


**EL PASO COUNTY**  
**COLORADO**

**COMMISSIONERS:**  
**MARK WALLER (CHAIR)**  
**LONGINOS GONZALEZ, JR. (VICE-CHAIR)**

**HOLLY WILLIAMS**  
**STAN VANDERWERF**  
**CAMI BREMER**

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Board of County Commissioners**  
**Mark Waller, Chair**

**FROM: Nina Ruiz, Planner III**  
**Gilbert LaForce, PE Engineer II**  
**Craig Dossey, Executive Director**

**RE: Project File #: MS-17-001**  
**Project Name: Cordero Minor Subdivision**  
**Parcel No.: 34000-00-378**

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Angel Cordero 2020 N. Ellicott Highway Calhan, CO 80808	Angel Cordero 2020 N. Ellicott Highway Calhan, CO 80808

**Commissioner District: 4**

Planning Commission Hearing Date:	2/18/2020
Board of County Commissioners Hearing Date	3/10/2020

**EXECUTIVE SUMMARY**

A request by Angel Cordero for a minor subdivision to create two (2) single-family residential lots. The 35.5-acre property is zoned A-35 (Agricultural) and is located on the west side of Ellicott Highway approximately 1.5 miles north of State Highway 94. The property is located within the boundaries of the Ellicott Valley Comprehensive Plan (1989). A request for approval of a map amendment (rezoning) of the 35.5 acres from the A-35 (Agricultural) zoning district to the A-5 (Agricultural) zoning district is under concurrent review. There are two (2) existing single-family dwellings on the subject

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



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

parcel. The proposed minor subdivision would allow for the homes to be located on separate lots, which would allow for the independent sale of each lot with a dwelling.

**A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION**

**Request:** A request by Angel Cordero for approval of a minor subdivision to create two (2) single-family residential lots.

**Waiver(s)/Deviation(s):** There are no waivers associated with the request.

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

**B. PLANNING COMMISSION SUMMARY**

**Request Heard:** As a Consent item at the February 18, 2020 hearing.

**Recommendation:** Approval based on recommended conditions and notation.

**Waiver Recommendation:** N/A

**Vote:** 7-0

**Vote Rationale:** N/A

**Summary of Hearing:** The applicant was represented at the hearing.

**Legal Notice:** N/A

**C. APPROVAL CRITERIA**

In approving a minor subdivision, 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 (2019):

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

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

**D. LOCATION**

North: A-35 (Agricultural)	Non-conforming Mobile Home Park
South: A-5 (Agricultural)	Agricultural
East: A-5 (Agricultural)	Agricultural
West: A-35 (Agricultural)	Agricultural

**E. BACKGROUND**

The property was zoned A-35 (Agricultural) when zoning was first established for this portion of El Paso County on March 25, 1999. There are two dwellings on the subject parcel. The site-built home was constructed in 1979 and the modular home was constructed in 1978. The A-35 (Agricultural) zoning district allows for both a principle dwelling unit as well as an additional dwelling unit. The applicant is proposing to subdivide the parcel into two lots with Lot 1 being 17.72 acres and Lot 2 being 16.60 acres in size. The applicant has submitted a concurrent application for a map amendment (rezoning) of the property from the A-35 (agricultural) zoning

district to the A-5 (Agricultural) zoning district, which would reduce the minimum lot size to five acres, thereby allowing for subdivision of the property.

## **F. ANALYSIS**

### **1. Land Development Code Compliance**

The minor subdivision application meets the final plat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (2019).

### **2. Zoning Compliance**

A request for approval of a map amendment (rezoning) from the A-35 (Agricultural) zoning district to the A-5 (Agricultural) zoning district is being processed concurrently.

The A-5 zoning district is a 5-acre district primarily intended to conserve agricultural resources and ranching operations and accommodate limited residential use.

The density and dimensional standards for the zoning districts are as follows:

- Minimum lot size – 5 acres
- Setbacks – 25 feet on all sides.
- Maximum building height – 30 feet

The existing structures will meet the dimensional standards of the A-5 zoning district if the rezoning and minor subdivision are approved.

### **3. Policy Plan Analysis**

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

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

**Policy 6.2.1-** Fully consider the potential impact of proposed zone changes and development on the integrity of existing neighborhoods.

The minor subdivision is adjacent to the A-5 (Agricultural) zoning district to the south and east. The two (2) lots within the Cordero Minor Subdivision are

proposed to be 16.6 acres and 17.7 acres in size. The minor subdivision is compatible with the adjacent five (5) acre subdivisions and consistent with the policies and recommendations of the Policy Plan.

#### 4. **Small Area Plan Analysis**

The property is located within the boundaries of the Ellicott Valley Comprehensive Plan (1989). The Plan does not have any mapped land use scenarios or area specific policies. Rather, it recommends the demonstration of compatibility with existing surrounding land use in terms of general use, building heights, scale, and density.

The Plan contains language such as:

“In the Ellicott Valley, a mix of urban density satellite communities and rural residential developments should be promoted. Because the planning area has such a large amount of vacant land potentially available for development, it is unrealistic to fully predict where the areas of initial growth focus will or should be. For this reason, decisions regarding specific location and land use mix of future development should be largely left up to the private market.”

The following goals have been used in the review of the applicant’s request:

**Goal 1.C.** Accommodate a balanced mix of urban density and rural residential uses in the planning area in a manner which is sensitive to both existing conditions and the need to preserve future development options.

**Policy 1.8** Encourage new developments to demonstrate compatibility with existing surrounding land use in terms of: general use, building heights, scale, density, dust and noise as applicable.

**Goal 3.A.** Promote the Ellicott Valley Planning Area as a quality residential living environment.

**Goal 3.B.** Allow for a balanced mix of residential densities and housing types in the planning area.

The property is currently zoned A-35 (Agricultural) which allows two single-family dwelling units on one parcel. There are two existing homes on the subject parcel with separate wells and septic systems. A concurrent application has been

submitted for a map amendment (rezone) from the A-35 zoning district to the A-5 zoning district. The parcel is adjacent to the A-5 (Agricultural) zoning district to the south and east. The two (2) lots within the Cordero Minor Subdivision are proposed to be 16.6 acres and 17.7 acres in size. The proposed subdivision will act as a transition between the five (5) acre parcels to the south and east and the 35+ acre parcels to the north and west.

The Plan is generally permissive and, as stated, contains no land use map. The map amendment (rezone) and minor subdivision will not result in an increase in density in terms of dwelling units per acre and the proposal is consistent with the surrounding area in terms of allowed uses, building heights, scale, density, dust and noise. The proposed subdivision is in general conformance with the Plan.

## **5. Water Master Plan Analysis**

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

The application was submitted prior to the adoption of the Water Master Plan, therefore, consistency with the Plan is not an applicable review criteria.

## **6. Other Master Plan Elements**

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

The Master Plan for Mineral Extraction (1996) identifies potential upland deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, severed mineral rights exist. The mineral rights owner has been notified of the application and hearing date.

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

The property contains 100-year floodplain. Please see the floodplain section below for further information and background.

## **2. Wildlife**

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

## **3. Floodplain**

FEMA Flood Insurance Rate Map No. 08041C0807G, which has an effective date of December 7, 2018, shows the northeast corner of the subdivision as being located in the 100-year floodplain (Zone A) for Black Squirrel Creek. Section 8.4.2.B.1 requires that the base flood elevations be shown on all Plats. Zone A is unstudied; therefore, a floodplain certification letter was prepared which defined three base flood elevation contours along the subdivision. No structures and no storage of materials are permitted within the floodplain area.

## **4. Drainage and Erosion**

The property is bisected by the Hook and Line Ranch (CHBS1800) and Ellicott (CHBS1600) drainage basins. Both drainage basins are unstudied with no drainage basin or bridge fees.

Water quality capture volume was not provided and was not required per Appendix I of the Engineering Criteria Manual (2019) since the development is low density housing (2.5 acre or larger lots) and having a total lot impervious area of less than 10 percent. A drainage letter was not required as it was deemed unnecessary by the County due to the minimal drainage impact a second lot is expected to generate.

## **5. Transportation**

The subdivision is accessed via North Ellicott Highway. No internal streets are proposed with the subdivision. In accordance with the 2016 Major Transportation Corridor Plan Update (MTCP) the development is dedicating 50 feet of right-of-way along North Ellicott Highway.

The subdivision is subject to the El Paso County Road Impact Fee Program (Resolution 18-471), as amended.

## **H. SERVICES**

### **1. Water**

Sufficiency:

Quality: Presumed sufficiency

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The County Attorney's Office recommends a finding that the proposed water supply is sufficient in terms of quantity and dependability. There is a presumption of sufficient water quality.

**2. Sanitation**

Wastewater services will be provided by the existing on-site wastewater systems (OWTS). El Paso County Public Health had no objection to the proposed subdivision.

**3. Emergency Services**

The property is within the Ellicott Fire Protection District. The District was sent a referral and responded with the following comments: "The Ellicott Fire department has no objections to the minor sub-division change as described."

**4. Utilities**

Mountain View Electric Association will continue to provide electrical service to the two homes on the subject parcel. There is no natural gas available at this time other than propane tanks.

**5. Metropolitan Districts**

The property is within the limits of the Ellicott Metropolitan District.

**6. Parks/Trails**

Fees in lieu of park land dedication in the amount of \$604.00 for regional fees and \$0.0 for urban park fees will be due at the time of recording the final plat.

**7. Schools**

Fees in lieu of school land dedication in the amount of \$185.00 shall be paid to El Paso County for the benefit of Ellicott School District No. 22 at the time of plat recording

**I. APPLICABLE RESOLUTIONS**

See attached Resolution.

**J. STATUS OF MAJOR ISSUES**

There are no major outstanding issues.

**K. 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 (2019) staff recommends the following conditions and notation:

## **CONDITIONS**

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 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. Park fees in lieu of land dedication for regional parks (Area 4) in the amount of \$604.00 shall be paid at the time of plat recordation.
9. Fees in lieu of school land dedication in the amount of \$185.00 shall be paid to El Paso County for the benefit of Ellicott School District No. 22 at the time of plat recording.
10. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

**NOTATION**

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.

**L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified nine (9) adjoining property owners on February 3, 2020, for the Board of County Commissioners meeting. Responses received to date are included; others may be provided at the hearing.

**M. ATTACHMENTS**

Vicinity Map  
Letter of Intent  
Plat Drawing  
State Engineer's Letter  
County Attorney's Letter  
Adjacent Property Owner Responses  
Planning Commission Resolution  
Board of County Commissioners' Resolution

# El Paso County Parcel Information

File Name: P-17-001/MS-17-001

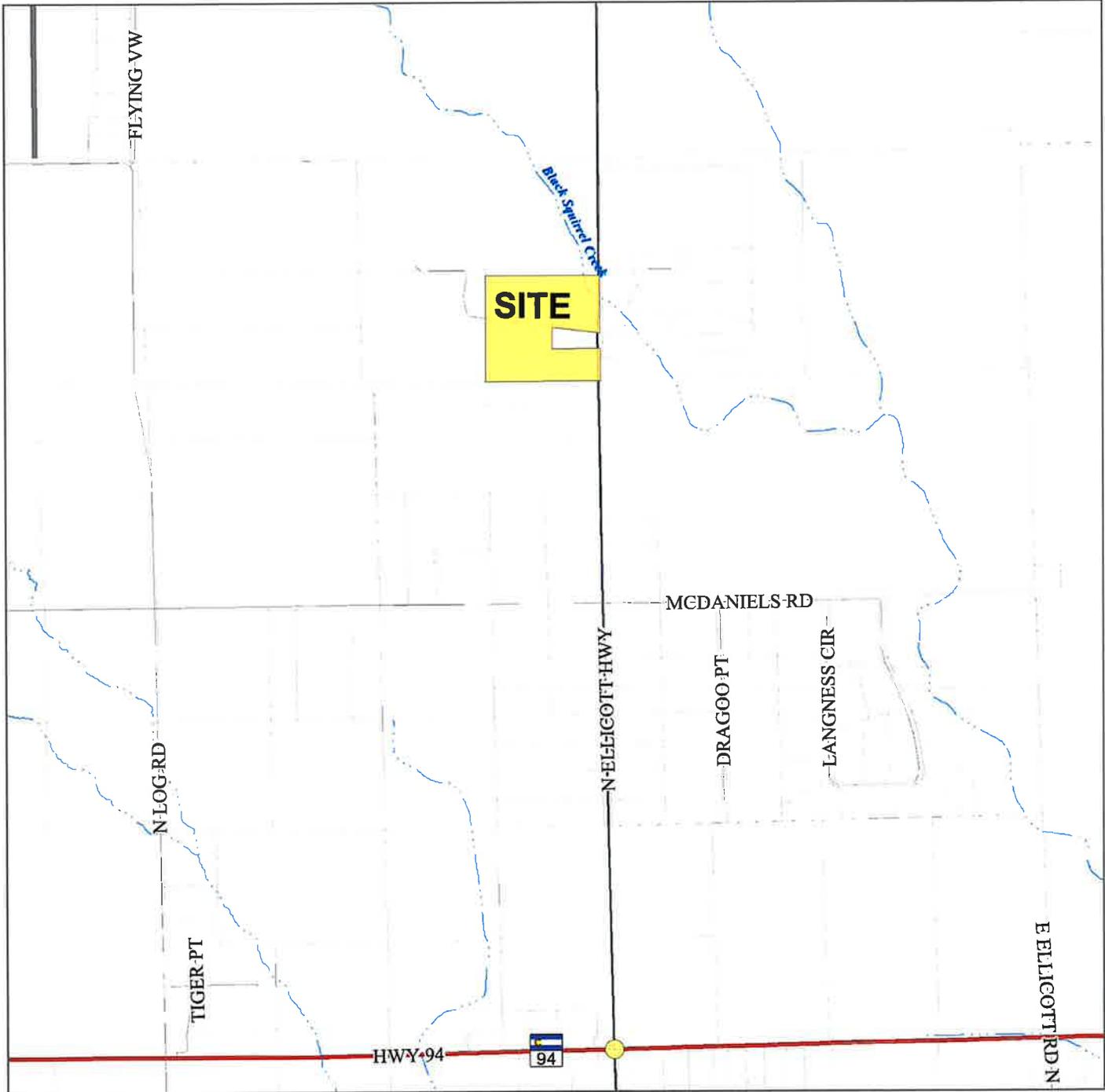
PARCEL	NAME
3400000378	CORDERO ANGEL EMILIO JR

Zone Map No. --

ADDRESS	CITY	STATE
2020 N ELLICOTT HWY	CALHAN	CO

ZIP	ZIPLUS
80808	8829

Date: January 29, 2020



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



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## Letter of Intent

11 October 2019

Angel E Cordero Jr  
Owner  
2020 N Ellicott Hwy  
Calhan, CO 80808  
(719) 425-5071

1. Owner/applicant and consultant, including addresses and telephone numbers.  
Angel E Cordero Jr, 2020 and 2030 N Ellicott Hwy Calhan CO 80808, 719-425-5071
2. Site location, size and zoning.  
2020 and 2030 N Ellicott Hwy Calhan CO 80808 (Parcel Number 3400000378), 35.55 acres, A-35

3. Request and justification.

I Angel E Cordero Jr the owner of real property located at 2020 N Ellicott Hwy Calhan CO 80808 (Parcel Number 3400000378) would like to request a rezoning change from A-35 to A-5. I am submitting a minor subdivision titled Cordero Minor Subdivision where I would like to divide my current 35.55 acre parcel in half, approximately 17 acres in one section and 18 acres in the other section. Each section once divided will have a single family home, one well, and out building/s.

I granted an ingress and egress easement on 16 March 2016 which divides my property approximately in half. It is this new easement which I would like to use as the dividing line for the property to create the subdivision.

4. Existing and proposed facilities, structures, roads, etc.  
2 Single Family Homes, two well, various out buildings. I am not proposing the addition of facilities, structures, roads, etc. at this time.
5. Waiver requests (if applicable) and justification.  
None
6. The purpose and need for the change in zone classification.
7. I am submitting a minor subdivision titled Cordero Minor Subdivision where I would like to divide my current 35.55 acre parcel (zoned A-35) in half. This would account for approximately 17 acres in one section and 18 acres in the other section requiring the change to A-5 from A-35
8. The total number of acres in the requested area.  
35.55 acres
9. The total number of residential units and densities for each dwelling unit type.  
Two single family homes

10. The number of industrial or commercial sites proposed.  
None
11. Approximate floor area ratio of industrial and/or commercial uses.  
N/A
12. The number of mobile home units and densities.  
N/A
13. Typical lot sizes: length and width.  
700'x122'
14. Type of proposed recreational facilities.  
N/A
15. If phased construction is proposed, how it will be phased.  
No phased construction is proposed at this time
16. Anticipated schedule of development.  
I am not proposing the addition of facilities, structures, roads, etc. at this time.
17. How water and sewer will be provided.  
Water: Two wells.  
Sewer: Current septic and leach field
18. Proposed uses, relationship between uses and densities.  
Single family homes, dwelling for single family home
19. Areas of required landscaping.  
N/A
20. Proposed access locations.  
Existing driveways
21. Approximate acres and percent of land to be set aside as open space, not to include parking, drive, and access roads.  
Not required as I am not a developer.

Review Criteria: 7.2.1.D:

1. The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;  
Yes, after review of Master Plan and completion of required documents for proposed subdivision and rezoning, 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;  
Yes, the completion of required documents for proposed subdivision and rezoning allow for the 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;  
Yes, the completion of required documents for proposed subdivision and rezoning ensures all requirements associated with subdivision design standards and regulations are met
4. 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;  
Yes, a depletion analysis has been completed and found to be adequate for the placement of two new wells into the Arapahoe Aquifer within the proposed subdivision. Once the subdivision is approved well permits will be sought for the new wells which will confirm to the limitations outlined in Augmentation Plan FO3344
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;  
Yes, the system comply with State and local laws and regulations as it is currently in place and has been in use for years.
6. All areas of the proposed subdivision which may involve soil or topographical conditions resending 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)];  
Yes, none exist
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;  
Yes, no changes are proposed current conditions comply with State Statute and requirements of this Code and the 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 this Code and the ECM;  
Yes, public rights-of-way have been requested and granted, recorded easement is in place and functioning in accordance with agreement, all are acceptable to the County in compliance with this 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;  
Yes, all services are currently in place and functioning
10. The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;

Yes, Fire protection has identified capability of coverage for subdivision as they currently provide protection.

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

Yes, no impacts as a result of the subdivision nothing is changing, requirements of Chapter 8 continue to be met.

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;

Yes, impacts of the subdivision are adequately mitigated. The completion of required documents for proposed subdivision and rezoning ensures all requirements are met.

13. The subdivision meets other applicable sections of Chapter 6 and 8

Yes, the completion of required documents for proposed subdivision and rezoning ensures all requirements are met

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.]

Yes, no changes are proposed as a result of this subdivision, as such extraction of any known commercial mining deposit shall not be impeded.

Very Respectfully,  
Angel E Cordero Jr  
Owner  
2020 N Ellicott Hwy  
Calhan, CO 80808  
(719) 425-5071

KNOW ALL MEN BY THESE PRESENTS:

That Angel Emilio Corson being the owner of the following described tracts of land to wit:

A tract of land located in the Southeast Quarter of the Northeast Quarter of Section 1, Township 14 South, Range 63 West of the 6th P.M., El Paso County, Colorado described as follows:

The Southeast Quarter of the Northeast Quarter of said Section 1,

beginning in the northern 65 feet thereof and east occupying the following tract of land situated as follows:

Beginning at a point on the east line of said Section 1 from whence the East Quarter of said Section 1 bears S 89°23'31" E, 383.14 feet; thence N 89°07'38" E, 253.14 feet; thence S 24°15'17" E, 231.33 feet; thence N 82°34'07" E, 267 feet to the east line of said Section 1; thence N 22°23'37" along the east line of said Section 1 a distance of 177.65 feet to the point of beginning.

Containing a consolidated area of 32.5463 acres, more or less.

OWNERS CERTIFICATION:

The undersigned, being all the owners, mortgagees, beneficiaries of deeds of trust and holders of other interests in the land described herein, have read and approved, and signed and taken into full, legal consideration and effect, the contents of the foregoing plat and the same and authorize the same to be recorded as follows:

The undersigned, being all the owners, mortgagees, beneficiaries of deeds of trust and holders of other interests in the land described herein, have read and approved, and signed and taken into full, legal consideration and effect, the contents of the foregoing plat and the same and authorize the same to be recorded as follows:

Angel Emilio Corson Date

STATE OF COLORADO, SS

COUNTY OF EL PASO, SS

Advised before me this \_\_\_\_\_ day of \_\_\_\_\_ 2019 by

Angel Emilio Corson

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

Witness my hand and official seal

Notary Public

BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

This plat for CORDERO M-01 SUBDIVISION was approved for filing by the El Paso County, Colorado Planning and Community Development Department Director on the \_\_\_\_\_ day of \_\_\_\_\_ 2019, subject to any notes or conditions

President, Board of County Commissioners Date

DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT CERTIFICATE:

This plat for CORDERO M-01 SUBDIVISION was approved for filing by the El Paso County, Colorado Planning and Community Development Department Director on the \_\_\_\_\_ day of \_\_\_\_\_ 2019, subject to any notes or conditions

Director of Planning and Community Development Date

SURVEYOR'S CERTIFICATION:

I, Mark S. Johnson, a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that the plat hereon and hereby represents the results of a survey made on the above described parcel, that the same is correct and true, and that the same is in accordance with the laws of the State of Colorado and the rules and regulations of the State Board of Professional Land Surveyors, and that the same is in accordance with the laws of the State of Colorado and the rules and regulations of the State Board of Professional Land Surveyors.

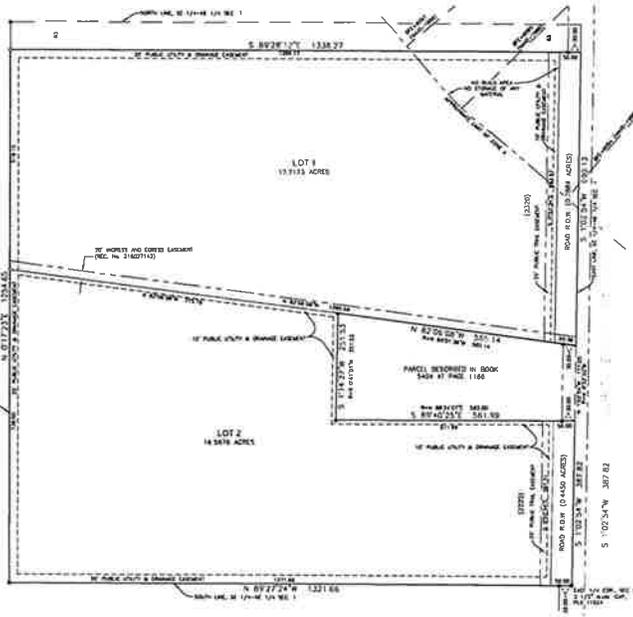
This certification is neither a warranty nor guarantee, either express or implied.

Mark S. Johnson  
Colorado Professional Land Surveyor No. 33420  
For and on behalf of Compass Surveying and Mapping, LLC

COMPASS SURVEYING & MAPPING, LLC  
721 S. 23rd St., Suite B  
COLORADO SPRINGS, CO 80904  
719-354-1100  
www.csanmlc.com

PROJECT No. 19030  
COMMENCED: 01/2019; REVISED: APRIL 18, 2017; JANUARY 02, 2019;  
JANUARY 30, 2019; MARCH 6, 2019; OCTOBER 18, 2019

MINOR SUBDIVISION  
CORDERO MINOR SUBDIVISION  
A PORTION OF THE NORTHEAST QUARTER OF SECTION 1,  
TOWNSHIP 14 SOUTH, RANGE 63 WEST OF THE 6TH P.M.,  
EL PASO COUNTY, COLORADO



NOTES:

- 1. - Debris field 1/4 mile with electric co. location "191231" unless otherwise noted.
2. - General street easement.
3. - Service road bearing and/or distance.
4. This survey was not conducted in the presence of Compass Surveying and Mapping, LLC in accordance with the provisions of the Colorado Surveying and Mapping Act, Chapter 24, Article 101, C.R.S. and the rules and regulations of the State Board of Professional Land Surveyors, and that the same is in accordance with the laws of the State of Colorado and the rules and regulations of the State Board of Professional Land Surveyors.
5. Water is to be provided no on-property on-site well. Permits for individual water wells must be obtained from the state engineer who by law has the authority to set conditions for the location of these permits.
6. Sewer treatment is the responsibility of the property owner. The El Paso County Department of Health and Environment must approve each permit line in same areas and in some cases the Department may require an engineer designed system prior to permit approval.
7. This property is located within and covered by the District Fire Protection District.
8. Easements are as created with the appurtenant right to maintenance of these easements is hereby reserved with the minimum practical width.
9. Easements must be obtained in accordance with the El Paso County Department of Transportation and United States Postal Service regulations.
10. An structural foundations shall be located and designed by a Professional Engineer, currently registered in the State of Colorado.
11. All property owners are responsible for maintaining ground water storage in and through their property. Structures, fences, retaining or landscaping that could impede the flow or runoff shall not be placed on drainage ways.
12. The easements established on this plat are for informational purposes only. They are not the final decision and are subject to change.
13. Notice: According to Colorado law, you must commence any legal action within one year after the date when the cause of action accrues, or you will lose your right to sue. This notice is given to you to inform you of this time limit.
14. FLOODING: THE FLOODING MANAGEMENT AGENCY (FEMA) requires that any new building or structure be located in a Flood Hazard Area (FHA) and be designed to meet the requirements of the National Flood Insurance Program (NFIP). The FEMA Flood Hazard Area (FHA) is shown on the attached map. The FEMA Flood Hazard Area (FHA) is shown on the attached map.
15. The plat hereon shall be established unless an express denial has been granted by El Paso County Planning and Community Development. The plat hereon shall be established unless an express denial has been granted by El Paso County Planning and Community Development.
16. The plat hereon shall be established unless an express denial has been granted by El Paso County Planning and Community Development.
17. The plat hereon shall be established unless an express denial has been granted by El Paso County Planning and Community Development.
18. The plat hereon shall be established unless an express denial has been granted by El Paso County Planning and Community Development.
19. The plat hereon shall be established unless an express denial has been granted by El Paso County Planning and Community Development.
20. The plat hereon shall be established unless an express denial has been granted by El Paso County Planning and Community Development.

FEES:
Drainage Fee \_\_\_\_\_ Section Fee \_\_\_\_\_
Drift Fee \_\_\_\_\_ Park Fee \_\_\_\_\_

RECORDING:

STATE OF COLORADO, SS

COUNTY OF EL PASO, SS

I hereby certify that this instrument was filed for record in my office on \_\_\_\_\_ day of \_\_\_\_\_ 2019 AD, and is duly recorded under

Record No. \_\_\_\_\_ of the records of El Paso County, Colorado

SURNAME \_\_\_\_\_ CLERK RECORDS, RECORDS

FEE \_\_\_\_\_ BY \_\_\_\_\_ Deputy



August 15, 2018

Nina Ruiz  
El Paso County Development Services Department  
Transmitted via email:  
[ninaruiz@elpasoco.com](mailto:ninaruiz@elpasoco.com)

RE: Cordero Minor Subdivision, M5171  
SE1/4 of NE1/4 of Sec. 1, T14S, R63W, 6<sup>th</sup> P.M.  
Water Division 2, Water District 10  
Upper Black Squirrel Creek Designated Basin

Dear Ms. Ruiz:

We have received your July 23, 2018 submittal concerning the above-referenced proposal to subdivide 35.55 acres into two lots of approximately 17 acres and 18 acres. This letter replaces our letter dated January 31, 2017.

**Water Supply Demand**

According to the submittal, the estimated water requirements of the entire Cordero Minor Subdivision are 1 acre-foot annually. The water requirement for each of the 2 lots is 0.5 acre-feet per year for use in one single family dwelling (0.3 acre-feet per year), irrigation of up to 3,000 square-feet of home lawn and garden (0.15 acre-feet per year), and watering of 4 large domestic animals (0.05 acre-feet per year).

**Source of Water Supply**

The proposed source of water is individual on-lot wells producing from the not-nontributary (actual impact replacement) Arapahoe aquifer that would operate pursuant to Determination of Water Right No. 3344-BD and its associated Replacement Plan.

Determination of Water Right no. 3344-BD allows an average annual amount of withdrawal of 6.35 acre-feet based on a 100-year aquifer life. The Replacement Plan for Determination of Water Right no. 3344-BD allows diversions totaling 1 acre-foot annually from the Arapahoe aquifer for a period of 300 years split between two proposed wells on two residential lots. Each well is allowed to divert 0.5 acre-feet annually to serve 1 single family residence, irrigation of 3,000 square-feet of lawn and garden, and watering of 4 large domestic animals.

The proposed source of water is a bedrock aquifer allocation from the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which the bedrock aquifer sources will be a physically and economically viable source of water. According to 37-90-107(7)(a), C.R.S., "Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years." Based on this **allocation** approach, the annual amounts of water determined are equal to one percent of the total amount, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

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



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

The State Engineer’s Office does not have evidence regarding the length of time for which this source will “meet the average annual demand of the proposed subdivision.” However, treating El Paso County’s requirement as an allocation approach based on three hundred years, the allowed average annual amount of withdrawal of 6.35 acre-feet/year would be reduced to one third of that amount, or 2.12 acre-feet/year. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years, or as limited by the Replacement Plan.

**State Engineer’s Office Opinion**

Based upon the above and pursuant to Sections 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 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 on the subdivided land 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 amounts of water in the Denver Basin aquifer, and identified in this letter, are calculated based on estimated current aquifer conditions. For planning purposes the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 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.**

**Item of Note**

There is an existing well, permit no. 304886, producing from the alluvial aquifer, that is located on and was permitted on the basis of being on the existing 35.55-acre parcel. Upon approval of this subdivision the conditions under which this permit was issued would no longer exist, making the well out of compliance with its permit. Continued use of the well would require that it be re-permitted. As the well would be located within a post-June 1, 1972 subdivision material injury to other water rights would be a consideration in re-permitting the well, which would require approval of a replacement plan to prevent injury to water rights in the alluvial aquifer.

As the proposed water supply to the subdivision does not include well permit no. 304886, the plan of the developer and well owner appears to be that it no longer be used (and not re-permitted). Approval of the subdivision will therefore require the well to be plugged and abandoned. The requirement to plug and abandon the well should be included in the County’s approval of the subdivision and conveyed to the developer.

Cordero Minor Subdivision, MS171  
August 15, 2018

Page 3 of 3

Should you have any questions, please contact Neelha Mudigonda at  
[neelha.mudigonda@state.co.us](mailto:neelha.mudigonda@state.co.us).

Sincerely,



Keith Vander Horst, P.E.  
Chief of Water Supply, Basins

cc: Well permit no. 304886  
Upper Black Squirrel Creek GWMD  
Determination of Water Right No. 3344-BD

NSM: Cordero\_Aug2018

# EL PASO COUNTY



## OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

**Diana K. May, County Attorney**

### Assistant County Attorneys

M. Cole Emmons  
Lori L. Seago  
Lisa A. Kirkman  
Steven A. Klaffky  
Peter A. Lichtman  
Mary Ritchie  
Bryan E. Schmid  
Nathan J. Whitney

February 13, 2020

MS-17-001      Cordero Minor Subdivision  
(Minor Subdivision)

Reviewed by:    M. Cole Emmons, Senior Assistant County Attorney  
Edi Anderson, Paralegal

### FINDINGS AND CONCLUSIONS:

1. This is a proposal by Angel Cordero, Jr. ("Applicant") for a 2 lot minor subdivision on 35.55 +/- acres ("Property"). The Applicant desires to replat the parcel into 2 lots; 1 lot of approximately 17 acres and a second lot of approximately 18 acres. There is currently an existing single family residence and an existing well on the parcel. The Property is currently zoned A-35 (Agricultural); however, there is a concurrent request pending to rezone the property to A-5 (Agricultural).

2. The Applicant has provided for the source of water to derive from individual on-lot wells into the not nontributary Arapahoe aquifer located within the Upper Black Squirrel Creek Designated Ground Water Basin pursuant to the Colorado Ground Water Commission Findings and Order re: Determination of Water Right No. 3344-BD dated October 12, 2016 ("Determination") and associated Replacement Plan No. 3344-BD dated June 12, 2018 ("Replacement Plan").<sup>1</sup> The Determination provides that there is a total quantity of 635 acre-feet of water underlying Applicant's 35.55 acre parcel. The Replacement Plan permits pumping a total of 1.0 acre-feet annually for 300 years in the subdivision, and that the allowed annual amount of water that may be withdrawn from each on-lot well shall not exceed 0.5 acre-feet.

3. Pursuant to the Water Supply Information Summary and Applicant's letter to the Colorado Division of Water Resources dated January 12, 2018, the Applicant estimates the annual water needs to serve the 2 lot minor subdivision as follows: 0.30 acre-feet per lot for household use, 0.15 acre-feet per lot for irrigation of 3000 square feet of landscaping, and 0.05 acre-feet per lot for stock watering of 4 large domestic animals. The total water demand for the

<sup>1</sup> The Colorado Ground Water Commission Determination No. 3343-BD also adjudicated water rights in the Laramie-Fox Hills aquifer underlying Applicant's property in the amount of 1,040 acre-feet total. Since the Arapahoe aquifer will be utilized to provide water supply to this subdivision, the balance of this review will focus on the Arapahoe water supply obtained in Determination No. 3344-BD and accompanying replacement plan.

subdivision is 1.0 acre-feet per year (0.50 acre-feet per lot). Based on Applicant's demand of 1.0 acre-feet per year for the subdivision, Applicant must be able to provide a supply of 300 acre-feet of water (1.0 acre-feet per year x 300 years) to meet the County's 300-year water supply requirement.

4. In letters dated August 15, 2018 and April 23, 2019, and as affirmed in an email dated January 22, 2020, the State Engineer's Office reviewed the submittal to plat the 35.55 +/- acre parcel into a 2 lot minor subdivision. The State Engineer reviewed the Determination and confirmed that the proposed water source for the subdivision is a bedrock aquifer in the Denver Basin. The State Engineer further stated that pursuant to the Applicant's Replacement Plan dated June 12, 2018, "[e]ach well is allowed to divert 0.5 acre-feet annually to serve 1 single family residence, irrigation of 3,000 square-feet of lawn and garden, and watering of 4 large domestic animals." The Engineer noted that based on the County's 300 year rule, the amount of water available underlying the Property is 2.12 acre-feet per year (635 acre-feet total divided by 300 years equals 2.12).

The State Engineer further noted that there is an existing well on the Property identified by Well Permit No. 304886 and stated that "the proposed water supply to the subdivision does not include well permit no. 304886, the plan of the developer and well owner appears to be that it no longer be used (and not re-permitted). Approval of the subdivision will therefore require the well to be plugged and abandoned."

Finally, the State Engineer stated the opinion that "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 water rights."

5. Determination No. 3344-BD. The Colorado Ground Water Commission adjudicated water in the Arapahoe aquifer in the Denver Basin located within the Upper Black Squirrel Creek Designated Ground Water Basin underlying the Property in the amount of 635 acre-feet (6.35 acre-feet for 100 years or 2.12 acre-feet for 300 years as required by the El Paso County 300 year rule). The Upper Black Squirrel Creek Ground Water Management District did not oppose the application.

The Determination and Replacement Plan allow withdrawal of the not nontributary Arapahoe aquifer water for this subdivision using non-evaporative septic system return flows to replace depletions to the stream system during 300 years of pumping the Arapahoe aquifer as noted in Exhibit A to the Replacement Plan.

The Decree provides for maximum withdrawal of the Arapahoe aquifer water through 2 wells for 300 years. The Replacement Plan as applied to this 2 lot subdivision, allows for a maximum total withdrawal of 1.0 acre-feet annually from the Arapahoe aquifer or 0.50 acre-feet annually for each of the 2 lots. Household use will consist of 0.30 acre-feet annually per lot, 0.15 acre-feet for irrigation, and 0.05 acre-feet for stock watering of up to 4 large domestic animals. Beneficial uses include domestic, irrigation, livestock watering, and replacement.

Replacement of Depletions During Pumping. As stated in the Replacement Plan, the Applicant will provide “0.585 acre-feet per year of replacement water to the alluvial aquifer of the Upper Black Squirrel Creek Designated Ground Water Basin. The proposed source of replacement water is septic and leaching field return flows from the in-house use and deep percolation from irrigation use of the ground water to be pumped under the plan. The Applicant estimates that return flows from each lot will consist of 90% of the water used for in-house purposes and 15% of the water used for irrigation of lawn and garden. . . .[thus] the return flow per lot would be 0.293 acre-feet annually, and the return flows under the plan will total 0.585 acre-feet per year for the 2 lots at full build out.” Therefore, Applicants, their successors and assigns, must use nonevaporative septic systems and leach fields for each single-family dwelling and above ground spray irrigation systems to generate these return flows.

Replacement of Post-Pumping Depletions. The Determination does not provide for post-pumping depletions. As noted in an email by the State Engineer on January 22, 2020, that “pursuant to Rule 5.3.6(C) of the Designated Basin rules replacement plans ‘shall provide for the depletion of alluvial water for the first 100 years due to all previous pumping, and if pumping continues beyond 100 years shall replace actual impact until pumping ceases, assuming water table conditions in the bedrock aquifer.’ Therefore, under the rules post-pumping depletions are not required to be replaced.” Applicant, its successors and assigns, therefore, will be required to ensure annual return flows in the amount of 0.585 acre-feet are replaced to the alluvial aquifer of the Upper Black Squirrel Creek Ground Water Basin by use of non-evaporative septic systems and above ground spray irrigation systems during the 300 years of operation of the water supply system.

6. Analysis. There is total amount of 635 acre-feet of water available underlying Applicant’s property deriving from the Arapahoe aquifer. Applicant’s water demand for the Cordero Minor Subdivision is 0.5 acre-feet per lot or 1.0 acre-feet annually for the subdivision requiring a total demand of 300 acre-feet for the subdivision for 300 years. The Determination and Replacement Plan in Colorado Ground Water Division Nos. 3344-BD authorize withdrawal of 0.5 acre-feet per lot annually of Arapahoe aquifer water for a period of 300 years or a total of 300 acre-feet; therefore, the supply of water available exceeds the water demand for the subdivision. Based on the foregoing, there appears to be a sufficient water supply to meet the water demands of the Cordero Minor Subdivision.

7. Section 8.4.7.B.10.g., of the El Paso County Land Development Code allows for the presumption of acceptable water quality for minor subdivision projects such as this.

8. Therefore, based upon the documentation provided with the proposal, based on the finding of sufficiency and no injury by the State Engineer, based on the Determination and Replacement Plan identified as Nos. 3344-BD, based on necessary compliance with the required replacement of actual depletions to the Designated Basin, and based on the requirements below, the County Attorney’s Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability. There is a presumption of sufficient water quality.

## REQUIREMENTS:

A. Applicant, its successors and assigns, shall comply with all requirements of Colorado Ground Water Commission Determination and Replacement Plan Nos. 3344-BD, specifically, that water use shall not exceed 1.0 acre-feet annually for the 2 lot subdivision (the Replacement Plan limits withdrawal to 0.50 acre-feet annually for each of the 2 lots), and that all stream depletions will be replaced with non-evaporative septic system and above ground spray irrigation system return flows for a period of 300 years, pursuant to the Commission's Replacement Plan.

B. The County prefers that when there is a plan for replacement, that Applicant, its successors and assigns, create a homeowners' association ("HOA"); however, alternatively to establishing an HOA, especially for minor subdivisions such as this, Applicant, its successors and assigns, 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, regarding all applicable requirements of Colorado Ground Water Commission Determination and Replacement Plan Nos. 3344-BD, as well as their obligations to comply with the plan for replacement, including, but not limited to, ensuring that return flows by the use of non-evaporative septic systems and above ground spray irrigation systems are made to the stream systems, and that such return flows shall only be used to replace depletions and shall not be sold, traded, or assigned in whole or in part for any other purpose. The Covenants more specifically shall require the Arapahoe aquifer wells to serve on each lot an occupied single-family dwelling that is generating return flows from a non-evaporative septic system before any irrigation or animal watering is allowed from the wells. In addition, the Covenants shall advise future lot owners of this subdivision, their successors and assigns, of their obligations regarding costs of operating the plan for replacement. Such Covenants shall also address responsibility for any metering and data collecting that may be required regarding water withdrawals from wells pursuant to the plan for replacement, and shall protect the viability of the water supply by placing limitations in the Covenants as to amendments and termination as applied to said water supply.

The covenants shall address the following:

- 1) Identify the water rights associated with the property. The Covenants shall reserve 300 acre-feet (150 acre-feet per lot) of not-nontributary Arapahoe aquifer water pursuant to the plan for replacement in Colorado Ground Water Commission Determination and Replacement Plan Nos. 3344-BD, to satisfy El Paso County's 300 year water supply requirement for the 2 lots of the Cordero Minor Subdivision.
- 2) Require evaporative septic systems and above ground spray irrigation systems and reserve return flows from the same. The Covenants shall require each lot owner to use non-evaporative septic systems and above ground spray irrigation systems and require them to ensure that return flows from such systems are used to replace actual depletions to the alluvial of the Upper Black Squirrel Creek Ground Water Basin during 300 years of pumping, shall reserve said return flows to replace depletions during pumping, and shall

state that said return flows shall not be sold, traded or used for any other purpose. The Covenants more specifically shall require the Arapahoe aquifer well on each lot to be serving an occupied single-family dwelling that is generating return flows from a non-evaporative septic system before any irrigation or animal watering is allowed from the well. The Covenants shall also include the following or similar language to ensure that such return flows shall only be used for replacement purposes: "Return flows shall only be used for replacement purposes, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose."

3) The following or similar language shall be included in the Covenants to address future conveyances of the lots subsequent to the initial conveyance made by Applicant/Declarant: "The water rights referenced herein shall be explicitly conveyed; however, if a successor lot owner fails to so explicitly convey the water rights, such water rights shall be intended to be conveyed pursuant to the appurtenance clause in any deed conveying said lot, whether or not the plan for replacement in Colorado Ground Water Commission Determination and Replacement Plan Nos. 3344-BD, and the water rights are specifically referenced in such deed. The water rights so conveyed shall be appurtenant to the lot with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title."

4) The Covenants shall advise future lot owners of this subdivision, their successors and assigns, of their responsibility for any metering and data collecting that may be required regarding water withdrawals from the existing Arapahoe aquifer wells.

5) The Covenants shall address amendments using the following or similar language:

"Notwithstanding any provisions herein to the contrary, no changes, amendments, alterations, or deletions to these Covenants may be made which would alter, impair, or in any manner compromise the water supply for the Cordero Minor Subdivision pursuant to the plan for replacement in Colorado Ground Water Commission Determination and Replacement Plan No. 3344-BD. Further, written approval of the proposed amendments must first be obtained from the El Paso County Planning and Community Development Department, and as may be appropriate, by the Board of County Commissioners, after review by the County Attorney's Office. Any amendments must be pursuant to a Determination from the Colorado Ground Water Commission, with prior notice to El Paso County Planning and Community Development for an opportunity for the County to participate in any such adjudication."

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

"These Covenants shall not terminate unless the requirements of the plan for replacement in Colorado Ground Water Commission Determination and Replacement Plan No. 3344-BD are also terminated by order of the Commission, and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County."

C. Applicant, its successors and assigns, shall reserve in the Covenants and in any deeds of the Property the decreed amount of at least 0.50 acre-feet per lot annually and shall reserve a total decreed amount of at least 1.0 acre-feet of Arapahoe aquifer water for the 2 lots in the subdivision for 300 years for a total of 300 acre-feet for the 2 lot subdivision for 300 years. Said reservation shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for primary and replacement supply. Applicant shall convey by recorded warranty deed these reserved Arapahoe aquifer water rights to the individual lot owners pursuant to Colorado Ground Water Commission Determination and Replacement Plan Nos. 3344-BD. Applicant, its successors and assigns, at the time of lot sales, shall convey by warranty deed to individual lot owner(s) sufficient water rights in the Arapahoe aquifer underlying the lots to satisfy El Paso County's 300 year water supply requirement. Arapahoe aquifer requirements for each lot are as follows: 150 acre-feet for each lot (0.50 acre-feet/year x 300 yrs.). Said conveyance instruments shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for the primary supply and replacement during pumping for the respective lots. Applicant shall provide said Covenants or other such reservation instrument and form deeds for such conveyances that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney's Office prior to recording of the minor subdivision plat.

Any and all conveyance instruments shall recite as follows:

For the water rights and return flows conveyed for the primary supply (Arapahoe aquifer): "These water rights conveyed, and the return flows therefrom, are intended to provide a 300 year supply, and replacement during pumping, for each of the 2 lots of the Cordero Minor Subdivision. The water rights so conveyed, and the return flows therefrom, shall be appurtenant to each of the respective lots with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title."

D. Applicant, its successors and assigns, shall submit Declaration of Covenants, Conditions, and Restrictions and any plat notes required herein to the Planning and Community Development Department and the County Attorney's Office for review, and the same shall be approved by the Planning and Community Development Department and the County Attorney's Office before the final plat will be recorded. Said Declaration shall cross-reference Colorado

Ground Water Commission Determination and Replacement Plan Nos. 3344-BD and shall identify the obligations of the individual lot owners thereunder.

E. Applicant, its successors and assigns, shall record all applicable documents, including, but not limited to, Ground Water Commission Determination and Replacement Plan Nos. 3344-BD and agreements, assignments, and warranty deeds regarding the water rights, and Declaration of Covenants in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

F. As noted by the State Engineer's Office, the Applicant must provide evidence to confirm that the well associated with Well Permit No. 304886 is plugged and abandoned. **Therefore, before the Final Plat will be recorded, Applicant shall provide evidence acceptable to both the Planning and Community Development Department and the County Attorney's Office that it has complied with the State Engineer's requirement that Well Permit No. 304886 has been plugged and abandoned.**

G. As further noted by the State Engineer's Office, 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. Applicants and all future owners in the subdivision should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than either the 100 years or 300 years used for allocation indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply."

cc: Nina Ruiz, Project Manager, Planner III



## Nina Ruiz

---

**From:** Nina Ruiz  
**Sent:** Tuesday, February 18, 2020 7:16 AM  
**To:** 'Eric Moraes'  
**Subject:** RE: PC Meeting 2/18/2020

Hello Eric,

They dedicated ROW along Ellicott Highway. That is where the "missing" area has gone. In the transportation section we discuss the ROW dedication but do not typically include it elsewhere unless it is problematic. See you this morning!

Nina

**From:** Eric Moraes <emoraes@yahoo.com>  
**Sent:** Monday, February 17, 2020 1:37 PM  
**To:** Nina Ruiz <NinaRuiz@elpasoco.com>; Lindsay Darden <LindsayDarden@elpasoco.com>  
**Subject:** PC Meeting 2/18/2020

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All - I tried to get this out earlier this weekend, but work got in the way. I apologize for the "last minute" email.

For Nina (P-17-001)

All the documents list the subject property at approximately 35.5 acres, and the subdivision to end up with 17.7 and 16.6 acre lots. I am just wondering where the 1.2 acre difference is. I either don't see that discussed, or am missing it somewhere.

For Lindsey (AL-19-026)

I am slowly getting through the LDC and this project lead to a question, I can't find the answer to. Where does it say in the LDC that when the LDC changes, owners now follow the current code versus what was in the code either when they bought the property or when it was rezoned last? I would have thought that the owners of this property would have been grandfathered under the previous development code rules.

For either (General LDC question):

In Tables 5-1 and 5-2, what does the LDC mean when it states:

Site Development Plan Required to Initiate Use?  
Site Plan Required to Initiate Use?

I do see the use of the Term "Site Development Plan" used throughout the LDC, but I must be missing "Site Plan". I guess I am just trying to figure out the difference.

## Nina Ruiz

---

**From:** Nina Ruiz  
**Sent:** Friday, February 14, 2020 1:52 PM  
**To:** Thomas Greer  
**Cc:** Tracey Garcia; Lori Seago  
**Subject:** Re: Planning Commission - 2018.02.18 - EPC Water Master Plan Approval

Hello,

This project took several years to be completed due to challenges they encountered with their water as well as the floodplain. They submitted the applications in January of 2017. The Water Master Plan was adopted Feb 2019. We will follow the regulations (Land Development Code) in place at the time of submission unless the applicant chooses to follow the revised regulations.

A typical time frame for a rezone is about 4 months and a minor subdivision is about 6 months.

Hopefully I have understood your questions. If not please let me know. Have a great weekend!

Nina

---

**From:** Thomas Greer <thomaslgreer@gmail.com>  
**Sent:** Friday, February 14, 2020 9:05 AM  
**To:** Nina Ruiz <NinaRuiz@elpasoco.com>  
**Cc:** Tracey Garcia <TraceyGarcia@elpasoco.com>  
**Subject:** Planning Commission - 2018.02.18 - EPC Water Master Plan Approval

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Hello Nina. I was reviewing the agenda items for the upcoming meeting and I was hoping you could help further my education of rezone and minor subdivision processes (using the Cordero agenda items as illustrations). These are consent items and my questions are likely particular to me and likely wouldn't prove helpful to the wider commission...but I will leave it to your discretion.

Aug 2018 - you sent a letter to the Water Division  
Oct 2019 - applicant sent LOI  
Feb 2020 - PC hearing  
Mar 2020 - BoCC hearing

I note that the "EPC Water Master Plan (2018) was adopted after the application was submitted" and thus compliance is not a criteria for review (paraphrasing).

When is the "application submittal date" is that typically disclosed in these Consent items? When exactly was the Water Master Plan adopted?

I can infer from the schedule above that the application submittal date was prior to Aug 2018. If that is correct; would that be a "typical" turnaround for a rezone? Aug 2018 to Mar 2020?

FINAL PLAT (RECOMMEND APPROVAL)

Commissioner Bailey moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION**

**OF THE COUNTY OF EL PASO**

**STATE OF COLORADO**

**RESOLUTION NO. MS-17-001**

**Cordero Minor Subdivision**

WHEREAS, Angel Cordero did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Cordero Minor 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 February 18, 2020; 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 subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is in substantial conformance with any applicable approved preliminary plan.

7. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. 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)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. A public sewage disposal system has been established or, 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 Land Development Code.
10. 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)].
11. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and Engineering Criteria Manual.
12. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
13. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
14. 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 Land Development Code.
15. 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 Subdivision Improvements Agreement so the impacts of the subdivision will be adequately mitigated.
16. The subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
17. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.]
18. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.

19. For the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends approval of the application for the final plat of the Cordero Minor Subdivision with the following conditions and notation:

### **CONDITIONS**

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 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. Park fees in lieu of land dedication for regional parks (Area 4) in the amount of \$604.00 shall be paid at the time of plat recordation.
9. Fees in lieu of school land dedication in the amount of \$185.00 shall be paid to El Paso County for the benefit of Ellicott School District No. 22 at the time of plat recording.
10. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

**NOTATION**

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.

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.

Commissioner Fuller seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Bailey	aye
Commissioner Risley	aye
Commissioner Dillon	aye
Commissioner Blea-Nunez	aye
Commissioner Fuller	aye
Commissioner Trowbridge	aye
Commissioner Creely	aye

The Resolution was adopted by a vote of 7 to 0 by the El Paso County Planning Commission, State of Colorado.

DATED: February 18, 2020

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Brian Risley, Chair

## EXHIBIT A

A tract of land located in the Southeast Quarter of the Northeast Quarter of Section 1, Township 14 South, Range 63 West of the 6<sup>th</sup> P.M., El Paso County, Colorado described as follows;

The Southeast Quarter of the Northeast Quarter of said Section 1,

Excepting therefrom the northerly 65 feet thereof and also excepting the following tract of land described as follows:

Beginning at a point on the east line of said Section 1 from whence the Esat Quarter of said Section 1 bears S 00°52'33" E, 565.14 feet; thence N 84°01'36"WW, 565.14 feet; thence S 00°41'01"E, 251.53 feet; thence N 88°24'07" E, 562 feet to the east line of said section 1; thence N 0°52'33"W along the east line of said Section 1 a distance of, 177.05 feet to the point of beginning.

RESOLUTION NO. 20-

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EL PASO, STATE OF COLORADO

APPROVE FINAL PLAT FOR CORDERO MINOR SUBDIVISION (MS-17-001)

WHEREAS, Angel Cordero did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Cordero 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 the El Paso County Planning Commission on February 18, 2020, upon which date the Planning Commission did by formal resolution recommend approval of the final plat application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on March 10, 2020; 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, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board 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 hearings before the Planning Commission and the Board of County Commissioners.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. All exhibits were received into evidence.
5. The subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.

6. The subdivision is in substantial conformance with the approved preliminary plan.
7. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. 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)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. A public sewage disposal system has been established or, 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 Land Development Code.
10. 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)].
11. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and Engineering Criteria Manual.
12. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
13. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
14. 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 Land Development Code.
15. 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 Subdivision Improvements Agreement so the impacts of the subdivision will be adequately mitigated.

16. The subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
17. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.].
18. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
19. For the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the final plat application for the Cordero Subdivision;

BE IT FURTHER RESOLVED that the following conditions and notations shall be placed upon this approval:

**CONDITIONS**

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

particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.

6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 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.
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9. Fees in lieu of school land dedication in the amount of \$185.00 shall be paid to El Paso County for the benefit of Ellicott School District No. 22 at the time of plat recording.
10. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

**NOTATION**

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 10th day of March, 2020, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

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

By: \_\_\_\_\_  
County Clerk & Recorder

EXHIBIT A

A tract of land located in the Southeast Quarter of the Northeast Quarter of Section 1, Township 14 South, Range 63 West of the 6<sup>th</sup> P.M., El Paso County, Colorado described as follows;

The Southeast Quarter of the Northeast Quarter of said Section 1,

Excepting therefrom the northerly 65 feet thereof and also excepting the following tract of land described as follows:

Beginning at a point on the east line of said Section 1 from whence the Esat Quarter of said Section 1 bears S 00°52'33" E, 565.14 feet; thence N 84°01'36" W, 565.14 feet; thence S 00°41'01" E, 251.53 feet; thence N 88°24'07" E, 562 feet to the east line of said section 1; thence N 0°52'33" W along the east line of said Section 1 a distance of, 177.05 feet to the point of beginning.