

## Lindsay Darden

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**From:** Mark Hyatt <markahyatt@gmail.com>  
**Sent:** Wednesday, February 20, 2019 5:54 PM  
**To:** Lindsay Darden  
**Subject:** Re: AL19-005 - 14200 Judge Orr Extended Family Dwelling

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Please let me know how we can get a refund. Do I have to come by the office?

Thanks,  
Mark

On Feb 20, 2019, at 5:10 PM, Lindsay Darden <[LindsayDarden@elpasoco.com](mailto:LindsayDarden@elpasoco.com)> wrote:

Hi Mark,

I am writing to follow up with you on your application. The email that you had from Shannon Johnson at DNR showed your request to add a third dwelling unit to the existing well but did not indicate DNR approval or modification of the well permit. I reached out to Shannon (her last name is now Porter) and she indicated to me that DNR is unable to modify the well permit to allow another home on the parcel (see email forwarded below.) I followed up with Shannon to ask if a temporary home such as an extended family dwelling would be treated the same as a permit home. Shannon indicated that it would be handled the same and the well permit could not be modified to allow such dwelling. I also reached out to Tracey Doran with the Upper Black Squirrel Creek District. She also reinforced that a third home would not be permitted on the existing well permit and that the district would not permit more than one well per parcel. Subdividing would be the only way to get approval for an additional well.

One of the County's approval criteria requires that "a special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution." Clearly the extended family dwelling cannot function without water. If DNR will not permit another home to tap into the existing well, the proposed special use would not be in compliance with those water regulations because you cannot add a home to a well without modification of the well permit from DNR.

In your early assistance meeting we did discuss subdivision. That would require rezoning of your parcel and minor subdivision (1-4 lots) or Minor preliminary Plan and Minor Final Plat if more than 4 lots would be created as part of the subdivision. We also discussed the option of adding an attached addition (or garage conversion) for mother-in-law apartment to your existing residence. Because a mother-in-law apartment is attached, it would be considered part of the existing residence so water availability would not be an issue. It would have to meet the setbacks for your zoning district and the Land Development Code Limited Use Standards specified in Section 5.2.35 (see below.) A site plan would be required to get approval for a mother-in-law apartment and the review fee for that is \$247.00. Neighbor notice is not required for an attached mother-in-law apartment.

<image001.jpg>

Since we cannot feasibly approve the special use request for the extended family dwelling due to the unanticipated constraints of the well permit, you may withdraw your application. Although staff time has been spent reviewing the application, we can provide a refund of the extended family application

fee (\$437.00) or apply it toward future application fees (rezoning, subdivision, or site plan for mother-in-law apartment) in the event that you decide to pursue one or more of those options. Please let me know whether you prefer a refund or credit toward future application fees.

Thanks and do not hesitate to contact me with any questions or concerns,

**Lindsay Darden**

Planner II

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PERSONAL WORK SCHEDULE

Monday - Thursday, 7:00 am to 5:30 pm

DEPARTMENT HOURS

Monday - Friday, 7:30 am to 4:30 pm

**From:** Porter - DNR, Shannon [<mailto:shannon.porter@state.co.us>]

**Sent:** Wednesday, February 20, 2019 12:05 PM

**To:** Lindsay Darden

**Subject:** Permit no. 181032

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Regarding a request to amend permit no. 181032 (receipt no. 0372342B), to increase the number of homes to be served by the well to 3 -- The parcel is located in the Upper Black Squirrel Creek Ground Water Management District, which allows a maximum of 2 homes on a parcel to be served by a well.

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Shannon Porter  
Engineering/Physical Science Technician  
Designated Basins



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