

EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION


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February 20, 2018

MS-17-004 Helton Mini Storage Minor Subdivision (a/k/a South Academy Business Center)

Reviewed by: Lori L. Seago, Senior Assistant County Attorney 
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FINDINGS AND CONCLUSIONS:

1. This is a proposal by 10230 Hall Blvd., LLC ("Applicant") for a 1-lot minor subdivision on a 7.6 +/- acre parcel to be developed into a mini warehouse facility ("Property"). The Property is zoned M (Industrial Commercial Zone).

2. The Applicant is requesting a "Dry Subdivision" waiver pursuant to the Land Development Code ("LDC") regarding water supply. Bottled water and a portable toilet will be provided for office use during business hours. The Applicant will supply a water truck for watering landscape, trees, and shrubs.

3. In a letter dated November 2, 2017, the State Engineer reviewed the submittal and noted that the proposal does "not appear to qualify as a 'subdivision' as defined in Section 30-28-101(10)(a), C.R.S." The State Engineer further notes that there will be "no water supply or sewer to the site. Bottled water and portable toilets will be utilized for drinking and sanitary needs." Therefore, the "office has no objection to the proposal as submitted."

4. Section 8.4.7(A)(3) of the El Paso County Land Development Code provides that the Water Supply Standards set forth in the Code do not apply to subdivisions which will not use water.

5. Pursuant to Applicant's proposal that there will be no water supply provided to the minor subdivision and upon the review by the State Engineer's Office, the County Attorney's Office has no objection to the request for a Dry Subdivision as requested by the Applicant, as long as all requirements are met as noted below.

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REQUIREMENTS:

- A. Applicant and its successors and assigns shall comply with all requirements of the El Paso County Land Development Code regarding a Dry Subdivision. Specifically, no water supply shall be provided or utilized on the subject property, and the final plat shall contain a plat note to advise all future owners of the Dry Subdivision.
- B. If Applicant or its successors or assigns desires to provide or utilize a water supply on the subject property, such change shall constitute a substantial change in water supply under the El Paso County Land Development Code, and shall require that the matter shall be brought to the Planning and Community Development Department and the County Attorney's Office for further review pursuant to LDC Section 8.4.7 (Water Supply Standards). An additional platting action subject to approval by the Board of County Commissioners may also be required.

cc: Raimere Fitzpatrick, Project Manager, Planner II