

PLANNING AND COMMUNITY DEVELOPMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

December 21, 2017

Subject: VR-17-014 Review 1

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

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

EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Current Planning

Notice

1. Several adjacent property owners were not notified of the request. Please send notice to all the adjacent property owners you have not notified.

Mailing receipts have been uploaded. Cherokee has previously signed an acknowledgement that they received the adjacent property owner notification and it was in the original submittal.

General

1. Should the request be approved additional fees will be required at the time of recording for the recording, park, school, drainage/bridge, etc. The applicant must also supply: zero tax certificate, title dated w/in 30 days, the Mylar with all signatures and certifications, and any other items necessary (SIA, collateral, etc).

2. All engineering documents must be approved prior to the item being scheduled for hearing.

Mineral

1. The certificate states the rights have not been owned. items 9, 10, 16, 17, 24 of the title commitment indicated the rights have been severed. The mineral rights owner must be notified of the request. Please update the certificate and provide proof of notice to the mineral owner.

There is no consistent chain of "party A sold to party B sold to party C sold to party D" that can be traced from the references in the Title Commitment. Some of them are either difficult or impossible to read in important areas. It appears that title to the right to mine sand in the area was given to David DeGraff by the Federal Government in 1875. Unknown rights (unreadable) were granted to Edwyn Evans by W. T. Rodney in 1919. On October 19, 1979 the property was exempted from the County Master Plan for Extraction of Commercial Mineral Deposits. The mineral and water rights of multiple properties were sold on December 31, 1979 by Empire Holdings Inc. to John Venezia, with no indication that Empire Holdings Inc. had purchased the rights on the property currently being considered in this application. A property that was identified as Parcel S was part of the transaction, but the part platted as Cimarron South Filing No. 1, which is the legal description of the property being considered in this application, was specifically excluded. On February 16, 2011, the area including my property was leased to Transcontinent Oil for oil and gas exploration by the Virginia H. Callen Estate, then the lease was relinquished on July 15, 2011. There is no documentation showing ownership of those mineral rights by the Virginia H. Callen Estate, and as owner of the physical property, I was never made aware of permissions being given to third parties for ingress, egress, road building, drilling, etc. On February 11, 2013, this same property was included in a sale of leases from Transcontinent Oil to Hilcorp Energy, which is suspect, since Transcontinent Oil did not own the lease on the property. With the non-continuous list of documents referenced by the Title Company, and with the transfer of rights not properly held by some of these parties, I can't tell who the real owner of mineral rights might be. I have to believe that these issues were considered in the letter from the County Assessor stating that the property owner has ownership of 100% of the minerals.

Application

1. Please select the application type Final Plat, Amendment.

Revised Form Uploaded.

Letter of Intent

1. Please add an analysis of the proposed replat in relation to the County Policy Plan.

Revised Letter Uploaded.

Engineering Division

Redline comments on the following documents will be uploaded by the Project Manager: - Plat - Drainage Letter

Revised Letter Uploaded.

ENVIRONMENTAL

The El Paso County Environmental Division has completed its review of the 6425 E Platte Vacation and Replat VR-17-014. Our review consisted of the following items: wetlands, federal and state listed threatened or endangered species, general wildlife resources and noxious weeds.

We have reviewed the submittal and have no comments at this time.

The applicant is hereby on notice that the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service have regulatory jurisdiction over wetland and threatened and endangered species issues, respectively. It is the applicant's responsibility, and not El Paso County's, to ensure compliance with all applicable county, state, and federal laws and regulations, including, but not limited to, the Clean Water Act, Endangered Species Act, Migratory Bird Treaty Act, Colorado Noxious Weed Act and El Paso County Weed Management Plan.

We appreciate the opportunity to comment on this project. If you have any questions or concerns, please contact me at (719) 520-7845.

911 AUTHORITY –EL PASO/ TELLER COUNTY

No comment for 911 No new street names requested Thank you Justin

ELPASO COUNTY PARKS DEPARTMENT

The Planning Division of the Community Services Department has reviewed the 6425 East Platte Avenue Vacation and Replat application and has the following comments of behalf of El Paso County Parks.

The El Paso County Parks Master Plan (2013) shows no open space, park facilities, or trails intersected by or within the project area. The project site is located on the south side of Highway 24 East, south of the intersection of East Platte Avenue and Hathaway Drive. The proposed Highway 94 Secondary Regional Trail and Highway 94 Bicycle Route are located approximately 1 mile northeast of the site, commencing at the intersection of East Highway 24 and Highway 94 before heading eastward.

The City of Colorado Springs' proposed East Fork Sand Creek Trail is located immediately east and adjacent to the property. Parks recommends that the applicant consult the City of Colorado Springs Parks staff, since the City is actively

working on proposed trail connections in this area. Dave Dietemeyer would be a good contact there.

The Board of County Commissioners has not elected to require park fees for commercial subdivisions, so none are recommended at this time.

These comments are being provided administratively, as this application does not require Park Advisory Board consideration.

Sincerely,
Ross A. Williams
Park Planner Planning
Division
Community Services Department
rosswilliams@elpasoco.com

COLORADO SPRINGS UTILITIES

Utility Comments (electric, gas, water, wastewater)

Action Items:

1. Please update the easement block to say the following: ""All easements that are dedicated hereon for public utility purposes shall be subject to those terms and conditions as specified in the instrument recorded at Reception Number 212112548 of the records of El Paso County, Colorado. All other easements or interests of record affecting any of the platted property depicted hereon shall not be affected and shall remain in full force and effect."
2. Please show and label on both the "As Platted" and "As Replatted" the existing electrical easement recorded at Book 2935, Page 258.
3. Please show and label on both the "As Platted" and "As Replatted" the existing easement recorded at reception number 213040424.
4. On the "As Replatted" please show that the 5ft side-lot easements were created by previous plat.
5. Please ensure that all electric transmission infrastructure is located in R.O.W., otherwise easements will need to be created.

Information Items:

1. Please contact Utilities Development Services (UDS) at 719.668.8111 for an estimate of development charges, fees, Recovery Agreement Charges or other utility related costs that may apply to this development.
2. CSU requires an Application for Gas and Electric Line Extension to be submitted along with a Load Data form or an Application for Gas Service Line Approval and/or Application for Elevated Pressure Approval prior to electric and natural gas system

design for service to the project. Refer to the CSU Line Extension and Service Standards or contact Field Engineering at 719-668-4985.

3. CSU may require an extension contract and payment of contributions-in-aid of construction (or a Revenue Guarantee Contract) for the extension of electric facilities needed to serve the development. Regarding natural gas extensions, CSU may require an extension contract and an advance payment for the estimated cost to construct the necessary gas extensions.

4. Improvements, structures and trees must not be located directly over or within 6 feet of any underground gas or electric distribution facilities and shall not violate any provision of the National Electric Safety Code (NESC) or any applicable natural gas regulations or Colorado Springs Utilities' policies.

5. Improvements, structures and trees shall not be located under any overhead utility facility, shall not violate NESC clearances, and shall not impair access or the ability to maintain utility facilities.

6. Landscaping shall be designed to provide the required clearances for utility facilities, to allow continuous access for utility equipment, and to minimize conflicts with such facilities.

If you have any questions, please contact Ethan Widrick at ewidrick@csu.org or at 719-668-8123.

Comments have been included in the revised submittal.

PIKES PEAK REGIONAL BUILDING DEPARTMENT

1. Looks as though both businesses are operating under the same address; 6425 E Platte Ave. It would best for the Paint Ball business to change their address. There will not be an official address change due to Regional Building department not approving the address to be used for the paint ball business. A new address will be established by the area platting. The new address will be placed on the mylar for recordation. 2. There is designated 100 year floodplain on proposed lot 2, show the floodplain overlay on the final plat; -this lot is not Zone X. Proposed lot 1 will not have any floodplain once platted and is lot is Zone X. Amend the floodplain statement and overlay. 3. STANDARD FINAL PLAT COMMENTS: ENUMERATIONS/FLOODPLAIN WILL REVIEW THE MYLAR PRIOR TO PLAT FOR ADDRESS PLACEMENT, ROAD NAMING, TITLE BLOCK, & FLOODPLAIN STATEMENT. \$10.00 PER LOT & TRACT FEE WILL BE DUE AT THE TIME OF THE REVIEW OF THE MYLAR. IF AN ADDRESS IS NOT NEEDED ON A TRACT THEN NO FEE APPLIES. CHECK SHOULD BE MADE OUT TO PIKES PEAK REGIONAL BUILDING DEPARTMENT. PAID DIRECTLY TO ENUMERATIONS DEPARTMENT. A COPY OF THE FINAL RECORDED PLAT IS REQUIRED PRIOR TO APPROVAL IN ENUMERATIONS DEPARTMENT ON ANY COMMERCIAL PLANS SUBMITTAL.

Per Clark Land Surveying: “The county is asking us to show the floodplain line, that they believe affects Lot 2 of the plat. It is our determination that the floodplain line does not affect Lot 2 and thus no changes were made in regards to that.” The revised plot plan and letter of explanation has been uploaded.

ELPASO COUNTY HEALTH DEPARTMENT

Please accept the following comments from El Paso County Public Health regarding the project referenced above:

- There is a finding for sufficiency in terms of water quality for drinking water obtained from this Colorado Department of Public Health and Environment, Water Quality Control Division, regulated central water supply. The water system is assigned the PWSID# CO-0121125 from the Colorado Department of Public Health and Environment.
- There is sufficient wastewater treatment capacity at the Cherokee Water and Sanitation District wastewater treatment facility to treat the projected wastewater flow for the proposed replat.
- The 1.68 acre Lot #1 is connected to Cherokee Water and Sanitation District. The 5.097 acre Lot #2 is not currently connected to water and sewer services. If Lot #2 is currently using temporary wastewater service from portable restrooms, then connection to Cherokee Water and Sanitation District is required within 6 months if the replat is approved.
- Radon resistant construction building techniques/practices are encouraged to be used in this area. The EPA has determined that Colorado, and the El Paso County area have potentially higher radon levels than other areas of the country.

Mike McCarthy, R.E.H.S.
El Paso County Public Health Environmental Health Division 719.575.8602
mikemccarthy@elpasoco.com 16Dec2017

COLORADO SPRINGS AIRPORT ADVISORY COMMISSION

Airport staff recommends no objection with the following conditions:

- Provide proof of previous avigation easement or Airport Activity Notice and Disclosure recordation for this property.
- Based on elevation data, the applicant should file Federal Aviation Administration (FAA) Form 7460-1 “Notice of Proposed Construction or Alteration” for any new vertical

development at this site, including temporary construction equipment, and provide FAA documentation to the Airport before the commencement of construction activities.

- More information about the airspace evaluation submittal process is available on the FAA's Obstruction Evaluation/Airport Airspace Analysis website (<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>).

The Avigation Easement is uploaded.

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

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

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

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

Please contact me if you would like to schedule a meeting with myself or the multi-disciplinary team.

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

If you have any questions feel free to contact me at 719-520-6313.

Best Regards,

Nina Ruiz, PM/Planner II
El Paso County Planning and Community Development Department