DISTANCE OF 233.11 FEET;
15. NORTH 80°10'48" EAST, A DISTANCE OF 260.90 FEET;
16. NORTH 78°52'32" EAST, A DISTANCE OF 149.05 FEET;
17. NORTH 71°58'16" EAST, A DISTANCE OF 210.75 FEET;
18. NORTH 49°30'50" EAST, A DISTANCE OF 403.50 FEET;
19. NORTH 57°57'37" EAST, A DISTANCE OF 170.21 FEET;
20. NORTH 37°03'08" EAST, A DISTANCE OF 266.68 FEET;
21. NORTH 43°48'53" WEST, A DISTANCE OF 107.37 FEET;
22. NORTH 20°29'00" WEST, A DISTANCE OF 220.10 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 34;

THENCE NORTH 89°30'43" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 1,125.83 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 34;
THENCE SOUTH 00°28'46" WEST, ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 34, A DISTANCE OF 2,654.48 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER;
THENCE SOUTH 89°38'45" WEST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2,683.98 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 33;
THENCE SOUTH 89°38'17" WEST, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 33, A DISTANCE OF 2,684.46 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 214.622 ACRES, (9,348,924 SQUARE FEET), MORE OR LESS.



LINE	BEARING	LENGTH
C1	S89°51'46\"	50.00'
C2	S89°51'46\"	50.00'
C3	S89°51'46\"	50.00'
C4	S89°51'46\"	50.00'
C5	S89°51'46\"	50.00'
C6	S89°51'46\"	50.00'
C7	S89°51'46\"	50.00'
C8	S89°51'46\"	50.00'
C9	S89°51'46\"	50.00'
C10	S89°51'46\"	50.00'
C11	S89°51'46\"	50.00'
C12	S89°51'46\"	50.00'
C13	S89°51'46\"	50.00'

LINE	BEARING	LENGTH
C14	S89°51'46\"	50.00'
C15	S89°51'46\"	50.00'
C16	S89°51'46\"	50.00'
C17	S89°51'46\"	50.00'
C18	S89°51'46\"	50.00'
C19	S89°51'46\"	50.00'
C20	S89°51'46\"	50.00'
C21	S89°51'46\"	50.00'
C22	S89°51'46\"	50.00'
C23	S89°51'46\"	50.00'
C24	S89°51'46\"	50.00'
C25	S89°51'46\"	50.00'
C26	S89°51'46\"	50.00'
C27	S89°51'46\"	50.00'
C28	S89°51'46\"	50.00'
C29	S89°51'46\"	50.00'
C30	S89°51'46\"	50.00'
C31	S89°51'46\"	50.00'
C32	S89°51'46\"	50.00'
C33	S89°51'46\"	50.00'
C34	S89°51'46\"	50.00'
C35	S89°51'46\"	50.00'
C36	S89°51'46\"	50.00'
C37	S89°51'46\"	50.00'
C38	S89°51'46\"	50.00'
C39	S89°51'46\"	50.00'
C40	S89°51'46\"	50.00'
C41	S89°51'46\"	50.00'
C42	S89°51'46\"	50.00'
C43	S89°51'46\"	50.00'
C44	S89°51'46\"	50.00'
C45	S89°51'46\"	50.00'
C46	S89°51'46\"	50.00'
C47	S89°51'46\"	50.00'
C48	S89°51'46\"	50.00'
C49	S89°51'46\"	50.00'
C50	S89°51'46\"	50.00'
C51	S89°51'46\"	50.00'
C52	S89°51'46\"	50.00'
C53	S89°51'46\"	50.00'
C54	S89°51'46\"	50.00'
C55	S89°51'46\"	50.00'
C56	S89°51'46\"	50.00'
C57	S89°51'46\"	50.00'
C58	S89°51'46\"	50.00'
C59	S89°51'46\"	50.00'
C60	S89°51'46\"	50.00'
C61	S89°51'46\"	50.00'
C62	S89°51'46\"	50.00'
C63	S89°51'46\"	50.00'
C64	S89°51'46\"	50.00'
C65	S89°51'46\"	50.00'
C66	S89°51'46\"	50.00'
C67	S89°51'46\"	50.00'
C68	S89°51'46\"	50.00'
C69	S89°51'46\"	50.00'
C70	S89°51'46\"	50.00'
C71	S89°51'46\"	50.00'
C72	S89°51'46\"	50.00'
C73	S89°51'46\"	50.00'
C74	S89°51'46\"	50.00'
C75	S89°51'46\"	50.00'
C76	S89°51'46\"	50.00'
C77	S89°51'46\"	50.00'
C78	S89°51'46\"	50.00'
C79	S89°51'46\"	50.00'
C80	S89°51'46\"	50.00'
C81	S89°51'46\"	50.00'
C82	S89°51'46\"	50.00'
C83	S89°51'46\"	50.00'
C84	S89°51'46\"	50.00'
C85	S89°51'46\"	50.00'
C86	S89°51'46\"	50.00'
C87	S89°51'46\"	50.00'
C88	S89°51'46\"	50.00'
C89	S89°51'46\"	50.00'
C90	S89°51'46\"	50.00'
C91	S89°51'46\"	50.00'
C92	S89°51'46\"	50.00'
C93	S89°51'46\"	50.00'
C94	S89°51'46\"	50.00'
C95	S89°51'46\"	50.00'
C96	S89°51'46\"	50.00'
C97	S89°51'46\"	50.00'
C98	S89°51'46\"	50.00'
C99	S89°51'46\"	50.00'
C100	S89°51'46\"	50.00'

LEGEND

- ▲ ABOUT CORNER AS SHOWN HEREON
- SET NO. 5 & 8 BEARS WITH 1-1/2\" YELLOW CAP STAMPED '15 2720'
- SET NO. 10 BEARS WITH 1-1/2\" YELLOW CAP STAMPED '15 2720'
- SET NO. 15 BEARS WITH 1-1/2\" YELLOW CAP STAMPED '15 2720'
- SET NO. 20 BEARS WITH 1-1/2\" YELLOW CAP STAMPED '15 2720'
- SET NO. 25 BEARS WITH 1-1/2\" YELLOW CAP STAMPED '15 2720'
- SET NO. 30 BEARS WITH 1-1/2\" YELLOW CAP STAMPED '15 2720'
- SET NO. 35 BEARS WITH 1-1/2\" YELLOW CAP STAMPED '15 2720'
- SET NO. 40 BEARS WITH 1-1/2\" YELLOW CAP STAMPED '15 2720'
- SET NO. 45 BEARS WITH 1-1/2\" YELLOW CAP STAMPED '15 2720'
- SET NO. 50 BEARS WITH 1-1/2\" YELLOW CAP STAMPED '15 2720'
- SET NO. 55 BEARS WITH 1-1/2\" YELLOW CAP STAMPED '15 2720'
- SET NO. 60 BEARS WITH 1-1/2\" YELLOW CAP STAMPED '15 2720'
- SET NO. 65 BEARS WITH 1-1/2\" YELLOW CAP STAMPED '15 2720'
- SET NO. 70 BEARS WITH 1-1/2\" YELLOW CAP STAMPED '15 2720'
- SET NO. 75 BEARS WITH 1-1/2\" YELLOW CAP STAMPED '15 2720'
- SET NO. 80 BEARS WITH 1-1/2\" YELLOW CAP STAMPED '15 2720'
- SET NO. 85 BEARS WITH 1-1/2\" YELLOW CAP STAMPED '15 2720'
- SET NO. 90 BEARS WITH 1-1/2\" YELLOW CAP STAMPED '15 2720'
- SET NO. 95 BEARS WITH 1-1/2\" YELLOW CAP STAMPED '15 2720'
- SET NO. 100 BEARS WITH 1-1/2\" YELLOW CAP STAMPED '15 2720'

HAY CREEK VALLEY
SITUATED IN THE SOUTHEAST QUARTER OF SECTION 33
AND THE SOUTHWEST QUARTER OF SECTION 34,
TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE
SIXTH PRINCIPAL MERIDIAN,
COUNTY OF EL PASO, STATE OF COLORADO.

LINE	BEARING	LENGTH
L1	S89°51'46\"	50.00'
L2	S89°51'46\"	50.00'
L3	S89°51'46\"	50.00'
L4	S89°51'46\"	50.00'
L5	S89°51'46\"	50.00'
L6	S89°51'46\"	50.00'
L7	S89°51'46\"	50.00'
L8	S89°51'46\"	50.00'
L9	S89°51'46\"	50.00'
L10	S89°51'46\"	50.00'
L11	S89°51'46\"	50.00'
L12	S89°51'46\"	50.00'
L13	S89°51'46\"	50.00'
L14	S89°51'46\"	50.00'
L15	S89°51'46\"	50.00'
L16	S89°51'46\"	50.00'
L17	S89°51'46\"	50.00'
L18	S89°51'46\"	50.00'
L19	S89°51'46\"	50.00'

LINE	BEARING	LENGTH
L20	S89°51'46\"	50.00'
L21	S89°51'46\"	50.00'
L22	S89°51'46\"	50.00'
L23	S89°51'46\"	50.00'
L24	S89°51'46\"	50.00'
L25	S89°51'46\"	50.00'
L26	S89°51'46\"	50.00'
L27	S89°51'46\"	50.00'
L28	S89°51'46\"	50.00'
L29	S89°51'46\"	50.00'
L30	S89°51'46\"	50.00'
L31	S89°51'46\"	50.00'
L32	S89°51'46\"	50.00'
L33	S89°51'46\"	50.00'
L34	S89°51'46\"	50.00'
L35	S89°51'46\"	50.00'
L36	S89°51'46\"	50.00'
L37	S89°51'46\"	50.00'
L38	S89°51'46\"	50.00'
L39	S89°51'46\"	50.00'
L40	S89°51'46\"	50.00'

AZTEC
CONSULTANTS, INC.
555 W. 10th St., Suite 200
Aurora, CO 80015
Phone No. 303.440.1111
www.aztecconsultants.com

DEVELOPER
COLA, LLC, VIER HOMES, INC.
555 W. 10th St., Suite 200
Aurora, CO 80015
Phone No. 303.440.1111

FOR AND ON BEHALF OF
AZTEC CONSULTANTS, INC.

DATE OF PREPARATION
DATE OF RECORDATION
SHEET 9 OF 9