

With regards to the comment letter, this is for staff reference and the questions are not referred to the outside agencies, the Applicant is required to reach out to the outside agencies to resolve issues before resubmitting, the county cannot mitigate those issues.



PLANNING AND COMMUNITY DEVELOPMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

October 5, 2018

Hunsinger Development Corporation
4406 College Park Ct
Colorado Springs, CO 80918

Terra Nova Engineering
721 S 23rd Street
Colorado Springs, CO 80904

Dear Applicant and/or Consultant:

Subject: Hunsinger Final Plat Amendment Review 1

The purpose of this letter is to provide you with the review agency responses to the above named development application that have been received to-date by Planning and Community Development.

You are encouraged to directly contact those agencies that did provide review comments if the comments require additional action by the applicant/applicant's representative. You are also encouraged to directly contact those agencies that did not provide review comments if such response is required by state statutes and the El Paso County Land Development Code.

*Terra Nova responses are shown in bold, italics, green font.
Notes on redlines are included at the end of this document.*

EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

- Current Planning**
- see redlines

Redlines have been addressed (see notes at the end of this document).

- There are waiver request associated with this application, lot 2 requires a waiver of the frontage requirements, and the LDC requires that within 400 feet of a municipal sewer line for a tie in. There are conflicting reports from CSU as to electric available to the parcel and thus requiring wastewater tie in. Please contact CSU to resolve the conflicting letters, then the applicant is required to request a waiver of that standard.

The two waiver requests have been added to the Letter of Intent.

CSU has revised their letters to state the site is within their gas service territories. The site is not within CSU's electric service territories. CSU's wastewater letter was correct and remains unchanged.

Engineering Department

Review 1 comments on the following documents will be uploaded by the Project Manager: - Final Plat - Drainage Report Add the following at the bottom right corner of the coversheet of the Geotech report: "PCD File No. VR-18-014"

Drainage Report redlines have been addressed.

The file number has been added to the cover sheet of the Geotech report.

ELPASO COUNTY COUNTY ATTORNEY'S OFFICE

1. Lot 10 is zoned RR-5. May need to be rezoned to allow for proposed lot sizes. 2. Road Impact Fees will be due for the two additional lots being created. If not paid at recording, applicant will need to designate the two specific lots in a plat note that will be subject to the fees.

The rezoning is in progress.

The Road Impact Fees comment is noted.

911 AUTHORITY –ELPASO /TELLER COUNTY

Will the access street off Otero be named? If so the developer needs to provide a proposed name for approval, information on street naming can be found at:

<https://elpasoteller911.org/191/Street-Emergency-Number-Databases>

The access road will be an unnamed private driveway.

COLORADO SPRINGS UTILITIES

Action Items:

1. Please add the following easement statement:

“All easements that are dedicated hereon for public utility purposes shall be subject to those terms and conditions as specified in the instrument recorded at Reception Number 212112548 of the records of El Paso County, Colorado. All other easements or interests of record affecting any of the platted property depicted hereon shall not be affected and shall remain in full force and effect.”

This note has been added to the plat.

2. Label the existing utility easement for the existing gas main with width and Reception No.

No record of an easement along the existing gas main crossing the property has been found. The records reviewed show only a right of way along the gas main corridor. If CSU has records showing an easement in this location, please provide copies of them and the plat will be updated accordingly.

Information Items:

1. Please contact Utilities Development Services (UDS) at 719.668.8111 for an estimate of development charges, fees, Recovery Agreement Charges or other utility related costs that may apply to this development.
 - o In instances where metered water and/or wastewater connections existed on the property, please contact UDS to discuss distribution of Water and/or Wastewater Development Charges to eligible lots.
2. When new water meters are proposed to serve the project or additional demand added to existing water meters, a Commercial Water Meter Sizing form will be required to be submitted to CSU prior to Service Contract issuance and building permit approval.
3. CSU requires an Application for Gas and Electric Line Extension to be submitted along with a Load Data form or an Application for Gas Service Line Approval and/or Application for Elevated Pressure Approval prior to electric and natural gas system design for service to the project. Refer to the CSU Line Extension and Service Standards or contact Field Engineering at 719-668-4985.
4. CSU may require an extension contract and payment of contributions-in-aid of construction (or a Revenue Guarantee Contract) for the extension of electric facilities needed to serve the development. Regarding natural gas extensions, CSU may require an extension contract and an advance payment for the estimated cost to construct the necessary gas extensions.
5. Improvements, structures and trees must not be located directly over or within 6 feet of any underground gas or electric distribution facilities and shall not violate any provision of the National Electric Safety Code (NESC) or any applicable natural gas regulations or Colorado Springs Utilities' policies.
6. Improvements, structures and trees shall not be located under any overhead utility facility, shall not violate NESC clearances, and shall not impair access or the ability to maintain utility facilities.
7. Landscaping shall be designed to provide the required clearances for utility facilities, to allow continuous access for utility equipment, and to minimize conflicts with such facilities.

8. Colorado Springs Utilities requires wastewater and water construction drawings when new wastewater and water facilities are proposed. Plans can be submitted electronically to Utilities Development Services via www.csu.org.

If you have any questions, please contact Mike Gackle at mgackle@csu.org or 719.668.8262.

EL PASO COUNTY CONSERVATION DISTRICT

Comments from the El Paso County Conservation District are: It is very difficult to comment on this review regarding conservation issues without the topo map.

I'm uncertain what you were reviewing. All three sheets of the Site Development Plan show topography (as do the drainage maps).

MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC.

This area is within MVEA certificated service area. MVEA will continue to serve this area according to our extension policy. Connection requirements may include provisions for necessary line extensions and or other system improvements, and payment of all fees under MVEA line extension policy. Information concerning these requirements can be obtained by contacting the Engineering Department of MVEA.

MVEA notes the utility easements shown on the final plat of ten (10) foot side and rear lot line along with twenty (20) foot exterior utility easement. MVEA will request ten (10) foot utility easements outside and adjacent to the ingress & egress easement for the design of electrical facilities. MVEA also requests platting of existing MVEA facilities with easement on the plat. Additional easements may be required in order to serve this development.

MVEA has existing facilities within this parcel of land. If there is any removal or relocation of facilities it will be at the expense of the applicant.

If additional information is required, please contact our office at (719) 495-2283.

Sincerely,

Cathy Hansen-Lee
Engineering Administrative Assistant

PIKES PEAK REGIONAL BUILDING DEPARTMENT

Enumerations/Floodplain have the following comments: 1. Existing home 10140 Otero Ave will retain the same address. All other lots have been readdressed by this department. 2. Standard development comments: CONTACT ENUMERATIONS DEPARTMENT FOR ADDRESSING. AMY@PPRBD.ORG 3. Standard Final Plat comments: ENUMERATIONS/FLOODPLAIN WILL REVIEW THE MYLAR PRIOR TO

PLAT FOR ADDRESS PLACEMENT, ROAD NAMING, TITLE BLOCK, & FLOODPLAIN STATEMENT. \$10.00 PER LOT & TRACT FEE WILL BE DUE AT THE TIME OF THE REVIEW OF THE MYLAR. IF AN ADDRESS IS NOT NEEDED ON A TRACT THEN NO FEE APPLIES. CHECK SHOULD BE MADE OUT TO PIKES PEAK REGIONAL BUILDING DEPARTMENT. PAID DIRECTLY TO ENUMERATIONS DEPARTMENT. A COPY OF THE FINAL RECORDED PLAT IS REQUIRED PRIOR TO PLAN SUBMITTAL FOR RESIDENTIAL. A COPY OF THE FINAL RECORDED PLAT IS REQUIRED PRIOR TO APPROVAL IN ENUMERATIONS DEPARTMENT ON ANY COMMERCIAL PLANS SUBMITTAL. 4. The area called out as approximate grazing easement is the 100 year floodplain, this area is floodway.

Comment noted.

ELPASO COUNTY ENVIRONMENTAL SERVICES

The El Paso County Environmental Division has completed its review of the above referenced submittal. Our review consisted of the following items: wetlands, federal and state listed threatened or endangered species, general wildlife resources and noxious weeds.

1. The project lies within or adjacent to an area with documented noxious weeds. It is the applicant's responsibility, and not El Paso County's, to ensure compliance with all applicable laws and regulations, including but not limited to the Colorado Noxious Weed Act and the El Paso County Weed Management Plan.

It is strongly recommended that the applicant obtain the necessary approvals from all federal, state and county agencies as a part of their planning process.

We appreciate the opportunity to comment on this project. If you have any questions or concerns, please contact me at (719) 520-7879.

Comment noted.

COLORADO DIVISION OF WATER RESOURCES

We have received the submittal concerning the above referenced proposal to subdivide a 16.0± acres tract of land into five new lots. All of the lots will be approximately equal in size with the smallest being 2.53± acres and the largest being 3.06± acres. Our records indicate that there are a number of existing wells on located on the property with permit no's: 172650, 172651, 250314, and 250314-A. The proposed supply of water to the subdivision will be individual on-lot wells for each lot, with wastewater being disposed of through individual on-lot septic disposal systems.

Water Supply Demand

According to the Water Supply Information Summary received in the submittal, the estimated water demand for the development is 1.656 acre-feet/year. Based on the Division 2 Water Court case no. 2016CW3088 this amount breaks down to 0.306 acre-feet/year for two Denver aquifer wells each serving one-single family residence, and 0.348 acre-feet/year for three Arapahoe aquifer wells each serving one-single family residence. Additional uses such as lawn and garden irrigation or animal watering are not specifically called out in the plan for augmentation.

Please note that standard water use rates, as found in the Guide to Colorado Well Permits, Water Rights, and Water Administration, are 0.3 acre-foot/year for each ordinary household, 0.05 acre-foot/year for four large domestic animals, and 0.05 acre-foot/year for each 1,000 square feet of lawn and garden irrigation.

Source of Water Supply

The anticipated source of water is to be provided by on-lot wells producing from the Denver or Arapahoe aquifer that will operate pursuant to the augmentation plan decreed by the Division 2 Water Court in case no. 2016CW3088. This case adjudicated water in the Denver, Arapahoe and Laramie-Fox Hills aquifers underlying the 16.62 acres of land which makes up the entire proposed Hunsinger Subdivision.

According to the decrees entered by the Division 2 Water Court in case no. 2016CW3088, the following amounts of water shown in Table 1, below, were determined to be available underlying the 16.62 acre property.

Table 1 – Denver Basin Ground Water Rights

Aquifer	Tributary Status	Volume (AF)	Annual Allocation 100 Year (AF/Year)	Annual Allocation 300 Year (AF/Year)
Denver	NNT	184	1.8	0.613
Arapahoe	NNT	678	6.8	2.26
Laramie-Fox	NT	449	4.5	1.5

The plan for augmentation decreed in Division 2 Water Court case no. 2016CW3088 allows for diversion of 0.612 acre-foot annually from Denver aquifer and 1.044 acre-feet annually from the Arapahoe aquifer, each for a maximum of 300 years.

Permit No’s. 172650, 172651, 250314, and 250314-A were issued pursuant to CRS 37- 92-602 for domestic uses and all permits are located in the NW ¼ of Section 28, Twp 12S, Rng 66W, 6th P.M. It appears that these wells are located on the property and the applicant has proposed to continue to utilize the existing wells pursuant to the decreed plan for augmentation. **This will require that the applicant apply for, and obtain a new well permits issued pursuant to Section 37-90-137(4) C.R.S., or plug and abandon these wells.**

Comment noted.

The proposed source of water for this subdivision is a bedrock aquifer in the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which this source will be a physically and economically viable source of water. According to 37-90-137(4)(b)(I), C.R.S., "Permits issued pursuant to this subsection (4) shall allow withdrawals on the basis of an aquifer life of one hundred years." Based on this **allocation** approach, the annual amounts of water decreed is equal to one percent of the total amount available as determined by Rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Therefore, the water may be withdrawn in those 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 annual estimated demand, for the entire subdivision, is 1.656 acre-feet as allowed by the augmentation plan. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

State Engineer's Office Opinion

Based on the above, it is our opinion, pursuant to CRS 30-28-136(1)(h)(I), that the anticipated water supply can be provided without causing material injury to decreed water rights so long as the applicant obtains well permits issued pursuant to C.R.S. 37-90-137(2) and the plan for augmentation noted herein, for all wells in the subdivision and operates the wells in accordance with the terms and conditions of any future well permits.

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

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

Our opinion is qualified by the following:

The Division 2 Water Court has retained jurisdiction over the final amount of water available pursuant to the above-referenced decrees, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifers, and identified in Division 2 Water Court case no. 2016CW3088, was 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 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. Furthermore, that applicant will need to apply for, and obtain a new well permits issued pursuant to Section 37-90-137(2) C.R.S.

Comment noted.

Should you or the applicant have questions regarding any of the above, please contact me at this office.

Sincerely,



Ivan Franco, P.E.
Water Resource Engineer

COLORADO GEOLOGICAL SURVEY

CGS agrees with RMG's 5/18/2018 assessment that the site does not contain, nor is it exposed to, any geologic hazards or geotechnical constraints that would preclude the proposed residential use and density. RMG makes appropriate preliminary site development recommendations. Provided RMG's recommendations are adhered to, and additional, lot-specific geotechnical investigation and analysis are conducted for use in design of individual foundations, floor systems, subsurface drainage, pavements, etc., CGS has no objection to approval of the five-lot Hunsinger final plat amendment as proposed.

Comment noted.

The following agencies have not provided review comments to-date:

- EPC County Attorney
- EPC Health, a new request was sent for an update to the 400 yard requirement
- US Fish and Wildlife
- Academy SD 20
- Colorado Springs Planning and Community Development
- Donald Westcott Fire District
- USAFA Base Planner

Comments received from any of the above non-responding agencies following the issuance of this letter will be forwarded to the applicant/applicant's representative and will be added to the end of this letter for record keeping purposes.

Due to the number of comments and necessary revisions to the plan(s) an additional detailed review will be necessary. Please address the comments as listed above. A detailed letter needs to accompany the revisions to allow for an expeditious re-review timeframe. The letter should include each comment listed above and, immediately thereafter, include a response from the applicant addressing the comment.

If any review agency has an issue that needs resolution or requires a revision, you will need to provide the necessary documents, drawings, etc., to the Planning and Community Development Department in the form of a resubmittal. The Planning and Community Development Department will then forward the resubmitted items directly to the appropriate review agency. If you have any questions pertaining to specific agency comments please contact the appropriate agency directly.

PLEASE NOTE: The application cannot be scheduled for public hearing until a final response has been received by Planning and Community Development from those agencies that are required (pursuant to state statute and the El Paso County Land Development Code) to provide such response (i.e.- State Engineer's Office, County Attorney's Office, County Health Department, etc).

In order to be considered for the Planning Commission hearing, all outstanding issues must be resolved. Please contact me if you would like to schedule a meeting with myself or the multi-disciplinary team.

When all the comments have been addressed and corrections made please submit the required documents as requested on EDARP.

If you have any questions feel free to contact me at 719-520-7943

Best Regards,

Gabe Sevigny

El Paso County Planning and Community Development Department

cc: Gabe Sevigny, Planning
Gilbert LaForce, Daniel Torres, Engineering

File: VR-18-014

Terra Nova Notes Related to Redlines.

- ***Drainage report redlines: The four step process text was added to the end of the proposed conditions section. The existing ponds are to be filled in or breached. This has been noted in the text and on the plans.***
- ***CSU gas and electric commitment letters: CSU has revised their letters to state the site is within their gas service territories. The site is not within CSU's electric service territories. CSU's wastewater letter was correct and remains unchanged.***