


EL PASO COUNTY
COLORADO

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CARRIE GEITNER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Planning Commission
Brian Risley, Chair

FROM: Ryan Howser, Planner I
Gilbert LaForce, PE Engineer III
Craig Dossey, Executive Director

RE: Project File #: SF-20-008
Project Name: Corral Bluffs Filing No. 4
Parcel Nos.: 43310-00-023 and 43320-00-016

OWNER:	REPRESENTATIVE:
Howard Kustle Corral Ranches Development Company 1830 Coyote Point Dr. Colorado Springs, CO 80904	David Jones, Land Resource Associates 9736 Mountain Rd. Chipita Park, CO 80809

Commissioner District: 2

Planning Commission Hearing Date:	1/21/2021
Board of County Commissioners Hearing Date	2/9/2021

EXECUTIVE SUMMARY

A request by Corral Ranches Development Company for approval of a final plat to replat Tract A of The Reserve at Corral Bluffs Filing No. 3 into five (5) single-family residential lots. The 26 acre property is zoned RR-5 (Residential Rural) and is located on the east side of Hoofprint Road, approximately one-quarter of a mile south of Blaney Road and one-half of a mile east of Meridian Road and within Sections 31 and 32, Township 13 South, Range 64 West of the 6th P.M.

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



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

The proposed Reserve at Corral Bluffs Filing No. 4 Final Plat is consistent with the RR-5 (Rural Residential) zoning district and the approved preliminary plan (SP-12-001). The final plat application meets the submittal and review criteria for a final plat as well as the general development standards of Chapter 6, the final plat review criteria of Chapter 7, and the subdivision design requirements of Chapter 8 of the El Paso County Land Development Code (2019).

Individual wells and onsite wastewater treatment systems (OWTS) are proposed for all lots within the subdivision.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Corral Ranches Development Company for approval of a final plat to create five (5) single-family residential lots.

Waiver(s)/Deviation(s): There are no waivers or deviations associated with this request.

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

B. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. 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 (2019):

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the approved preliminary plan;
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;

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

D. LOCATION

North: A-5 (Agricultural)	Single-Family Residential
South: RR-5 (Residential Rural)	Vacant
East: A-5 (Agricultural)	Single-Family Residential
West: RR-5 (Residential Rural)	Single-Family Residential

E. BACKGROUND

The parcels were zoned A-2 (Agricultural) on April 13, 1983, when zoning was initially established for this area of the County. Due to changes in the nomenclature of the Code, the A-2 zoning district was renamed as the A-5 (Agricultural) zoning district. The subject parcels were rezoned to RR-5 (Residential Rural) on July 26, 2012 (Resolution No. 12-253).

On July 26, 2012, the Board of County Commissioners approved The Reserve at Corral Bluffs Preliminary Plan (SP-12-001). The proposed final plat is consistent with the configuration of the approved preliminary plan.

F. ANALYSIS

1. Land Development Code Compliance

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

2. Zoning Compliance

The parcels are zoned RR-5 (Residential Rural). The RR-5 zoning district is intended to accommodate low-density, rural, single-family residential development. The density and dimensional standards for the RR-5 zoning district are as follows:

- Minimum lot size – 5 acres
- Width at front setback line – 200 feet
- Setbacks – 25 feet from front, side, and rear lot lines
- Maximum building height – 30 feet
- Maximum lot coverage – 25%

The proposed final plat is in compliance with the RR-5 (Residential Rural) zoning district. Individual site plans will need to be submitted for review for each proposed single-family dwelling in order to ensure compliance with the applicable dimensional standards.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County master plan. A finding of consistency with the Policy Plan was previously made by the Board of County Commissioners with approval of a map amendment (rezone) from A-5 (Agricultural) to RR-5 (Residential Rural) (Resolution No. 12-

253) and with approval of the Reserve at Corral Bluffs Preliminary Plan (PCD File No. SP-12-001). The proposed final plat application is consistent with the findings of the prior approvals.

4. Small Area Plan Analysis

The parcels are located within the Highway 94 Comprehensive Plan (2003). A finding of consistency with the Highway 94 Comprehensive Plan was previously made by the Board of County Commissioners with approval of a map amendment (rezone) from A-5 (Agricultural) to RR-5 (Residential Rural) (Resolution No. 12-253) and with approval of The Reserve at Corral Bluffs Preliminary Plan (PCD File No. SP-12-001). The proposed final plat application is consistent with the findings of the prior approvals.

5. Water Master Plan Analysis

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

***Goal 1.1** – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*

***Goal 1.2** – Integrate water and land use planning.*

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

***Policy 6.0.1** – Continue to require documentation of the adequacy or sufficiency of water, as appropriate, for proposed development.*

***Policy 6.0.10** – Encourage land use proposals to expressly declare water source(s), quality, quantity, and sustainability in terms of years and number of single-family equivalents.*

The property is located within Planning Region 4c of the Plan, which is an area anticipated to experience growth by 2040. The Region is identified as potentially having issues regarding long term sustainable draw from the Denver Basin aquifer. The Plan identifies the current demands for Region 4c to be 2,970 acre-feet per year (AFY) (Figure 5.1) with the projected need in 2040 at 3,967 AFY (Figure 5.2) and at build-out in 2060 at 4,826 AFY (Figure 5.3). Region 4c

currently has 2,970 AFY in supplies, which means by 2060 there is anticipated to be a deficiency of 1,799 AFY (Table 5-2).

Decreed water rights for the property allow up to 1.50 AFY (0.30 AFY per lot), plus irrigation of lawns and gardens at 0.76 AFY and watering of four (4) domestic animals on each lot at 0.23 AFY for a total of 0.5 AFY per lot or a total of 2.49 AFY for the five (5) lots. The applicant proposes to draw from the Denver and Arapahoe aquifers, which have a combined availability of 28.9 AFY for 300 years.

The applicant's water resources information was reviewed by El Paso County Planning and Community Development staff, El Paso County Public Health, and the County Attorney's Office. A conditional recommendation of sufficiency regarding water quantity and dependability was made by the County Attorney's Office on September 25, 2020. EPC Public Health made a finding of water quality on April 14, 2020.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high, moderate, and low wildlife impact potential. The El Paso County Community Services Department, Environmental Services Division; Colorado Parks and Wildlife; Colorado State Forest Service; and Federal Natural Resources Conservation Service were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies upland deposits and coal 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.

Please see the Parks section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

Please see the Transportation Section below for information regarding conformance with the 2016 Major Transportation Corridor Plan (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

A soils and geology report was prepared and reviewed with the final plat application. The report identified potential seasonal shallow groundwater as well

as areas of ponding water. These areas have been included within drainage easements and no-build areas as depicted on the final plat.

2. Wildlife

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

3. Floodplain

The development is not impacted by any designated 100-year flood plain (Zone X) as indicated by FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0780G, 08041C0563G and 08041C0564G, which has an effective date of December 7, 2018.

4. Drainage and Erosion

The property is located in the Curtis Ranch Drainage Basin (CHWS1000), which is an unstudied basin and has no applicable drainage or bridge fees.

Stormwater runoff generally drains to the north. Stormwater runoff is conveyed by natural drainage channels within the subdivision and continue to flow offsite. The lots within The Reserve at Corral Bluffs Filing No. 4 are excluded from permanent water quality per the Engineering Criteria Manual Appendix I Section I.7.1 since these are single-family residential lots greater than 2.5 acres and assumed to have a total lot impervious area of less than 10 percent. All the necessary drainage and erosion control measures were approved and will need to be constructed with the concurrently reviewed The Reserve at Coral Bluffs Filing No. 3.

The drainage letter concludes that “implementation and maintenance of proper drainage and erosion control measures will ensure that this development has no significant adverse drainage impact on downstream properties.”

5. Transportation

The El Paso County 2016 Major Transportation Corridors Plan Update does not depict roadway improvement projects in the immediate vicinity of the development.

The subdivision is accessed via Solberg Court, which will need to be constructed with the concurrently reviewed The Reserve at Coral Bluffs Filing No. 3. No infrastructure improvements are proposed with this subdivision.

Lots within the subdivision are subject to the El Paso County Road Impact Fee Program (Resolution 19-471). Fees for each lot shall be paid in full at the time of building permit issuance.

H. SERVICES

1. Water

Water will be provided by individual onsite wells.

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State Water Engineer's Office has made a recommendation regarding a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office recommends a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health has made a recommendation regarding a finding of sufficiency for water quality and has no outstanding comments.

2. Sanitation

Individual onsite wastewater treatment systems (OWTS) are proposed to serve the residential lots.

3. Emergency Services

The parcels are located within the Falcon Fire Protection District. The District was sent a referral and has no outstanding comments. The District is requiring installation of a 30,000-gallon cistern as a part of the public improvements for the concurrently reviewed Filing No. 3, to supply fire suppression for Filing No. 3 and all future filings, including Filing No. 4. Approval of Filing No. 4 is subject to approval of Filing No. 3 and is also, therefore, subject to installation of the cistern.

4. Utilities

Mountain View Electric Association will provide electrical service. The parcels are not located within the service area of a natural gas provider.

5. Metropolitan Districts

The parcels are not located within a metropolitan district.

6. Parks/Trails

The El Paso County Parks Master Plan (2013) does not depict any existing or planned parks or trails in vicinity of the parcels. Fees in lieu of park land dedication in the amount of \$2,335 for regional fees (Area 4) will be due at the time of recording the final plat.

7. Schools

Fees in lieu of school land dedication in the amount of \$1,200 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recording

I. APPLICABLE RESOLUTIONS

Approval Page 19
Disapproval Page 20

J. STATUS OF MAJOR ISSUES

There are no major issues at this time.

K. RECOMMENDED CONDITIONS AND NOTATIONS

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 (2019) staff recommends the following conditions and notations:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.

4. The applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
8. Park fees in lieu of land dedication for regional parks (Area 4) in the amount of \$2,335 and urban park (N/A) fees in the amount of \$0 shall be paid at the time of plat recordation.
9. Fees in lieu of school land dedication in the amount of \$1,200 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recording.
10. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
11. Approval of The Reserve at Corral Bluffs Filing No. 4 final plat is subject to approval of The Reserve at Corral Bluffs Filing No. 3 final plat. Therefore, the Reserve at Corral Bluffs Filing No. 4 final plat shall not be recorded prior to The Reserve at Corral Bluffs Filing No. 3 final plat.

NOTATIONS

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

2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with the Planning and Community Development Department Inspections staff and a Construction Permit is issued by the Department.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified fifteen (15) adjoining property owners on January 13, 2021, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map

Letter of Intent

Plat Drawing

State Engineer's Letter

County Attorney's Letter

El Paso County Public Health Recommendation Letter

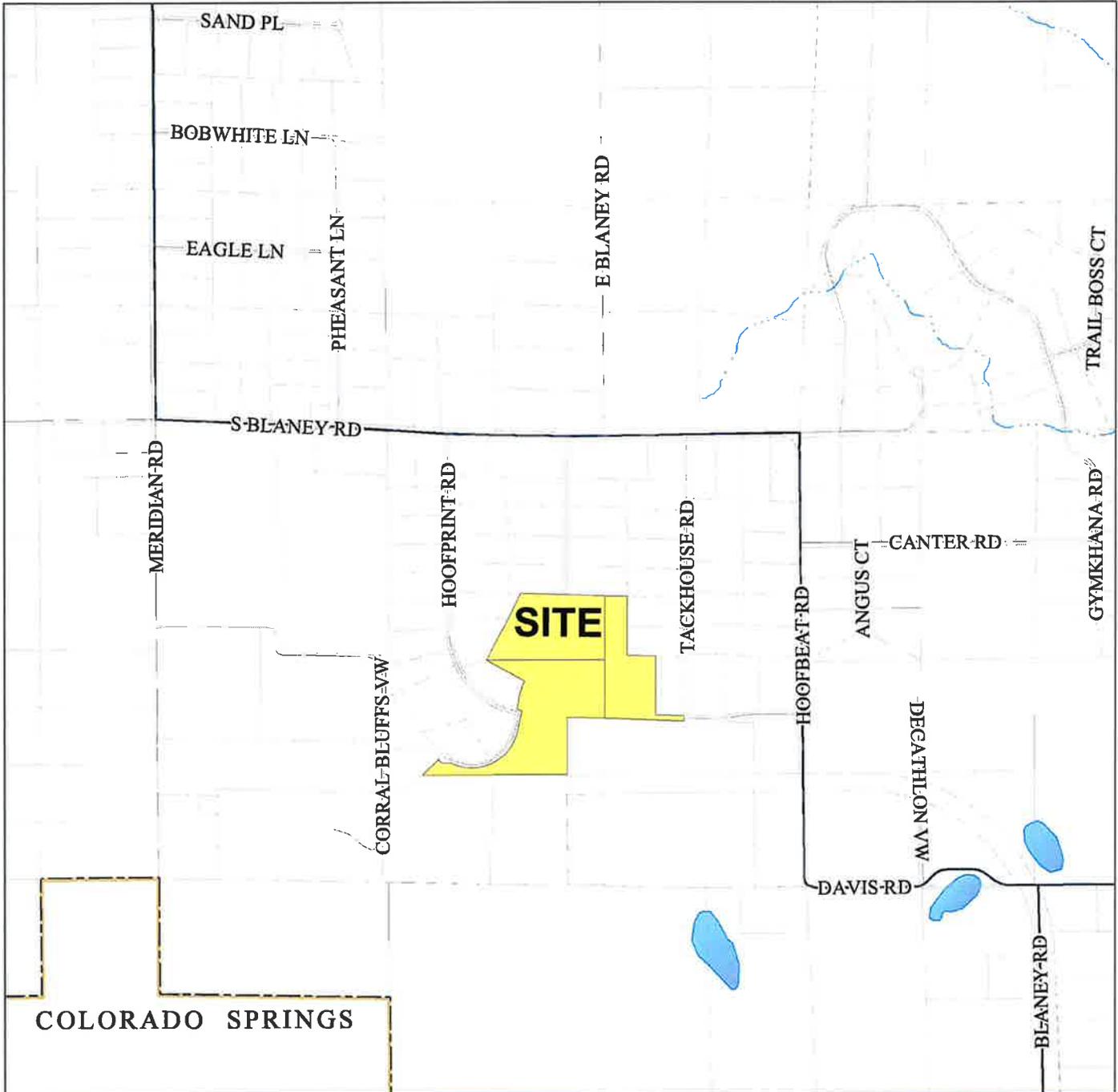
El Paso County Parcel Information

File Name: SF-20-007 and SF-20-008

PARCEL	NAME
4331000023	CORRAL RANCHES DEVELOPMENT CO
4332000016	CORRAL RANCHES DEV CO
4331000025	CORRAL RANCHES DEVELOPMENT CO

Zone Map No. --

Date: January 12, 2021



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



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LETTER OF INTENT

February 28, 2020
June 25, 2020

RE: THE RESERVE @ CORRAL BLUFFS FILING NO. 4, FINAL PLAT APPLICATION, EA19202

PARCEL NUMBERS: 4331000023, 4331000025, 4332000016

OWNER / DEVELOPER / APPLICANT

Corral Ranches Development Company
Howard J. Kunstle, President
1830 Coyote Point Dr.
Colorado Springs, CO. 80904-1000

CONSULTANTS

Land Resource Associates, c/o David Jones
9735 Mountain Road
Chipita Park, CO 80809
719.684.2298
chipita1@comcast.net

JPS Engineers, John Schwab, Principal Engineer
19 East Willamette Ave.
Colorado Springs, CO 80903
719.477.9429
john@jpsengr.com

LSC Transportation Consultants, Inc., Jeff Hodsdon, Principal Engineer
545 East Pikes Peak Ave., Suite 210
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LWA LAND SURVEYING, Inc., Kevin O'Leary Owner
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kevin@lwalandsurveying.com

ENTECH ENGINEERING, Inc., Kristen Andrew-Hoeser, P.G.
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jgoode@entechengineers.com

ERO RESOURCES CORP.
1842 Clarkson St.
Denver, CO. 80218
303.830.1188

SITE INFORMATION

The proposed Reserve @ Corral Bluffs subdivision Filing No. 3 is located within portions of the SW14 of the NE1/4 and the NW1/4 of the SW1/4 of Sec 32, T13S, R64W, 6th PM. More specifically, the property is located east of the existing Reserve at Corral Bluffs Filing No. 2 subdivision, north of the City of Colorado Springs' Corral Bluffs open space and north and west of the Waste Management land fill site. Vehicular access to the site is provided from the north and east via Hoofprint Rd., a 60' ROW gravel County Rural Residential roadway. The 26.00 acre site is currently zoned RR-5.

DEVELOPMENT REQUEST

The applicant is requesting a Final Plat approval for the Reserve @ Corral Bluffs subdivision Filing No. 4. Filing 4 is a replat of Tract A, Filing 3, of the Reserve @ Corral Bluffs subdivision. The 26.00 acre parcel will facilitate the development of 5 single family residential lots at a minimum lot size of 5.0 acres each.

JUSTIFICATION FOR REQUEST

The proposed final plat is consistent with both the approved Reserve @ Corral Bluffs Preliminary Plan and existing RR-5 zoning. The application is also consistent with the goals, objectives and recommendations of the governing comprehensive plan.

The proposed Reserve @ Corral Bluffs subdivision is located within and governed by the Highway 94 Comprehensive Plan. The proposed subdivision is located within the northwest corner of the North Central Subarea No. 2 boundaries. The Comprehensive Plan recommends future development within this area to be 5.0 acre minimum single family residential lots.

EXISTING AND PROPOSED IMPROVEMENTS

Existing improvements within this parcel are related to past agricultural activities: vehicular access trails and fencing.

Proposed improvements within this parcel include: County owned and maintained gravel roadways, drainage channels, electric service and telephone service. Grading and earthmoving activities will be limited to roadway, drainage and utility construction areas.

Water will be provided via individual on site wells operating under a State approve Water Replacement Plan. Waste water will be treated via individual on site septic systems. A home owners association will be formed to administer State required well water extraction reporting and property covenants and restrictions. No common areas will be provided to or maintained by the HOA.

The property is located within the service area of Mountain View Electric Association, Qwest Communications, Falcon Fire Protection District and the Falcon School District.

CRITERIA FOR APPROVAL

In approving a final plat, the BoCC/PCD Staff shall find that:

- *The proposed subdivision is in general conformance with the goals, objectives and policies of the Master Plan; The Reserve @ Corral Bluffs Preliminary Plan has been found by the BoCC/ PCD Staff to be generally consistent with the goals, objectives and policies of the Highway 94 Comprehensive Plan. As the Filing 4 Final Plat is consistent with the approved Preliminary Plan, Filing 4 can be found to be in general conformance with the Master Plan.*

- *The subdivision is in substantial conformance with the approved Preliminary Plan; The Filing No. 4 Final Plat accurately reflects the previously approved amended Preliminary Plan.*
- *The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents and other supporting materials; Compliance with subdivision design standards, regulations and requirements is documented and ensured through the various State and County departmental and agency review responses.*
- *A sufficient water supply has been acquired in terms of quantity, quality and dependability complying with all State and County water supply standards; Water will be provided via individual on site wells. See applicant submitted Water Resource Report, water quality testing and Water Replacement Plan. Also see County Health Department letter regarding water quality testing, the County Attorney's letter regarding the proposed water supply and the State Engineer's letter regarding the proposed water supply.*
- *A public sewage disposal system has been established complying with all State and County sewage disposal system standards; Waste water treatment will be provided via individual on-site septic systems. See Entech Engineering's On-site Wastewater Treatment Report.*
- *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. All areas containing soil hazards or requiring special precautions, including areas in excess of 30% slope, are located of the proposed building sites or roadways. See Entech Engineering's Soils, Geology and Geologic Hazards Report on file.*
- *Adequate drainage improvements complying with State law and the requirements of this Code and the ECM are provided by the design; See JPS Engineering's Drainage Report as approved by PCD staff.*
- *Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easements, acceptable to the County in compliance with this Code and the ECM; All proposed lots have direct physical and legal vehicular access onto proposed dedicated public right-of-ways. See approved Preliminary Plan and Final Plat.*
- *Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision; Police protection for the Reserve @ Corral Bluffs Filing No. 4 subdivision will be provided by the El Paso County Sheriff's Office. The subdivision is located within and will be serviced by the Falcon Fire Protection District (see service commitment letter). Electric service will be provided by Mountain View Electric Association (see utility service commitment letter). The public vehicular circulation network has been designed to provide safe and convenient vehicular circulation to and throughout the subdivision (see LSC's Traffic Impact Memorandum). Neighborhood recreational opportunities are provided via the individual 5.0 acre lot sizes. Regional recreational opportunities are provided by nearby County Regional Parks. Open space is provided by the nearby City of Colorado Springs Corral Bluffs Open Space.*
- *The subdivision provides evidence to show that the proposed methods of fire protection comply with Chapter 6 of the Land Development Code; Per Fire District regulations and County Code requirements, installation of a 30,000 gallon fire water cistern is included within Filing No. 3's public improvements. This cistern is sized and located to facilitate fire water protection needs of the entire Reserve @ Corral Bluffs community. The Corral Bluffs Property Owners Association has integrated wildfire hazards mitigation measures into their communities Covenants and Restrictions. In addition, the developer has provided a fire break system via the subdivision's*

roadway system (see Fire Protection Report, District Service Commitment Letter and District application review response).

- *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; Off-site impacts generated by the development of Filing No. 4 are primarily related to traffic impacts including off-site roadway and intersection capacities and improvements required to mitigate any identified capacity deficiencies (see LSC's Traffic Memorandum).*
- *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; Construction of all required Filing No. 4 public improvements will be the responsibility of the developer in accordance with County approved (1) construction documents and specifications, (2) estimate of guaranteed funds and (3) subdivision improvements agreement and guaranteed by a County approved letter of credit.*
- *The proposed subdivision meets other applicable sections of Chapter 6 and 8 of the Land Development Code; Chapter 6 of the LDC deals with general development standards while Chapter 8 deals with subdivision design, improvements and dedication standards. Compliance with these standards is documented and ensured through the various State and County departmental and agency review responses.*
- *The extraction of any know commercial mining deposit shall not be impeded by this subdivision; As documented within the Entech Engineering Soils, Geology and Geologic Hazards Report (on file), there are no know commercially viable mineral deposits within the subdivision.*

SUPPLEMENTAL INFORMATION

The developer proposes to pay fees in lieu of land dedication for school and park dedication requirements.

As Filing 4 is a replat of Tract A, Filing 3, there are no public improvements required or proposed for this Filing.

There are no slopes exceeding 30% within the proposed lot areas or road ROW.

All lots within this subdivision are subject to transportation impact fees in accordance with the El Paso County Road Impact Fee Program (Resolution No. 19-471), as amended, at the time of building permit application. The Road Impact Fees will be paid on a per lot basis by each individual residential building contractor at the time of building permit application. Lot purchasers will be notified of the fee requirement via plat notes which will in turn be included within future property title commitments.

No waivers to the El Paso County Land Development Code or deviations to the El Paso County Engineering Criteria Manual are proposed within this application.



DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES
John W. Hickenlooper
GovernorMike King
Executive DirectorDick Wolfe, P.E.
Director/State Engineer

June 4, 2013

Kari Parsons
DSDcomments@elpasoco.com

RE: Reserve at Corral Bluffs – Preliminary Plan; SP-12-001
 Reserve at Corral Bluffs – Filing 1, Final Plat; SF-13-006
 Sections 31 & 32, T13S, R64W, 6th P.M.
 Water Division 8, Water District 10

Dear Ms. Parsons:

This current March 9, 2013 submittal answers questions in our previous letter dated April 13, 2012 regarding which water rights are relied upon for on-lot wells, allowing this office to revise our opinion of the entire Preliminary Plan – SP-12-001. Your March 9, 2013 submittal is also for a final plat of the first filing within the Reserve at Corral Bluffs Preliminary Plan.

The March 12, 2012 Preliminary Plan submittal proposed to subdivide 186.38 acres into 31 residential lots comprised of 5+ acres. The March 9, 2013 submittal proposes the final plotting of 6 lots in Filing 1.

Water Supply Demand

According to the March 2012 submittal, the estimated water requirements are 0.50 acre-feet annually per lot, for in-house use in one single family dwelling, irrigation of 2,700 square feet of home lawn and garden, and the watering of four large domestic animals per lot. Water demand for 31 homes with 2,700 square-foot lawns and 4 horses each is calculated at 15.5 acre-feet per year according to the submitted Wm. Curtis Wells & Co. report dated November 28, 2011. This concurs with the submitted Water Supply Information Summary.

Source of Water Supply

The proposed source of water is individual on-lot wells producing from the non-tributary (4% replacement) Arapahoe and Denver aquifers that will operate pursuant to Determination of Water Right nos. 516-BD and 517-BD, respectively.

The allowed average annual amount of withdrawal provided for in Determination of Water Right no. 516-BD is 55.1 acre-feet from the Arapahoe aquifer and for Determination of Water Right no. 517-BD is 31.5 acre-feet from the Denver aquifer. The allowed use of ground water for each well under this plan is domestic, livestock watering, irrigation, commercial and replacement supply.

Office of the State Engineer

1313 Sherman Street, Suite 818 • Denver, CO 80203 • Phone: 303-866-3581 • Fax: 303-866-3589
www.water.state.co.us

The subdivision lies within the allowed place of use of Determination of Water Right nos. 516-BD and 517-BD, and the proposed uses are uses allowed by those Determinations.

According to the March 2013 submittal, in a letter dated April 9, 2013 from Land Resource Associates, Lots 1-21 will access either the Denver aquifer or the Arapahoe aquifer and Lots 22-31 will access only the Arapahoe aquifer.

The proposed source of water for this subdivision are bedrock aquifers 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 37-90-107(7)(a), C.R.S., "Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years." Based on this allocation approach, the annual amounts of water determined in 1940-BD are equal to one percent of the total amount, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

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

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

The State Engineer's Office does not have evidence regarding the length of time for which this source will "meet the average annual demand of the proposed subdivision." However, treating El Paso County's requirement as an allocation approach based on three hundred years, the allowed average annual amount of withdrawal of 55.1 acre-feet from the Arapahoe aquifer pursuant to 516-BD would be reduced to one third of that amount, or 18.4 acre-feet, and the allowed average annual amount of withdrawal of 31.5 acre-feet from the Denver aquifer pursuant to 517-BD would be reduced to one-third of that amount, or 10.5 acre-feet. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

The annual supply of 18.4 acre-feet from the Arapahoe aquifer is more than the annual demand of 15.5 acre-feet from the Arapahoe aquifer should all 31 lots utilize the Arapahoe aquifer. The annual supply of 10.5 acre-feet from the Denver aquifer would meet the annual demand of 10.5 acre-feet from the Denver aquifer should all of lots 1-21 utilize the Denver aquifer.

Applications for on lot well permits, submitted by an entity other than the current water right holder, must include evidence that the applicant has acquired the right to the portion of water being requested on the application.

State Engineer's Office Opinion

Based upon the above and pursuant to Sections 30-28-136(1)(h)(I) and 30-28-136(1)(h)(II), 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.

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

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

Our opinion is qualified by the following:

The Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the relevant determinations and well permits, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifer, are calculated based on estimated current aquifer conditions. For planning purposes the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 100 years (or 300 years) used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.

Should you have any questions, please contact Justina P. Mickelson of this office.

Sincerely,



Keith Vander Horst, P.E.
Designated Basins Team Leader

cc: Division 2 Division Engineer
District 10 Water Commissioner
Upper Black Squirrel Creek GWMD

KVH/JPM: ReserveatCorralBluffs_2013April.doc

September 25, 2020

SF-20-8 Reserve at Corral Bluffs Filing No. 4
 (Final Plat)

Reviewed by: Lori Seago, Senior Assistant County Attorney *LS 9/25/20*
 Edi Anderson, Paralegal, ACP

FINDINGS AND CONCLUSIONS:

1. This is a proposal by Corral Ranches Development Company for a Final Plat to permit development of 5 single family dwellings on 26 acres of land within the Reserve at Corral Bluffs subdivision. This request reflects the fourth of five filings within the Reserve at Corral Bluffs Preliminary Plan. The preliminary plan was previously approved to subdivide 186.38 acres of land into 31 single family lots plus an open space tract. The property is zoned RR-5 (Rural Residential).

2. The Applicant has provided for the source of water to derive from individual on-lot wells withdrawing from the not-nontributary Arapahoe and Denver aquifers pursuant to Determination of Water Right Nos. 516-BD (Arapahoe) and 517-BD (Denver). Applicant estimates its annual water needs to serve household use at 1.50 acre-feet/year (0.30 acre-feet per lot), plus irrigation of lawn and gardens at 0.76 acre-feet/year and watering of 4 large domestic animals on each lot at 0.23 acre-feet/year for a total of approximately 0.5 acre-feet per lot or a total of 2.49 acre-feet annually for the 5 lots. Based on Applicant's demand, Applicant must be able to provide a supply of 747 acre-feet of water (2.49 acre-feet/year x 300 years) to meet the County's 300-year water supply requirement.

3. The State Engineer's Office provided a letter in response to the proposal dated April 14, 2020. The letter referred to their previous correspondence dated June 4, 2013, in which they reviewed the Reserve at Corral Bluffs Preliminary Plan and the 6-lot Final Plat Filing 1. As noted in their earlier review, the State Engineer stated that the allowed average annual withdrawal under Determination of Water Right No. 516-BD

(Arapahoe aquifer) is 55.1 acre-feet and under Determination of Water Right No. 517-BD (Denver aquifer) is 31.5 acre-feet, for a combined annual total of 86.6 acre-feet for a period of 100 years. Applying the County's 300-year rule, the reduced annual withdrawals would be 18.4 acre-feet from the Arapahoe aquifer and 10.5 acre-feet from the Denver aquifer, for a combined annual total withdrawal for 300 years of 28.9 acre-feet, as detailed in the table below.

Aquifer	Determination No.	Total acre-feet available	Acre-Feet available (100 years)	Acre-Feet available (300 years)
Arapahoe (NNT)	No. 516-BD	5510	55.1	18.4
Denver (NNT)	No. 517-BD	3150	31.5	10.5
Total		8,660 A/F	86.6 A/F	28.9 A/F

The Applicant identified that Lots 1-21 will access either the Denver or Arapahoe aquifers and Lots 22-31 will access only the Arapahoe aquifer. Based on these designations, the Engineer further stated that the 18.4 acre-feet annual supply from the Arapahoe aquifer is more than the 15.5 acre-feet annual demand for all 31 lots in the preliminary plan if all 31 lots used the Arapahoe aquifer. The Engineer stated that the 10.5 acre-feet annual supply from the Denver aquifer would meet the annual demand should all of Lots 1-21 use the Denver aquifer. As noted in the State Engineer's letter dated April 14, 2020, the Applicant stated that Lots 1 – 5 of this Filing 4 correlate to lots 5 through 9 (the letter incorrectly identified lots 7, 8, 9, 11, and 12), of the preliminary plan. The State Engineer indicated its previous findings dated June 4, 2013 remain in effect and based on that letter and pursuant to C.R.S. § 30-28-136(1)(h)(I) and (II), "it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights."

4. Analysis: There is a previously committed amount of 9.0 acre-feet/year (2,700 acre-feet total) for 300 years for Filings 1, 2, and 3, of the Reserve at Corral Bluffs subdivision. The combined allowed average annual amount of withdrawal for the entire 31 lots of the preliminary plan is 28.9 acre-feet or 8,670 acre-feet total; therefore, there appears to be a sufficient water supply based on the combined aquifers. Based on the State Engineer's analysis, there is sufficient water for this Filing 4 to be served either by water from the Denver and Arapahoe aquifers or from the Arapahoe aquifer alone.¹

¹ Note: The Upper Black Squirrel Creek Ground Water Management District submitted comments to the Planning and Community Development Department dated April 10, 2020, stating that they did "not see on record that this subdivision has a replacement plan/augmentation plan on file with the State. We see that they have a determination of water right but no replacement plan." The County Attorney's Office notes the comments dated November 29, 2011, by Wm. Curtis Wells, CPG, that "[s]ince the property is more than one mile from the aquifer/alluvium contact,

5. The water quality requirements of Section 8.4.7.B.10 of the Land Development Code must be satisfied.

6. Therefore, based upon the State Engineer's finding that the proposed water supply is adequate and will not cause material injury, pursuant to Determination of Water Right Nos. 516-BD and 517-BD, and based on the requirements listed below, the County Attorney's Office recommends a finding of sufficiency as to quantity and dependability. The El Paso County Health Department shall provide an opinion as to water quality.

REQUIREMENTS:

- A. Applicant, their successors and assigns, shall create restrictive covenants upon and running with the property which shall advise and obligate future lot owner(s) of this filing and future filings, their successors and assigns, regarding all applicable requirements of the Colorado Ground Water Commission Determination of Water Right Nos. 516-BD and 517-BD, including the 4% replacement requirements to be met by returning to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal, as well as their obligations to comply with the Determinations and their responsibility for any metering and data collecting that may be required regarding water withdrawals from wells.
- B. Should Applicant, their successors and assigns, convey the Property, then at the time of each lot sale, they shall convey by warranty deed to individual lot owner(s) sufficient water rights in the appropriate aquifer (Denver or Arapahoe) pursuant to Determination of Water Right Nos. 516-BD and/or 517-BD underlying the property to satisfy El Paso County's 300 year water supply requirement: Denver or Arapahoe aquifer requirements for each lot are 150 acre-feet (0.5 acre-feet/lot/year x 300 years). Said conveyance instrument shall recite that this water shall not be separated from transfer of title to the property and shall be used exclusively for the primary supply and replacement requirements for the lot.
- C. Applicant shall submit Declaration of Covenants, Conditions, and Restrictions to the Planning and Community Development Department and the County Attorney's Office prior to recording the final plat. Said Declarations shall cross-reference Determination of Water Right Nos. 516-BD and 517-BD and the replacement requirements therein, shall recite the obligations of the individual lot owners, and shall reference the water conveyance requirements for each lot as described in paragraph B above.

no formal replacement plan is required, only that four percent of the water pumped is released to shallow sandy soils." The County Attorney's Office included the 4% replacement obligation in its requirements.

D. Applicant, their successors and assigns, shall record all applicable documents including, but not limited to, Determination of Water Right Nos. 516-BD and 517-BD, 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.

E. 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, which is based on an allocation approach. Applicants, the Homeowners Association (HOA), 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 indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers, and Applicants, their successors and assigns, including individual lot owners in the subdivision and the HOA may be required to acquire, develop, and incorporate alternative renewable water resources in a permanent water supply plan that provides future generations with a water supply."

CC. Ryan Howser, Project Manager



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Environmental Health Division

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The Reserve at Corral Bluffs, Filing No. 4, SF-20-8

Please accept the following comments from El Paso County Public Health for the 6 residential lot final plat.

- **The Mountain States ACCUTEST Laboratories Technical Report dated 22Jan2013 well water quality sample test results from both the Denver and Arapahoe aquifers were reviewed to determine water quality sufficiency. These two aquifers are proposed for use in Filing 4 of this development project. The results of the water quality tests did not indicate an exceedance of the parameters established in the Colorado Primary Drinking Water Regulations, which are required to be sampled; therefore, there is a finding for sufficiency in terms of water quality for this development project.**
- **Earthwork activities involved with project development that are 1 acre or greater in scope , but less than 25 acres, require a Construction Activity Permit from El Paso County Public Health. Applications for this permit can be found at: <https://www.elpasocountyhealth.org/service/air-quality/construction-activity-application>**
- **Comments for the proposed use of onsite wastewater treatment systems (OWTS) for wastewater service were based upon the review of the ENTECH Engineering, Inc., January 30, 2012 (and revised slightly in December, 2019), Soil, Geology, Geologic Hazard, and Wastewater Study Report, and an onsite field visit to the property by our Department on June 5, 2012. Lot sizes, and decent soil percolation test results, with the exception of a few, will support conventional OWTS installations, however, in some cases an engineered designed OWTS may be necessary. Ground water was not detected in any of the soils tests conducted on the site. As each lot is developed a soil test pit excavation is required in the area of the proposed OWTS soil treatment area. Soil test pit excavations have been required by EPCPH OWTS Regulations since 2017.**
- **Radon resistant construction building techniques/practices are encouraged in this area. The EPA has determined that Colorado, and specifically the El Paso County area, have higher radon levels than other areas of the country.**

Mike McCarthy, 719-575-8602
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14Apr2020