

EL PASO COUNTY COLORADO

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PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Ashlyn Mathy, Planner
Charlene Durham, P.E., Principal Engineer
Meggan Herington, AICP, Executive Director

RE: Project File Number: MS235
Project Name: Double Spur Ranch Final Plat
Parcel Number: 521300007

OWNER:	REPRESENTATIVE:
Land Development Consultants Daniel Kupferer dkupferer@ldc-inc.com (719) 528-6133	Land Development Consultants Daniel Kupferer dkupferer@ldc-inc.com (719) 528-6133

Commissioner District: 1

Planning Commission Hearing Date:	9/5/2024
Board of County Commissioners Hearing Date:	9/26/2024

EXECUTIVE SUMMARY

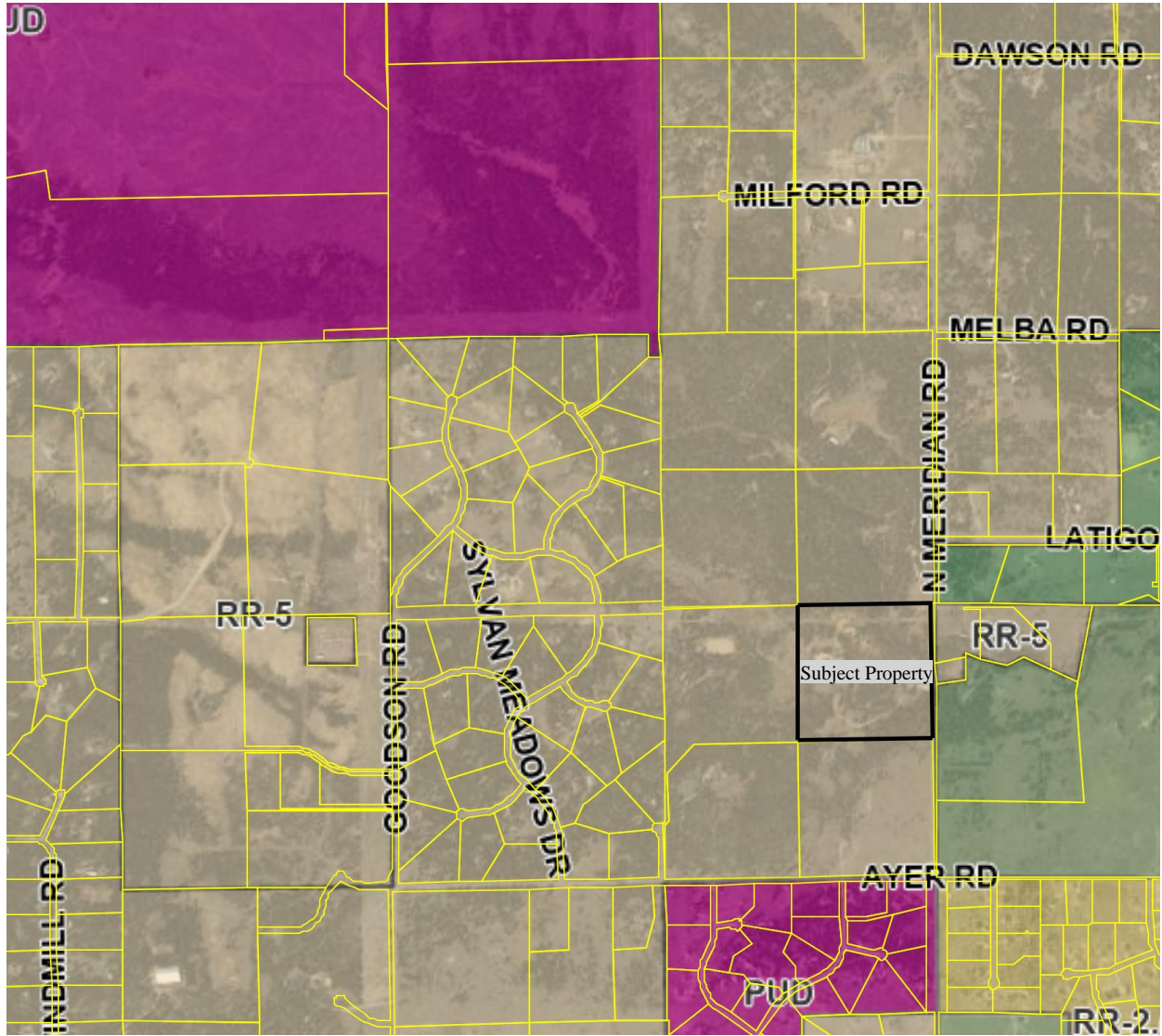
A request by Daniel Kupferer for approval of a 40-acre Final Plat creating 3 single-family lots. The property is zoned RR-5 (Residential Rural), and is located at 12420 North Meridian Road, a tenth of a mile south of the Latigo Boulevard and North Meridian Road intersection.

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Zoning Context Map



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A. AUTHORIZATION

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 (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 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

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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:	RR-5 (Residential Rural)	Forest Land
South:	RR-5 (Residential Rural)	Single-Family Residential
East:	A-35 (Agricultural) & RR-5 (Residential Rural)	Single-Family Residential
West:	RR-5 (Residential Rural)	Single-Family Residential

D. BACKGROUND

This property was zoned RR-5 in September of 1965. The subject parcel was split off and created in 1996 from a master parcel that was 320 acres. An Early Assistance meeting was held in August of 2021 to subdivide the property.

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E. ANALYSIS

1. 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 applicant requests the following modification(s) of the LDC:

The applicants are requesting a Waiver from Section 8.4.3.C. of the El Paso County Land Development Code (As Amended) for a frontage waiver to Lot 1. Lots 2 and 3 abut Meridian Road, however Lot 1 does not due to the large floodplain that runs throughout the property. The applicant has stated there will be a driveway maintenance agreement for the private driveway and as a part of the conditions of approval for this project, the applicant is required to submit the shared access easement and maintenance agreement.

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.

F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Large-Lot Residential

The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more, and are generally large and dispersed throughout the area so as to preserve a rural aesthetic. The Large-

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Lot Residential placetype generally supports accessory dwelling units as well. Even with the physical separation of homes, this placetype still fosters a sense of community and is more connected and less remote than Rural areas. Large-Lot Residential neighborhoods typically rely on well and septic, but some developments may be served by central water and waste-water utilities. If central water and wastewater can be provided, then lots sized less than 2.5 acres could be allowed if; 1.) the overall density is at least 2.5 acres/lot, 2.) the design for development incorporates conservation of open space, and 3.) it is compatible with the character of existing developed areas.

Conservation design (or clustered development) should routinely be considered for new development within the Large-Lot Residential placetype to provide for a similar level of development density as existing large-lot areas while maximizing the preservation of contiguous areas of open space and the protection of environmental features. While the Large-Lot Residential placetype is defined by a clear set of characteristics, the different large-lot areas that exist throughout the County can exhibit their own unique characters based on geography and landscape.

Recommended Land Uses:

Primary

- *Single-family Detached Residential (Typically 2.5-acre lots or larger)*

Supporting

- *Parks/Open Space*
- *Commercial Retail (Limited)*
- *Commercial Service (Limited)*
- *Agriculture*

Analysis:

The applicant is proposing to subdivide the subject property into three lots, Lot 1 will be 6.5, Lot 2 will be 23.6, and Lot 3 will be 6.8 acres in size. This exceeds the minimum lot size requirement not only for the zoning district but also what is described in the Large-Lot Residential placetype. The proposed uses will be for single-family residential, which is compatible with the placetype.

b. Area of Change Designation: Minimal Change: Undeveloped

The character of these areas is defined by a lack of development and presence of significant natural areas. These areas will experience some redevelopment of select



underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale so as to not alter the essential character. New development may also occur in these areas on previously undeveloped land, but overall there will be no change to the prioritized rural and natural environments.

Analysis:

The proposed three-lot subdivision and single-family residential uses will not change the current rural character of the area. The surrounding area has lot sizes that are similar to what is being proposed with this project, thus making it compatible with the area.

c. Key Area Influences: Forested Area

This Key Area includes parts of the County where natural forests are the predominant feature such as Black Forest, areas north of Peyton, and areas along Highway 115 as well as lands within Pike National Forest. Pike National Forest is one of the County's largest natural amenities and tourist destinations. Continued coordination with the U.S. Forest Service is critical to ensuring future development in areas adjacent to the Forest do not negatively impact the natural environment. There are also many established communities within Pike National Forest particularly in Ute Pass and along Highway 115. New development and any redevelopment in these locations should be of a lower intensity to mitigate any impacts on the Forest, properly manage stormwater, provide safe access to major roads and state highways for the traveling public and emergency response vehicles and adhere to the strictest building codes to prevent any hazards such as fires and soil erosion related to poor planning, design, and construction.

Managed residential growth, along with supportive commercial uses, have helped the other forested areas preserve their natural amenities while supporting the daily needs of a thriving local community. The seamless connection between the natural environment and small-scale, low intensity development is critical to their identity. All new development and redevelopment in this Key Area should strictly adhere to the transportation and infrastructure, stormwater requirements, built form, and transition guidelines outlined in their appropriate placetypes. Each development proposal should also be reviewed on a case-by-case basis to determine its specific impact on the forested area and the established character of the individual community.



Analysis:

The three lots and single-family residences would be considered low intensity uses and the plat notes share information about the floodplains and provide restrictions on what can be done in those areas. The applicant has contacted U.S. Fish and Wildlife Services about the project and provided reports such as a Wildland Fire & Hazard Mitigation Plan.

d. Other Implications (Priority Development, Housing, etc.)

There are no other implications associated with this project.

2. 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 5.4** – Promote the long-term use of renewable water.*

***Goal 5.5** – Identify any water supply issues early on in the land development process.*

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 4c of the Plan, which is an area anticipated to experience growth by 2040, however, it will still be the lowest growth compared to other regions. The following information pertains to water demands and supplies in Region 4c for central water providers:

The Plan identifies the current demand for Region 4c to be 2,970 acre-feet per year (AFY) (Figure 5.1) with a current supply of 2,970 AFY (Figure 5.2). The projected demand in 2040 for Region 4c is at 3,967 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region 4c is at 4,826 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2060. This means that by 2060 a deficit of 1,799 AFY is anticipated for Region 4c.

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

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3. 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 Parks Department, Colorado Parks and Wildlife, and U.S. Fish and Wildlife were each sent a referral and have the following comments:

The El Paso County Parks Department:

Designate and provide to El Paso County a 25-foot trail easement along the northern boundary of Double Spur Ranch Minor Subdivision that allows for the construction, maintenance, and public access of the Latigo Secondary Regional Trail, and dedicate the aforementioned easement to El Paso County prior to the recording of the Minor Subdivision.

The applicant will be providing a 25-foot trail easement on the North side of the property per the EPC Parks department's request.

U.S. Fish and Wildlife did not have any comments and Colorado Parks and Wildlife found the proposal to have negligible impacts on the wildlife resource.

The Master Plan for Mineral Extraction (1996) identifies no significant resources 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

The floodplain that runs throughout the property can be seen as a hazard. However, the floodplain administrator has reviewed the project, provided feedback, requested additional items shown on the plat, including a plat note. At this time with the information provided on the plat in addition to the plat note have shown to be sufficient for the floodplain administrator.

2. Floodplain

FEMA Flood Insurance Rate Map No. 08041C0734G which has an effective date of December 07, 2018, indicates the subdivision is located in Zone A, 100-year floodplain. Draft model base flood elevation's (BFE's) and floodplain extents have been developed as part of the Phase 1 El Paso County, Colorado, Risk MAP Project. Currently, BFE's are being provided through the state-based RISK Map project. FEMA is not currently

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reviewing projects until this new RISK mapping has been finished. No new BFE's are being established via FEMA until RISK mapping has been completed, only the draft version associated with the RISK mapping project. The data has been reviewed and approved through FEMA's quality assurance and quality control process.

3. Drainage and Erosion

The development is located within the Upper Black Squirrel drainage basin. This basin is currently unstudied and does not have any associated drainage or bridge fees.

A drainage report was submitted as part of the Minor Subdivision. The report concluded that the Minor Subdivision will not adversely affect the downstream and surrounding development or waterways.

Per Section 1.7.1.B of the El Paso County Engineering Criteria Manual (ECM) a permanent water quality facility is not required for single-family residential lots greater than or equal to 2.5 acres and having a total lot impervious area of less than 10 percent.

4. Transportation

Access for the proposed subdivision will be provided from Meridian Road via an existing private driveway accessing all 3 lots. A shared access easement has been provided on the plat. The applicant has prepared a driveway maintenance agreement as part of this Minor Subdivision.

Per ECM Appendix B.1.2.D a traffic impact study was not required due to the low traffic generated.

The development is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471).

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 Minor Subdivision 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.

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2. Sanitation

Wastewater is provided by an onsite wastewater treatment system.

3. Emergency Services

The property is within the Ellicott Fire Protection District, which is committed to providing fire protection services to the proposed development. The District was sent a referral and has no outstanding comments.

4. Utilities

Mountain View Electric Association (MVEA) will provide electrical service and Black Hills Energy will provide natural gas service. MVEA and Black Hills Energy were sent a referral for the Final Plat application; MVEA and Black Hills Energy have no outstanding comments.

5. Metropolitan Districts

There are no Metropolitan Districts associated with this project.

6. Parks/Trails

Fees in lieu of park land dedication in the amount of \$1,380 for regional 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 \$918 shall be paid to El Paso County for the benefit of Academy School District 20 at the time of plat recording.

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

There are no major issues associated with this project.

K. RECOMMENDED CONDITIONS AND NOTATION

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (As Amended) 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 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.

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8. Fees in lieu of school land dedication in the amount of \$918 shall be paid to El Paso County for the benefit of Academy School District 20 at the time of plat recording.
9. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated November 30, 2023, as provided by the County Attorney's Office.
10. Applicant will be required to submit a shared access easement and maintenance agreement for a shared driveway from Meridian Road and reflect the easement on the plat.

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 six adjoining property owners on August 21, 2024, for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing.

M. ATTACHMENTS

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

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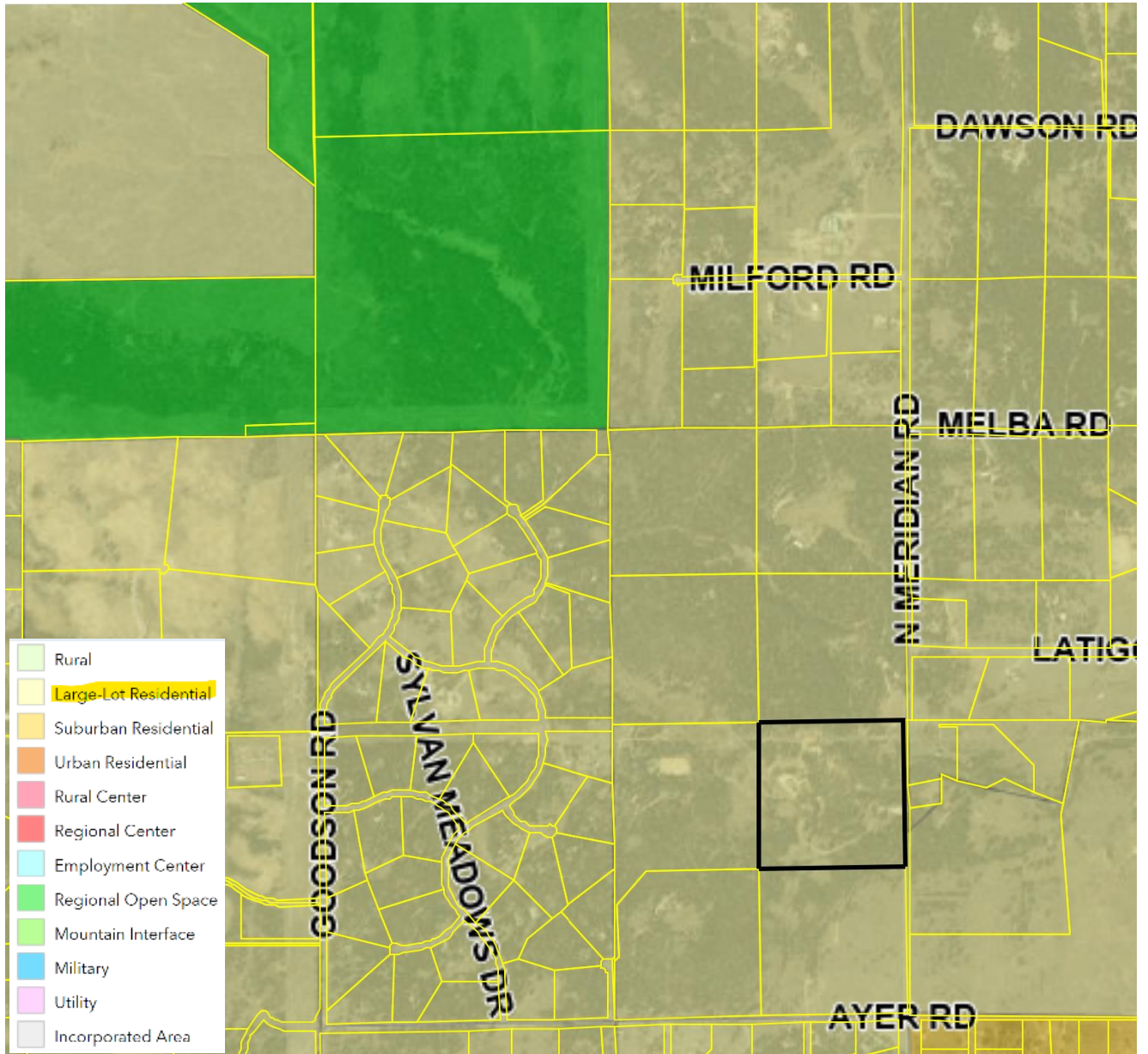
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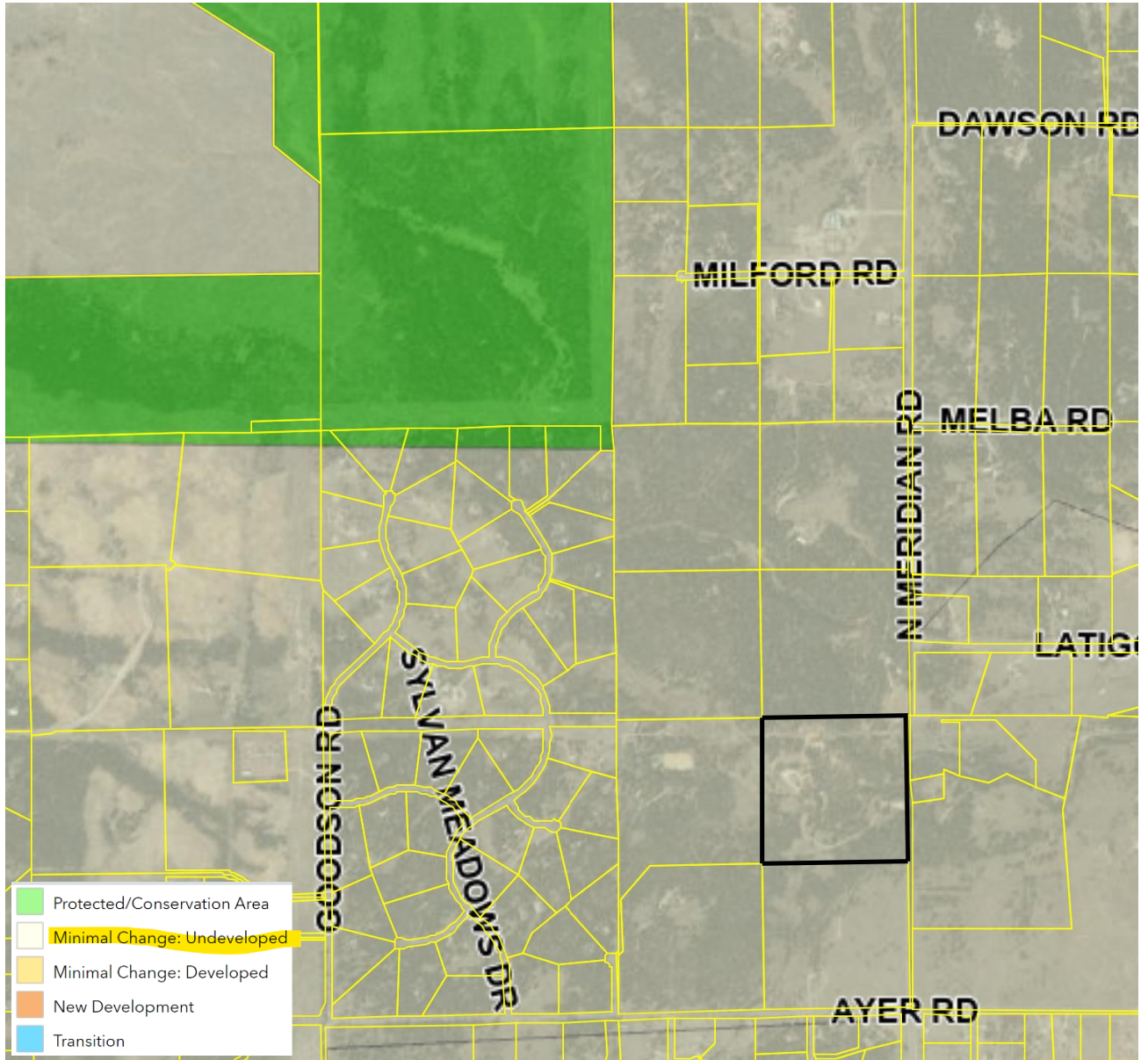
Map Series

MS235

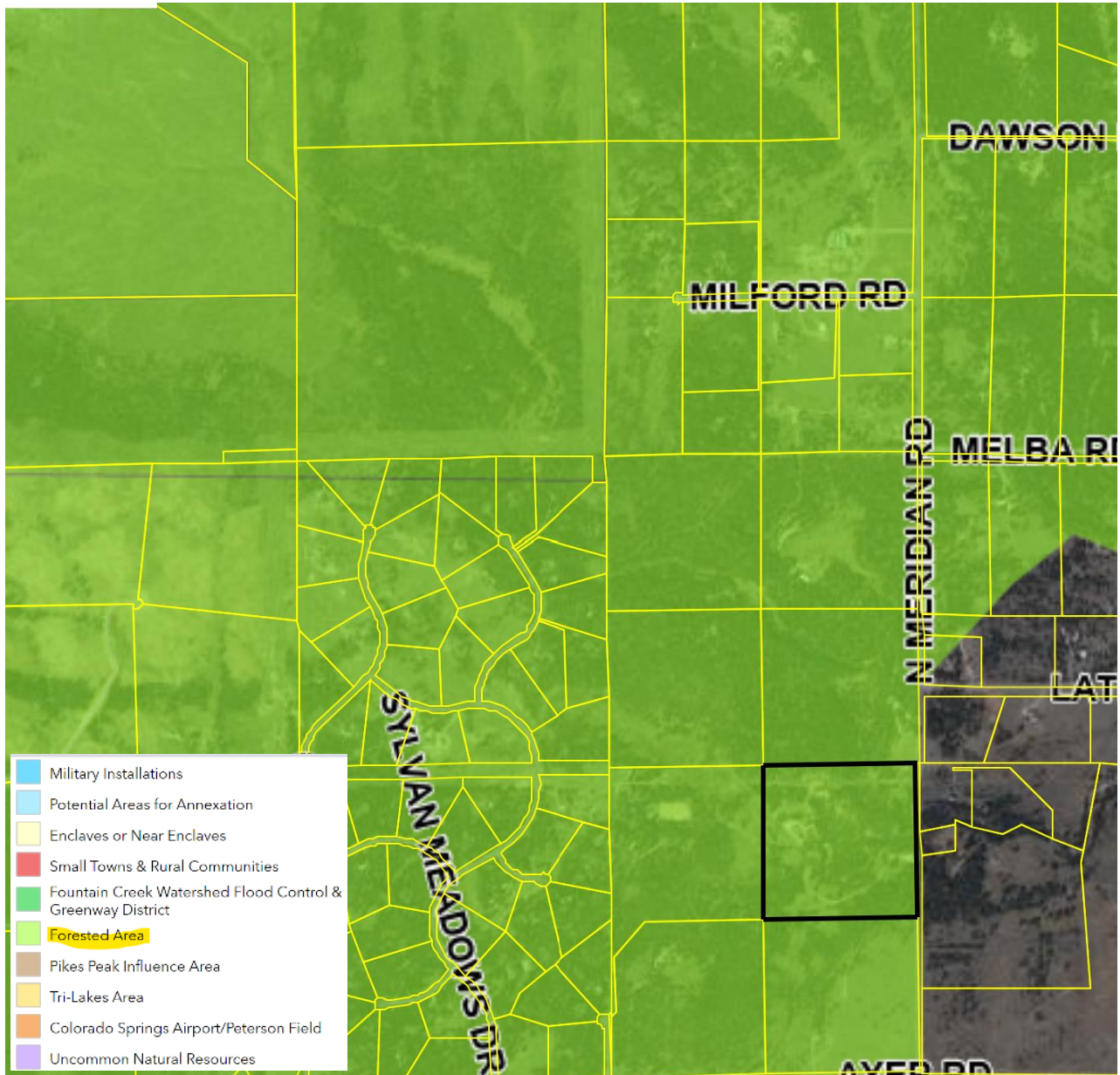
Placetype Map:



Area of Change Map:



Key Area Map:



March 21, 2023 **Revised July 4, 2024**

DOUBLE SPUR RANCH
Project No. 22001

LETTER OF INTENT

RE: 52130-00-007
12420 N. Meridian Road

LDC, Inc. is representing:
Joan Hathcock
12420 N. Meridian Road
Elbert, CO 80106

This is an application for approval of a Final Plat. The property is 39.834 acres and is currently unplatted. The property is zoned RR-5, and three lots are proposed. Upon approval of the plat, Double Spur Ranch will contain three lots, all of which will be 5+ acres in size. There is one existing residence, so there will only be 2 new homes. Each of these lots is proposed for a single-family residence with barns or other structures permitted by code.

We are asking for approval of a 3 lot Minor Subdivision with an existing private drive. We are asking for a waiver of the Land Use Code requiring frontage on a public road to allow for the continued use of the existing private driveway. There will be a private drive maintenance agreement recorded to provide for the continued maintenance. The existing driveway is an approximately 18 feet wide gravel surface with drainage culverts. Water will be by individual wells, and septic systems will be constructed on each of the lots.

Review criteria for a minor subdivision is as follows:

This application meets the Minor Subdivision submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivisions in Chapter 8 of the El Paso County Land Development Code (2016). Minor Subdivisions are reviewed and approved in consideration of the review criteria found in the El Paso County Land Development Code. Each criteria is listed below followed by the appropriate justification.

1. *The subdivision is in conformance with the goals, objectives, and policies of the Master Plan. The Master Plan is comprised of several elements. One of the elements is the El Paso County Policy Plan (1998), which does not include site-specific land use policies, but establishes broad policies and goals which are intended to serve as a framework for decision-making regarding development of the County. The project satisfies the following policies from the Policy Plan as they specifically relate to this request:
Goal 6.4 – “Develop and maintain rural residential areas in a manner which protects their integrity, addresses the carrying capacity of the natural environment and*

provides for an adequate level of non-urban facilities and services.” and “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.”

The proposed Minor Plat will not create the need for additional roadways or public facilities.

The site will remain rural residential and is surrounded by existing rural residential development on the north, south, east, and west sides.; *Policy 6.1.14 – “Support development which compliments the unique environmental conditions and established land use character of each sub-area of the County.”;* This area of the County is conducive to rural residential development. The five acres lots in the area have lot impact on environmental conditions. The proposed Minor Plat is consistent with the Black Forest Preservation Plan as it applies to the Southern Transitional sub-area which is discussed below.; *Policy 6.4.4 - “Encourage new rural residential subdivisions to be located within or contiguous with existing rural residential area or to be incorporated as a buffer between higher density and undevelopable areas.”;* The proposed Minor Plat is in an area adjacent to rural residential development with RR-5 to the north, west, south and east.;

Goal 6.1 A – “Encourage patterns of growth and development which compliment the regions’ unique natural environments and which reinforce community character.” The existing community character is preserved with this Minor Plat. Density and land use are compatible with the surrounding area and the natural features of the site will remain preserved, even with the addition of 3 more residential lots on the site.

Another element of the Master Plan is the Small Area Plan. The Double Spur Ranch site is located within the area of the Black Forest Preservation Plan (1987), specifically within the “Southern Transitional sub-area” of the plan. Although this small area plan is out of date, the goals for land use within this sub-area are still valid. The area desires that the rural residential development pattern be encouraged, while providing a gradual buffer from higher density to lower density development. The preferred density of one dwelling unit per five acres is encouraged in the northern portion of the sub-area which approaches the treed area. This coincides with the proposed subdivision density. The proposed Minor Plat is consistent with the Black Forest Preservation Plan.

The proposed Minor Plat is in compliance with the Parks Master Plan, which does not appear to call for trails or parks in the site vicinity. Any required Park Fees will be paid at the time of plating. The proposed subdivision is also in compliance with the 2040 Major Transportation Corridors Plan (MTCP) and Master Plan for Mineral Extraction as no separate mineral estate owners were found for the property and the existing development on surrounding properties is not compatible with any potential mineral extraction operations.

The proposed subdivision is in compliance with the El Paso County Water Master Plan (2018). The District Court, Water Division 2 Colorado, has decreed certain water rights and approved a plan for augmentation as necessary to allow use of the existing well and the drilling of a second well for the subdivision in Case No. 19CW3006 recorded under reception number 219086827 of the records of El Paso County. The owner seeks a finding of sufficiency from the Colorado Division of Water Resources and the eventual granting of the additional well permit based on the decreed water rights. A listing of some of the policies of the Water Master Plan that are supported by the proposed development follow: *Policy 4.1.3 – Support enhanced monitoring of sources of surface and tributary groundwater in the*

County. The referenced decree requires use of metering for the wells to insure compliance with the terms of the permit; *Policy 6.2.1.2 – Encourage re- use of treated wastewater for irrigation and other acceptable uses when feasible*. Both the existing residence and the new single-family residence on the proposed 5 acre lot will utilize onsite wastewater treatment systems which will provide “Return Flows” to the environment as a condition of the groundwater findings and order and the well permit.

2. *The subdivision is in substantial conformance with the approved preliminary plan.*
This is a proposed Minor Subdivision and requires no Preliminary Plan for Plat approval. The subdivision will be developed in accordance with the currently proposed land use applications.
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 proposed Minor Subdivision Plat is prepared in accordance with applicable subdivision design standards. No public improvements are required for this subdivision.
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.*
Water service is to be provided by individual on site wells operated under a State approved Water Augmentation Plan.
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.*
Waste water is intended to be treated via individual on site septic systems designed, constructed and operated under State and County Health Department rules and regulations and in accordance with the Water Decree.
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 soils report has been prepared for the site and the owner will comply with the recommendations of the report.
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.*
The proposed Minor Subdivision is consistent with the submitted Final Drainage Report. There are no public Drainage facilities needed or proposed with this development. The owner will comply with the requirements of the drainage report.
New building finish floor elevations shall be set at a minimum 2 feet above the 100 year flood drainage easement.
8. *Legal and physical access is provided to all parcels by public rights-of-way or private drive,*

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.*
The site is located within the jurisdiction of the El Paso County Sheriff's Office. The Sheriff's office currently provides police protection for the site and surrounding area. Double Spur Ranch is located within the Falcon Fire Protection District which is providing fire protection for the site and has agreed to serve this subdivision. Water and sanitary sewer provisions are discussed in items 4 & 5 above. The property is located within the service areas of Mountain View Electric Association, Blackhills Energy Corporation, Centurylink Telephone, and School District 49, which will serve the subdivision. Transportation is being facilitated by the existing adjacent roadway system.
10. *The Minor Subdivision plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code.*
Double Spur Ranch is located within the Falcon Fire Protection District which is providing fire protection for the site and the surrounding area. The District has agreed to serve this subdivision. Building permits for each structure shall be in accordance with the requirements of the Fire District as administered by the Pikes Peak Regional Building Department.
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.*
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.*
There are no public facilities or infrastructure required or proposed for this subdivision. The platting of the site will include the collection of the applicable School Fees, Park Fees, Drainage Fees and Traffic Impact fees due for this project.
Road Impact fees will be collected at time of building permits.
13. *The subdivision meets other applicable sections of Chapter 6 and 8.*
The subdivision meets the requirements of the Land Development Code.
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.].* A search of the County Clerk and Recorder's records did not identify a separate mineral estates owner for this property.

Thank you for your consideration of our request.

Respectfully:

Daniel L. Kupferer, PLS
President, Land Development Consultants, Inc.

DOUBLE SPUR RANCH MINOR SUBDIVISION

A PORTION OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 12 SOUTH, RANGE 65 WEST IN THE 6TH P.M., IN EL PASO COUNTY, COLORADO

LEGEND:
 • — Indicates survey monument recovered as a #4 rebar with Surveyor's Cap, PLS. #18465.

— FEMA BLE Draft Floodplain area determined to be in Zone A (100yr floodplain)

— Current Floodplain area determined to be in Zone A (100yr floodplain)

— Base Flood Elevation (BFE) line and elevation

— Flood Plain Boundary Line (FEMA BLE DRAFT)

— Flood Plain Boundary Line (Current)

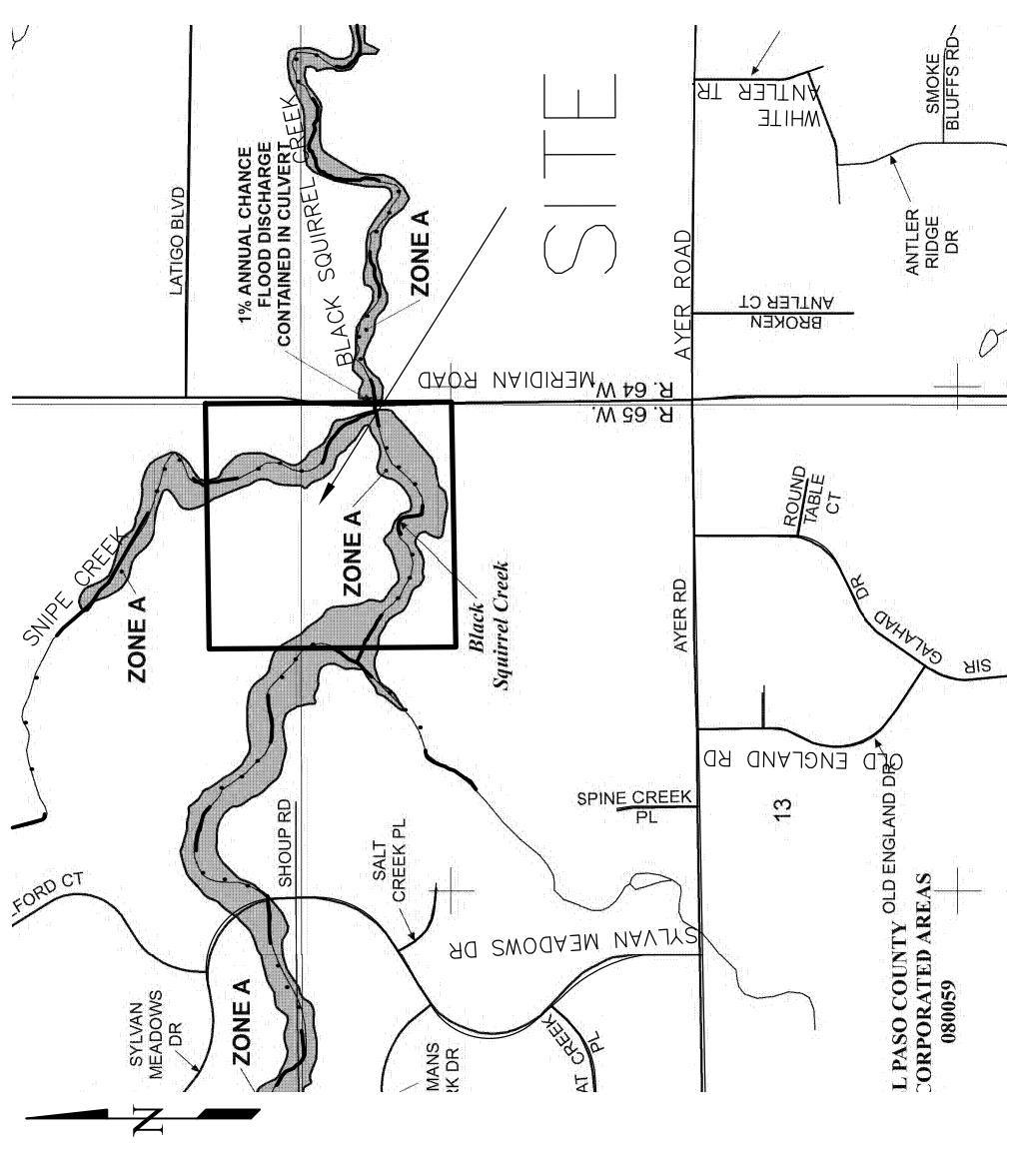
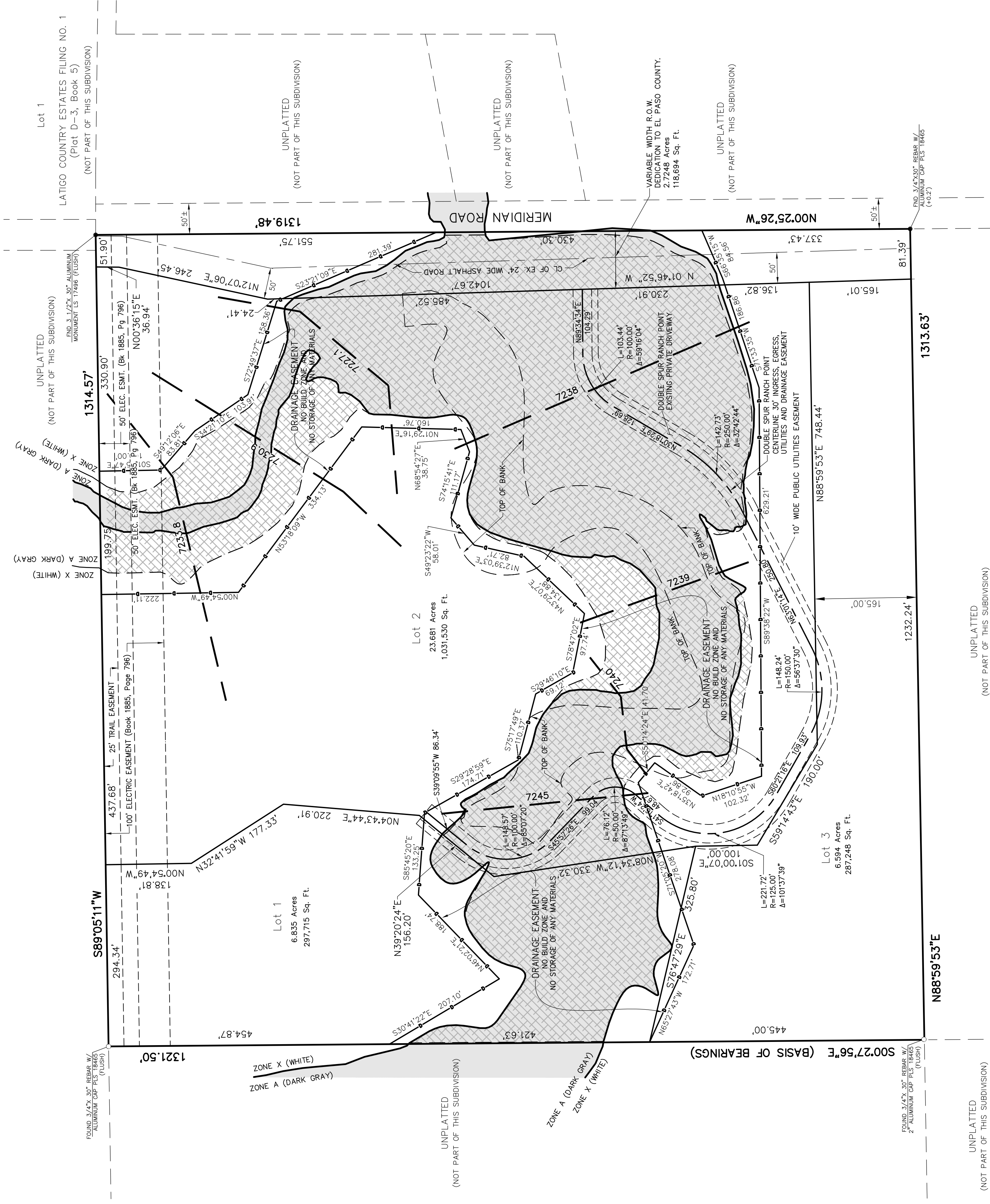
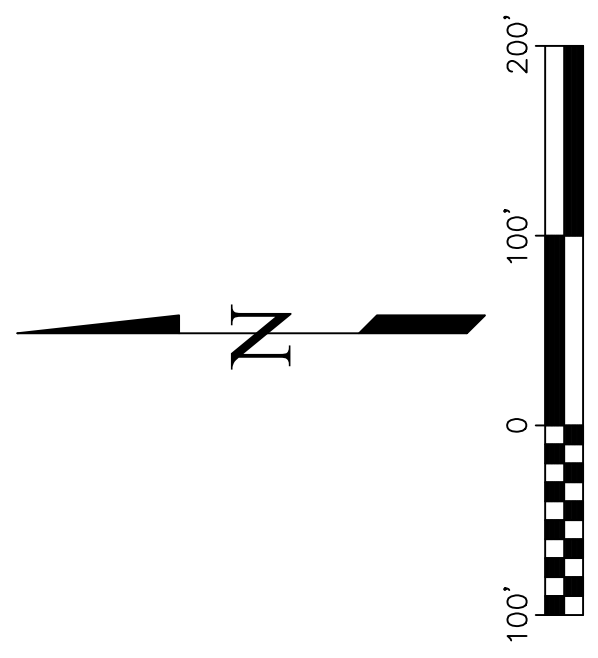
— Top of Bank

— D — D — Drainage Easement Line

— Centerline of Proposed Road

— Centerline of Existing Private Driveway

— Easement Line (Roads, Utilities and Drives)



VICINITY MAP
NO SCALE

No.	Description	By	Date
1	COUNTY COMMENTS	DAS	08/27/23
2	COUNTY COMMENTS	DAS	02/17/24
3	FEMA FLOODPLAIN REVISIONS	DAS	03/27/24
4	FLOODPLAIN REVIEW COMMENTS	DAS	04/02/24
5	COUNTY COMMENTS	DAS	08/14/24

H Scale: 1" = 100'
 V Scale: N/A
 Designed By: N/A
 Drawn By: BRH
 Checked By: DLK
 Date: 01/17/22

3988 MAIZELAND ROAD • COLORADO SPRINGS, CO 80909
 www.ldc-inc.com • TEL: (719) 528-6133 • FAX: (719) 528-6648
Land Development, Inc.
 PLANNING • SURVEYING

DOUBLE SPUR RANCH
 MINOR SUBDIVISION
 FINAL PLAN

Project No.: 22001
 Sheet 2 of 2

PREPARED FOR:
 Joan M. Hathcock
 12420 N. Meridian Rd.
 Elbert, CO 80106
 Phone: 719-466-1096
 Email: joan@jelectric.net

DSD FILE NO. MS-23-005

CALL BEFORE YOU DIG ...
811
 DIAL 811

48 HOURS BEFORE YOU DIG, CALL UTILITY LOCATORS FOR LOCATIONS AND MARKING GAS, ELECTRIC, WATER AND WASTEWATER.

According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after first discover such defect. In no event, may any defect be shown only after more than ten years from the date of the certification shown hereon.

DOUBLE SPUR RANCH MINOR SUBDIVISION

A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13,
TOWNSHIP 12 SOUTH, RANGE 65 WEST IN THE 6TH P.M., IN EL PASO COUNTY, COLORADO

KNOW ALL MEN BY THESE PRESENTS:

That Joan M. Hathcock, being the owner of the following described tract of land to wit:

A TRACT IN THE NORTHEAST QUARTER (NE/4) OF THE NORTHEAST QUARTER (NE/4) OF SECTION THIRTEEN (13), TOWNSHIP TWELVE (12) SOUTH, RANGE SIXTY-FIVE (65) WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE/4) OF SECTION THIRTEEN (13), TOWNSHIP TWELVE (12) SOUTH, RANGE SIXTY-FIVE (65) WEST OF THE 6TH P.M., THENCE NORTH PARALLEL TO THE EAST LINE OF SAID SECTION, SAID SECTION ALSO BEING 660 FEET WIDE, DISTANCE OF 519.45 FEET ALONG SAID PARALLEL TO THE WEST LINE OF SAID SECTION, SAID SECTION ALSO BEING 660 FEET WIDE, DISTANCE OF 519.45 FEET ALONG SAID PARALLEL TO THE WEST LINE OF SAID SECTION, SAID SECTION ALSO BEING 660 FEET WIDE, DISTANCE OF 519.45 FEET ALONG SAID PARALLEL TO THE WEST LINE OF SAID SECTION, SAID SECTION ALSO BEING 660 FEET WIDE, DISTANCE OF 519.45 FEET TO THE POINT OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO.

Containing 39.834 acres, more or less.

OWNERS CERTIFICATE:

The undersigned, being all the owners, mortgagees, beneficiaries of deeds of trust and holders of other interests in the land described herein, have laid out, subdivided, and platted said lands into lots, public right-of-way and additions, public right-of-way addition reservations and easements as shown hereon under the name and subdivision of DOUBLE SPUR RANCH MINOR SUBDIVISION. All public improvements shown hereon are to be constructed to El Paso County standards and that power, drainage and sewerage easements and other public improvements will be constructed to El Paso County standards and that power, drainage and sewerage control for same will be provided at said owner's expense, all to the satisfaction of the Board of County Commissioners of El Paso County, Colorado. Upon acceptance by resolution, all public improvements so dedicated will become matters of maintenance by El Paso County, Colorado. The utility easements shown hereon are hereby dedicated for public utilities and communication systems and other purposes as shown hereon. The entities responsible for providing the services for which the easements are established are hereby granted the perpetual right of ingress and egress from and to adjacent properties for installation, maintenance, and replacement of utility lines and related facilities.

JOAN M. HATHCOCK REVOCABLE TRUST

By: Joan M. Hathcock, Trustee

Title: _____

NOTARIAL:

STATE OF COLORADO } SS

COUNTY OF EL PASO

Acknowledged before me this _____ day of _____

20____ by Joan M. Hathcock.

My commission expires _____

Witness my hand and seal _____

Notary Public _____

SURVEYOR'S CERTIFICATION:


I Daniel Kupferer, 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 measurements are less than 1/10,000; and that said plat has been prepared in full compliance with the provisions of the Surveyors Code of Colorado, and that the same comply with the applicable provisions of the El Paso County Land Development Code.

Daniel L. Kupferer
Colorado Professional Land Surveyor No. 18465

LEGEND:

• - Indicates survey monument recovered as a #4 rebar with Surveyor's Cap, PLS #19465.

 FEMA BLE Draft Floodplain area determined to be in Zone A (100yr floodplain)

 Current Floodplain area determined to be in Zone A (100yr floodplain)

NOTES:

- This survey does not constitute a title search by LDC, Inc. to determine ownership or easements of record. For all information regarding easements, rights-of-way and title of record, LDC, Inc. has an ongoing Commitment for title insurance prepared by OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY (Commitment No. SC855-08580, dated March 1st, 2023 at 3:00 P.M.
- Basin S002756-E is the West line of the NE 1/4 of the NE 1/4 of Said Section 13, monumented as shown and assumed to bear S002756-E.
- FLOOD PLAIN CERTIFICATION: According to the National Flood Insurance Program, Flood Insurance Rate Map Panel 08041007340G in an effective date of December 7, 2018, the subject property is located in Zone A Flood Plain. Do not meet the Backwater BFE (Base Flood Elevation) criteria for Flood Hazard Determination. The data has been reviewed and approved through FEMA's OIA/QC process (May 11, 2022) and is currently in the MIP (Case No. 19-08-0037a). The Phase 1/Base Level Engineering outputs and Zone A ready deliverables are, under the following folder: K:/F/2019/19-08-00375/Discovery - BLE - El Paso and Teller Counties, CO - 01/El Paso/Discovery-1. Floodplain extents and Base Flood Elevations (BFEs) shown hereon include both current effective and CWCB Phase 1 data.
- Elevations 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 survey be commenced more than ten years from the date of the certification shown hereon.
- All structural foundations shall be located and designed by a Professional Engineer, currently registered in the State of Colorado.

NOTES (CONT.):

- Water in the Denver Basin Aquifer is allocated based on a 100 year aquifer life, however, for El Paso County, the Denver Basin Aquifer is a non-renewable resource. The Board of County Commissioners, the Home Owners Association 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 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.
- (12410) - indicates property address. The addresses exhibited on this plat are for informational purposes only. They are not the legal description and are subject to change.

- Fire protection to be provided by Falcon Fire Protection District.

- Unless otherwise indicated, side, front and rear lot lines are hereby platted on each side with a ten foot Public Utility and Drainage Easement. The side responsibility for maintenance of these easements is hereby vested with the individual property owners.

- The following reports and/or documentation have been submitted in association with the Preliminary Plan or Final Plat for this subdivision and are on file at the County Planning and Community Development Department: Transportation Impact Study; Drainage Report; Water Resources Report; Wastewater Disposal Report; Geology and Soils Report; Fire Protection Report; Wildlife Hazard Report; and Natural Features Report.

- All property owners are responsible for maintaining proper storm water drainage in and through their property. Public drainage easements as specifically noted on the plat shall be maintained by the individual lot owners unless otherwise indicated. Structures, fences, materials or landscaping that could impede the flow of runoff shall not be placed in drainage easements.

- Individual wells are the responsibility of each property owner. Permits for individual wells must be obtained from the State Engineer who by law has the authority to set conditions for the issuance of these permits.

- Sewage treatment is the responsibility of each individual property owner. The El Paso County Department of Health and Environment must approve each system and, in some cases the Department may require an engineer designed system prior to permit approval. These systems may cost more to design, install, and maintain.

- Developer shall comply with federal and state laws, regulations, ordinances, reviews 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/or the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the listed species, if applicable.

- Mailboxes shall be installed in accordance with all El Paso County and United States Postal Service regulations.

- Any person who knowingly removes, alters or defaces any public land survey monument or land boundary monument or accessory commits a Class Two (2) misdemeanor pursuant to C.R.S. 18-4-508.

- All property within this subdivision is subject to Road Impact Fees in accordance with the El Paso County Road Impact Fee Program, at or prior to building permit issuance.

- Lot access shall be restricted to the ingress/egress easement shown on the plat for access to Meridian Road.

- The subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that the subdivider and/or said successors and assignees shall be required to pay traffic impact fees in accordance with the El Paso County Traffic Impact Program. 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.

- No driveway shall be established unless and access permit has been granted by El Paso County Planning and Community Development Department.

- DOUBLE SPUR RANCH POINT is a 30 feet wide private ingress-egress, public utilities and drainage easement to be maintained by the owners of the lots in Double Spur Ranch. Maintenance of this private road shall be defined by: ACCESS EASEMENT GRANT AND MAINTENANCE AGREEMENT FOR DOUBLE SPUR RANCH POINT AND RESTRICTIVE COVENANTS FOR LOTS 1, 2 & 3 DOUBLE SPUR RANCH SUBDIVISION.

- The private road and driveways 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.

- The subdivider agrees for itself and its successors and assigns that subdivider and/or said successor and assigns shall be required to maintain a drainage channel that flow through the site. The County is not responsible for maintenance of the drainage easement.

- The subdivision has been found to be impacted by geologic constraints. Mitigation measures and explanation of constraints in the area can be found in the report Soil, Geology, and Geologic Hazard Study by Entech Engineering, Inc. November 30, 2022, in the PCD File No. MS-235, available at the El Paso County Planning and Community Development Department.

- Artificial Fill
- Slope Stability and Landslide Hazards
- Potentially Unstable Slopes
- Seasonally Wet Area
- Potentially Seasonally Wet Area
- Shallow Bedrock

- Electric: The subdivider/developer is responsible for extending utilities to each lot, tract or building site. Electric Service for this subdivision is provided by Mountain View Electric Association, subject to the District's rules, regulations and specifications. Gas: The subdivider/developer is responsible for extending utilities to each lot, tract or building site. Gas Service for this subdivision is provided by Black Hills Energy, subject to the District's rules, regulations and specifications.

BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

This plat for DOUBLE SPUR RANCH MINOR SUBDIVISION 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 and easements are accepted, but the public improvements thereon will not become the maintenance responsibility of El Paso County until preliminary acceptance of the public improvements in accordance with the requirements of the Land Development Code and Engineering Criteria Manual, and the Subdivision Improvements Agreement.

Chair, Board of County Commissioners _____ Date _____
Planning and Community Development Director _____ Date _____

RECORDING:

Clerk and Recorder
STATE OF COLORADO } SS
COUNTY OF EL PASO }

I hereby certify that this instrument was filed in my office this _____ day of _____, 20____, and was recorded at Reception Number _____ of the records of El Paso County.

El Paso County Clerk and Recorder _____

SURCHARGE: _____
FEE: _____
BY: _____ Deputy

Drainage Fee: _____
School Fee: _____
Bridge Fee: _____

PREPARED FOR:
Joan M. Hathcock
12420 N. Meridian Rd.
Elbert, CO 80106
Phone: 719-466-1096
Email: joan@jelectrical.net

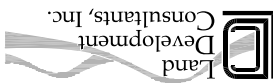
DSD FILE NO.: MS-23-005

1 of 2

Sheet:

Project No.: 22001

DOUBLE SPUR RANCH MINOR SUBDIVISION FINAL PLAT



www.ldc-inc.com • TEL: (719) 528-6133 • FAX: (719) 528-6848
3988 MAJLZAND ROAD • COLORADO SPRINGS, CO 80909

H Scale: 1"=100'
V Scale: N/A
Designed By: N/A
Drawn By: BRH
Checked By: DLK
Date: 01/17/22

No.	Description	By	Date
1	COUNTY COMMENTS	DAS	09/21/23
2	COUNTY COMMENTS	DAS	02/07/24
3	FEMA FLOODPLAIN REVISIONS	DAS	03/27/24
4	FLOODPLAIN REVIEW COMMENTS	DAS	04/02/24
5	COUNTY COMMENTS	DAS	09/14/24



FOR LOCATING AND MARKING GAS, ELECTRIC, WATER AND SEWER LINES CALL 811

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 the survey be commenced more than ten years from the date of the certification shown hereon.

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

November 30, 2023

MS-23-5 Double Spur Ranch Minor Subdivision

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal for approval of the Double Spur Ranch, a minor subdivision application by the Joan M. Hathcock Revocable Trust (“Applicant”) for a 3-lot subdivision on 39.83 acres (the “property”). The property is zoned RR-5 (Rural Residential).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary (“WSIS”), the water demand for the subdivision is 1.50 acre-feet/year, comprised of 0.78 acre-feet/year for household use for 3 single-family dwellings, 0.589 acre-feet/year for 10,410 total square feet¹ of irrigation, and 0.132 acre-feet/year for stock watering. Based on this total demand, Applicant must be able to provide a supply of 450 acre-feet of water (1.50 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 up to three (3) wells, one existing (Permit #236130), as well as allowing up to two additional wells withdrawing from the not-nontributary Dawson aquifer as provided in Determination of Water Right no. 246-BD (“Determination”) and Replacement Plan no. 246-RP (“Replacement Plan”). The Determination granted the right to withdraw up to 4,600 acre-feet from the Dawson aquifer for use on the overlying

¹ The WSIS identifies 1,375 sq. ft. of irrigation per lot in its footnote 2. The Water Resources Report, however, states that 3,470 sq. ft. of irrigation per lot was assumed, a figure which is more consistent with the estimated water demand. The Applicant will be required to amend the WSIS to comport with the WRR.

ASSISTANT COUNTY ATTORNEYS

NATHAN J. WHITNEY
CHRISTOPHER M. STRIDER
PC Report Packet

STEVEN A. KLAFFKY
TERRY A. SAMPLE

LORI L. SEAGO
DOREY L. SPOTTS

BRYAN E. SCHMID
STEVEN W. MARTYN

MERI GERINGER

80 acres of land, of which this proposed subdivision is a part. The Replacement Plan allows water to be withdrawn from the Dawson aquifer through up to 3 wells in an annual amount that shall not exceed 1.50 acre-feet for up to 300 years. The allowed annual amount of water to be withdrawn from each on-lot well shall not exceed 0.5 acre-feet to be used for in house use, livestock watering, irrigation, commercial, replacement (augmentation), dust suppression, and firefighting.

The approved Replacement Plan has a term of 300 years and requires that septic system return flows be used for replacement during the pumping period for the approved wells.

State Engineer's Office Opinion

4. In a letter dated October 30, 2023, the State Engineer stated that “[t]he proposed source of water is individual on lot wells producing from the not-nontributary Lower Dawson aquifer that will operate pursuant to the Determination of Water Right and replacement plan No. 246-BD. The allowed average annual amount of withdrawal provided for in Determination of Water Right no. 246-BD is 46.0 acre-feet.” The State Engineer noted that this amount must be reduced to one third of that amount to meet El Paso County’s 300-year water supply requirement, or 15.3 acre-feet/year, which is greater than the annual demand for this subdivision of 1.50 acre-feet per year.

Finally, the State Engineer stated that, “... 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.”

Recommended Findings

5. Quantity and Dependability. Applicant’s water demand for the Double Spur Ranch Minor Subdivision is 1.50 acre-feet per year for a total demand of 450 acre-feet for the subdivision for 300 years. The Replacement Plan allows for three (3) wells limited to an annual withdrawal of 0.5 acre-feet per well, for a total of 1.50 acre-feet for in house use, livestock watering, irrigation, commercial, replacement (augmentation), dust suppression, and firefighting.

Based on the water demand of 1.50 acre-feet/year for the Double Spur Ranch Minor Subdivision and the Replacement Plan withdrawals in that amount, the County Attorney’s Office recommends a finding of sufficient water quantity and dependability for the Double Spur Ranch Minor Subdivision.

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 August 2022, the Water Supply Information Summary, the State Engineer’s Office Opinion dated October 30, 2023, Replacement Plan No. 246-RP for Determination of Water Right No. 246-BD entered on January

25, 2002. 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 Colorado Ground Water Commission Determination of Water Right No. 246-BD and Replacement Plan No. 246-RP, specifically, that water withdrawn from the Dawson aquifer shall not exceed 0.5 annual acre-feet for per well for up to three (3) wells, based on a total combined annual withdrawal of 1.50 acre-feet. Depletions during pumping shall be replaced by individual on-lot non-evaporative septic systems.

B. The County prefers that when there is a replacement plan, Applicant create a homeowners' association ("HOA") for the purpose of enforcing covenants and assessing any necessary fees related to compliance with the water decree and replacement plan for the property. For minor subdivisions such as this, however, Applicant may elect to solely rely on the covenant provisions required below and forego creation of an HOA.

C. Applicant shall create restrictive covenants upon and running with the property which shall advise and obligate future lot owners of this subdivision and their successors and assigns regarding all applicable requirements of Determination of Water Right No. 246-BD and Replacement Plan No. 246-RP, including the limitations on diversions and use of water for each well and lot, the requirement to meter and record all well pumping, and information on how records are to be recorded.

Covenants shall address the following:

1) Identify the water rights associated with the property. The Covenants shall reserve 450 acre-feet of not-nontributary Dawson aquifer water pursuant to Determination of Water Right No. 246-BD and Replacement Plan No. 246-RP to satisfy El Paso County's 300-year water supply requirement for the three (3) lots of the Double Spur Ranch Minor Subdivision. The Covenants shall further identify that 150 acre-feet (0.5 acre-feet/year) of Dawson aquifer water is allocated to each lot. 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 lot owners and their successors and assigns of their obligations regarding the costs of operating the plans for augmentation, which include pumping of the Dawson wells in a manner to replace depletions during pumping.

3) Require non-evaporative septic systems and reserve return flows from the same. The Covenants shall require each lot owner to use a non-evaporative septic system 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 more specifically shall require that at least one well must be serving an occupied single-family dwelling that is generating return flows via a non-evaporative septic system before any livestock watering, irrigation, commercial, replacement, dust suppression or fighting uses are allowed to be served by any of the wells. 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."

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 Determination of Water Right No. 246-BD and Replacement Plan No. 246-RP 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 future lot owners of this subdivision and their successors and assigns of their responsibility for any metering and data collecting that may be required regarding water withdrawals from existing and future wells in the Dawson aquifer.

6) Require well permits. The Covenants shall require that well permits be obtained pursuant to the requirements of Determination of Water Right No. 246-BD and Replacement Plan No. 246-RP 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 the Double Spur Ranch Minor Subdivision pursuant to Determination of Water Right No. 246-BD and

Replacement Plan No. 246-RP. 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 the Colorado Ground Water Commission 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 Determination of Water Right No. 246-BD and Replacement Plan No. 246-RP are also terminated by the Colorado Ground Water Commission 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 Dawson aquifer water in the decreed amount of 450 acre-feet (1.50 acre-feet per year). 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 Dawson aquifer water rights at the time of lot sales. Specifically, Applicant and future lot owners shall convey sufficient water rights in the Dawson aquifer underlying the respective lots to satisfy El Paso County's 300-year water supply requirement.

Any and all conveyance instruments shall also recite as follows:

For the water rights and return flows conveyed for the primary supply (Dawson 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 the Double Spur Ranch 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."

F. 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 Determination of Water Right No. 246-BD and Replacement Plan No. 246-RP and shall identify the obligations of the individual lot owners thereunder.

G. Applicant and its successors and assigns shall record all applicable documents, including but not limited to Determination of Water Right No. 246-BD, Replacement Plan No. 246-RP, agreements, assignments, and warranty deeds regarding the water rights, and Declaration of Covenants in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

H. Applications for well permits submitted by persons other than the Applicant must include evidence that the permittee has acquired the right to the portion of the water being requested.

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, Applicant shall submit a corrected WSIS that identifies in footnote 2 that the irrigable land per residence is 3,470 sq. ft., as stated in the Water Resource Report.

cc: Ashlyn Mathy, Project Manager, Planner

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. MS235
DOUBLE SPUR RANCH FINAL PLAT

WHEREAS, Daniel Kupferer did file an application with the El Paso County Planning and Community Development Department for approval of a Minor Subdivision Final Plat for the Double Spur Ranch 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 September 5, 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; and
7. For the above-stated and other reasons, the proposed Minor Subdivision Final Plat 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 Minor Subdivision Final Plat, the Planning Commission and Board of County Commissioners shall find that the request meets the following criteria outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code ("Code") (as amended):

1. The proposed Subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
2. The Subdivision is consistent with the purposes of the Code;
3. The Subdivision is in conformance with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analysis, studies, reports, plans, designs, documents, and other supporting materials.
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 the Code.
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 the proposed Subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)].
7. Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM") are provided by the design.
8. 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.
9. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement acceptable to the County and in compliance with the Code and the ECM.
10. 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 therefor, reasonably related to the proposed Subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.

11. Necessary services, including police and fire protection, recreation, utilities, open space, and transportation systems, are or will be available to serve the proposed Subdivision.
12. The Subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.
13. The proposed Subdivision meets other applicable sections of Chapters 6 and 8 of the 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 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 SIA so the impacts of the Subdivision will be adequately mitigated.
16. 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 Dan Kupferer for a Minor Subdivision Final Plat for the Double Spur Ranch Minor Subdivision be approved by the Board of County Commissioners 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 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. Fees in lieu of school land dedication in the amount of \$918 shall be paid to El Paso County for the benefit of Academy School District 20 at the time of plat recording.
9. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated November 30, 2023, as provided by the County Attorney's Office.
10. Applicant will be required to submit a shared access easement and maintenance agreement for a shared driveway from Meridian Road and reflect the easement on the plat.

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.

_____ 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
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 5th day of September 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
Chair

EXHIBIT A

A Tract In The Northeast Quarter (Ne/4) Of The Northeast Quarter (Ne/4) Of Section Thirteen (13), Township Twelve (12) South, Range Sixty-Five (65) West Of The 6th P.M., Described As Follows: Commencing At The Southeast Corner Of The Northeast Quarter (Ne/4) Of Section Thirteen (13), Township Twelve (12) South, Range Sixty-Five (65) West Of The 6th P.M., Thence North Parallel To The East Line Of Said Section, Said Section Also The West Line Of Meridian Road, A Distance Of 1319.45 Feet; Thence West And Parallel With The South Line Of Said Section A Distance Of 1321.50 Feet; Thence East And Parallel With The South Line Of Said Section A Distance Of 1313.63 Feet To The Point Of Beginning, County Of El Paso, State Of Colorado.

Containing 39.834 acres, more or less.