

# EL PASO

COMMISSIONERS:  
MARK WALLER (CHAIR)  
LONGINOS GONZALEZ, JR. (VICE-CHAIR)



# COUNTY

HOLLY WILLIAMS  
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CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO:** El Paso County Board of County Commissioners  
Mark Waller, Chair

**FROM:** Kari Parsons, PM/Planner II  
Steve Kuehster, PE, Engineer III  
Craig Dossey, Executive Director

**RE:** Project File #: MS-19-001  
Project Name: Timber Ridge West Final Plat  
Parcel No.: 52000-00-393

OWNER:	REPRESENTATIVE:
Jacob Decoto 10620 Vollmer Road Colorado Springs CO 80910	Terra Nova Engineering Inc. 721 S. 23 <sup>rd</sup> Street Colorado Springs CO 80904

**Commissioner District: 2**

Planning Commission Hearing Date:	5/7/2019
Board of County Commissioners Hearing Date	5/28/2019

## EXECUTIVE SUMMARY

A request by Jacob Decoto, for approval of a final plat for the Timber Ridge West subdivision to create and authorize the development of three (3) single-family lots. The 36 acre parcel is zoned PUD development plan, pursuant to the Retreat at Timber Ridge PUD development plan, and is located north of the anticipated Briargate-Stapleton Corridor, west of Vollmer Road and is within Sections 21 and 28, Township 12 South, Range 65 West of the 6th P.M. The subject property is located within the boundaries of the Black Forest Preservation Plan (1987) area.

The Timber Ridge West final plat is consistent with the approved Retreat at Timber Ridge PUD development plan and preliminary plan. The final plat application meets the submittal and review criteria for a final plat as well as the general



development standards of Chapter 6, the final plat review criteria of Chapter 7, and the subdivision design requirements of Chapter 8 of the El Paso County Land Development Code (2019).

Individual wells and onsite wastewater treatments systems (OWTS) are proposed to serve the three (3) lots. A finding of water sufficiency is requested and recommended with this application.

#### **A. REQUEST/WAIVERS/AUTHORIZATION**

**Request:** A request by Jacob Decoto, for approval of a final plat to create three (3) single-family lots. A finding of water sufficiency is requested with this application.

**Waiver(s):** No waivers are requested with this application.

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

#### **B. PLANNING COMMISSION SUMMARY**

**Request Heard:** As a Consent item at the May 7, 2019 hearing.

**Recommendation:** Approval based on recommended conditions and notations.

**Waiver Recommendation:** N/A

**Vote:** 6 to 0

**Vote Rationale:** N/A

**Summary of Hearing:** The applicant was represented at the hearing.

**Legal Notice:** N/A

#### **C. APPROVAL CRITERIA**

In approving a final plat, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2019):

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the approved preliminary plan;
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in

accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;

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

#### **D. LOCATION**

North: RR-5 (Residential Rural)	Vacant
South: PUD (Planned Unit Development)	Single-family/Ranch 51 development
East: PUD (Planned Unit Development)	Vacant/Retreat at TimberRidge PUD
West: PUD (Planned Unit Development)	Single-family/Ranch 51 development

## **E. BACKGROUND**

This area of the County was zoned A-1 (Rural) on September 21, 1965, by Board Resolution 434870. Subsequent nomenclature changes have renamed the zoning district to RR-5 (Residential Rural). The parcels have remained undeveloped. A Planned Unit Development rezoning for the Retreat at TimberRidge PUD development Plan (PUD-17-003) was approved by the Board of County Commissioners on March 27, 2018. The Retreat at TimberRidge preliminary plan (SP-18-002) was approved by the Board of County Commissioners on October 23, 2018.

The subject plat is identified within the transition area to the RR-5 (Rural Residential) properties to the north on the recorded PUD development plan. A maximum of seven (7) lots are permitted in this portion of the recorded PUD. The applicant is only proposing three (3) single-family lots. The parcels will be accessed from Vollmer Road; no right-of-way is proposed to be constructed with this final plat, if approved. The subject request for approval of the Timber Ridge West final plat is in conformance with the Retreat at TimberRidge PUD and preliminary plan.

## **F. ANALYSIS**

### **1. Land Development Code Compliance**

The Board of County Commissioners made a finding of conformity with the Land Development Code (2019) with the Retreat at TimberRidge Planned Unit Development rezoning (BoCC Resolution 18-123). 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 (2019).

### **2. Zoning Compliance**

The Timber Ridge West final plat is consistent with the approved PUD development plan and PUD development guidelines. The Retreat at TimberRidge PUD development plan provides permitted and accessory uses; use, density, and dimensional standards such as setbacks, maximum lot coverages, and maximum building heights; as well as landscaping requirements.

### **3. Policy Plan Analysis**

A finding of consistency with the El Paso County Policy Plan (1998) was made with the previously approved Retreat at TimberRidge PUD development plan and preliminary plan amendment. The proposed final plat is consistent with the approved PUD development plan and preliminary plan.

#### **4. Small Area Plan Analysis**

The property is within the Black Forest Preservation Plan (1987) area and, more specifically, within Planning Unit 10, The Southern Transitional Sub-Area. A finding of consistency with the Plan was made with the previously approved Retreat at TimberRidge PUD development plan and preliminary plan. The proposed final plat is consistent with the approved PUD development plan and preliminary plan.

#### **5. Other Master Plan Elements**

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

The Master Plan for Mineral Extraction (1996) identifies no aggregate resource of value 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**

A geology, soils, and hazards report was submitted and reviewed with the approved PUD development plan and preliminary plan. The report did not identify any hazards that would preclude development.

#### **2. Wildlife**

Potential impacts to wildlife are generally low as depicted on the El Paso County Wildlife Descriptors Map (1996).

#### **3. Floodplain**

As indicated on FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0535G, the property is located entirely outside of the current 100-year regulatory floodplain.

#### **4. Drainage and Erosion**

The proposed development is located within the Sand Creek Drainage Basin. The basin has been studied and drainage and bridge fees have been adopted; fees due are as listed below in the Recommended Conditions of Approval.

Drainage from the site generally flows from northwest to southeast, across the proposed lots towards Vollmer Road to a roadside ditch.

Per the El Paso County Engineering Criteria Manual, stormwater quality and detention is not required for this development due to the lot sizes exceeding 2.5 acres. Drainage improvements will be a driveway culvert installed for the shared access drive to Vollmer Road.

The Timber Ridge West Final Drainage Report concludes that stormwater runoff from this project will not “negatively impact the adjacent properties and downstream drainage facilities.”

## **5. Transportation**

The Timber Ridge West development takes access from the County road system at Vollmer Road. Due to the size of this development a traffic impact study was not required. Additional traffic generated from this will be approximately 20 average daily trips (ADT). This development is subject to the El Paso County Road Impact Fee Program (Resolution No. 18-471), as amended. No public streets are anticipated to be constructed. A deviation was approved with the preliminary plan allowing access to these proposed lots from Vollmer Road, a minor arterial. Recommended Condition of Approval No. 7 requires a single access for the entire subdivision to be provided if Lot 3 re-subdivides, with removal of the initial shared access from Vollmer Road. An easement providing access to the north has been provided on the plat in anticipation of Lot 3 subdividing at some point in the future.

## **H. SERVICES**

### **1. Water**

Individual wells are proposed to serve the subdivision.

Sufficiency: Sufficient

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Summary: The State Engineer's office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office has provided a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health made a favorable recommendation regarding water quality.

### **2. Sanitation**

Individual onsite wastewater treatment systems (OWTS) are proposed to serve the development. El Paso County Public Health has made a favorable recommendation regarding wastewater disposal.

**3. Emergency Services**

The requested final plat is within the Black Forest Fire Protection District. The Fire District received a referral to review the application and did not respond with any objections. The Fire District has committed to serve the development.

**4. Utilities**

Mountain View Electric Association will provide electrical service and Black Hills Energy will provide natural gas service to the development. Public utility easements have been depicted on the final plat.

**5. Metropolitan Districts and Other Special Districts**

The property is not within a metropolitan district.

The property is not anticipated to be included in a public improvement district. Traffic impact fees shall be paid in accordance with Resolution 18-471.

**6. Parks/Trails**

Regional park fees (Region 2) of \$912.00 in lieu of land dedication shall be paid at the time of final plat recordation.

**7. Schools**

School fees in the amount of \$918.00 in lieu of land dedication shall be paid at the time of final plat recordation for the benefit of Academy School District No. 20.

**I. APPLICABLE RESOLUTIONS**

See attached Resolution.

**J. STATUS OF MAJOR ISSUES**

There are no outstanding issues with this request.

**K. RECOMMENDED CONDITIONS AND NOTATIONS**

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2019) staff recommends the following conditions and notations:

**CONDITIONS**

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.

2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. The 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 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. The shared access to Vollmer Road will be temporary until the time that Lot 3 further subdivides, at which time access to all lots must be taken from Lot 3. The developer of Lot 3 will be responsible for constructing the new shared access and for removing the temporary access improvements from Vollmer Road and restoring the roadside ditch.
7. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
8. 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. 18-471), 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.



9. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$912.00 shall be paid at the time of final plat recording.
10. Fees in lieu of school land dedication in the amount of \$918.00 shall be paid to El Paso County for the benefit of Academy School District No. 20 at the time of final plat recording.
11. Drainage and bridge fees for the Sand Creek Basin in the amounts of \$9,327.18 and 3,647.37 shall be paid at the time of final plat recording.

**L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified three (3) adjoining property owners on April 18, 2019, for the Board of County Commissioners hearing. Responses will be provided at the hearing.

**M. ATTACHMENTS**

Vicinity Map  
Letter of Intent  
Plat Drawing  
State Engineer's Letter  
County Attorney's Letter  
Adjacent Property Owner Response(s) Received to Date  
Planning Commission Resolution  
Board of County Commissioners' Resolution

# El Paso County Parcel Information

File Name: MS-19-001

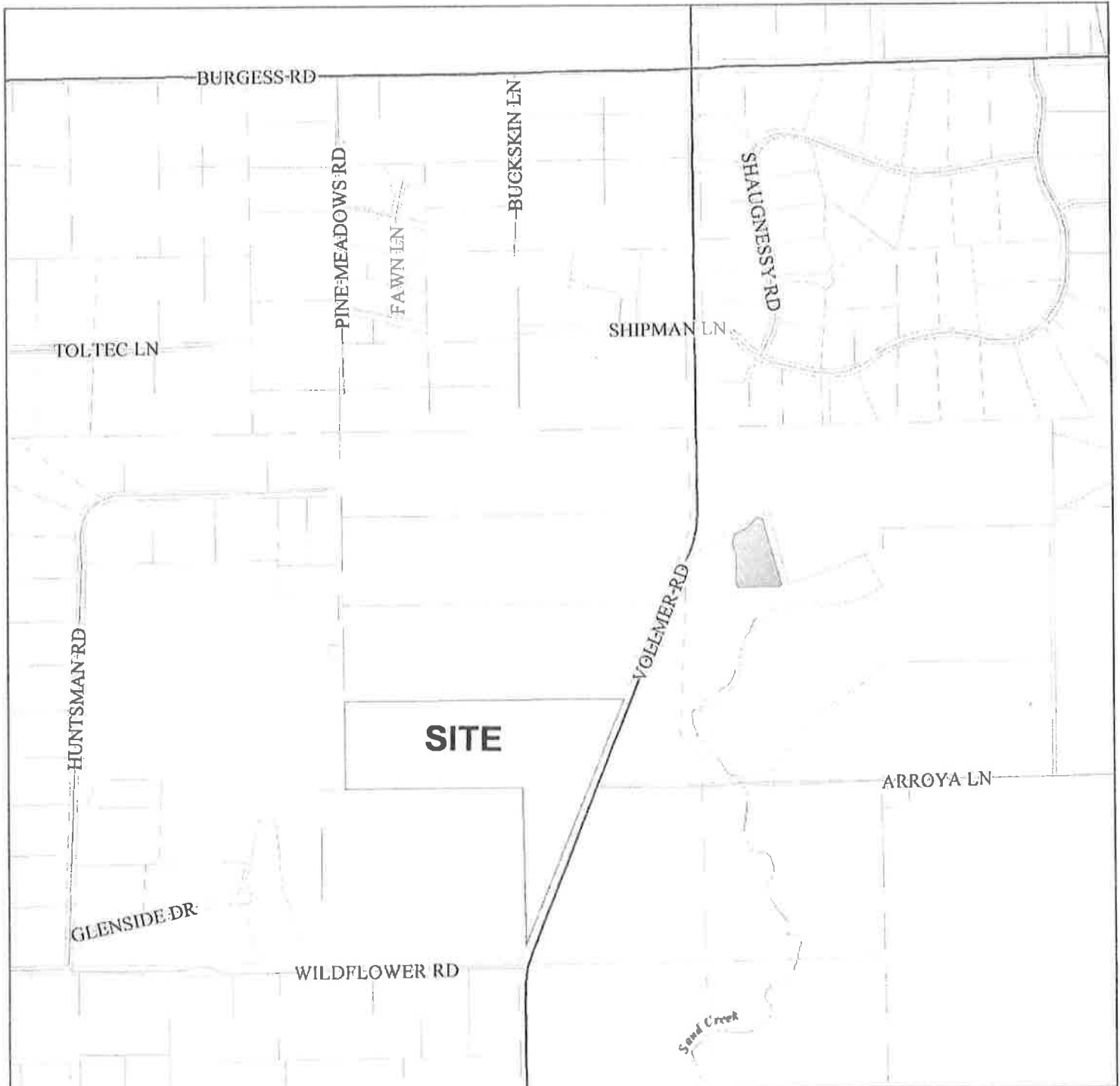
Zone Map No. --

PARCEL	NAME
5200000393	DECOTO JACOB

ADDRESS	CITY	STATE
10620 VOLLMER RD	COLORADO SPRINGS	CO

ZIP	ZIP+4
80908	4211

Date: APRIL 15, 2019



Please report any parcel discrepancies to:

El Paso County Assessor  
1675 W. Garden of the Gods Rd  
Colorado Springs, CO 80907  
(719) 520-6600



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**Timber Ridge West**

**Letter of Intent**

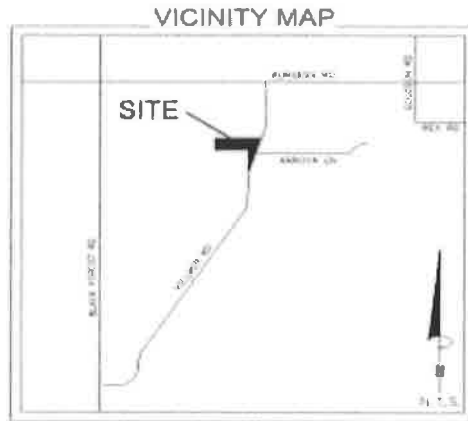
**February 2019**

**Owners/Developers:** Jacob Decoto  
10620 Vollmer Road  
Colorado Springs, CO 80908  
(206) 419-4533

**Engineer:** Terra Nova Engineering, Inc.  
721 S. 23<sup>rd</sup> Street  
Colorado Springs, CO 80904  
(719) 635-6422

**Tax ID Number:** 5200000393

**SITE LOCATION:** Timber Ridge West is located at 10620 Vollmer Road to the west of the intersection of Vollmer Road and Arroya Lane.



**INTRODUCTION:** Arroya Investments LLC acquired 514 acres of land in late 2016. The acquisition included five quarter sections south of Arroya Lane and east of Vollmer Road. Land north of Arroya Lane on both sides of Vollmer Road and south of the Forest Gate Subdivision was also acquired as a part of the purchase. Subsequently, four 35 acre parcels were sold (located west of Vollmer Road) and two 50+ acre parcels were sold north of Arroya and east of Vollmer. The development property associated with this plan is a 36.01 acre parcel located west of the intersection of Vollmer Road and Arroya Lane.

El Paso County Planning Commission approved The Retreat @ TimberRidge PUD plan on 10-2-18. This submittal is for the final plat of Timber Ridge West which consists of a 29.03 acre lot, a 3.79 acre lot and a 3.19 acre lot west of Vollmer Road.

Preservation of the existing natural features and topography is key to this project. Minimizing the grading, and any disturbance to the unique aspects of this site is the design intent of this development.

**PROPOSAL:** The applications covered by this Letter of Intent include a final plat of 3 lots west of Vollmer Road.

**THE PLAN:** Timber Ridge West is proposed as part of the development of the approved PUD for The Retreat @ TimberRidge. There will be one access point to the site from Vollmer Road which is a public arterial street. Residential land use is proposed for the three lots.

No significant grading has been included as part of this subdivision. Some grading can be expected when the individual lots are developed; however, substantial grading of the subdivided lots is not expected.

Utilities for the subdivided lots will include individual wells and onsite septic systems for each lot. No connections to municipal water or sewer services are proposed.

**EXISTING AND PROPOSED FACILITIES:** There is an existing residence on proposed Lot 3. No changes to the existing structure and no proposed facilities are included in this application. The existing structure is outside of the proposed setbacks for Lot 3. The site is outside of CSU's Electric Service Territory so connecting the proposed lots to a municipal sewer and/or water system is not required.

**PUD ZONE DISTRICT:** Timber Ridge West is classified as a PUD Zone.

**USES/DEVELOPMENT REGULATIONS:** Lots 1 & 2 will provide sites for single family homes. Lot 3 contains an existing home. Water will be provided by individual wells and wastewater will be provided by individual disposal systems.

**BUFFERS and TRANSITIONS:** This site provides the transition from urban to rural residential land use. Land to the east, across Vollmer Road, is used for a rural residential subdivision of five acre and two and one half acre lots. Vollmer Road, along with this site, creates a transition from smaller lots to the east and larger lots to the west of Vollmer Road.

**ENVIRONMENTAL:** The existing and proposed use for the site is rural residential, as are most of the adjacent parcels.

**TRANSPORTATION:** No additional public roads are required for this subdivision. A single shared private road will provide access to Vollmer Road for the proposed lots.

**DRAINAGE:** A Final Drainage Report has been prepared for Timber Ridge West. The purpose of this report is to identify and analyze the onsite and offsite drainage patterns and to ensure that post development runoff is routed through the site safely and in a manner that satisfies the requirements set forth by the El Paso County Drainage Criteria Manual. Upon future development of Lot 3, further drainage analysis will be required for this lot. When Lot 3 is developed, Lot 1 and Lot 2 will be accessed from the north via the proposed roadway to be constructed as part of that future development. Until that time, temporary access via Vollmer

Road has been granted at the shared property line approximately 425 feet southwest of the intersection of Vollmer Road and Arroya Lane. An entrance pipe is required at this location.

**CRITERIA FOR MINOR SUBDIVISION APPROVAL:**

- This plat conforms with the goals, objectives, and policies of the Master Plan.
- This subdivision is in conformance with the requirements of the El Paso County, County Land Development Code.
- The proposed subdivision is compatible with existing and proposed land uses within and adjacent to the sketch plan area. The rural residential nature of the area is preserved within Timber Ridge West.
- The water supply report provides sufficient information to identify probable compliance with the water supply standards and identifies any need for additional water supplies. Private water supply wells exist or are proposed for each proposed lot.
- Services are or will be available to meet the needs of the subdivision including, roads, police and fire protection, schools, recreation facilities, and utility service facilities. The site is already served by a fire protection district and has access to existing public roads. Private water supply wells and wastewater septic systems exist or are proposed.
- The proposed subdivision will be evaluated for soil and topographic hazards to determine if it is compatible with the identified hazards.
- The subdivision will not interfere with the extraction of any known commercial mining deposit (C.R.S. §§34-1-302(1), et seq.) as no commercial mining deposits have been identified on this site.
- The design of the subdivision protects the natural resources/unique landforms.
- The proposed methods for fire protection are adequate to serve the subdivision. The site is currently served by the Black Forest Fire Protection District.
- The subdivision is appropriate and the design is based on mitigating the constraints of topography, soil types, geologic hazards, aggregate resources, environmental resources, floodplain, airplane flight overlays, or other constraints.

**JUSTIFICATION:**

**Conformance with the El Paso County Policy Plan**

Timber Ridge West conforms to the following goals and Policies of the El Paso County Policy Plan.

PURPOSE AND INTENT. Holistic Application.

The applicable policies in this document should be considered and applied comprehensively rather than singularly. Most development proposals will naturally be consistent with some policies while inconsistent with others. The appropriate approach is to evaluate all of the relevant policies and then make a land use decision with respect to overall consistency based on a preponderance of policies within this Policy Plan.

**Policy 2.1.10** Encourage preservation of open space in subdivisions. *While open space does not exist on this site, the 29 acre Lot 3 will be used as grazing land for cattle.*

**Policy 2.1.11** Encourage approaches to natural system preservation and protection which also accommodate reasonable development opportunities. *The proposed subdivision will preserve the majority of the existing site.*

**Policy 2.2.10** Encourage the preservation of open space in the design of subdivisions. *See above.*

**Policy 2.3.1** Preserve significant natural landscapes and features. *Timber Ridge West has been designed to minimize grading and preserve existing natural features and topography.*

**Policy 2.3.7** Encourage the mitigation of visual impacts caused by construction including road cuts, utility lines, outside storage, water tanks and building scale. *Construction activities will be minimal. Visual impacts are being mitigated by preservation of existing Ponderosa pines along Vollmer Road and wooded areas onsite.*

**Policy 2.3.8** Encourage incorporating significant natural landscapes and waterways into parks and open space where feasible. *Natural landscapes are preserved on the majority of the site.*

**Goal 6.3** Continue to support existing and carefully planned future urban density development in the unincorporated County, provided the requisite level of urban services is available or will be available in a timely fashion. *Timber Ridge West includes no urban density development.*

**Policy 6.1.6** Direct development toward areas where the necessary urban-level supporting facilities and services are available or will be developed concurrently. *Timber Ridge West includes no urban density development.*

**Policy 6.1.8** Encourage incorporating buffers or transitions between areas of varying use or density where possible. *Transitions are accomplished by providing lots greater than 2.5 acres along Vollmer Road. Transitions from rural residential land use to urban land use occur on site.*

**Policy 6.1.11** Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses. *The land plan*

***promotes this policy as Timber Ridge West matches the rural residential nature of neighboring properties.***

***Policy 6.1.3*** Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access. ***The new development matches the density, land use and access of surrounding areas.***

***Policy 6.1.14*** Support development which compliments the unique environmental conditions and established land use character of each sub-area of the County. ***See conformance with the Black Forest Preservation Plan discussed below.***

***Policy 6.2.4*** Encourage the use of innovative techniques to mitigate negative impacts of proposed land uses that differ from zoning in established neighborhoods. ***This site provides a transition between neighboring developments that accomplishes this.***

***Policy 6.2.10*** Utilize buffer zones to promote mutually compatible transitions between neighborhoods and adjoining development with differing uses or densities. ***See above.***

***Policy 9.2.3*** Strictly limit direct access onto major transportation corridors in order to preserve their functional capacity. ***The proposed lots will share an access point onto Vollmer Road. When Lot 3 develops, it will also share this access point.***

***Policy 9.4.5*** Encourage processes by which development can contribute a reasonable and fair share toward off-site transportation improvements. ***This project will pay its fair share of transportation costs through the Countywide Transportation Fee Program. Traffic fees will be paid at the time of BLDS Permit.***

***Policy 10.2.3*** Promote cooperative ventures such as water authorities which maximize water supply options and economies through the pooling of resources. ***Private water supply wells will be used lot these lots.***

***Policy 10.2.4*** Encourage the linking of systems among water providers in order to provide the highest assurance of available service. ***See above.***

***Policy 11.1.2*** Encourage an approach based on the entire watershed, to flood protection which incorporates a combination of on-site, sub-regional and regional retention and detention facilities to effectively reduce negative downstream impacts including erosion, flooding, channel and water quality degradation. ***The pre-development flows will not be significantly altered, thus minimizing any downstream impacts.***



**Policy 11.1.14** Require development plans to effectively address both quantitative and qualitative impacts of drainage within the project site. *The Final Drainage Report for Timber Ridge West addresses these impacts.*

**Policy 11.3.1** Where feasible, support the use of natural or naturalistic drainage approaches rather than hard line solutions. *Onsite drainage channels are being preserved. Only one entrance pipe is proposed for this subdivision.*

**Policy 11.3.3** Fully evaluate the relative impact of proposed drainage improvements on the maintenance of water quality. *Developed flow routes will be maintained as much as possible. All proposed 2.5 acre lots or larger do not require WQCV per ECM I.7.1.B*

**Policy 11.3.5** Protect the integrity of wetlands, riparian areas and associated wildlife habitat through a combination of careful land development and drainage system design. *Disturbances will be limited to areas where required for lots and roads.*

**Policy 11.3.6** Encourage the effective use of control measures to mitigate the short and long term erosion impacts of development. *Disturbances will be limited to a small portion of this development. Proper erosion control measures will be used for all disturbed areas.*

**Policy 11.4.1** Strongly discourage land use development from locating in floodplains. *No floodplains exist on Timber Ridge West.*

**Policy 12.1.3** Approve new urban and rural residential development only if structural fire protection is available. *Fire protection is available from the Black Forest Fire Protection District.*

### **Conformance with the Black Forest Preservation Plan**

The Black Forest Preservation Plan is a Small Area Plan that includes Timber Ridge West within its boundaries. The Plan was originally approved in 1974 and updated in 1987. In the past 30 years since the update to the Plan, a number of significant changes occurred. Those changes include:

- Voter approval of a County tax to fund County Sheriff activities
- The Black Forest Fire, which has raised awareness of fire safety and prevention, as well as mitigation of the effects of the fire
- Adoption of the Countywide Transportation fee
- Addition to the Code of a comprehensive PUD Zone that provides a control mechanism for insuring that land dedications and density caps can be administered effectively.

- Failure of an election to incorporate the Black Forest with a stated purpose of administering the Black Forest Preservation Plan
- Pressures on County resources coupled with a commitment by County Elected Officials to make county government as efficient as possible have made clustered development a desirable design form that reduces the amount of street per dwelling unit, thereby making the provision of County services more efficient than standard rural residential designs especially five acre lots.
- Approval of the Sterling Ranch Sketch Plan
- Construction of the Cherokee Water System with pipeline in Arroya Lane and construction of the Sterling Ranch well and water tank adjacent to the NE corner of the proposed urban density lots.

When viewed in the context of these changes, and while looking at the broad recommendations of the Black Forest Preservation Plan, this land situated north of Stapleton/Briargate and south of the forested area of the Black Forest is where a transition from urban to rural residential land use is proposed. Timber Ridge West is part of the transition between creating rural residential lots along Vollmer Road, transitioning to urban lots east of Vollmer Road, to planned urban density within the Sterling Ranch Sketch Plan.

As stated in the Introduction to the Plan, "...The consistency or inconsistency of an application with a single policy or recommendation should be of less importance than its relationship to the overall spirit and intent of the elements when taken together." The following Goals and Policies of the Black Forest Preservation Plan are implemented with this request:

- Policy 1.5. Preserve open space as a means of retaining natural features and the separate identity of the Black Forest Planning Area. ***Natural features will be preserved in this subdivision.***
- Action 1.c. All land use items concerning the Black Forest Planning Area should be forwarded to the Black Forest Land Use Committee or other appropriate citizens group for review and comment prior to public hearing. ***Applicants have met with the Black Forest Land Use Committee.***
- Action 1.d. Applicants for subdivisions, zone changes, special use approvals, and variances should address consistency with the Black Forest Preservation Plan as a part of their submittals. ***This Letter of Intent addresses conformity with the Black Forest Preservation Plan.***
- Policy 2.3. Support clustered development alternatives which result in the creation of permanently dedicated and maintained open space. ***This subdivision will not have enough lots to be applicable here.***

- Goal 3.A. Promote a residential environment which perpetuates the rural-residential character of the Black Forest Planning Area. ***Rural Residential lots and open space are the land use transitions from urban to rural residential land use.***
- Policy 3.5. Generally support residential development which compliments and enhances the area's terrain, vegetation and natural resources. ***The proposed land use plan is consistent with this policy.***
- Action 3.i. Developers who propose projects which involve land to be held in common ownership should address the degree to which their proposed means of maintenance will ensure that the land remains in open space in relative perpetuity. ***Open space will not be available on this subdivision.***
- Goal 6.1. Design the transportation system so that disruption of sensitive environmental features, agricultural operations, and existing or platted residential areas is minimized. ***The proposed lots will share access to Vollmer Road.***
- Policy 6.2. Discourage unnecessary traffic through the forested and low density residential areas by providing alternative alignments and, where appropriate, incorporating designs which limit through traffic. ***Access to Vollmer Road has been limited to one point while providing a safe and efficient network.***
- Action 7.c. Copies of all relevant land use petitions should be transmitted to the Black Forest Land Use Committee or other appropriate group for review and comment. It is suggested that proposals be informally presented by the applicant to planning area residents prior to formal submittal. Consistency with appropriate Master Plan elements should be specifically addressed at this time. ***A meeting with the Black Forest Land Use Committee.***
- Policy 8.2. Protect and maintain the area's drainage courses in their natural condition by promoting designs and densities that are sensitive to natural drainage patterns. ***Timber Ridge West is preserving nearly all of the existing onsite drainage channels.***
- Policy 9.4. Encourage cooperation between the County, other governmental entities, the development community and area school districts to reserve adequate and appropriate school sites in a timely manner. ***No school site will be required.***
- Policy 9.6. Support the provision and enhancement of both useable and perpetual open space. ***Open space will not be available for this subdivision.***

A SUBDIVISION OF PORTIONS OF THE SOUTHEAST QUARTER OF SECTION 21,  
AND OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28,  
TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M.,  
EL PASO COUNTY, COLORADO

Containing a calculated area of 1.046,345 square feet (34,008.8 acres), more or less.

### 1) Form: Early Modern



A SUBDIVISION OF PORTIONS OF THE SOUTHEAST QUARTER OF SECTION 21,  
AND OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28,  
TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M.,  
EL PASO COUNTY, COLORADO

UNPLATED

FOUND IN MEDIA  
OF STAINING SLIDE  
CN WATER "M" &  
CYL. PLE. 20020

UNPLATTED

UNPLATTED

6 - Canvas-bound manuscript, stacked as noted

**Geologic Hazard Area -- No Build Area.**  
These areas are shown in an approximate manner to indicate where geologic hazards may exist. These areas are shown to areas potential for causing some of the slumping. The stability of these areas was determined by others. The certification between areas not happy as to the accuracy or completeness of this information. Possible lot owners are encouraged to consult a qualified geo-technical engineer to determine the actual location of these areas. See Note #28

GRAPHIC SCALE  
1 inch = 100 ft

DSD FILE NO: MS 19-1

[illegible]

PROJECT No. 19222  
OCTOBER 3, 2018  
SHEET 2 OF 2



**COLORADO**  
Division of Water Resources  
Department of Natural Resources

January 28, 2019

Kari Parsons  
El Paso County Development Services Department  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910

RE: Timber Ridge West Subdivision  
Sec. 21, Twp. 12S, Rng. 65W, 6<sup>th</sup> P.M.  
Water Division 2, Water District 10  
CDWR Assigned Subdivision No. 25719

To Whom It May Concern,

We have received the submittal concerning the above referenced proposal to subdivide a 36.01± acres tract of land into three new lots. Two of the lots will be approximately 3.5 ± acres and the largest lot will be 29.0 ± acres. Our records indicate that there is one existing well located on the property. The proposed supply of water to the subdivision will be new individual on-lot wells for each lot, with wastewater being disposed of through individual on-lot septic disposal systems.

**Water Supply Demand**

According to the Water Supply Information Summary received in the submittal, the estimated water demand for the development is 1.22 acre-feet/year. Based on the Division 2 Water Court case no. 2017CW3002 this amount breaks down to 0.32 acre-feet/year/well for two Dawson aquifer wells and 0.58 acre-feet/year for an additional Dawson aquifer well, each serving one-single family residence, with some additional outdoor uses (irrigation, stock watering, etc.).

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

**Source of Water Supply**

The anticipated source of water is to be provided by on-lot wells producing from the Dawson aquifer that will operate pursuant to the augmentation plan decreed by the Division 2 Water Court in case no. 2018CW3005. The water in the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the 36.01 acres of land which makes up the entire proposed Timber Ridge West Subdivision was adjudicated by the Division 2 Water Court in case no. 2017CW3002.

According to the decrees entered by the Division 2 Water Court in case no. 2017CW3002, the following amounts of water shown in Table 1, below, were determined to be available underlying the 36.01 acre property.



Table 1 - Denver Basin Ground Water Rights

Aquifer	Tributary Status	Volume (AF)	Annual Allocation 100 Year (AF/Year)	Annual Allocation 300 Year (AF/Year)
Dawson	NNT	1,944.4	16.44	5.48
Denver	NNT	1,897.7	18.98	1.86
Arapahoe	NT	1,561	15.61	1.66
Laramie-Fox	NT	1,026.2	10.26	1.12

Three annual acre-feet of Dawson groundwater has been reserved for existing Well Permit no. 304551.

The plan for augmentation decreed in Division 2 Water Court case no. 2018CW3005 allows for diversion of 1.22 acre-feet annually from Dawson aquifer for a maximum of 300 years. **Future wells constructed into the Dawson aquifer will require that the applicant apply for, and obtain a well permits issued pursuant to Section 37-90-137(4) C.R.S.**

The proposed source of water for this subdivision is a bedrock aquifer in the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which this source will be a physically and economically viable source of water. According to 37-90-137(4)(b)(I), C.R.S., "Permits issued pursuant to this subsection (4) shall allow withdrawals on the basis of an aquifer life of one hundred years." Based on this allocation approach, the annual amounts of water decreed is equal to one percent of the total amount available as determined by Rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Therefore, the water may be withdrawn in those amounts for a maximum of 100 years.

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

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

The State Engineer's Office does not have evidence regarding the length of time for which this source will "meet the average annual demand of the proposed subdivision." However, treating El Paso County's requirement as an allocation approach based on three hundred years, the annual estimated demand, for the entire subdivision, is 1.22 acre-feet as allowed by the augmentation plan. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

#### State Engineer's Office Opinion

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

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

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

Our opinion is qualified by the following:

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

**The amounts of water in the Denver Basin aquifers, and identified in Division 2 Water Court case no. 2017CW3002, was calculated based on estimated current aquifer conditions. For planning purposes the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 300 years used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply. Furthermore, that applicant will need to apply for, and obtain a new well permits issued pursuant to Section 37-90-137(2) C.R.S.**

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

Sincerely,



Kate Fuller, P.E.  
Water Resource Engineer

cc: Bill Tyner, Division 2 Engineer  
Doug Hollister, District 10 Water Commissioner



# EL PASO COUNTY



## OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

**Diana K. May, County Attorney**

### Assistant County Attorneys

M. Cole Emmons  
Lori L. Seago  
Kenneth R. Hodges  
Lisa A. Kirkman  
Steven A. Klaffky  
Peter A. Lichtman

May 2, 2019

MS-19-1 Timber Ridge West Minor Subdivision

Reviewed by: M. Cole Emmons, Senior Assistant County Attorney  
Edi Anderson, Paralegal

*M. C. E.*

### FINDINGS AND CONCLUSIONS:

1. This is a proposal by Jacob Decoto ("Applicant") for a 3 lot minor subdivision on a parcel of approximately 36 acres (the "Property"). The Applicant desires to subdivide the property into 3 lots: Lots 1 and 2 each will be approximately 3.5 acres in size, and the 3<sup>rd</sup> lot, Tract A, will be approximating 29 acres. The property is currently zoned RR-5 (Rural Residential).

2. The Applicant has provided for the source of water to derive from individual on-lot wells, as provided through the plan for augmentation in District Court Water Division 2 Case No. 2018CW3005 ("Augmentation Decree"), and from water rights adjudicated for the Property in District Court Water Division 2 Case No. 2017CW3002 ("Adjudication Decree"). An exempt well permit (Well Permit No. 304551) has been issued for the Property, but it is unclear whether a well has been drilled. The Adjudication Decree notes that 3.0 acre-feet annually was reserved from quantification of the Dawson aquifer for permitting associated with this exempt well permit. Pursuant to the Water Supply Information Summary ("WSIS"), the source of the water supply will derive from the Dawson aquifer, operating pursuant to the augmentation plan defined in the Augmentation Decree. The WSIS states the demand is 0.6 acre-feet for household use and up to 0.62 acre-feet for any combination of uses, which may include stock watering, irrigation, and other uses, for a total of 1.22 acre-feet annually for all 3 lots.

**NOTE:** These figures are different from those in the Augmentation Decree. That Decree states the demand/allowed uses as follows: Decoto Wells 2 & 3 (for Lots 1 & 2) each may pump up to 0.32 acre-feet annually, and Decoto Well No. 1 (for Tract A) may pump up to 0.58 acre-feet annually, for a maximum total of 1.22 acre-feet for all 3 lots. Further, the Augmentation Decree states that up to 0.26 acre-feet annually per lot may be used for household use, with the additional available pumping (0.44 acre-feet annually per lot) for

200 S. CASCADE AVENUE  
OFFICE: (719) 520-6485



COLORADO SPRINGS, CO 80903  
FAX: (719) 520-6487

landscape irrigation, watering of horses and livestock, and other decreed beneficial uses. For purposes of this Water Review, the County Attorney's Office will rely on the figures from the Augmentation Decree not Applicant's WSIS. Based on those figures, the annual water demand to serve the Property at 0.32 acre-feet/year for each of Lots 1 and 2, and 0.58 acre-feet/year for Tract A, is 1.22 acre-feet for all 3 lots. Based on this total demand of 1.22 acre-feet per year for the minor subdivision, Applicant must be able to provide a supply of 366 acre-feet of water (1.22 acre-feet per year x 300 years) to meet the County's 300 year water supply requirement.

3. In a letter dated January 28, 2019, and as amended on March 11, 2019, the State Engineer reviewed the submittal to plat the approximately 36 +/- acre parcel into a 3 lot minor subdivision. The State Engineer reviewed the WSIS, both Decrees, and the Water Resources and Water Quality Report for Timber Ridge West Subdivision dated December 3, 2018. The Engineer stated that the "water is to be provided by on-lot wells producing from the Dawson aquifer that will operate pursuant to the augmentation plan decreed by the Division 2 Water Court in case no. 2018CW3005. The water in the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the 36.01 acres of land which makes up the entire proposed Timber Ridge West Subdivision was adjudicated by the Division 2 Water Court in case no. 2017CW3002." As updated in the State Engineer's letter dated March 11, 2019, the following amounts of water were determined to be available underlying the 36 acre Property:

Aquifer	Volume (AF)	Annual Allocation 300 Year (AF/Year)
Dawson (NNT)	1,944.4	5.48
Denver (NNT)	1,897.7	6.33
Arapahoe (NT)	1,561.0	5.20
Laramie-Fox Hills (NT)	1,026.2	3.42

The State Engineer notes that the Augmentation Decree "allows for diversion of 1.22 acre-feet annually from [the] Dawson aquifer for a maximum of 300 years." The State Engineer further states that "pursuant to CRS 30-28-136(1)(h)(l), that the anticipated water supply can be provided without causing material injury to decreed water rights so long as the applicant obtains well permits issued pursuant to C.R.S. 37-90-137(2) and the plan for augmentation noted herein, for all wells in the subdivision and operates the wells in accordance with the terms and conditions of any future well permits."

4. Adjudication Decree and Plan for Augmentation (Augmentation Decree). The Adjudication Decree quantifies all of the water rights for the groundwater underlying 4 different parcels: Arroya Parcel, West Parcel No. 1, West Parcel No. 2, and West Parcel No. 3. Jacob Decoto owns both West Parcels Nos. 1 and 2; however, the applicable parcel for this subdivision is West Parcel No. 1. The Augmentation Decree permits the Applicant to subdivide the parcel into the 3 lots identified for this subdivision and to construct 3 wells into the not-nontributary Dawson aquifer. As indicated in Paragraph 2

above, Decoto Wells 2 & 3 (for Lots 1 & 2) each may pump up to 0.32 acre-feet annually, and Decoto Well No. 1 (for Tract A) may pump up to 0.58 acre-feet annually, for a maximum total of 1.22 acre-feet for all 3 lots. The allowed uses are domestic in-house use, commercial, landscape irrigation, watering of horses or livestock, or use in water features or hot tubs or other beneficial uses, including recreation, wildlife, wetlands, fire protection, piscatorial, storage, and augmentation.

Replacement of depletions during pumping. For any wells constructed into the nontributary Dawson aquifer, the Applicant is required to replace actual stream depletions on an annual basis during the 300 years of pumping by return flows from non-evaporative septic systems. The Augmentation Decree indicates the annual consumptive use for non-evaporative septic systems is 10% per year per residence; therefore, based on the Decree's analysis using a more conservative figure of an annual household use rate of 0.2 acre-feet per lot (rather than the 0.26 acre-feet allowed), a total of 0.54 acre-feet (10% of 0.2 acre-feet/lot or 0.18 acre-feet/lot) is replaced to the stream system annually using non-evaporative septic systems. The Decree states, "[w]ith maximum depletions from the pumping of 3 wells at 0.18 acre feet, and anticipated replacement of 0.54 acre feet annually, during pumping, stream depletions will be adequately augmented." Therefore, Applicants, their successors and assigns, must use nonevaporative septic tanks and leach fields for each single-family dwelling.

Replacement of post-pumping depletions. The plan for augmentation will have a pumping period of a minimum of 300 years. The Augmentation Decree requires the Applicant to replace any injurious post-pumping depletions by reserving up to 366 acre-feet of water from the nontributary Laramie-Fox Hills aquifer, and construct a well or wells into this aquifer to replace post-pumping depletions. The reserved nontributary Laramie-Fox Hills groundwater will be used to replace any injurious post-pumping depletions, and the Decree requires that these waters may not be severed from ownership of the overlying property. The Water Court stated that operation of the plan for augmentation "will not result in material injury to the vested water rights of others."

5. Analysis. Applicant's total water demand for the Timber Ridge West Subdivision is 1.22 acre-feet/year. Pursuant to the Augmentation Decree, the Decoto Wells Nos. 2 and 3 each may pump up to 0.32 acre-feet of water per year, and the Decoto Well No. 1 may pump up to 0.58 acre-feet of water per year, for a total of 1.22 acre-feet of water per year. The Adjudication Decree determined that there is an available water supply from the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers, and specifically, 5.48 acre-feet is available annually for 300 years from the Dawson aquifer. The Augmentation Decree permits withdrawal of 1.22 acre-feet/year from the Dawson aquifer for 300 years (for a 300 year supply of 366 acre-feet), which is adequate to meet the demand of the subdivision. Based on the permitted withdrawal of 1.22 acre-feet annually for 300 years, availability of 5.48 acre-feet annually from the Dawson aquifer adjudicated for the Property, and an annual water demand of 1.22 acre-feet/year, there

appears to be a sufficient water supply to meet the demands of the Timber West Minor Subdivision utilizing the Dawson aquifer water supply.

6. Section 8.4.7(B)10(g) of the El Paso County Land Development Code allows for the presumption of acceptable water quality for minor subdivision projects such as the Timber West Minor Subdivision.

7. Therefore, based on the finding of sufficiency and no injury by the State Engineer pursuant to their review of District Court Water Division 2 Case No. 2018CW3005 and District Court Water Division 2 Case No. 2017CW3002, and pursuant to the requirements below, the County Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability. There is a presumption of sufficient water quality.

#### **REQUIREMENTS:**

A. Applicant shall take all necessary steps to ensure that if and when Applicant conveys the Property for this subdivision, that the appropriate water rights and obligations of the Decree are also conveyed to the appropriate successor purchaser(s). These Requirements shall apply to the Applicant and its successors and assigns.

B. Applicant, its successors and assigns, shall comply with all requirements of Well Permit No. 304551 as may be required pursuant to the Augmentation Decree. Prior to hearing by the Board of County Commissioners, Applicant shall clarify for the Planning and Community Development Department and the County Attorney's Office whether a well has been drilled pursuant to this Permit, and what requirements, if any, there are regarding replacing either this Permit or the well pursuant to the Augmentation Decree and/or C.R.S. § 37-90-137(4).

C. Prior to hearing by the Board of County Commissioners, Applicant shall provide an updated WSIS that conforms with the withdrawal amounts authorized in the Augmentation Decree.

D. The County prefers that when there is a plan for augmentation requiring replacement of post-pumping depletions, that Applicant, its successors and assigns, create a homeowners' association ("HOA"); however, alternatively to establishing an HOA, Applicant, its successors and assigns, shall create restrictive covenants or deed restrictions upon and running with the Property which shall advise and obligate future lot owners of this subdivision, their successors and assigns, regarding all applicable requirements of the Augmentation Decree, District Court Water Division 2 Case No. 2018CW3005, and the Adjudication Decree, District Court Water Division 2 Case No. 2017CW3002, and their obligations to comply with the same, including, but not limited to, ensuring that return flows by the use of non-evaporative septic systems are made to

the stream system, and that such return flows shall only be used to replace depletions and shall not be sold, traded, or assigned in whole or in part for any other purpose. Applicant shall assign or convey to the HOA or to individual lot owners, all of Applicant's interests, rights, and obligations in the Augmentation Decree, including the replacement requirement, and shall create restrictive covenants or deed restrictions upon and running with the Property which shall advise and obligate future lot owner(s) of this subdivision, their successors and assigns, regarding all applicable requirements of the Augmentation Decree as well as their obligations to comply with the replacement requirements. Said Covenants or deed restrictions shall also ensure that return flows by the use of non-evaporative septic systems are made to the stream systems, and that such return flows shall only be used to replace depletions and shall not be sold, traded, or assigned in whole or in part for any other purpose. In addition, the Covenants or deed restrictions shall advise future lot owners of this subdivision, their successors and assigns, of their obligations regarding costs of operating the plan for augmentation, which may include construction and pumping of a Laramie-Fox Hills aquifer well or wells to replace post-pumping depletions. Such Covenants or deed restrictions shall also address responsibility for any metering and data collecting that may be required regarding water withdrawals from wells pursuant to the Decrees.

E. Applicant, its successors and assigns, shall reserve in the Covenants or the deed restrictions and in any deeds of the Property, at least 366 acre-feet of Laramie-Fox Hills aquifer water decreed for use in the plan for augmentation to replace post-pumping depletions. If a HOA is not created, Applicant, its successors and assigns, shall convey by warranty deed, at the time of lot sales to successor owners, sufficient water rights in the Laramie-Fox Hills aquifer underlying the Property, pursuant to the Augmentation Decree, to meet the post-pumping replacement obligations. Those Laramie-Fox Hills aquifer amounts, based on the respective demand for each lot, would be as follows: Lot 1 is 96 acre-feet, Lot 2 is 96 acre-feet, and Tract A is 174 acre-feet for a total of 366 acre-feet for all 3 lots. Said reservation and deeds shall recite that this water shall not be separated from transfer of title to the property and shall be used exclusively for replacement supply. Applicant shall provide copies of said Covenants or deed restrictions or other such reservation and conveyance instruments that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney's Office prior to recording the final minor subdivision plat.

F. Applicant, its successors and assigns, shall reserve in the Covenants or the deed restrictions 366 acre-feet of not-nontributary Dawson aquifer water for the primary water supply. Applicant, its successors and assigns, shall convey by warranty deed, at the time of lot sales to successor owners, sufficient water rights in the Dawson aquifer underlying the Property, pursuant to the Decrees, to satisfy El Paso County's 300 year water supply requirement. The Dawson aquifer supply requirement for each of the lots is as follows: Lot 1 is 96 acre-feet (0.32 ac.ft./yr. x 300 yrs.), Lot 2 96 acre-feet (0.32 ac.ft./yr. x 300 yrs.), and Tract A is 174 acre-feet (0.58 ac.ft./yr. x 300 yrs.), for a total of 366 acre-feet for 300 years. Said Covenants or deed restrictions and/or

conveyance instrument shall recite that this water shall not be separated from transfer of title to the property and shall be used exclusively for the primary supply for the lot. Applicant shall provide said Covenants or deed restrictions or other such reservation and/or conveyance instruments that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney's Office prior to recording of the final minor subdivision plat.

G. Applicant shall submit the Declaration of Covenants, Conditions, and Restrictions or deed restrictions and any plat notes required herein to the Planning and Community Development Department and the County Attorney's Office for review, and the same must be approved by the Planning and Community Development Department and the County Attorney's Office prior to recording the final minor subdivision plat. Said Declaration/deed restrictions shall cross-reference the Decrees and shall recite the obligations of the individual lot owners under each of these documents.

H. Applicant, its successors and assigns, shall record all applicable documents, including, but not limited to, the Augmentation Decree (District Court Water Division 2 Case No. 2018CW3005) and the Adjudication Decree (District Court Water Division 2 Case No. 2017CW3002), agreements, assignments, and warranty deeds regarding the water rights, and Declaration of Covenants (if applicable) in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

I. The following plat note shall be added that addresses the State Engineer's admonition to advise landowners of potential limited water supplies in the Denver Basin:

"Water in the Denver Basin Aquifers is allocated based on a 100 year aquifer life; however, for El Paso County planning purposes, water in the Denver Basin Aquifers is evaluated based on a 300 year aquifer life. Applicants, the Home Owners Association, and all future owners in the subdivision should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than either the 100 years or 300 years used for allocation indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply."

cc: Kari Parsons, Project Manager, Planner II

# EL PASO COUNTY



COMMISSIONERS:  
MARK WALLER (CHAIR)  
LONGINOS GONZALEZ, JR. (VICE-CHAIR)

COLORADO

HOLLY WILLIAMS  
STAN VANDERWERF  
CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

April 17, 2019



This letter is to inform you of the following petition which has been submitted to El Paso County:

MS-19-001

PARSONS

## MINOR SUBDIVISION TIMBER RIDGE WEST

A request by Jacob Decoto for approval of a final plat to create three (3) single-family residential lots. The 36 acre property is zoned PUD (Planned Unit Development) and is located north of the anticipated Briargate-Stapleton Parkway corridor and west of Vollmer Road. (Parcel Nos. 52000-00-393) (Commissioner District No. 2)

Type of Hearing: Quasi-Judicial

Comments: For Can't stop progress because we live  
in a world where we are in constant change.  
What was determined in the past will  
probably be modified in the future. Nothing stays  
the same.  
(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)

- This item is scheduled to be heard by the El Paso County Planning Commission on May 7, 2019. The meeting begins at 9:00 a.m. and will be conducted in the Second Floor Hearing Room of the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs.
- The item will also be heard by the El Paso County Board of County Commissioners on May 28, 2019. The meeting begins at 9:00 a.m. and will be conducted in the Centennial Hall Auditorium, 200 South Cascade Avenue, Colorado Springs.
- The date and order when this item will be considered can be obtained by calling the Planning and Community Development Department or through El Paso County's Web site ([www.elpasoco.com](http://www.elpasoco.com)). Actions taken by the El Paso County Board of County Commissioners are posted on the internet following the meeting.
- The online submittal portal can be found at: [www.epcdevplanreview.com](http://www.epcdevplanreview.com)
- The Staff Report for this Agenda item can be found at: <https://planningdevelopment.elpasoco.com/el-paso-county-planning-commission/planning-commission-2019-hearings/>

Your response will be a matter of public record and available to the applicant prior to the hearing. You are welcome to appear in person at the hearing to further express your opinion on this petition. If we can be of any assistance, please call 719-520-6300.

Sincerely,

Kari Parsons, Planner II

Your Name:

Mark Bissett

Address:

10160 Vollmer Rd.

Property Location:

Black Forest

Phone 719 510 5792





# EL PASO COUNTY

COMMISSIONERS:  
MARK WALLER (CHAIR)  
LONGINOS GONZALEZ, JR. (VICE-CHAIR)

COLORADO

HOLLY WILLIAMS  
STAN VANDERWERF  
CAMI BREMER

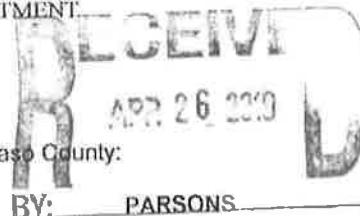
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

April 17, 2019

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MS-19-001

MINOR SUBDIVISION  
TIMBER RIDGE WEST



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Type of Hearing: Quasi-Judicial

For \_\_\_\_\_ Against \_\_\_\_\_ No Opinion \_\_\_\_\_  
Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)

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Sincerely,

Kari Parsons, Planner II

Your Name: Terry Smith (signature) \_\_\_\_\_

Address: 8455 W. Lakes Rd, CS Co 80908

Property Location: Same Phone: 970 210 1153

2880 INTERNATIONAL CIRCLE, SUITE 110

PHONE: (719) 520-6300

32



COLORADO SPRINGS, CO 80910-3127

FAX: (719) 520-6695

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FINAL PLAT (RECOMMEND APPROVAL)

Commissioner Friedman moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION**

**OF THE COUNTY OF EL PASO**

**STATE OF COLORADO**

**RESOLUTION NO. MS-19-001**

**Timber Ridge West Minor Subdivision**

WHEREAS, Jacob Decoto, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Timber Ridge West 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 May 7, 2019; 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 subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is in substantial conformance with any applicable approved preliminary plan.

7. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. 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)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. A public sewage disposal system has been established or, 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 Land Development Code.
10. 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)].
11. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and Engineering Criteria Manual.
12. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
13. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
14. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Land Development Code.
15. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the Subdivision Improvements Agreement so the impacts of the subdivision will be adequately mitigated.
16. The subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
17. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.]
18. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.

19. For the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends approval of the application for the final plat of the Timber Ridge West Subdivision 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. The 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 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. The shared access to Vollmer Road will be temporary until the time that Lot 3 further subdivides, at which time access to all lots must be taken from Lot 3. The developer of Lot 3 will be responsible for constructing the new shared access and for removing the temporary access improvements from Vollmer Road and restoring the roadside ditch.
7. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
8. 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. 18-471), 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.

9. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$912.00 shall be paid at the time of final plat recording.
10. Fees in lieu of school land dedication in the amount of \$918.00 shall be paid to El Paso County for the benefit of Academy School District No. 20 at the time of final plat recording.
11. Drainage and bridge fees for the Sand Creek Basin in the amounts of \$9,327.18 and 3,647.37 shall be paid at the time of final plat recording.

#### **NOTATION**

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

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

Commissioner Lucia-Treese seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Egbert	aye
Commissioner Curry	aye
Commissioner Lucia-Treese	aye
Commissioner Friedman	aye
Commissioner Bailey	aye
Commissioner Blea-Nunez	aye

The Resolution was adopted by a vote of 6 to 0 by the El Paso County Planning Commission, State of Colorado.

DATED: May 7, 2019

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Jim Egbert, Chair

## EXHIBIT A

### Legal Description – Timber Ridge West

Those portions of the Southeast Quarter of Section 21 and the Northeast Quarter of Section 28 in Township 12 South, Range 65 West of the 6<sup>th</sup> P.M., El Paso County, Colorado described as follows:

Beginning at the southwest corner of said Southeast Quarter;

- 1) thence along the west line of said Southeast Quarter North 0 degrees 25 minutes 32 seconds West, 650.00 feet;
- 2) thence North 89 degrees 40 minutes 31 seconds East, 2076.87 feet to the westerly right-of-way line of Vollmer Road as described in Book 2678 at Page 430;
- 3) thence along said right of way line South 21 degrees 41 minutes 10 seconds West, 2018.07 feet to the west line of the Northeast Quarter of the Northeast Quarter of said Section 28;
- 4) thence along said west line North 0 degrees 35 minutes 59 seconds West, 1220.99 feet to the northwest corner of said Northeast Quarter of the Northeast Quarter;
- 5) thence along the south line of the Southwest Quarter of said Southeast Quarter South 89 degrees 40 minutes 31 seconds West, 1313.52 feet to the point of beginning.

RESOLUTION NO. 19-

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EL PASO, STATE OF COLORADO

APPROVE FINAL PLAT FOR TIMBER RIDGE WEST (MS-19-001)

WHEREAS, Jacob Decoto, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Timber Ridge West 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 the El Paso County Planning Commission on May 8, 2019, upon which date the Planning Commission did by formal resolution recommend approval of the final plat application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on May 28, 2019; 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, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board 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 hearings before the Planning Commission and the Board of County Commissioners.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. All exhibits were received into evidence.
5. The subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.

6. The subdivision is in substantial conformance with the approved preliminary plan.
7. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. 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)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. A public sewage disposal system has been established or, 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 Land Development Code.
10. 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)].
11. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and Engineering Criteria Manual.
12. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
13. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
14. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Land Development Code.
15. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the Subdivision Improvements Agreement so the impacts of the subdivision will be adequately mitigated.

16. The subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
17. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.].
18. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
19. For the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the final plat application for the Timber Ridge West Subdivision;

BE IT FURTHER RESOLVED that the following conditions shall be placed upon this approval:

**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. The 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 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. The shared access to Vollmer Road will be temporary until the time that Lot 3 further subdivides, at which time access to all lots must be taken from Lot 3. The developer of Lot 3 will be responsible for constructing the new shared access and for removing the temporary access improvements from Vollmer Road and restoring the roadside ditch.
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8. 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. 18-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
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11. Drainage and bridge fees for the Sand Creek Basin in the amounts of \$9,327.18 and 3,647.37 shall be paid at the time of final plat recording.

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 28th day of May, 2019, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
County Clerk & Recorder

**EXHIBIT A**

**Legal Description – Timber Ridge West**

Those portions of the Southeast Quarter of Section 21 and the Northeast Quarter of Section 28 in Township 12 South, Range 65 West of the 6<sup>th</sup> P.M., El Paso County, Colorado described as follows:

Beginning at the southwest corner of said Southeast Quarter;

- 1) thence along the west line of said Southeast Quarter North 0 degrees 25 minutes 32 seconds West, 650.00 feet;
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