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PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Kylie Bagley, Senior Planner
Edward Schoenheit, Associate Engineer
Meggan Herington, AICP, Executive Director

RE: Project File Number: SF2325
Project Name: Rhetoric Subdivision
Parcel Number: 5300000743

OWNER:	REPRESENTATIVE:
Colorado Concrete Crushing LLC 20 Boulder Crescent Colorado Springs, CO 80903	N.E.S. Inc. 619 N Cascade Colorado Springs, CO 80903

Commissioner District: 2

Planning Commission Hearing Date:	9/19/2024
Board of County Commissioners Hearing Date:	10/10/2024

EXECUTIVE SUMMARY

A request by N.E.S. Inc., for approval of a 32.62-acre Final Plat creating two industrial lots. The property is zoned I-3 (Heavy Industrial) and is located one quarter mile southeast of the intersection of Vollmer Road and North Marksheffel Road and is directly southwest of the intersection of North Marksheffel Road and Sterling Ranch Road. A finding of water sufficiency with regards to quality, quantity, and dependability is requested with the Final Plat.

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OFFICE: (719) 520 – 6300



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A. AUTHORIZATION TO SIGN

Final Plat, Subdivision Improvements Agreement, Detention Pond Maintenance Agreement 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;

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- 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 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.]

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C. LOCATION

North:	RR-5 (Residential Rural)	Single-Family Residential
South:	I-3 (Heavy Industrial)	Outside Storage
East:	I-3 (Heavy Industrial)	Vacant Land
West:	I-3 (Heavy Industrial)	Outside Storage

D. BACKGROUND

The subject property is zoned I-3 (Heavy Industrial) and received a Temporary Use Permit (PCD File Number TU227) in 2022 for recycling concrete and asphalt to produce road base materials. The Temporary Use Permit has been most recently approved in 2024, while the applicants are going through the Final Plat and Site Development Plan process.

The Final Plat will create two industrial lots, one of which will be for the existing recycling facility. Once the Final Plat is recorded the Site Development Plan can be approved which will eliminate the need for the Temporary Use Permit.

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).

F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Employment Center

Employment Centers comprise land for industrial, office, business park, manufacturing, distribution, warehousing, and other similar business uses. The priority function of this placetype is to provide space for large-scale employers to establish and expand in El Paso County. They are typically located on or directly adjacent to Interstate 25 and/or other regional corridors to ensure business and employee access.

Proximity to other transportation hubs, such as Meadowlake Airport, and rail lines is also appropriate for an Employment Center. Uses in this placetype often require large swaths of land and opportunity to expand and grow to meet future needs and



demands. Transitional uses, buffering, and screening should be used to mitigate any potential negative impacts to nearby residential and rural areas. Some Employment Centers are located in Foreign Trade, Commercial Aeronautical, and Opportunity Zones to help incentivize development.

Recommended Land Uses:

Primary

- *Light Industrial/Business Park*
- *Heavy Industrial*
- *Office*

Supporting

- *Commercial Retail*
- *Commercial Service*
- *Restaurant*

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.

c. Key Area Influences: The property is not located within a key area.

d. Analysis

Due to the nature of the surrounding industrial uses, the development of an employment center isn't projected to have adverse impacts on the character of the area. Relevant goals and objectives are as follows:

Objective LU4-3: *Employment Centers should comprise land for industrial, office, business park, manufacturing, distribution, warehousing, and other similar business uses.*

Objective LU3-1: *Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.*



Objective HC2-6: *Continue to carefully analyze each development proposal for their location, compatibility with the natural environment, and cohesion with the existing character.*

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

Policy 1.1.1 – *Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.*

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

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 3 of the Plan. The following information pertains to water demands and supplies in Region 3 for central water providers:

The Plan identifies the current demand for Region 3 to be 4,494 acre-feet per year (AFY) (Figure 5.1) with a current supply of 7,164 AFY (Figure 5.2). The projected demand in 2040 for Region 3 is at 6,403 AFY (Figure 5.1) with a projected supply of 7,921 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region 3 is at 8,307 AFY (Figure 5.1) with a projected supply of 8,284 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 32 AFY is anticipated for Region 3.

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 low wildlife impact potential. El Paso County Environmental Services and Colorado Parks and Wildlife were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies eolian and upland deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

The Soils and Geology report provided with the application cited that there is seasonally high groundwater on Lots 1 and 2 on the proposed Final Plat. In order to mitigate the high groundwater, a plat note was added that states no basements should be allowed due to high groundwater.

2. Floodplain: The property is not located within a floodplain as determined by a review of the FEMA Flood Insurance Rate Map number 08041C0533G, effective December 7th, 2018. The property is in Zone "X" which is an area of minimal flood hazard determined to be outside the 500-yr flood zone.

3. Drainage and Erosion: The property is in the Sand Creek drainage basin (FOFO4000) which is included in the El Paso County Drainage Basin Fee program. Drainage basin and bridge fees in the amount of \$556,727.04 and \$227,712.48 respectively are due at plat recording. The site generally drains from north to southwest and into Sand Creek. A private detention pond has been proposed with the development. The drainage report prepared by JR Engineering concluded that the proposed development will not adversely affect surrounding or downstream properties with respect to stormwater runoff.

4. Transportation: The property is located along Marksheffel Road which is a City of Colorado Springs paved arterial road. The development will be served by a public non-residential collector roadway. The development is projected to generate



approximately 954 daily trips to the surrounding road network. The property is subject to the El Paso County Road Impact Fee program. Public Improvements consist of constructing the extension of Sterling Ranch Road southwest of Marksheffel and intersection improvements along Marksheffel Road in conjunction with the City of Colorado Springs.

H. SERVICES

1. Water

Water will be provided by the Falcon Area Water and Wastewater Authority. 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.

2. Sanitation

Wastewater is provided by the Falcon Area Water and Wastewater Authority.

3. Emergency Services

The property is within the Black Forest 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 has provided a commitment letter to serve the proposed Final Plat with electrical services. Colorado Springs Utilities has provided a commitment letter to serve the proposed Final Plat with natural gas services. The utility providers sent a referral and have no outstanding comments.

5. Metropolitan Districts

The subject property is not within a Metropolitan District.

6. Parks/Trails

Fees in lieu of park land dedication are not required for an industrial zoned Final Plat.

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7. Schools

Fees in lieu of school land dedication are not required for an industrial zoned Final Plat.

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

There are no outstanding major issues.

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 (as amended) 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 appropriate El Paso County staff.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the Final Plat.
8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the Final Plat is recorded.
9. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated October 25, 2023, as provided by the County Attorney's Office.

NOTATIONS

1. The following fees are required to be paid to El Paso County at the time of plat recordation:
 - a. Drainage Fees in the amount of \$556,837.03 and bridge fees in the amount of \$227,754.47 for the Sand Creek Drainage Basin.
 - b. Park fees in lieu of land dedication are not applicable for an industrial subdivision
 - c. Fees in lieu of school land dedication are not applicable for an industrial subdivision.
2. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.

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

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 15 adjoining property owners on September 9, 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

State Engineer's Letter

County Attorney's Letter

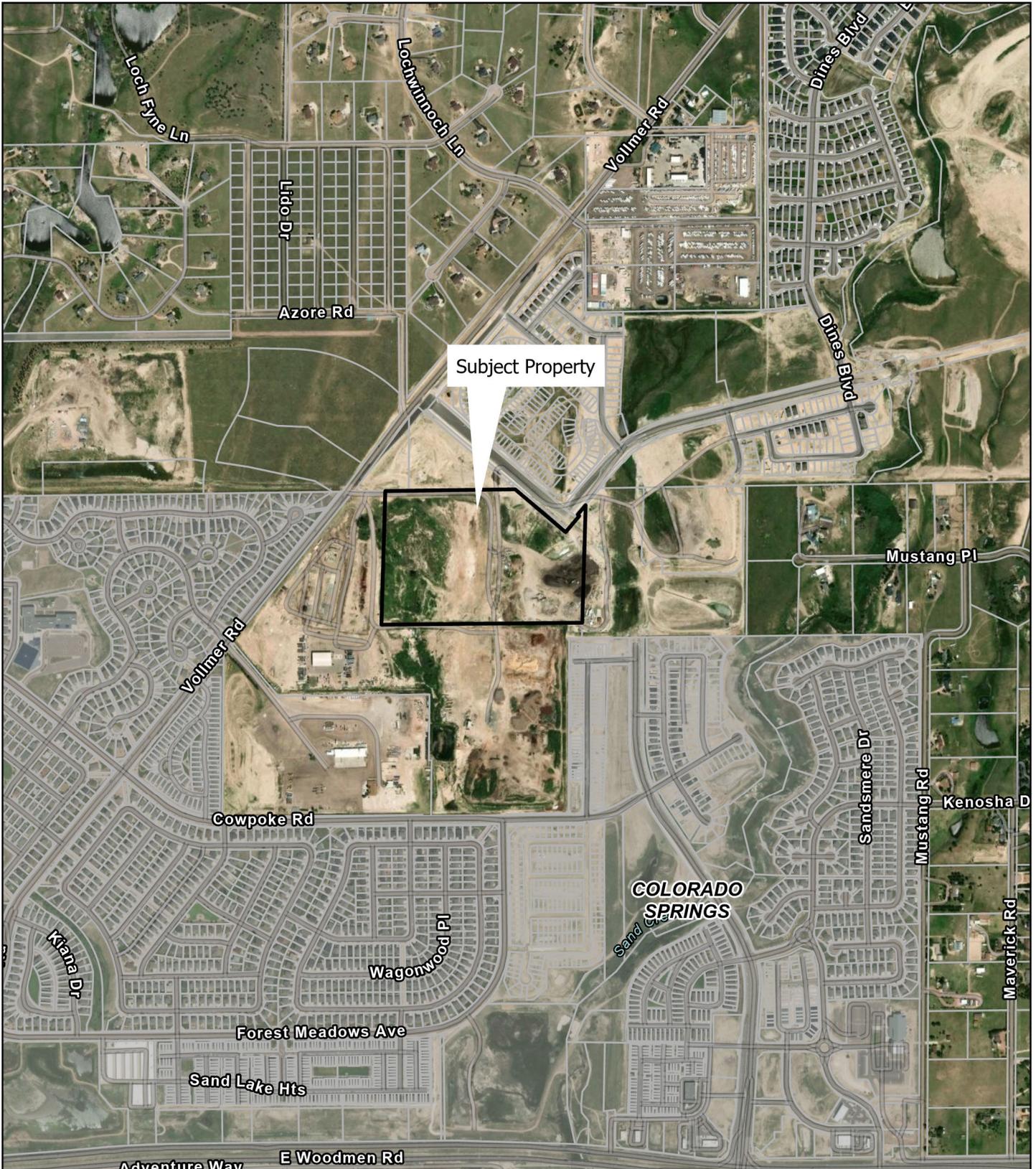
El Paso County Public Health Recommendation Letter

Draft Resolution

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Subject Property



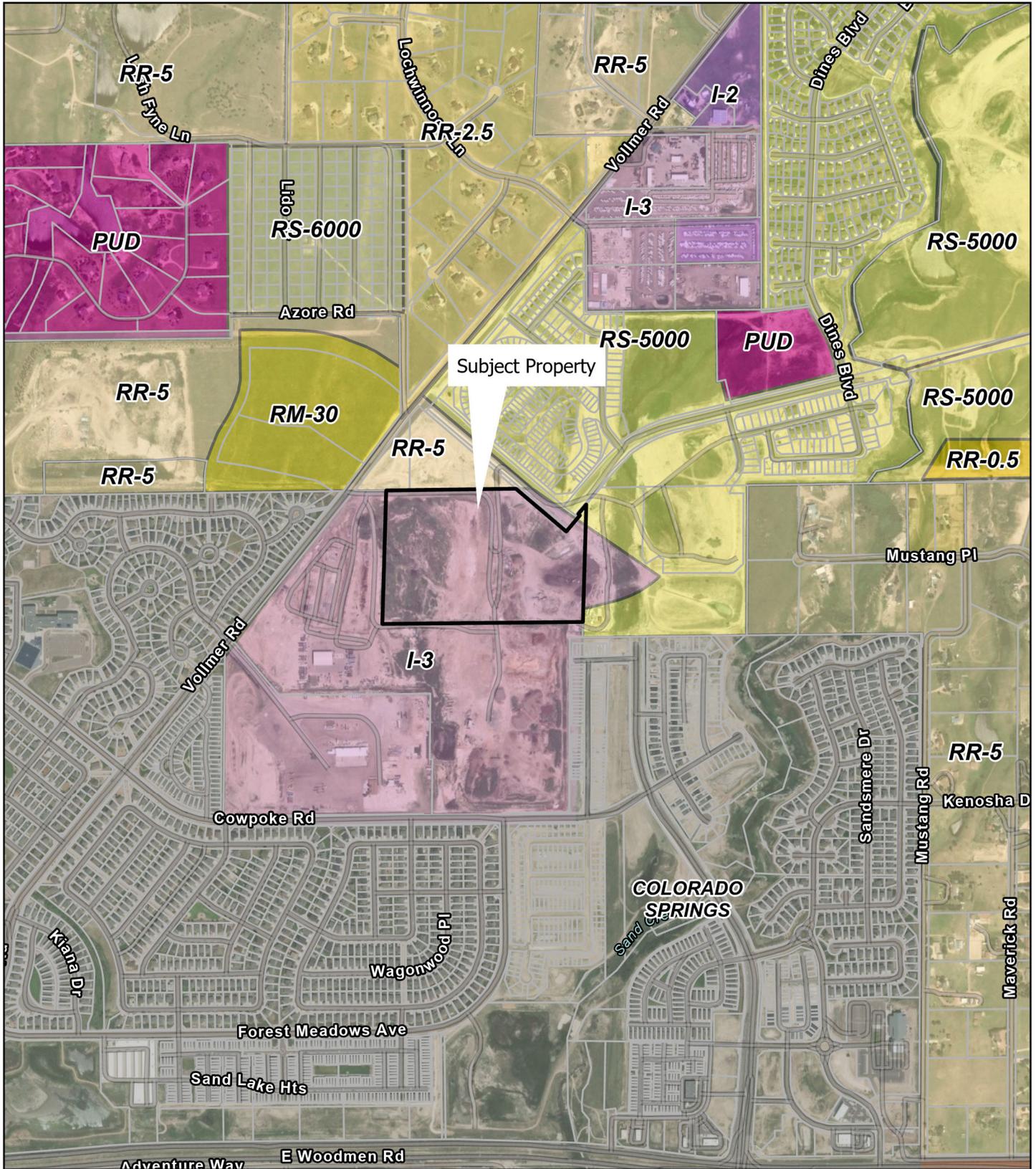
Aerial Map



0 0.1 0.1 0.2 Miles

File No.SF2325

Map Series No. 1



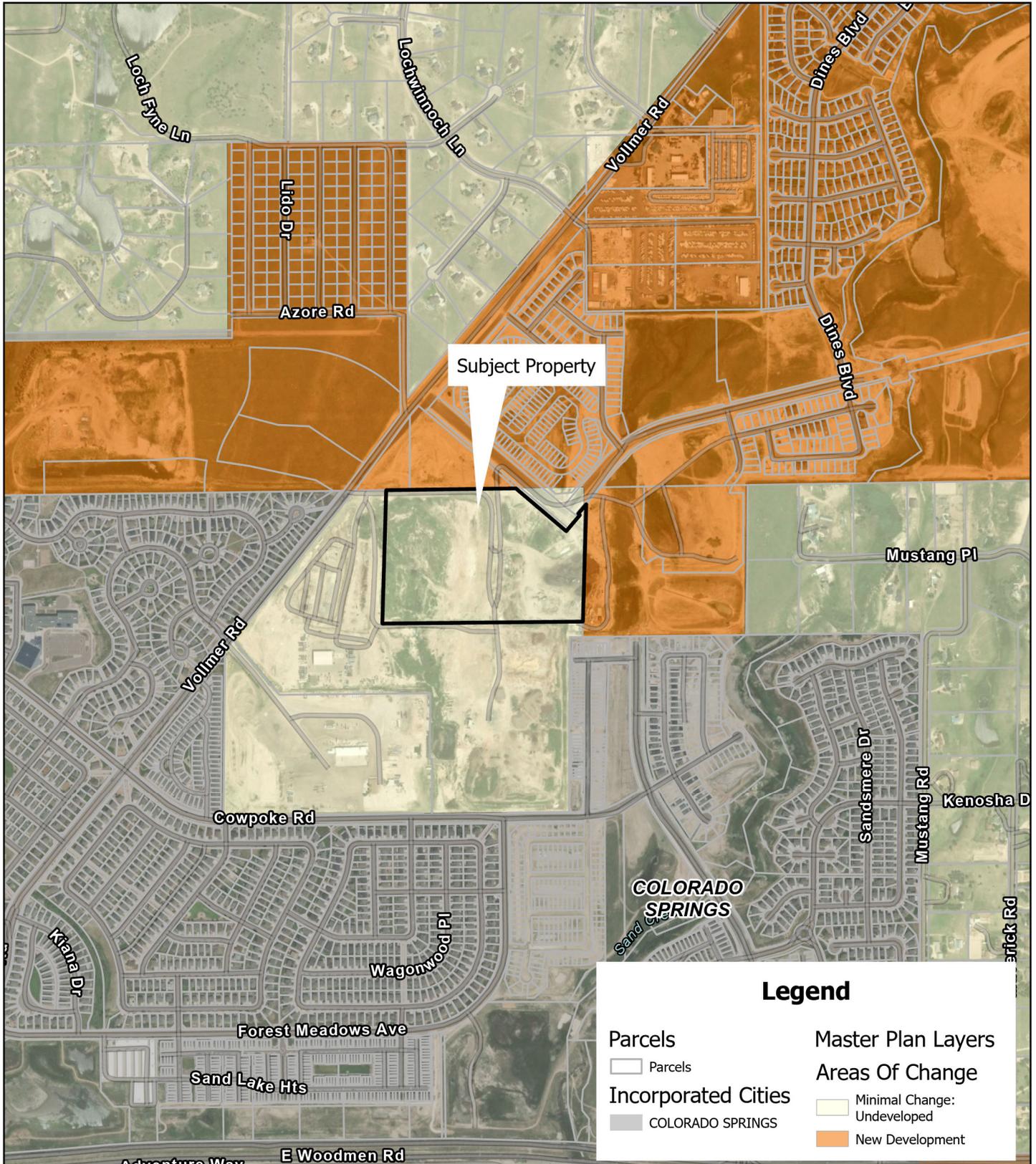
Zoning Map



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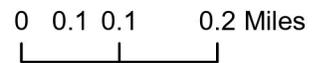
Map Series No. 2

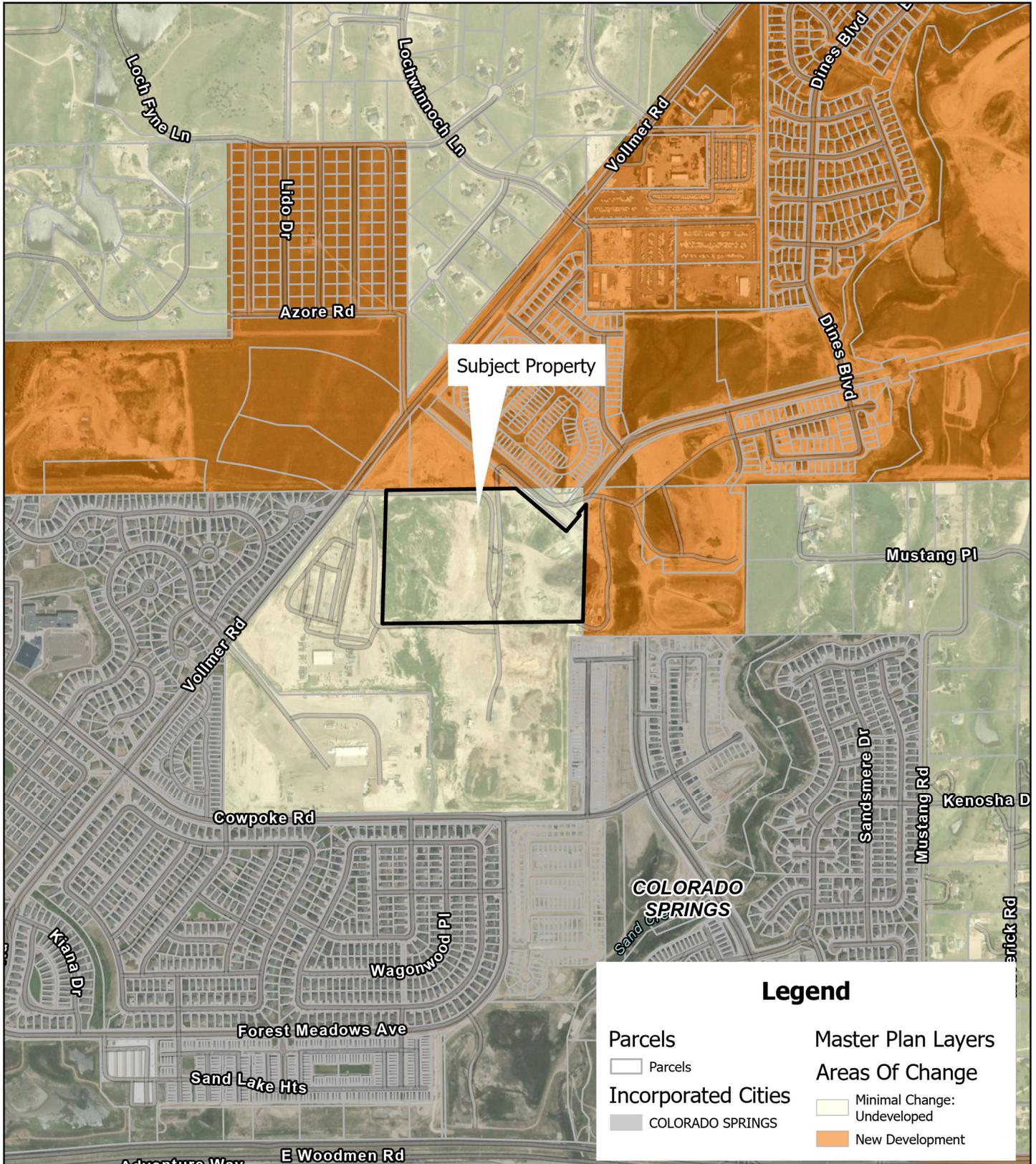


Placetype Map

File No.SF2325

Map Series No. 2





Legend

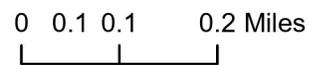
Parcels	Master Plan Layers
Parcels	Areas Of Change
Incorporated Cities	Minimal Change: Undeveloped
COLORADO SPRINGS	New Development



Areas of Change Map

File No.SF2325

Map Series No. 4



STERLING RECYCLING FACILITY SITE DEVELOPMENT PLAN & FINAL PLAT

LETTER OF INTENT

SEPTEMBER 2023, UPDATED 2024

OWNER:

RHETORIC LLC
20 BOULDER CRESCENT
COLORADO SPRINGS, CO 80903
719.964.0064

APPLICANT:

COLORADO CONCRETE CRUSHING LLC
20 BOULDER CRESCENT
COLORADO SPRINGS, CO 80903

CONSULTANT:

N.E.S. INC.
ANDREA BARLOW
619 N. CASCADE AVE. SUITE 200
COLORADO SPRINGS, CO 80903
719.471.0073
abarlow@nescolorado.com

SITE DETAILS:

TSN: 5300000743

ADDRESS: VOLLMER ROAD

ACREAGE: 32.4263ACRES (7.96 AC CRUSHING FACILITY)

CURRENT ZONING: I-3 CAD-O

CURRENT USE: VACANT LAND

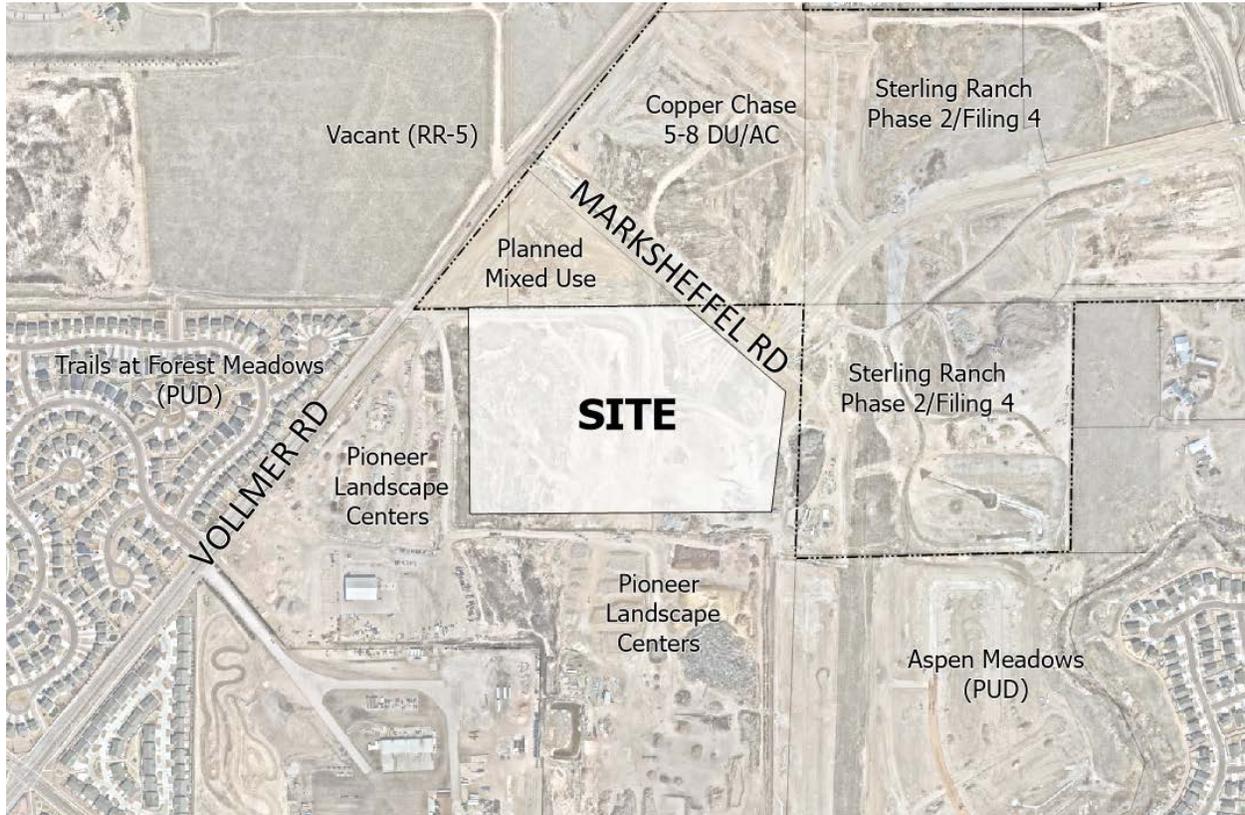
PCD FILE #: PPR2341 & SF2325

REQUEST

N.E.S. Inc. on behalf of Colorado Concrete Crushing LLC requests approval of a Site Development Plan and Final Plat for the Sterling Recycling facility on 7.96AC of the 32.4263AC site.

LOCATION

This site is located directly south of the overall Sterling Ranch master planned community, located southeast of the intersection of Vollmer Road and Marksheffel Road. To the north of this site is planned mixed use, and the Copper Chase PUD detached single family residential development. To the east is Sterling Ranch Phase 2, Filing 4. To the south and west is Pioneer Landscape Centers, zoned I-3. To the southeast of the site is Aspen Meadows, zoned PUD.



PROJECT DESCRIPTION & CONTEXT

The Final Plat proposes to subdivide the parcel into two lots, Lot 1 (6.5871 AC) and Lot 2 (24.0565 AC) and for 80' ROW dedication for Sterling Ranch Road.

The site is currently utilized for the crushing and recycling of concrete and asphalt, and wholesale of these items for reuse. Once crushed, this material is removed from the site and repurposed for clean road base and construction related uses. These operations are defined in the Land Development Code (LDC) 5.2.59.A.2.a as a recycling facility and wholesale. Crushing operations are contained within a 7.96AC area in the southwest corner of Lot 2.

The proposal includes the future 80' ROW dedication for Sterling Ranch Road. This ROW splits the parcel into Lot 1 (6.5871AC) and Lot 2 (24.0565AC). The 7.96 AC located in the southwest corner of Lot 2 is to be developed for the Sterling Ranch Crushing Facility. The remaining north 16.0965 AC of Lot 2 will remain undeveloped/undisturbed at this time, and will be subject to a separate Site Development Plan in the future. Both lots are accessed by partial construction of Sterling Ranch Road. A private drive

provides connection to the crushing facility. Lot 1 is located on the east side of 80' ROW dedication for Sterling Ranch Road. Lot 1 is intended for Mini Warehouse uses in the future and will be developed under a separate site development plan application.

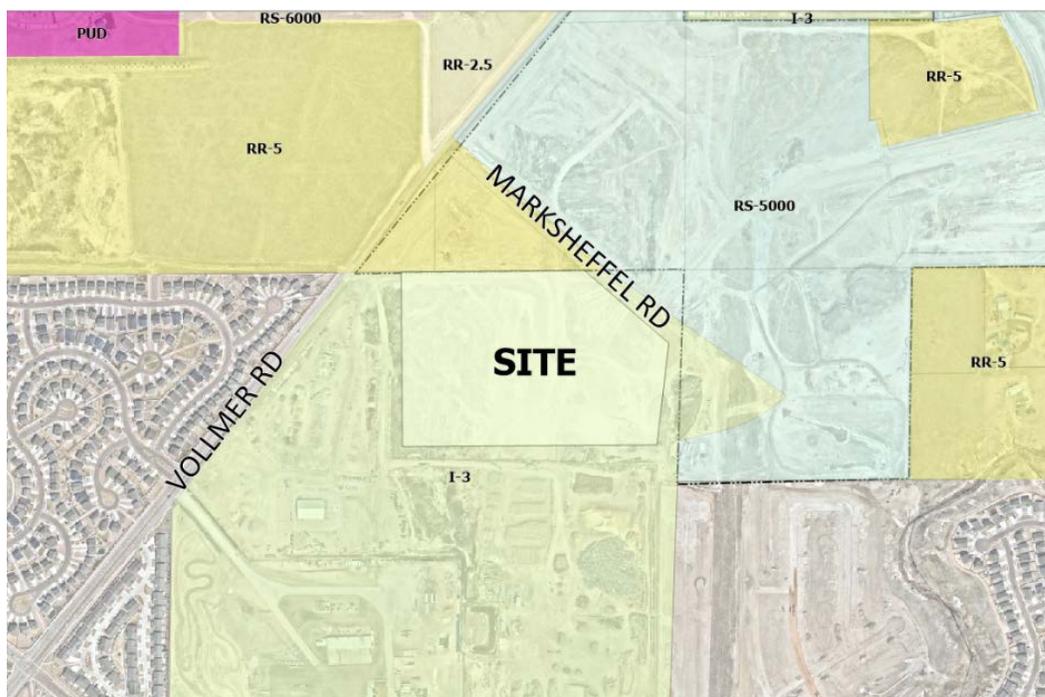
The submitted Site Development Plan is for the Recycling Facility proposal. Onsite operations are Monday-Friday 7:00 am to 5:30 pm, and one Saturday per month from 7:00 am-noon. Tandem trucks and semi-trucks owned by third parties transport concrete and asphalt material onsite to the mobile crusher. The mobile crusher then sorts rebar and crushed materials. Once sorted, materials are picked up and transported offsite for reuse. No materials are stockpiled onsite.

All trucks enter the site from Marksheffel Road and utilize a shared access road. The shared asphalt access road serves as partial construction for Sterling Ranch Road. An existing private milled asphalt drive then connects from Sterling Ranch Road, loops through the crushing operations and connects back to the interim construction of Sterling Ranch Road. Entry into the site is gated and a 6FT chain link fence surrounds the site. The gated entry is locked after hours to restrict access. No trucks are permitted on-site overnight.

Currently, the nearest facility providing the same services is Colorado Aggregate Recycling. This site is 19.5 miles from the proposed location.

ZONING

The site is zoned I-3. A recycling facility and wholesale are allowed uses in the I-3 zone. Standards for I-3 zoning include a maximum building height of 40', 30' building setbacks on all sides, and a maximum lot coverage of 25%. There are no proposed permanent structures. Facilities on the site include two mobile crushers, two screens, conveyors, two excavators, and one wheel loader. None of these facilities will be or are within the building setbacks.



A 25-foot landscape setback is also provided on Marksheffel Road. A 10' landscape setback is provided along Sterling Ranch Road. There is a 30' sanitary easement on the eastern site boundary within the 30' building setback and a 50' construction easement in the southeast corner of the site. An offsite drainage easement for the 3 AC detention basin will be provided.

COMPATIBILITY/TRANSITIONS

The Site Development Plan is compatible with the surrounding land uses. The industrially zoned Pioneer Landscape Center and an area designated for a tract and lift station surround the site to the south and east. The planned Marksheffel Road extension and the planned mixed-use development to the north provides a buffer and transition to the medium density residential development further north (Copper Chase). Lot 1 is located on the east side of 80' ROW dedication for Sterling Ranch Road. This site is intended for Mini Warehouse uses in the future. Development of Lot 1 will be under a separate land development application. This lower intensity use will provide a buffer between the Recycling Facility and the proposed residential on the north side of Marksheffel Road.

LANDSCAPE

Landscape is not proposed on the crushing facility site. Landscape setbacks are provided as noted above, and a full landscape plan will be provided with future development phases, which will be subject to separate Site Development Plan review.

TRAFFIC

Access to the site is provided at Marksheffel and Sterling Ranch Road intersection. The crushing facility is accessed by partial construction of Sterling Ranch Road which terminates in a temporary cul-de-sac. Access into the facility is gated, with operations occurring 7:00am-5:30pm Monday-Friday and one Saturday per month from 7:00am-noon.

The following is a summary of the findings and recommendations from the Traffic Impact Study prepared by LSC Traffic Consultants for the proposed development:

- The proposed recycling operation is projected to generate about 61 new external vehicle trips on an average weekday, with about half entering and half exiting the site during a 24-hour period. The number of truck loads per day varies throughout the year based on construction activity in the Colorado Springs metropolitan area with the heaviest occurring from June to September. The applicant has noted a slowdown in demand from recycled materials product due to rising interest rates and reduced housing starts. The applicant anticipates that the summer 2022 traffic likely represent peak demand and resulting production with low probability/potential for future increased in production and associated truck traffic in the foreseeable future.
- The crushing facility is currently operating on the site (and currently using the Vollmer access). Truck activity on the site varies based on daily demand and overall construction activity in the Colorado Springs Metropolitan area. Based on current economic conditions it is not anticipated that activity will increase significantly from the activity levels in 2022 in the foreseeable future.

- A northwest-bound left-turn lane on Marksheffel Road approaching Sterling Ranch Road should be included with the design plans for Marksheffel Road currently under review by the City of Colorado Springs. This lane should be designed per the requirements for the Rhetoric site.

WATER

A Water Resources Report prepared by JDS Hydro/RESPEC is included with this submittal. The report indicates that the Rhetoric Subdivision is within Sterling Ranch Metropolitan District which is to be provided central water services through the Falcon Area Water and Wastewater Authority (FAWWA).

The Rhetoric Subdivision includes 2 lots of commercial/industrial land that have extremely low water needs. Lot 1 is proposed as a small mini warehouse, which traditionally include one limited living area and have some minimal irrigation requirements for landscaping. A single $\frac{3}{4}$ inch domestic tap and a 1-inch irrigation tap are expected for less than 0.25 acres of active irrigation. Lot 2 is 24.0565 acres, of which 7.96 acres is proposed for asphalt and concrete storage, with the rest remaining undistributed native vegetation. No permanent buildings or new landscaping requiring irrigation are shown on the plan. However, it is expected that the equivalent of a 1-inch tap will be necessary for dust suppression. This is the entirety of expected water needs for the site. The resulting annual water demand is 1.51 acre-feet.

The total 300-year water supply for FAWWA totals 1930.03 annual acre-feet. Active water commitments total 959.35 acre-feet including all subdivisions committed through September 15, 2023. This leaves a net excess of currently available 300-year water supply of 970.68 AF. Accordingly, there is more than sufficient water supply to meet the needs of Rhetoric Subdivision on the 300-year basis.

WASTEWATER

A Wastewater Resources Report prepared by JDS Hydro/RESPEC is included with this submittal. The report indicates that the Rhetoric Subdivision is within the Sterling Ranch Metropolitan District which is part of the FAWWA service area. Interim wastewater service are to be provided by Colorado Springs Utilities per an Interim Service Agreement. FAWWA has a perpetual contract with Meridian Service Metropolitan District (MSMD) for the provision of wastewater treatment. Including all subdivisions submitted before September 2023, the current committed capacity is 48.11% of FAWWA contractual capacity. There is no wastewater service planned for the Rhetoric Crushing Facility as no permanent structures are planned. A single SFE is assumed for the future mini warehouse use on Lot 1, which is well within available capacity.

All developed areas within the Rhetoric subdivision will gravity flow to the southern portion of Sterling Ranch, which is also the main collection point for the rest of Sterling Ranch. The Sterling Ranch Metropolitan District is completing the lift station and force main construction to serve the area, which will ultimately intercept the MSMD system and delivered to the Cherokee Metropolitan District treatment facility.

OTHER UTILITIES

The site is within the service areas of Mountain View Electric Association, Inc. for electric supply, and within the Colorado Springs Utilities service area for natural gas supply. Will serve letters are included with the submittal.

DRAINAGE

The proposed Sterling Ranch Recycling Facility drainage improvements were designed to meet or exceed the El Paso County Drainage Criteria. The proposed development will not adversely affect the off-site drainage ways or surrounding development. A final drainage report was prepared by JR Engineering and has been included with this submittal. A drainage pond is planned in the southeast portion of the site. The pond will be owned and maintained by the Sterling Ranch Metro District due to the pond extending across the property line into their territory.

FLOODPLAIN

The site is located in Zone X of FEMA FIRM map number 08041C0533G, dated December 7, 2018. Zone X is defined as an area determined to be outside the 0.2% annual change floodplain.

GEOLOGIC HAZARDS

The soils and geology report prepared by Entech Engineering in August of 2023, found the site to be suitable for the proposed development. Areas were encountered where the geologic conditions will impose some constraints on development and land use. These areas include areas of artificial fill, potentially expansive soils, potential seasonally shallow groundwater areas and ponded water. Based on the report these constraints will have some impact on the development. Development can be achieved if the observed geologic conditions on site are either avoided or properly mitigated. Investigation on each lot is recommended prior to construction.

PROJECT JUSTIFICATION

FINAL PLAT

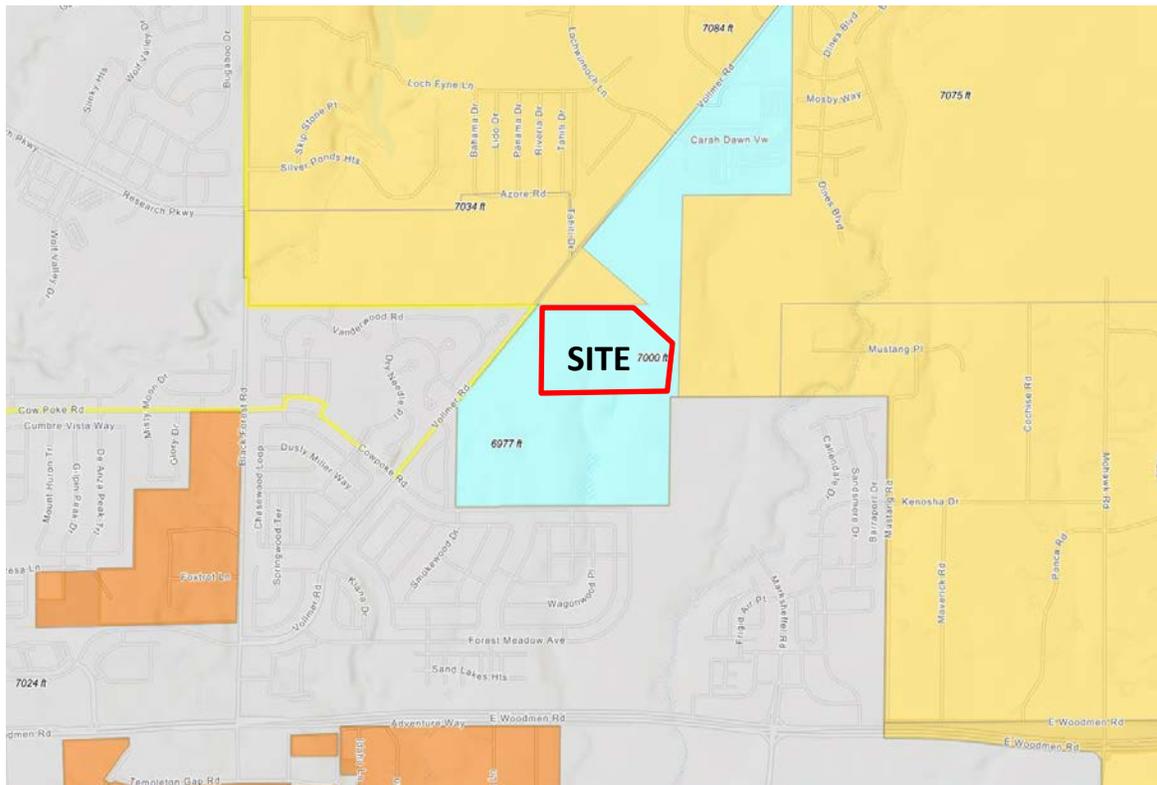
The Rhetoric Subdivision is consistent with the Final Plat approval criteria set forth in Chapter 7.2.1.D.3.f

1. THE PROPOSED SUBDIVISION IS IN CONFORMANCE WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE MASTER PLAN

Your El Paso Master Plan

The project site is denoted as an Employment Center placetype in the County Master Plan. The primary function of this placetype is to provide spaces for large-scale employers to establish and expand in El Paso County. They are typically located next to regional corridors to ensure business and employee access. Uses in this placetype often require large swaths of land and opportunity to expand and grow to meet future needs and demands. Transitional uses, buffering, and screening

should be used to mitigate any potential negative impacts to nearby residential and rural areas. Primary land uses include Light Industrial/Business Park, Heavy Industrial and office. The proposed



concrete and asphalt recycling facility is consistent with the primary land uses of the Employment Center placetype land uses and characteristics as it is located next to a regional transportation corridor and transitional uses are proposed adjacent to mitigate potential negative impacts to nearby residential areas.

In the Areas of Change chapter of the County Master Plan, the parcel is identified as “Minimal Change Undeveloped” area. These areas are often defined by a lack of development and presence of significant natural areas. These areas are anticipated to experience some redevelopment of select underutilized or vacant sites adjacent to built-out areas, but such redevelopment will be limited in scale so as to not alter the essential character. The recycling facility at this location is consistent with the character of the surrounding area which is primarily industrial and proposed commercial. The recycling facility will support new development on a vacant site adjacent to existing and proposed built-out areas in the Sterling Ranch Community and an industrial site to the south.

Core Principal 1, Land Use and Development, seeks to “manage growth to ensure a variety of compatible land uses that preserve all character areas of the county,” and Goal 1.1 seeks to, “ensure compatibility with established character and infrastructure capacity.” The recycling facility is compatible with the adjacent I-3 zones and industrial uses in the area. Approximately 16 AC of Lot 2, north of the crushing facility is to remain undisturbed by this use and will serve to buffer the proposed recycling use to the proposed residential uses north of Marksheffel Road.

Water Master Plan

The Rhetoric Subdivision is within Region 3 of the Water Master Plan. Region 3 contains four growth areas west of Falcon projected to be completed by 2040. Sterling Ranch Metropolitan District (now FAWWA) is identified as a water provided for this region.

Relevant polices in the Water Master Plan include:

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

Goal 6.0 – Require adequate water availability for proposed development.

Policy 6.0.8 – Encourage development patterns and higher density, mixed use developments in appropriate locations that propose to incorporate meaningful water conservation measures.

Policy 6.0.11– Continue to limit urban level development to those areas served by centralized utilities.

The Falcon Area Water and Wastewater Authority (FAWWA is expected to serve 3,710 single-family equivalent (SFE) homes in the year 2040 requiring 1,310 annual acre-feet. In the year 2060 the system is expected to serve 7,310 single-family equivalent homes requiring 2,580-acre feet per year.

In order to meet future demands, contractual arrangements have been made to obtain additional legal and physical supply including contracts with McCune Water SR Water LLC and the Bar X Water. In addition to adding off-site sources, additional priority is to acquire and invest in additional renewable water supplies. Future supply has been contracted for and implementation is under way.

FAWWA’s main supply source is centralized at a point that both Cherokee Metropolitan District and Woodmen Hills Metropolitan District have adjacent major storage and delivery facilities. It is possible that future agreements could be made.

The anticipated water demand of the Rhetoric Subdivision is extremely low as the proposed uses have minimal water or irrigation needs. FAWWA has more than sufficient water supply to meet the needs of Rhetoric Subdivision on the 300-year basis. The proposed Rhetoric Subdivision is, therefore, in compliance with the above policies of the Water Master Plan as the water supply is to be provided by a centralized utility, that utility has more than adequate water in terms of quantity, dependability and quality to serve the proposed development, and the low water use meets water conservation objectives.

El Paso County Major Transportation Corridor Plan (MTCP)

The MTCP identifies Vollmer Road adjacent to this site being improved from a 2-lane rural road to a 4-lane urban minor arterial with a 100-foot right of way by 2040. Marksheffel Road is identified as a 4-lane principal arterial on the EPC MTCP. The City of Colorado Springs intends to take ownership and maintenance of Marksheffel Road when it is constructed from Vollmer to the southeast corner of Sterling Ranch. This section of Marksheffel Road is currently under construction and it is anticipated that it will be completed by the end of 2023.

El Paso County Parks Master Plan

The County Parks Master Plan anticipates a bike route on Vollmer Road to provide a regional connection between the County and City. The Sterling Ranch development is currently working on improvements to Vollmer Road adjacent to the subject site, which will include a three-lane cross section (two southbound travel lanes and one northbound travel lane) with a striped bicycle lane in the southbound direction.

2. THE SUBDIVISION IS IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED PRELIMINARY PLAN

A site development plan for Lot 2 is under concurrent review. Development of Lot 1 will be under a separate site development plan. The final plat is in substantial conformance with the proposed uses and development of Lot 1 and 2.

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, ANALYSIS, STUDIES, REPORTS, PLANS, DESIGNS, DOCUMENTS, AND OTHER SUPPORTING MATERIALS;

The proposed subdivision is consistent with the subdivision design standards. There is no request for a waiver of any Land Development Code standard or deviation from the Engineering Criteria Manual.

4. EITHER 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, OR, WITH RESPECT TO APPLICATIONS FOR ADMINISTRATIVE FINAL PLAT APPROVAL, SUCH FINDING WAS PREVIOUSLY MADE BY THE BOCC AT THE TIME OF PRELIMINARY PLAN APPROVAL;

A Water Resources Report prepared by JDS Hydro/RESPEC is included with this submittal. The report indicates that the Rhetoric Subdivision is within Sterling Ranch Metropolitan District which is to be provided central water services through the Falcon Area Water and Wastewater Authority (FAWWA). The Rhetoric Subdivision includes 2 lots of commercial/industrial land that have extremely low water needs, equivalent to an annual water demand of 1.51 acre-feet. The total 300-year water supply for FAWWA totals 1930.03 annual acre-feet. Active water commitments total 959.35 acre-feet including all subdivisions committed through September 15, 2023. This leaves a net excess of currently available 300-year water supply of 970.68 AF, which is more than sufficient water supply to meet the needs of Rhetoric Subdivision on the 300-year basis.

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;

A Wastewater Resources Report prepared by JDS Hydro/RESPEC is included with this submittal. The report indicates that the Rhetoric Subdivision is within the Sterling Ranch Metropolitan District

which is part of the FAWWA service area. Including all subdivisions submitted before September 2023, the current committed capacity is 48.11% of FAWWA contractual capacity. There is no wastewater service planned for the Rhetoric Crushing Facility as no permanent structures are planned. A single SFE is assumed for the future mini warehouse use on Lot 1, which is well within available capacity.

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)];

The soils and geohazard report created by Entech Engineering in August of 2023 encountered some areas of geologic constraint. These areas include areas of artificial fill, potentially expansive soils, potential seasonally shallow groundwater areas, and ponded water. Development of the site can be achieved if the observed geologic conditions on site are either avoided or properly mitigated.

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 Sterling Ranch Recycling Facility drainage improvements were designed to meet or exceed the El Paso County Drainage Criteria. The proposed development will not adversely affect the off-site drainage ways or surrounding development. A final drainage report was created by JR Engineering in August of 2023 and has been included with this submittal.

8. LEGAL AND PHYSICAL ACCESS IS PROVIDED TO ALL PARCELS BY PUBLIC RIGHTS-OF-WAY OR RECORDED EASEMENT, ACCEPTABLE TO THE COUNTY IN COMPLIANCE WITH THIS CODE AND THE ECM;

Partial construction of Sterling Ranch Road provides access to both Lot 1 and Lot 2. The extension of Sterling Ranch Road will be provided with the development to the south. A temporary turnaround is provided at the end of Sterling Ranch Road. 80' of ROW for Sterling Ranch Road is dedicated on the Final Plat.

9. NECESSARY SERVICES, INCLUDING POLICE AND FIRE PROTECTION, RECREATION, UTILITIES, AND TRANSPORTATION SYSTEMS, ARE OR WILL BE MADE AVAILABLE TO SERVE THE PROPOSED SUBDIVISION;

A traffic study and commitments for fire, electricity, natural gas, water and wastewater have been provided. Adequate access is provided to both lots from the extension of Sterling Ranch Road. The Final Plat dedicates 80' of ROW for the future extension of Sterling Ranch Road. At full build out, Vollmer Road includes a bike lane which will provide connection to trails within nearby Sterling Ranch and regional trails within El Paso County.

10. THE FINAL PLANS PROVIDE EVIDENCE TO SHOW THAT THE PROPOSED METHODS FOR FIRE PROTECTION COMPLY WITH CHAPTER 6 OF THIS CODE;

A will serve letter from Black Forest Fire and fire protection report has been included with this submittal.

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;

Public improvements proposed with this subdivision are adequate to serve the needs of the proposed development. An offsite easement for a 1.85AC detention pond is shown. The 3AC full spectrum detention basin will serve both Lot 1 and Lot 2.

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;

An SIA is included with the Final Plat submittal.

13. THE SUBDIVISION MEETS OTHER APPLICABLE SECTIONS OF CHAPTER 6 AND 8;

The Subdivision meets all other applicable Sections of Chapter 6 and 8 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.];

There are no known commercial mining operations or deposits on this site.

SITE DEVELOPMENT PLAN

The Rhetoric Recycling Facility meets the Standards of Review and Findings for Waste Disposal, Hazardous Waste, and Recycling Facilities (Section 5.2.59.E3) as follows:

The BoCC shall make its decision to approve or disapprove the proposed facility, and shall make specific findings, based on the following standards. The following standards shall apply to all requests for Waste Disposal and Recycling Facilities not requiring a Certificate of Designation:

(a) Exemptions:

The activities on this site do not qualify for any exceptions.

(b) Receive only Household, Commercial and Industrial Solid Wastes:

The site receives and processes large broken pieces of concrete and asphalt. No material processed on site is classified as hazardous waste as defined by Federal Regulation.

(c) No Radioactive Materials

No material processed on site is classified as hazardous waste and/or radioactive as defined by Federal Regulations. No hazardous, radioactive or explosive wastes will be accepted. The onsite

employees will be trained and instructed to turn away any material that is not composed entirely of asphalt or concrete.

(d) Materials Recover Facilities to Comply with Regulations

All operations plan for the site ensures compliance with health laws, standards, rules and regulations of the CDPHE, Air Quality Control Commission and Water Quality Control Commission.

No hazardous, radioactive or explosive waste will be accepted. The onsite employees will be trained and instructed to turn away any material that is not composed entirely of asphalt or concrete. Each load will be inspected prior to dumping and then inspected after dumping to determine if the load is acceptable. If the load is not unacceptable it will be returned to the delivery truck and sent to the nearest facility that can accept the material.

The crushers include built-in dust mitigation systems that control dust during processing. A water truck will be available at the site and will be used as necessary to water the roads and working areas. All trucks leaving the site will be advised to cover their loads. Annual material processing quantities will be within the limits of its State of Colorado air emission approval as may be amended from time to time.

No groundwater monitoring is planned because all materials processed are classified as inert.

(e) Comply with State Design Criteria and Operations

The operations plan for the facility outlines compliance with State Design Criteria and Operations, including air emissions, reporting of hazardous materials to Federal, State and Local agencies and sediment control. Please see above and operations plan for further information.

(f) Issues to be Addressed by Operational Plan

The operations plan outlines all solid waste to be placed in the onsite dumpster. Which will be picked up by a commercial hauler on a regular schedule for disposal at a solid waste disposal facility designed for garbage. All employees onsite will be trained in the operation and cleaning of the facility. Designated employee parking is provided onsite. Material trucks will circle into the site and either dump their load or pick up loose material. There is no material truck parking onsite. The facility consists of two mobile impact crushers, two screens, conveyors, two excavators, and one wheel loader. All equipment is located outside.

(g) Solid Waste Structure Location

Areas of crushed asphalt and crushed concrete are designated on the site plan. Both piles are located outside of the building setback and alternative landscape plan is proposed to retain existing vegetation.

(h) Fencing Required

A 6FT chain link fence is planned around the entire perimeter of the proposed Recycling Facility. A locked gated entrance is off entrance driveway will control access to the site and provide additional security.

(i) Minimum Site and Facility Standards

The crushers include built-in dust mitigation systems that control dust during processing. It is expected that the equivalent of a 1-inch tap will be necessary for dust suppression and a water truck will be available at the site and will be used as necessary to water the roads and working areas. Annual material processing quantities will be within the limits of its State of Colorado air emission approval as may be amended from time to time.

(j) Recycling Plan

The recycling plan is outlined in the operations plan. The facility is designed for dump trucks to bring in large broken piles of asphalt and concrete. Materials will be crushed and separated into crushed piles, rebar will be placed in a separate container. The crushed materials are sold and picked up by material trucks for off-site use.

(k) Reporting

Customers will be issued yard tickets for processed material and invoiced on site. All records will be kept at Baseland Crushing's offices located at 20 Boulder Crescent, Suite 100, Colorado Springs, CO 80903. A copy of the operations plan be kept at the recycling facility at 8335 Vollmer Road and the business offices at 20 Boulder Crescent.

(l) Additional Findings for a Recycling Facility

The operations of this facility will comply with special use standards of El Paso County. The proposed location of the facility served nearby construction sites within Sterling Ranch. The prospects of air, soil and water contamination, all other potential health and environmental impacts both on and offsite will meet Federal, State and Local guidelines.

(m) Closure

Temporary closures of this facility are unlikely. None of the equipment used at this site is critical to the facility's operation if it breaks down. In the case of emergency, the site is laid out to contain any and all material on the site using fencing. The facility can be locked to prevent entry and removal of any materials until it is determined what the remedy is needed to clean up the site.

ALTERNATIVE LANDSCAPE PLAN REVIEW CRITERIA (SECTION 6.2.2.A.4):

Authority of Director to Approve Alternative Landscape Designs. The PCD Director may approve landscaping that does not meet the specific requirements of this Section provided the proposed

landscaping meets the purpose of this Section, promotes the concepts contained in the Landscape and Water Conservation Manual, and provides an equivalent benefit to the community and environment as would otherwise be achieved by meeting the specific requirements of this Section. This authority shall not allow the PCD Director to eliminate the requirement for landscaping or to diminish the total landscaped area required by this Section.

An alternative landscape plan is proposed for the site. Preserved native vegetated areas are marked as “areas undisturbed by this use” on the site plan. Existing native vegetation will remain on site. No additional landscaping is proposed as the adjacent land uses are industrial in nature or industrial zoned and do not require buffering. The crushing operations on site are setback from all adjacent land uses and roadways. Sufficient setbacks and buffering are provided by the 16 AC acre “Area undisturbed by the Use.” It is anticipated that there will be future changes to the uses on this site and the use of the residual 16 acres of Lot 2 is yet undefined. Therefore, landscaping on the site at this time would be premature and not financially responsible. Landscaping and buffering on the residual 16 acres will be provided in conjunction with the Site Development Plan for that portion of the property.

P:\Rhetoric LLC\Sterling Recycling Facility (Cement and Asphalt)\Admin\Submittals\Site Development Plan 2023\2nd Submittal\Rhetoric FP and SDP_Letter of Intent (Rev 4).docx

STERLING RECYCLING SUBDIVISION

**LOCATED IN THE NW1/4 OF THE NW1/4 OF SECTION 4 & THE N1/2 OF SECTION 5,
BOTH IN TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN
COUNTY OF EL PASO, STATE OF COLORADO**

BE IT KNOWN BY THESE PRESENTS,

THAT RHETORIC REAL ESTATE LLC, BEING THE OWNER OF THE FOLLOWING DESCRIBED TRACT OF LAND TO WIT:

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE NORTH HALF OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5 BY A 3-1/4" ALUMINUM CAP STAMPED "LS 10376" AND AT THE NORTH QUARTER CORNER BY A 3-1/4" ALUMINUM CAP STAMPED "LS 4842 1996", BEARING S89°14'13"W.

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE ON THE NORTH LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 5, N89°12'38"E A DISTANCE OF 792.39 FEET;

THENCE S49°38'29"E A DISTANCE OF 638.55 FEET, TO A POINT ON THE EAST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 5;

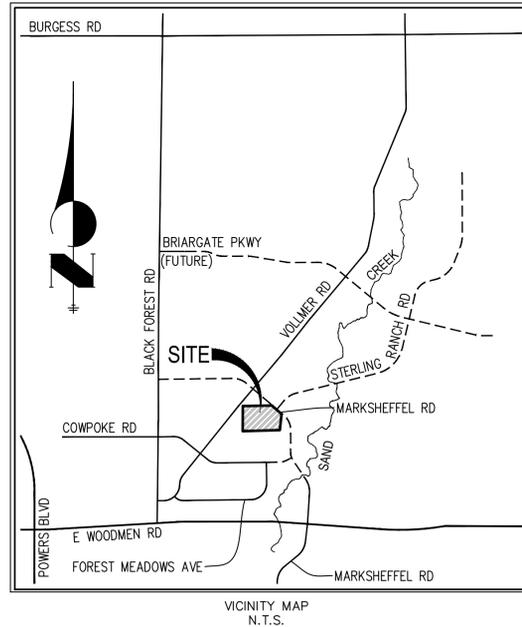
THENCE ON SAID EAST LINE, S06°22'37"W A DISTANCE OF 586.31 FEET;

THENCE S89°16'22"W A DISTANCE OF 1460.40 FEET;

THENCE N00°43'38"W A DISTANCE OF 1000.44 FEET, TO A POINT ON THE NORTH LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 5;

THENCE ON SAID NORTH LINE, N89°14'13"E A DISTANCE OF 259.23 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1,412,489 SQUARE FEET OR 32.4263 ACRES.



SURVEYOR'S CERTIFICATE:

THE UNDERSIGNED REGISTERED PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, HEREBY STATES AND DECLARES THAT THE ACCOMPANYING PLAT WAS SURVEYED AND DRAWN UNDER HIS RESPONSIBLE CHARGE AND ACCURATELY SHOWS THE DESCRIBED TRACT OF LAND, AND SUBDIVISION THEREOF, AND THAT THE REQUIREMENTS OF TITLE 38 OF THE COLORADO REVISED STATUTES, 1973, AS AMENDED, HAVE BEEN MET TO THE BEST OF HIS KNOWLEDGE AND BELIEF.



JARROD ADAMS, PROFESSIONAL LAND SURVEYOR
COLORADO NO. 38252
FOR AND ON BEHALF OF JR ENGINEERING, LLC

NOTICE:

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 THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

OWNERS CERTIFICATE/ DEDICATION STATEMENT:

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, TRACTS, STREETS, AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF STERLING RECYCLING SUBDIVISION. ALL PUBLIC IMPROVEMENTS SO PLATTED ARE HEREBY DEDICATED TO PUBLIC USE AND SAID OWNER DOES HEREBY COVENANT AND AGREE THAT THE PUBLIC IMPROVEMENTS WILL BE CONSTRUCTED TO EL PASO COUNTY STANDARDS AND THAT PROPER DRAINAGE AND EROSION 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 LINE AND RELATED FACILITIES.

OWNERS/MORTGAGEE

BY: _____

TITLE: _____

STATE OF COLORADO

COUNTY OF _____

SIGNED BEFORE ME ON _____, 20____

BY _____

NOTARY

COMMISSION EXPIRATION

BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

THIS PLAT FOR STERLING RECYCLING 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, ARE ACCEPTED, BUT 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

SUMMARY:

2 LOTS	28.7988 ACRES	88.81%
1 TRACT	1.8448 ACRES	5.69%
RIGHTS-OF-WAY	1.7827 ACRES	5.50%
TOTAL	32.4263 ACRES	100.00%

FEES:

SAND CREEK DRAINAGE FEE: _____

BRIDGE FEE: _____

ACADEMY SCHOOL DISTRICT #20 FEE: _____

PARK FEE: _____

CLERK AND RECORDER

STATE OF COLORADO
COUNTY OF EL PASO

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE ON THIS ____ DAY OF _____, 20____, AND WAS RECORDED AT RECEPTION NO. _____ OF THE RECORDS OF EL PASO COUNTY.

STEVE SCHLEIKER

OWNER OF RECORD

NAMES: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

JOB NO. PROJ. NO.
FEBRUARY 7, 2024
SHEET 1 OF 3



STERLING RECYCLING SUBDIVISION

LOCATED IN THE NW1/4 OF THE NW1/4 OF SECTION 4 & THE N1/2 OF SECTION 5,
BOTH IN TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN
COUNTY OF EL PASO, STATE OF COLORADO

PLAT NOTES:

1. BASIS OF BEARINGS:
BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE WEST END BY A 3.25" ALUMINUM CAP STAMPED "LS 4842 1996" AND AT THE EAST END BY A 3.25" ALUMINUM CAP STAMPED "LS 10376 2006", SAID LINE BEARS N89°14'13"E.
2. ALL STRUCTURAL FOUNDATIONS SHALL BE LOCATED AND DESIGNED BY A PROFESSIONAL ENGINEER, CURRENTLY LICENSED IN THE STATE OF COLORADO.
3. THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THE 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; NATURAL HAZARDS REPORT; GEOLOGY AND SOILS REPORT; WETLAND STUDY/ 404 PERMIT.
4. 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.
5. UNLESS OTHERWISE INDICATED, ALL SIDE, FRONT, AND REAR LOT LINES ARE HEREBY PLATTED ON EITHER SIDE WITH A 1 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT UNLESS OTHERWISE INDICATED. ALL EXTERIOR SUBDIVISION BOUNDARIES ARE HEREBY PLATTED WITH A 20 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT. THE SOLE RESPONSIBILITY FOR MAINTENANCE OF THESE EASEMENTS IS HEREBY VESTED WITH THE INDIVIDUAL PROPERTY OWNERS..
6. 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 PARKS AND WILDLIFE, COLORADO DEPARTMENT OF TRANSPORTATION, U.S. ARMY CORP OF ENGINEERS AND THE U.S. FISH AND WILDLIFE SERVICE REGARDING THE ENDANGERED SPECIES ACT, PARTICULARLY AS IT RELATES TO THE LISTED SPECIES.
7. THE ADDRESS EXHIBITED ON THIS PLAT ARE FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT THE LEGAL DESCRIPTION AND ARE SUBJECT TO CHANGE.
8. NO LOT OR INTEREST THEREIN, SHALL BE SOLD, CONVEYED, OR TRANSFERRED WHETHER BY DEED OR BY CONTRACT, NOR SHALL BUILDING PERMITS BE ISSUED, UNTIL AND UNLESS EITHER THE REQUIRED PUBLIC AND COMMON DEVELOPMENT IMPROVEMENTS HAVE BEEN CONSTRUCTED AND COMPLETED AND PRELIMINARILY ACCEPTED IN ACCORDANCE WITH THE SUBDIVISION IMPROVEMENTS AGREEMENT BETWEEN THE APPLICANT/ OWNER AND EL PASO COUNTY AS RECORDED UNDER RECEPTION NUMBER _____ IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO OR, IN THE ALTERNATIVE, OTHER COLLATERAL IS PROVIDED TO MAKE PROVISION FOR THE COMPLETION OF SAID IMPROVEMENTS IN ACCORDANCE WITH THE EL PASO COUNTY LAND DEVELOPMENT CODE AND ENGINEERING CRITERIA MANUAL. ANY SUCH ALTERNATIVE COLLATERAL MUST BE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OR, IF PERMITTED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT, BY THE PLANNING AND COMMUNITY DEVELOPMENT CHAIR AND MEET THE POLICY AND PROCEDURE REQUIREMENTS OF EL PASO COUNTY PRIOR TO THE RELEASE BY THE COUNTY OF ANY LOTS FOR SALE, CONVEYANCE OR TRANSFER.

THIS PLAT RESTRICTION MAY BE REMOVED OR RESCINDED BY THE BOARD OF COUNTY COMMISSIONERS OR, IF PERMITTED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT, BY THE PLANNING AND COMMUNITY DEVELOPMENT CHAIR UPON EITHER APPROVAL OF AN ALTERNATIVE FORM OF COLLATERAL OR COMPLETION AND PRELIMINARY ACCEPTANCE BY THE EL PASO BOARD OF COUNTY COMMISSIONERS OF ALL IMPROVEMENTS REQUIRED TO BE CONSTRUCTED AND COMPLETED IN ACCORDANCE WITH SAID SUBDIVISION IMPROVEMENTS AGREEMENT. THE PARTIAL RELEASE OF LOTS FOR SALE, CONVEYANCE OR TRANSFER MAY ONLY BE GRANTED IN ACCORDANCE WITH ANY PLANNED PARTIAL RELEASE OF LOTS AUTHORIZED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT.

9. TEMPORARY TURNAROUND EASEMENTS AS SHOWN ON THIS PLAT SHALL BE RELINQUISHED UPON THE CONSTRUCTION COMPLETION OF THE EXTENSION OF STERLING RANCH ROAD BY OTHERS.
10. THE FOLLOWING LOTS HAVE BEEN FOUND TO BE IMPACTED BY GEOLOGIC HAZARDS. MITIGATION MEASURES AND A MAP OF THE HAZARD AREA CAN BE FOUND IN REPORT PRELIMINARY SUBSURFACE SOILS INVESTIGATION BY ENTECH ENGINEERING, INC., DATED MAY 3, 2022 IN FILE _____ AVAILABLE AT THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT.
 - POTENTIALLY SEASONALLY HIGH GROUNDWATER: LOTS 1 & 2
 - OTHER HAZARD: ARTIFICIAL FILL--LOTS 1 & 2
11. THE NON-REVOCABLE PUBLIC IMPROVEMENT EASEMENT AS SHOWN AT THE END OF STERLING RANCH ROAD CUL-DE-SAC IS INTENDED FOR TURN AROUND AND EMERGENCY RESPONSE PURPOSES. AT SUCH TIME THAT STERLING RANCH ROAD IS EXTENDED BY THE ADJACENT PROPERTY OWNER/DEVELOPER AND ACCEPTED BY THE COUNTY, THE NON-REVOCABLE PUBLIC IMPROVEMENT EASEMENT FOR THE CUL-DE-SAC WILL BE VACATED, LEAVING A STANDARD STREET ROW AND THE CUL-DE-SAC IMPROVEMENTS WILL BE REMOVED AND REPLACED WITH A STANDARD STREET SECTION. THE EASEMENT VACATION, CUL-DE-SAC REMOVAL AND STANDARD STREET SECTION CONSTRUCTION AND SITE RESTORATION IS THE RESPONSIBILITY OF THE OWNER/DEVELOPER EXTENDING STERLING RANCH ROAD.
12. NOTICE OF POTENTIAL AIRCRAFT OVERFLIGHT AND NOISE IMPACT ASSOCIATED WITH AIRPORT: THIS SERVES AS A NOTICE OF POTENTIAL AIRCRAFT OVERFLIGHT AND NOISE IMPACTS ON THIS PROPERTY DUE TO ITS CLOSE PROXIMITY TO AN AIRPORT, WHICH IS BEING DISCLOSED TO ALL PROSPECTIVE PURCHASERS CONSIDERING THE USE OF THIS PROPERTY FOR RESIDENTIAL AND OTHER PURPOSES. THIS PROPERTY IS SUBJECT TO THE OVERFLIGHT AND ASSOCIATED NOISE OF ARRIVING AND DEPARTING AIRCRAFT DURING THE COURSE OF NORMAL OPERATIONS.

ALL PROPERTY WITHIN THIS SUBDIVISION IS SUBJECT TO AN AVIGATION EASEMENT AS RECORDED AT RECEPTION NO. _____ OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER. THIS SITE IS LOCATED WITHIN PART 77.

13. THIS SITE IS NOT WITHIN A DESIGNATED F.E.M.A. FLOODPLAIN, AS DETERMINED BY THE FLOOD INSURANCE RATE MAP FOR EL PASO, COLORADO, PANEL NUMBER 08041C0533G, EFFECTIVE DATE DECEMBER 7, 2018.
14. 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 CRS 18-4-508.
15. RHETORIC, LLC WILL BE RESPONSIBLE FOR MAINTENANCE OF THE ROADS AND DRAINAGE FACILITIES UNTIL PRELIMINARY ACCEPTANCE OF THE PUBLIC IMPROVEMENTS IN ACCORDANCE WITH THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE, THE ENGINEERING CRITERIA MANUAL, AND THE SUBDIVISION IMPROVEMENTS AGREEMENT.
16. ALL PROPERTY WITHIN THIS SUBDIVISION IS SUBJECT TO A DECLARATION OF COVENANT AS RECORDED AT RECEPTION NUMBER _____ OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER.
17. SPECIAL DISTRICT DISCLOSURE: A TITLE 32 SPECIAL DISTRICT ANNUAL REPORT AND DISCLOSURE FORM SATISFACTORY TO THE DEVELOPMENT SERVICES DEPARTMENT SHALL BE RECORDED WITH EACH PLAT.
18. MAIL BOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY AND UNITED STATES POSTAL SERVICE REGULATION.
19. 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. TRANSPORTATION IMPACT FEES ARE TO BE PAID AT BUILDING PERMIT.
20. PURSUANT TO RESOLUTION NO. _____, APPROVED BY THE BOARD OF DIRECTORS, EL PASO COUNTY PUBLIC IMPROVEMENT DISTRICT 2 AND RECORDED IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER AT RECEPTION NO. _____, THE PARCELS WITHIN THE PLATTED BOUNDARIES OF STERLING RECYCLING SUBDIVISION ARE INCLUDED WITHIN THE BOUNDARIES OF THE EL PASO COUNTY PUBLIC IMPROVEMENT DISTRICT 2 AND AS SUCH IS SUBJECT TO APPLICABLE ROAD IMPACT FEES AND MILL LEVY.
21. WATER AND WASTEWATER SERVICE FOR THIS SUBDIVISION IS PROVIDED BY THE _____ SUBJECT TO THE PROVIDERS RULES, REGULATIONS AND SPECIFICATIONS.
22. GAS SERVICE FOR THIS SUBDIVISION IS PROVIDED BY _____ SUBJECT TO PROVIDERS RULES, REGULATIONS AND SPECIFICATIONS.
23. ELECTRIC SERVICE FOR THIS SUBDIVISION IS PROVIDED BY _____ SUBJECT TO PROVIDERS RULES, REGULATIONS AND SPECIFICATIONS.
24. NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY.
25. LOT _____ OF THIS PROPERTY IS SUBJECT TO A PRIVATE DETENTION BASIN/STORMWATER QUALITY BMP MAINTENANCE AGREEMENT AND EASEMENT AS RECORDED AT RECEPTION NO. _____ OF THE RECORDS OF EL PASO COUNTY. THE OWNER IS RESPONSIBLE FOR MAINTENANCE OF THE SUBJECT DRAINAGE FACILITIES.

JOB NO. PROJ. NO.
FEBRUARY 7, 2024
SHEET 2 OF 3

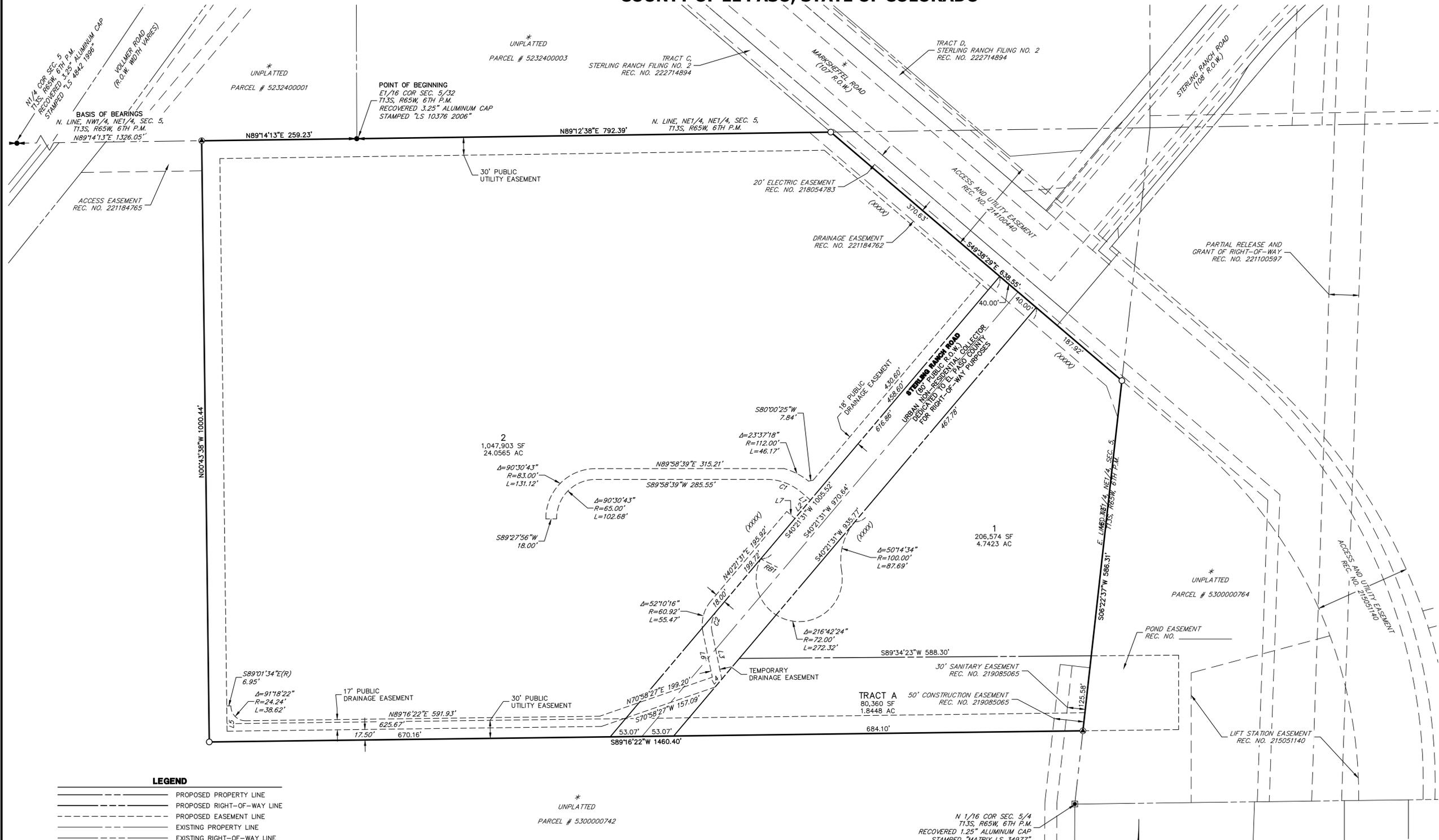


FILE NO. SF-2325

Centennial 303-740-9393 • Colorado Springs 719-593-2593
Fort Collins 970-491-9888 • www.jrengineering.com

STERLING RECYCLING SUBDIVISION

**LOCATED IN THE NW1/4 OF THE NW1/4 OF SECTION 4 & THE N1/2 OF SECTION 5,
BOTH IN TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN
COUNTY OF EL PASO, STATE OF COLORADO**



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N49°38'29"W	20.26'
L2	S40°21'31"W	40.00'
L3	S11°48'45"E	80.27'
L4	S40°21'31"W	17.33'
L5	N00°43'38"W	42.16'
L6	N11°48'45"W	76.26'
L7	S49°38'29"E	18.00'

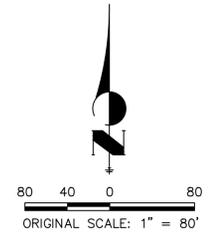
LEGEND

—————	PROPOSED PROPERTY LINE
- - - - -	PROPOSED RIGHT-OF-WAY LINE
- - - - -	PROPOSED EASEMENT LINE
—————	EXISTING PROPERTY LINE
- - - - -	EXISTING RIGHT-OF-WAY LINE
- - - - -	EXISTING EASEMENT LINE
(R)	RADIAL BEARING
(XXXX)	PROPOSED ADDRESS
*	NOT PART OF THIS SUBDIVISION
●	RECOVERED 1.25" PINK PLASTIC CAP STAMPED "LS 38252"
○	SET 18" #5 REBAR WITH 1.5" ALUMINUM CAP STAMPED "JR ENG LS 38252"

* UNPLATTED
PARCEL # 5300000742

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	40°22'52"	90.00'	63.43'
C2	52°10'16"	42.92'	39.08'

RADIAL BEARING TABLE	
LINE	BEARING
RB1	S63°10'39"E



JOB NO. PROJ. NO.
FEBRUARY 7, 2024
SHEET 3 OF 3



Centennial 303-740-9393 • Colorado Springs 719-593-2593
Fort Collins 970-491-9888 • www.jrengineering.com

FILE NO. SF-2325



October 9, 2023

Kylie Bagley, Project Manager
El Paso County Development Services Department
Sent via online portal at: <https://epcdevplanreview.com/Agencies/Home>

Re: Rhetoric Subdivision
File #: SF2325
Part of the NW ¼ NW ¼ of Sec. 4 and N ½ NE ¼ of Sec. 5, Twp. 13S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10

Dear Kylie Bagley:

We have received the above-referenced proposal to subdivide a 32.43-acre parcel into two lots. Lot 1 will be 6.59 acres and used for a warehouse and Lot 2 will be 24.06 acres for asphalt and concrete storage. The remaining acreage will be dedicated to a ROW for Sterling Ranch Road which divides the parcel in 2. The site will be used as a concrete and asphalt recycling facility. The proposed source of water supply is service provided by the Falcon Area Water and Wastewater Authority (FAWWA).

Water Supply Demand

The proposed water uses and estimated water requirements are as follows: household use (0.353 acre-foot/year) presumably for the limited living area in the warehouse, commercial use (0.53 acre-foot/year), and irrigation (0.63 acre-foot/year), with a total water demand of 1.51 acre-foot/year.

Source of Water Supply

The proposed source of water supply is service provided by the Falcon Area Water and Wastewater Authority (FAWWA). According to the letter dated September 19, 2023, FAWWA is committed to serving the 1.51 acre-foot/year of water demand for subdivision.

According to the Water Resources Report prepared by RESPEC dated September 15, 2023 (“Report”) and the information provided by John McGinn on September 25, 2023 to this office (as part of our review of the Sterling Ranch East Filing No. 5), FAWWA has a water supply of 1,930.03 acre-foot/year based on a 300-year supply consisting of Denver Basin aquifer water adjudicated in Water Court case nos. 85CW131 (Shamrock West water), 86CW19, 91CW35, 93CW18/85CW445 (Bar-X Ranch water), 08CW113, 17CW3002, 18CW3002, and 20CW3059 and Determination of Water Right nos. 1689-BD, 1690-BD, and 1691-BD (McCune water). A summary of these water rights is provided in Table 3 of that Report. Because FAWWA anticipates serving 3,710 SFEs in 2040 and 7,310 SFEs in 2060, FAWWA may seek to connect with other water suppliers and investigate the use of lawn irrigation return flow (LIRF) credits and aquifer storage/recharge to increase its supply. Note that our office calculates that 1,929.85 acre-foot/year is available based on a 300-year supply. This discrepancy appears to originate from a difference in the quantity of water calculated to be available from case no. 91CW35. **The FAWWA should be aware that they are limited to the decreed amounts in 91CW35 which are as follows: 3,400 acre-feet from the Dawson aquifer, 7,600 acre-feet from the Denver aquifer, 4,900 acre-feet (not the 4,936 acre-feet claimed in Table 3) from the Arapahoe aquifer, and 3,600 acre-feet (not the 3,623 acre-feet claimed in Table 3) from the Laramie-Fox Hills aquifer.**

According to the Report, FAWWA has a total of 959.35 acre-foot/year of commitments, including the Rhetoric Subdivision and all other commitments through September 15, 2023. According to the Report, there are 970.5 acre-foot/year of uncommitted supply available to the FAWWA based on our estimate of



1,929.85 acre-feet/year of supply available to the FAWWA. Therefore, there appears to be more than sufficient legal supply to supply this development on a 300-year basis.

The proposed source of water for this subdivision is 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. The Denver Basin water rights adjudications have been decreed by the State of Colorado, Water Division 1 District Court, Water Division 2 District Court, and the Colorado Groundwater Commission. 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 are equal to one percent of the total amount, as determined by rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Additionally, 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 allocated in the determinations 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 shown on attached Table 1 for a maximum of 100 years.

The *El Paso County Land Development Code*, Section 8.4.7.(B)(7)(b) states:

"(7) Finding of Sufficient Quantity

(b) Required Water Supply. The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of 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 300 years, the allowed average annual amount of withdrawal would be reduced to one third of that amount which is greater than the annual demand of FAWWA's commitments. As a result, the water may be withdrawn in those annual amounts for 300 years.

Additional Comments

The application materials indicate that a storm water detention pond will be constructed as a part of this project. The applicant should be aware that unless the structure can meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), C.R.S., the structure may be subject to administration by this office. The applicant should review DWR's *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, attached, to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The Applicant is encouraged to use *Colorado Stormwater Detention and Infiltration Facility Notification Portal* to meet the notification requirements, located at <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>.

State Engineer's Office Opinion

Based upon the above and pursuant to section 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 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 Division 1 Water Court and the Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the above-referenced water rights, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifer, and identified in this letter, are calculated based on estimated current aquifer conditions. The source of water is from a non-renewable aquifer, the allocations of which are based on a 100-year aquifer life. 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.

Please contact Wenli Dickinson at Wenli.Dickinson@state.co.us or (303) 866-3581 x8206 with any questions.

Sincerely,



Ioana Comaniciu, P.E.
Water Resource Engineer

Attachment: *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*

Ec: Subdivision Referral No. 30974
FAWWA file



Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado

February 11, 2016

The Division of Water Resources (DWR) has previously administered storm water detention facilities based on DWR's "Administrative Approach for Storm Water Management" dated May 21, 2011. Since the passage of Colorado Senate Bill 15-212, that administrative approach has been superseded. This document describes SB 15-212, codified in section 37-92-602(8), Colorado Revised Statutes (C.R.S.), and how the law directs administrative requirements for storm water management. The document is for informational purposes only; please refer to section 37-92-602(8) for comprehensive language of the law.

Pursuant to section 37-92-602(8), storm water detention facilities and post-wildland fire facilities shall be exempt from administration under Colorado's water rights system only if they meet specific criteria. The provisions of SB15-212 apply to surface water throughout the state. SB15-212 *only* clarifies when facilities may be subject to administration by the State Engineer; all facilities may be subject to the jurisdiction of other government agencies and must continue to obtain any permits required by those agencies.

Storm Water Detention Facilities

Pursuant to section 37-92-602(8), a storm water detention and infiltration facility ("Detention Facility") is a facility that:

- Is owned or operated by a government entity or is subject to oversight by a government entity, including those facilities that are privately owned but are required by a government entity for flood control or pollution reduction.
- Operates passively and does not subject storm water to any active treatment process.
- Has the ability to continuously release or infiltrate at least 97 percent of all of the water from a rainfall event that is equal to or less than a five-year storm within 72 hours of the end the rainfall event.
- Has the ability to continuously release or infiltrate at least 99 percent of all of the water from a rainfall event that is greater than a five-year storm within 120 hours of the end the rainfall event.
- Is operated solely for storm water management.



In addition, to qualify for the allowances provided in SB-212, the facility:

- Must not be located in the Fountain Creek watershed, unless the facility is required by or operated pursuant to a Colorado Discharge Permit System Municipal Separate Storm Sewer System Permit issued by the Department of Public Health and Environment pursuant to Article 8 of Title 25, C.R.S.
- Must not use water detained in the facility for any other purpose nor release it for subsequent diversion by the person who owns, operates, or has oversight over the facility. The facility cannot be operated as the basis for a water right, credit, or other water use right.
- Must not expose ground water.
- May include a structure or series of structures of any size.

If the Detention Facility was constructed *on or before* August 5, 2015 and meets all the requirements listed above, it does not cause material injury to vested water rights and will not be subject to administration by the State Engineer.

If the Detention Facility is constructed after August 5, 2015, meets the requirements listed above, and the operation of the detention facility does not cause a reduction to the natural hydrograph as it existed prior to the upstream development, it has a rebuttable presumption of non-injury pursuant to paragraph 37-92-602(8)(c)(II). A holder of a vested water right may bring an action in a court of competent jurisdiction to determine whether the operation of the detention facility is in accordance with paragraph 37-92-602(8)(c)(II)(A) and (B) has caused material injury. If the court determines that the vested water rights holder has been injured, the detention facility will be subject to administration.

In addition, for Detention Facilities constructed after August 5, 2015, the entity that owns, operates, or has oversight for the Detention Facility must, prior to the operation of the facility, provide notice of the proposed facility to the Substitute Water Supply Plan (SWSP) Notification List for the water division in which the facility is located. Notice must include: the location of proposed facility, the approximate surface area at design volume of the facility, and data that demonstrates that the facility has been designed to comply with section 37-92-602(8)(b) paragraphs (B) and (C). The State Engineer has not been given the statutory responsibility to review notices, however, DWR staff may choose to review notices in the course of their normal water administration duties. Not reviewing notices does not preclude the Division Engineer from



taking enforcement action in the event that the above criteria are not met in design and/or operation.

To satisfy the notification requirement, operators are encouraged to use the Colorado Stormwater Detention and Infiltration Facility Notification Portal developed by Urban Drainage and Flood Control District (“UDFCD”), located at:

<https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>.

Types of detention Facilities contemplated under this statute include underground detention vaults, permanent flood detention basins,¹ extended detention basins,² and full spectrum detention basins.³ Storm Water Best Management Practices⁴ (BMPs) not contemplated above, including all Construction BMPs and non-retention BMPs, do not require notice pursuant to SB-212 and are allowed at the discretion of the Division Engineer. Green roofs are allowable as long as they intercept only precipitation that falls within the perimeter of the vegetated area. Green roofs should not intercept or consume concentrated flow, and should not store water below the root zone. BMPs that rely on retention, such as retention ponds and constructed wetlands, will be subject to administration by the State Engineer.

Any detention facility that does not meet all of the statutory criteria described above, in design or operation, is subject to administration by the State Engineer.

¹ Flood detention basin: An engineered detention basin designed to capture and slowly release peak flow volumes to mitigate flooding (Urban Drainage and Flood Control, 2010).

² Extended detention basin: An engineered detention basin with an outlet structure designed to slowly release urban runoff over an extended time period (Urban Drainage and Flood Control, 2010).

³ Full spectrum detention basin: An extended detention basin designed to mimic pre-development peak flows by capturing the Excess Urban Runoff Volume and release it over a 72 hour period (Urban Drainage and Flood Control, 2010).

⁴ Best management practice: A technique, process, activity, or structure used to reduce pollutant discharges in stormwater (Urban Drainage and Flood Control, 2010).



Post-Wildland Fire Facilities

Pursuant to section 37-92-602(8), a post-wildland fire facility is a facility that:

- Includes a structure or series of structures that are not permanent.
- Is located on, in or adjacent to a nonperennial stream⁵.
- Is designed and operated to detain the least amount of water necessary, for the shortest duration of time necessary, to achieve the public safety and welfare objectives for which it is designed.
- Is designed and operated solely to mitigate the impacts of wildland fire events that have previously occurred.

In addition, to qualify for the allowances provided in SB-212, the facility:

- Must be removed or rendered inoperable after the emergency conditions created by the fire no longer exist, such that the location is returned to its natural conditions with no detention of surface water or exposure of ground water.
- Must not use water detained in the facility for any other purpose nor release it for subsequent diversion by the person who owns, operates, or has oversight over the facility. The facility will not be operated as the basis for a water right, credit, or other water use right.

If the post-wildland fire facility meets the requirements listed above, it does not cause material injury to vested water rights. While DWR recognizes that post-wildland fire facilities are essential to the protection of public safety and welfare, property, and the environment, DWR may, from time to time, request that the person who owns, operates, or has oversight of the post-wildland fire facility supply information to DWR to demonstrate they meet the criteria set forth above.

If a post-wildland fire facility does not meet all the criteria set forth above, it will be subject to administration by the State Engineer.

⁵ DWR may use the National Hydrography Dataset or other reasonable measure to determine the classification of a stream



Resources and References

Colorado Stormwater Detention and Infiltration Facility Notification Portal:
<https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>

Colorado Senate Bill15-212:
http://www.leg.state.co.us/CLICS/CLICS2015A/csl.nsf/fsbillcont3/13B28CF09699E67087257DE8006690D8?Open&file=212_enr.pdf

United States Geological Survey National Hydrography Dataset: <http://nhd.usgs.gov/>

Urban Drainage and Flood Control District 37-92-602(8) explanation memo and FAQ's:
<http://udfcd.org/crs-37-93-6028-explanation-memo-and-faqs/>

Urban Drainage and Flood Control District. (2010). *Urban Storm Drainage Criteria Manual: Volume 3, Best Management Practices*, updated November 2015. Located at:
<http://udfcd.org/volume-three>



County Attorney

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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

October 25, 2023

SF-23-25 Sterling Recycling Subdivision

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal by Rhetoric Real Estate LLC (“Applicant”), to subdivide an approximately 32.43 +/- acre tract of land into 2 lots (“Property”). Lot 1 will be 6.59 acres and used for a warehouse and Lot 2 will be 24.06 acres for asphalt and concrete storage. The property is zoned I-3 (Heavy Industrial).

Estimated Water Demand

2. The Applicant has provided for the source of water to derive from a central water system – Falcon Area Water & Wastewater Authority (“FAWWA or Authority”). As described in the *Water Supply Information Summary* (“WSIS”), the Applicant estimates the following water requirements to serve 2 lots at 0.353 acre-feet/year for household use, 0.53 acre-feet/year for commercial use (dust suppression), and 0.63 acre-feet/year for irrigation of 0.25 acres, for a total requirement of 1.51 acre-feet/year. The Applicant would need to provide a supply of 453 acre-feet of water (1.51 acre-feet/year x 300 years) to meet El Paso County’s 300-year water supply requirement.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from FAWWA. The Authority was recently created to serve Sterling Ranch and The Retreat at TimberRidge, previously served by Sterling Ranch Metropolitan District. The *Water Resources Report* (“Report”) indicates the Authority’s water supply is sourced from a variety of water rights,

ASSISTANT COUNTY ATTORNEYS

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STEVEN W. MARTYN

MERI GERINGER
DOREY L. SPOTTS

including on-site water from non-tributary and not non-tributary Denver, Arapahoe and Laramie-Fox Hills aquifer wells pursuant to the Water Decree in 20CW3059 and on-site rights at the Retreat at Timber Ridge. The *Report* indicates that the current total water commitment for FAWWA is currently at 959.35 annual acre-feet/300 years, which includes active water commitments current through September 15, 2023. The total available water supply for FAWWA is 1930.03 annual acre-feet for 300 years. After subtracting active water commitments, the current available water supply is now 970.68 annual acre-feet/300 years.

4. The Authority provided a letter of commitment for Sterling Recycling Subdivision dated September 19, 2023, in which FAWWA committed to providing water service for the 2 lots, for an annual water requirement of 1.51 acre-feet/year.

State Engineer's Office Opinion

5. In a letter dated October 9, 2023, the State Engineer's Office reviewed the application to subdivide the 32.43 +/- acres into 2 lots. The proposed supply of water to the subdivision will be served by FAWWA to meet an estimated demand of 1.51 acre-feet/year.

The State Engineer estimates that FAWWA has a total available water supply of 1,929.85 acre-feet/year based on a 300-year supply. After subtracting the 959.35 acre-feet of existing service commitments, the State Engineer agrees that "there appears to be more than sufficient legal supply to supply this development on a 300-year basis."

Further, the State Engineer provided their opinion that ". . . pursuant to C.R.S. 30-28-136(1)(h)(l), it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights."

Recommended Findings

6. Quantity and Dependability. Applicant's water demand is 1.51 acre-feet per year for a total demand of 453 acre-feet for the subdivision for 300 years, to be supplied by FAWWA. **Based on the Authority's available water supply of approximately 970.68 annual acre-feet, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for Sterling Recycling Subdivision.**

7. Quality. The water quality requirements of Section 8.4.7.B.10.g. of the El Paso County Land Development Code must be satisfied. Section 8.4.7(B)(10)(g) of the Code allows for a presumption of water quality when water is supplied from an existing Community Water Supply operating in conformance with the Colorado Primary Drinking Water Regulations unless there is evidence to the contrary.

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the *Water Supply Information Summary*, the *Water Resources Report* dated September 15, 2023, the *Falcon Area Water & Wastewater Authority* letter dated September 19,

2023, and the *State Engineer Office's Opinion* dated October 9, 2023. 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 all future owners of lots within this filing shall be advised of and comply with the conditions, rules, regulations, limitations, and specifications set by the District.
- B. Prior to recording the final plat:
 - 1. Applicant shall upload into eDARP a corrected commitment letter from the water provider that states it is for the Sterling Recycling final plat rather than the Lot 1 Site Development Plan.
 - 2. Applicant shall upload into eDARP a corrected Water Resource Report making the same correction.
- C. Please note the comments of the State Engineer's Office regarding FAWWA's total water supply and make corrections, if needed, in Water Resource Reports for future subdivisions served by this District.

cc: Kylie Bagley, 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. SF2325
RHETORIC SUBDIVISION

WHEREAS, N.E.S. Inc. did file an application with the El Paso County Planning and Community Development Department for approval of a Final Plat for the Rhetoric 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 19, 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.
7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map 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 Final Plat, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1.D.3.f of the Land Development Code ("Code") (as amended):

1. The Subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
2. The Subdivision is in substantial conformance with the approved Preliminary Plan;
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;
4. Either 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, or, with respect to applications for Administrative Final Plat approval, such finding was previously made by the BoCC at the time of Preliminary Plan approval;
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 that the proposed Subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)];
7. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM");
8. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement acceptable to the County in compliance with the 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;

10. The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code;
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 of the Code;
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;
13. The Subdivision meets other applicable sections of Chapter 6 and 8 of the Code; and
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.].

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 N.E.S. Inc. for approval of a Final Plat for the Rhetoric Subdivision be approved by the Board of County Commissioners with 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 appropriate El Paso County staff.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the Final Plat.
8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the Final Plat is recorded.
9. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated October 25, 2023, as provided by the County Attorney's Office.

NOTATIONS

1. The following fees are required to be paid to El Paso County at the time of plat recordation:
 - a. Drainage Fees in the amount of \$556,837.03 and bridge fees in the amount of \$227,754.47 for the Sand Creek Drainage Basin.
 - b. Park fees in lieu of land dedication are not applicable for an industrial subdivision
 - c. Fees in lieu of school land dedication are not applicable for an industrial subdivision.
2. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
3. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

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
Brandy Merriam	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 19th day of September 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
Chair

EXHIBIT A

A PARCEL OF LAND LOCATED IN THE NORTH HALF OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5 BY A 3-1/4" ALUMINUM CAP STAMPE "LS 10376" AND AT THE NORTH QUARTER CORNER BY A 3-1/4" ALUMINUM CAP STAMPED "LS 4842 1996", BEARING S89°14'13"W.

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE ON THE NORTH LINE OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 5, N89°12'38"E A DISTANCE OF 792.39 FEET;

THENCE S49°38'29"E A DISTANCE OF 638.55 FEET TO A POINT ON THE EAST LINE OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 5;

THENCE ON SAID EAST LINE, S06°22'37"W A DISTANCE OF 586.31 FEET;

THENCE S89°16'22"W A DISTANCE OF 1460.40 FEET;

THENCE N00°43'38"W A DISTANCE OF 1000.44 FEET, TO A POINT ON THE NORTH LINE OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 5;

THENCE ON SAID NORTH LINE, N89°14'13"E A DISTANCE OF 259.23 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1,412,489 SQUARE FEET OF 32.4263 ACRES.