

EL PASO COUNTY



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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

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

FROM: Nina Ruiz, Planner II
 Gilbert LaForce, PE Engineer II
 Craig Dossey, Executive Director

RE: Project File #: SP-18-003
 Project Name: High Plains Preliminary Plan
 Parcel No.: 5119001009

OWNER:	REPRESENTATIVE:
Savage Development Inc. 1125 Diamond Rim Drive Colorado Springs, CO 80921	Catamount Engineering PO Box 692 Divide, CO 80814

Commissioner District: 1

Planning Commission Hearing Date:	3/19/2019
Board of County Commissioners Hearing Date	4/9/2019

EXECUTIVE SUMMARY

A request by Savage Development, Inc., for approval of a preliminary plan of 39.40 acres within the RR-5 (Residential Rural) zoning district to create seven (7) single family residential lots and right-of-way. The property is located one-half (1/2) mile west of Black Forest Road on the north side of Hodgen Road and is within Section 19, Township 11 South, Range 65 West of the 6th P.M. The property is located within the Black Forest Preservation Plan (1987).



#276 for 4/9/19 BoCC

FEMA Flood Insurance Rate Map No. 08041C0305G shows a 100-year floodplain (Zone AE) from an unnamed tributary of East Cherry Creek through the subdivision. No structures and no storage of materials are permitted within the floodplain area.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Savage Development, Inc., for approval of a preliminary plan to create seven (7) single-family residential lots and right-of-way within the RR-5 (Residential Rural) zoning district.

Waiver(s)/Deviation(s): The following deviation from the standards of the El Paso County Engineering Criteria Manual (ECM) have been administratively approved by the County Engineer:

1. Section 2.2.5.B.3 states that all access to the newly created properties shall be provided internally from the existing access or new access to a roadway of lower functional classification. The applicant has submitted a deviation requesting direct lot access on Hodgen Road (minor arterial) for Lot 4 due to topographical constraint of the natural channel located between the lot and the proposed local road. Specifically, approximately 23 feet of vertical difference from the buildable area of Lot 4 to the bottom of the channel. The request has been approved with a condition noted on the plat that Lot 4 shall provide for adequate turnaround space in the lot to preclude vehicles from backing onto Hodgen Road.

Authorization to Sign: There are no items requiring signature associated with this request.

B. PLANNING COMMISSION SUMMARY

Request Heard: As a Consent item at the March 19, 2019 hearing.

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 6 to 1

Vote Rationale: N/A

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

Legal Notice: N/A

C. APPROVAL CRITERIA

The BOCC shall determine that the following criteria for approval outlined in Section 7.2.1 of the El Paso County Land Development Code (2018), have been met to approve a Preliminary Plan:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of this Code;
- The subdivision is in conformance with the subdivision design standards and any approved sketch plan;
- 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 the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;
- Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;
- Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;

- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and
- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

D. LOCATION

North	RR-5 (Residential Rural)	Agricultural
South	PUD (Planned Unit Development)	Flying Horse North/Vacant
East	RR-5 (Residential Rural)	Residential
West	RR-5 (Residential Rural)	Vacant

E. BACKGROUND

The property was zoned A-1 (Agricultural) on September 21, 1965, when zoning was first established for this area of the County. Due to changes of the nomenclature, the A-1 zoning district has been renamed as the RR-5 (Residential Rural) zoning district. The applicant has requested approval of a preliminary plan of 39.40 acres to create seven (7) single family residential lots and right-of-way. The applicant has submitted a concurrent application for a final plat for the entire preliminary plan area.

F. ANALYSIS

1. Land Development Code Compliance

This application meets the preliminary plan submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the Land Development Code (2018).

2. Zoning Compliance

The proposed preliminary plan is in conformance with the RR-5 (Residential Rural) zoning district. The dimensional standards are as follows:

- Minimum lot size- 5 acres
- Minimum width at front setback line- 200 feet
- Setbacks- 25 feet front, rear, and sides
- Maximum coverage- 25 percent
- Maximum height - 30 feet

A residential site plan will be required for all lots prior to building permit authorization to ensure all proposed structures will meet the setback, height, and lot size coverage requirements of the RR-5 zoning district.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues, and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

***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.*

***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.*

***Policy 6.2.2** – Promote the unique identity of neighborhoods through the use of focal points, parks, trails and open spaces, preservation of significant natural features, compatible location and design of mixed uses, and promotion of pedestrian and other non-motorized means of travel.*

***Policy 6.4.4** – Encourage new rural residential subdivisions to be located within or contiguous with existing rural residential areas or to be incorporated as a buffer between higher density or undevelopable areas.*

The proposed High Plains subdivision is surrounded by both developed and undeveloped land. The neighboring parcels that are undeveloped are within the RR-5 (Residential Rural) zoning district, which requires a minimum lot size of five (5) acres. To the south across Hodgen Road is the Flying Horse North PUD, which has a minimum lot size requirement of 2.5 acres but an overall density of one dwelling unit per five (5) acres. The development located to the east is the Lesley Subdivision, which has a density of one dwelling unit per 20 acres. The development located to the west is the Rockin' Four-Ese subdivision which has a density of one dwelling unit per ten (10) acres. The proposed High Plains subdivision includes seven (7) lots with an average lot size of 5.1 acres. The High Plains subdivision is a logical extension of the existing development of the Flying Horse North Subdivision. The proposed subdivision is compatible with the previously developed areas in terms of density and land use.

The property located to the north is comprised of 80 acres and is currently undeveloped but could develop in the future. The applicant has planned for the

potential future development of this parcel by providing right-of-way dedication for "Ridgeback Road" to the northernmost boundary of the proposed subdivision.

There is a floodplain located on the subject parcel (see floodplain section below for additional details). This significant natural feature is being preserved with the proposed subdivision by showing the entire area as a "no build" area. The proposed preliminary plan and final plat are consistent with the Policy Plan.

4. Small Area Plan Analysis

The parcel is included within the boundaries of the Black Forest Preservation Plan (1987), specifically the Northern Grasslands planning unit. This area recommends densities of no greater than one (1) dwelling unit per five (5) acres. The proposed density of the High Plain subdivision is one dwelling unit per 5.1 acres.

The Black Forest Land Use Committee was sent a referral for the preliminary plan and concurrently reviewed final plat. The Committee responded with support for the overall development but also expressed concerns regarding Lot 4 having access onto Hodgen Road by stating:

"The Black Forest Land Use Committee recommends approval of this preliminary plan with one change. We feel that lot 4 should access the cul-de-sac on a flag and NOT access Hodgen Road directly. This is a busy road at a busy intersection and it is not safe to add a private driveway at this point on Hodgen."

If access is limited for Lot 4 from Hodgen Road then driveway and other improvements in the floodplain would be required. Per the deviation request, access onto Hodgen Road is not expected to affect safety or operations of the roadway. The driveway access for Lot 4 is proposed at a crest location on Hodgen Road and will have clear sight lines in both directions of Hodgen Road that exceed the design sight distance of 550 linear feet for a 55 mile per hour (mph) posted speed. The proposed preliminary plan is consistent with the Black Forest Preservation Plan.

5. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential. El Paso County Environmental Services and Colorado Parks and Wildlife were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies potential floodplain deposits and stream terrace deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, severed mineral rights exist. The mineral rights owner has been notified of the application and hearing date.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

See below for information regarding the floodplain on the subject parcel. The floodplain is proposed as a “no build” area on the preliminary plan and concurrently reviewed final plat.

2. Wildlife

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

3. Floodplain

FEMA Flood Insurance Rate Map No. 08041C0305G which has an effective date of December 7, 2018 and as amended by the FEMA approved Letter of Map Revision Case No. 18-08-0702P which has an effective date of April 4, 2019 shows the 100-year floodplain (Zone AE) from an unnamed tributary of East Cherry Creek through the subdivision. No structures and no storage of materials are permitted within the floodplain area.

4. Drainage and Erosion

The subdivision is located in the East Cherry Creek drainage basin (CYCY0200). East Cherry Creek drainage basin is an unstudied basin with no drainage basin fee or bridge fee requirements.

Drainage generally flows to the northeast. Roadside ditches, culverts and channels are proposed to provide sediment control prior to discharging into the unnamed tributary of East Cherry Creek. Water quality capture volume was not provided and was not required per Appendix I of the Engineering Criteria Manual (2016) since the development is low density housing (2.5 acre or larger lots). The unnamed channel is proposed to be left unaltered in its natural condition. As a result the applicant applied the prudent line approach which limits how close development can occur next to the unnamed channel to minimize potential property damage as a result of future channel migration and flooding. The prudent line setback is shown on the concurrent final plat. The approved drainage

report concluded that the development will not adversely affect downstream properties or facilities.

5. Transportation

Access to the subdivision is proposed to be provided from Hodgen Road except for Lot 4 as discussed in detail above. All proposed internal streets will be constructed to public road standards. The platting and development of High Plains Filing No. 1 will result in the dedication of approximately 0.26 miles of developer-constructed rural local roadways for ongoing County ownership and maintenance.

In accordance with the 2016 Major Transportation Corridor Plan Update (MTCP), the applicant is dedicating 20 feet of right-of-way along Hodgen Road and is identifying an additional 40 feet for future right-of-way preservation.

Hodgen Road Corridor Plan Access Management Plan identified a future north-south access along the western property line of the subject property. The roadway design for the High Plains Filing No. 1 subdivision is in conformance with the access management plan and will be dedicating additional right-of-way, thus enabling future extension to the north.

High Plains Filing No. 1 is subject to the El Paso County Road Impact Fee Program (Resolution 18-471), as amended.

H. SERVICES

1. Water

Sufficiency:

Quality:

Quantity:

Dependability:

Attorney's summary: The Colorado Division of Water has provided a recommendation that there is sufficient water in terms of water quantity and dependability. The El Paso County Environmental Health Division has recommended that there is sufficient water quality. The El Paso County Attorney recommendation will be provided at the hearing.

2. Sanitation

Wastewater disposal will be via onsite wastewater treatment systems (OWTS). The soils report submitted with the preliminary plan demonstrates that the requirements of Section 8.4.8, Wastewater Disposal, of the Code have been met.

3. Emergency Services

The property is within the Black Forest Fire Protection District. The district was sent a referral and had no response

4. Utilities

Natural gas service will be provided by Black Hills Energy. Mountain View Electric Association will provide electrical service.

5. Metropolitan Districts

The property is not within a metropolitan district.

6. Parks/Trails

Fees in lieu of park land dedication will be due at the time of recording the final plat(s).

7. Schools

The site is within the boundaries of Lewis Palmer School District No. 38. Fees in lieu of school land dedication shall be paid to El Paso County for the benefit of Lewis Palmer School District No. 38 at time of recording the final plat(s).

I. APPLICABLE RESOLUTIONS

See attached Resolution.

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

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 (2018) staff recommends the following conditions and notations:

CONDITIONS

1. Applicable traffic, drainage and bridge fees shall be paid with each final plat.
2. Applicable school and park fees shall be paid with each final plat.
3. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the

U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.

4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 18-471), as amended, 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.
5. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

NOTATION

1. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a final plat has been approved and recorded or a time extension has been granted.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified seven (7) adjoining property owners on February 27, 2019, for the Board of County Commissioners' hearing. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Plat Drawing
El Paso County Public Health Letter
State Engineer's Letter
County Attorney's Letter
Planning Commission Resolution
Board of County Commissioners' Resolution

El Paso County Parcel Information

File Name: SP-18-003/SF-18-024

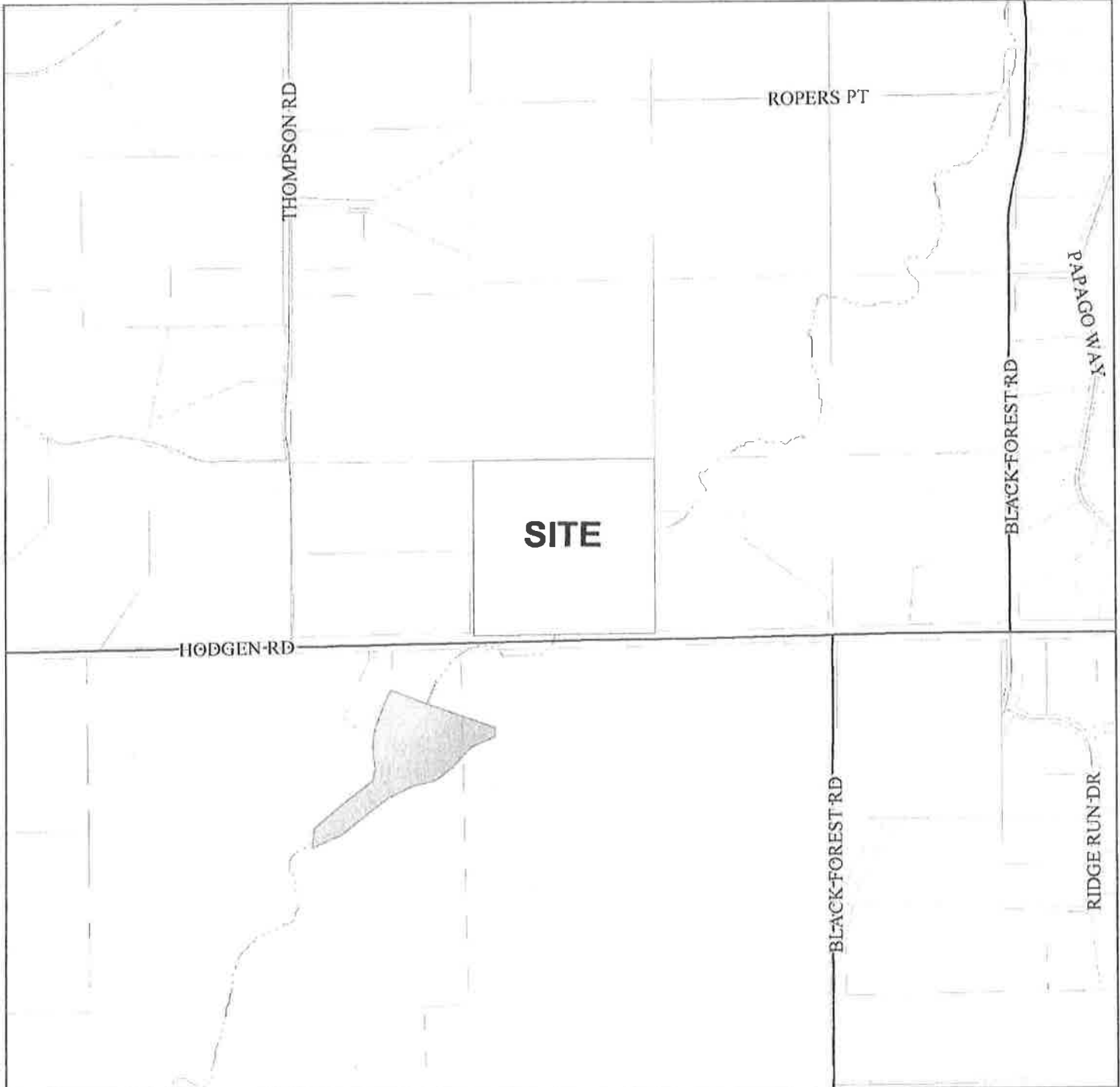
PARCEL	NAME
5119001009	SAVAGE DEVELOPMENT INC

Zone Map No. --

ADDRESS	CITY	STATE
1125 DIAMOND RIM DR	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80921	8430

Date: FEBRUARY 20, 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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Savage Development Inc.: High Plains FILING 1

Preliminary Plan

LETTER OF INTENT

October 2018

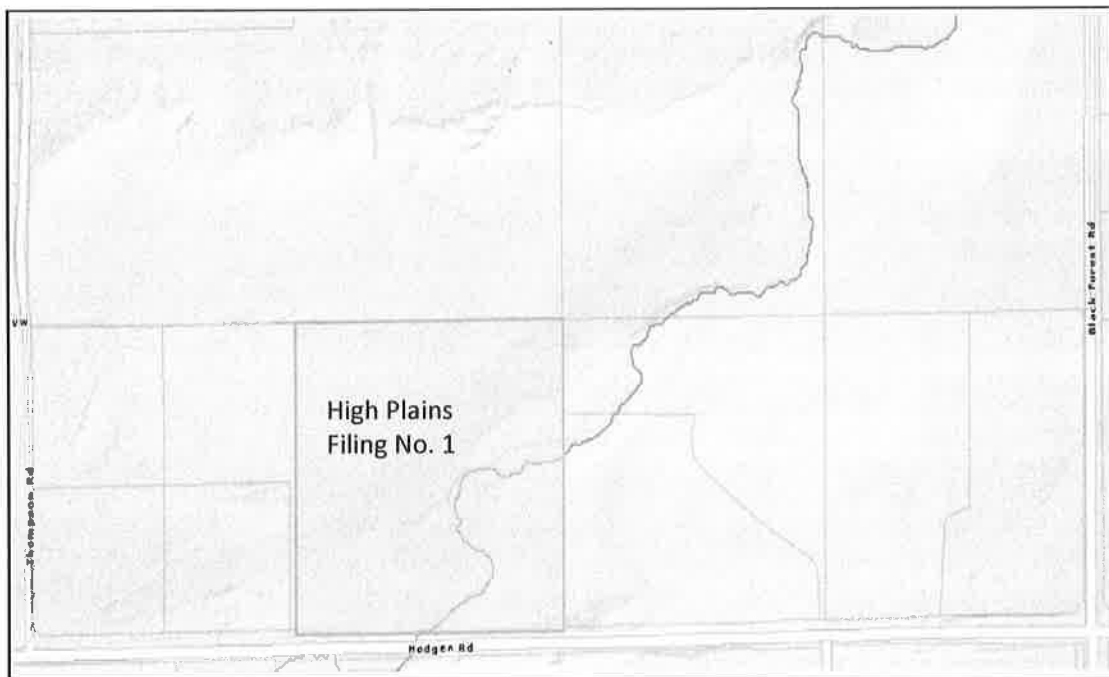
PROPERTY OWNER:
Savage Development Inc.
1125 Diamond Rim Drive,
Colorado Springs, CO 80921

DEVELOPER:
Savage Development Inc.
1125 Diamond Rim Drive,
Colorado Springs, CO 80921

CONSULTANT:
Catamount Engineering
321 W. Henrietta Ave Ste. A
Woodland Park, CO 80866

LOCATION

High Plains Filing No.1 is located north of Hodgen Road, east of Thompson Road, and west of Black Forest Road, Colorado Springs, Colorado. The site comprises approximately 40 acres and is zoned RR-5. To the north lies unplatted 80 acres, to the east the Lesley Subdivision, and to the west the Rockin' Four-ESE development.



REQUEST

Savage Development Inc. is requesting approval of the following:

1. A Preliminary Plan for High Plains Filing 1, consisting of 7 lots on approximately 40 acres.

PROJECT JUSTIFICATION

The Preliminary Plan is in compliance with the RR-5 zoning criteria set out in Section

7.2.1(D)(f) as follows:

a. The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;

High Plains Filing No. 1 is identified as part of the Black Forest Preservation plan within the Northern Grasslands Small Area Plan. As such it accords with the goals of the plan to promote a residential environment which perpetuates the rural-residential character of the Black Forest Planning Area. The proposed residential subdivision also satisfies the following policies of the County Policy Plan:

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.

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.

b. The subdivision is consistent with the purposes of this code;

The subdivision is entirely in accordance with the land use code.

c. The subdivision is in conformance with the subdivision design standards and any approped sketch plan;

The proposed subdivision is consistent with the subdivision design standards and any approved sketch plan.

- d. 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 and the requirements of Chapter 8 of this Code;**
Individual wells will service the High Plains Filing No. 1 Subdivision. The source water for each lot will be the Dawson bedrock aquifer. The water rights were adjudicated in Division 1 Water Court, case 18CW3017 and Division 2 Water Court case 18CW3006 with an approved augmentation plan for up to 0.54 AF/YR per lot. The individual wells will be able to provide the quantity and dependability required for these 7 lots. The water has been tested for quality and will be in compliance with State and County Water standards.
- e. 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, and the requirements of Chapter 8 of this Code;**
Individual on-site wastewater treatment systems (OWTS) will be utilized for each of the 7 lots. The site has been tested and is deemed suitable for individual OWTS provided the OWTS sites are evaluated and installed according to El Paso County and State Guidelines and properly maintained.
- f. 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;**
The Geotechnical Report prepared by Entech Engineering Inc. in support of this application identifies some geologic constraints on construction, but nothing that would prevent the development of this site. These geologic constraints include artificial fill, expansive or loose soils, potentially unstable slopes, floodplain, potentially seasonal shallow groundwater and shallow groundwater conditions. These conditions can be either avoided or mitigated with proper engineering and construction practices relating to foundation design and drainage.
- g. Adequate drainage improvements are proposed that comply with State Statute and the requirements of this Code and the ECM;**
A Preliminary/Final Drainage Report for the High Plains Filing No. 1 is submitted with this application package.
- h. 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;**
Legal and physical access is provided to all lots by public rights-of-way except for lot #4. A deviation request has been submitted for lot #4 attached with the final plat application.
- i. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;**
All necessary services will be available to serve the proposed subdivision.

k. The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;

We've incorporated all of the elements above within our proposed preliminary plan. We have designed the site to be consistent with surrounding RR-5 developments and believe that we've done a good job incorporating all physical characteristics of the land in the design. This proposed subdivision will not negatively impact the levels of service of county services and facilities or the surrounding land and homeowners.

l. Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;

All necessary services will be available to serve the proposed subdivision.

m. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;

A Fire Protection Report is included with this application and demonstrates that the Black Forest FRPD has sufficient capacity to serve this development.

n. The proposed subdivision meets other applicable sections of Chapter 6 and 8;

The proposed subdivision meets all code requirements found in Chapter 6 and 8 of this code.



Prevent • Promote • Protect

Environmental Health Division
1675 W. Garden of the Gods Road
Suite 2044
Colorado Springs, CO 80907
(719) 578-3199 *phone*
(719) 578-3188 *fax*
www.elpasocountyhealth.org

High Plains, SF-18-024

Please accept the following comments from El Paso County Public Health (EPCPH) regarding the 39.4 acre, 7 residential lot development project referenced above:

- **Water service for the development will be provided by individual private wells, and wastewater service will be provided by onsite wastewater treatment systems (OWTS).**
- **El Paso County Public Health has determined there is a finding for sufficiency in terms of water quality based upon the acceptable sample results of the 18-19 April 2018, Colorado Analytical Laboratories, Inc., Analytical Results report. The Analytical Results were missing the Required Secondary Drinking Water Standards sample results; however, sampling was planned and results will be provided upon receipt and analysis of the results.**
- **The Entech Engineering, Inc., Soil, Geology, Geologic Hazard, and Wastewater Study Report dated 20 April 2018 was reviewed to determine OWTS suitability for the site. Based on the referenced report the site is found suitable for OWTS installations. OWTS's on the site may require a professional engineer design due to areas with poor soil conditions. Shallow ground water and bedrock were not encountered in the soil tests.**
- **Careful planning is required when locating a private well and onsite wastewater treatment system (OWTS) on lots 3 and 6 due to identified areas of potential seasonal shallow groundwater identified in the Entech Engineering, Inc., Soil, Geology, Geologic Hazard, and Wastewater Study Report.**
- **El Paso County Public Health encourages planned walk-ability of residential communities. Please consider appropriate connections to commercial areas through the use of sidewalks, and bike trails. Walk-ability features help reduce obesity and associated heart diseases.**
- **Earthmoving activities Earthmoving activities greater than 25 acres require a Construction Activity Permit from the Colorado Department of Public Health and Environment, Air Pollution Control Division. Go to the El Paso County Public Health site <https://www.elpasocountyhealth.org/service/air-quality/construction-activity-application> for the link to the Colorado Department of Public Health and Environment, Air Pollution Control Division, for the permit application.**

High Plains, SP-18-024

Mike McCarthy, R.E.H.S.
El Paso County Public Health
mikemccarthy@elpasoco.com
719-575-8602
06Feb2019



John W. Hickenlooper
 Governor

Robert Randall
 Executive Director

Kevin G. Rein, P.E.
 Director/State Engineer

July 25, 2018

Nina Ruiz
 El Paso County Development Services Department
DSDcomments@elpasoco.com

RE: High Plains, Filing No. 1 Subdivision
 Part of the SW ¼ of the SE ¼, Section 19, T11S, R65W, 6th P.M.
 Water Division 1, Water District 8

Dear Ms. Ruiz,

We have reviewed the submittal documents related to High Plains Filing 1 Subdivision, concerning the above referenced proposal to subdivide a 39.4 acre parcel into 7 single-family residential lots (approximately 5 acres per lot).

Water Supply Demand

Based on the water supply information summary provided, the estimated annual demand for each residential lot is 0.54 acre-feet per year for 300 years, of which 0.26 acre-feet per year will be used for in house use, and 0.28 acre-feet per year for other uses such as irrigation of 4,920 square-feet of lawn and garden and the watering of up to four horses or equivalent livestock. The total annual water requirement for the seven proposed lots is 3.78 acre-feet.

Source of Water Supply

The proposed water source is individual on lot wells constructed in the Dawson aquifer operating pursuant to the decreed augmentation plan in consolidated case nos. 2018CW3017 (Division 1) and 2018CW3006 (Division 2). The decree quantified the amount of water underlying the subject 39.4 acre parcel. According to the decree the following amounts of water were determined to be available underlying the 39.4-acre parcel:

Aquifer	Annual amount available for 39.4 acre parcel (acre-feet)	
	Based on 100 year allocation approach	Based on 300 year allocation approach
Dawson	38.2	12.7
Denver	33.5	11.1
Arapahoe	16.2	5.4
Laramie-Fox Hills	11.5	3.8

The decreed augmentation plan in Division 1 Water Court Case no. 18CW3017 allows for the annual withdrawal of 3.78 acre-feet from the not nontributary Dawson aquifer for up to seven individual on lot wells, based on a 300 year allocation approach. The augmentation plan states the ground water allocation for each well lot is 0.54 acre-feet per year for 300 years, which will be used for household use (0.26 acre-feet per year) and 0.28 acre-feet per year per residence is available for other uses, for example irrigation of approximately 4,920 square feet of lawn and garden and the watering of up to four horses or equivalent livestock.



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 in consolidated case nos. 18CW3017 and 18CW3006 are equal to one percent of the total amount, as determined by rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

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

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

The State Engineer's Office does not have evidence regarding the length of time for which this source will "meet the average annual demand of the proposed subdivision." However, treating El Paso County's requirement as an allocation approach based on three hundred years, the annual demand for the subdivision is equal to the allowed average annual amount of withdrawal of 3.78 acre-feet/year, allowed by the augmentation plan. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

Applications for on lot well permits, submitted by entities other than the water court Applicants, must include evidence that the Applicant has acquired the right to the portion of the water being requested on the application.

State Engineer's Office Opinion

Based upon the above and pursuant to Section 30-28-136(1)(h)(I) and Section 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.

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

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

Our opinion is qualified by the following:

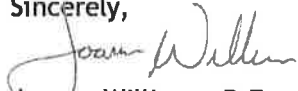
The Division 1 Water Court has retained jurisdiction over the final amount of water available pursuant to the above-referenced decree, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifers, and identified in this letter, are calculated based on estimated current aquifer conditions. For planning purposes the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 100 years (or 300 years) used for allocation due to anticipated water

level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.

Should you or the Applicant have any questions, please contact Ailis Thyne of this office at 303-866-3581 x8216.

Sincerely,

A handwritten signature in cursive script that reads "Joanna Williams".

Joanna Williams, P.E.
Water Resource Engineer

EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY
CIVIL DIVISION

First Assistant County Attorney
Diana K. May

Amy R. Folsom, County Attorney

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

March 18, 2019

High Plains Subdivision

SP-18-3 Preliminary Plan
SF-18-24 Final Plat

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

FINDINGS AND CONCLUSIONS:

1. This is a proposal by Savage Development Inc. ("Applicant"), to subdivide approximately 39.4 acres of land into 7 single-family lots consisting of approximately 5 acres per lot, plus right-of-way, overhead utility development, and no-build areas in a flood plain. The property is zoned RR-5 (Residential Rural).

2. The Applicant has provided for the source of water to derive from individual on-lot wells. The source of water for each lot will be the Dawson bedrock aquifer and the parcel is subject to the *Findings of Fact, Conclusions of Law, Ruling of Referee and Decree* in District Court Water Divisions 1 and 2, Consolidated Case Nos. 18CW3017 and 18CW3006 ("Decree"). The Decree provides that "Savage Wells Nos. 1 through 7 will be located on the Applicant's Property" and "Applicant is awarded the vested right to use Savage Wells Nos. 1 through 7, along with any necessary additional or replacement wells associated with such structures" Pursuant to the Water Supply Information Summary, the Applicant estimates its annual water needs to serve the subdivision at 3.78 acre-feet/year, which equates to a water demand of 0.54 acre-feet/lot (0.26 acre-feet/lot for residential needs and 0.28 acre-feet per lot for other uses such as irrigation of 4,920 square feet of lawn and garden and watering for up to 4 horses or equivalent livestock). The Water Resources Report states "[t]here is no proposed common area landscaping with the development." Applicant will need to supply 1,134 acre-feet of water (3.78 acre-feet/year x 300 years) to meet the County's 300-year water supply requirement.

3. In a letter dated July 25, 2018, the State Engineer's Office provided its review of the High Plains subdivision proposed water supply. The State Engineer indicated that the 7 lots will be served by the Dawson Aquifer operating pursuant to the

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COLORADO SPRINGS, CO 80903
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decreed augmentation plan in Case Nos. 2018CW3017 and 2018CW3006. The State Engineer indicates that the Decree “allows for the annual withdrawal of 3.78 acre-feet from the not nontributary Dawson aquifer for up to seven individual on lot wells, based on a 300 year allocation approach. The augmentation plan states the ground water allocation for each well is 0.54 acre-feet per year for 300 years, which will be used for household use (0.26 acre-feet per year) and 0.28 acre-feet per year per residence is available for other uses, for example irrigation of approximately 4,920 square feet of lawn and garden and the watering of up to four horses or equivalent livestock.”

As noted by the State Engineer, the Decree sets forth the amount of water underlying the 39.4-acre parcel as follows:

Aquifer	Based on 300 year allocation approach
<i>Dawson</i>	<i>12.7 acre-feet/year</i>
<i>Denver</i>	<i>11.1 acre-feet/year</i>
<i>Arapahoe</i>	<i>5.4 acre-feet/year</i>
<i>Laramie-Fox Hills</i>	<i>3.8 acre-feet/year</i>

Pursuant to the Decree, the annual demand for the subdivision “is equal to the allowed average annual amount of withdrawal of 3.78 acre-feet/year, allowed by the augmentation plan. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years” per the State Engineer. Pursuant to C.R.S. § 30-28-136(1)(h)(I) and (II), the State Engineer offered the opinion that “the proposed water supply is adequate and can be provided without causing injury to decreed water rights.”

4. The water quality requirements of Section 8.4.7(10) of the El Paso County Land Development Code must be satisfied.

5. Plan for Augmentation. The Decree provides for subdivision of the 39.4-acre property into 7 lots, identified as Savage Wells 1 through 7, with a Dawson Aquifer well to serve each lot. The Decree adjudicates the following water rights: 3,820 acre-feet in the not nontributary Dawson Aquifer, 3,350 acre-feet in the nontributary Denver Aquifer, 1,620 acre-feet in the nontributary Arapahoe Aquifer, and 1,150 acre-feet in the nontributary Laramie-Fox Hills Aquifer. For 3,820 total acre-feet of Dawson Aquifer water, the annual withdrawal for 300 years would be 12.7 acre-feet/year. All groundwater may be used for the following beneficial uses: domestic, commercial, irrigation, stock water, recreation, wildlife, wetlands, fire protection, piscatorial, storage, and augmentation associated with the uses. The Decree allows each of the 7 lots to pump up to 0.54 acre-feet/year for a maximum total of 3.78 acre-feet/year from the Dawson Aquifer. It allows household use of up to 0.26 acre-feet/year and 0.28 acre-feet/year for other allowed uses.

Replacement of depletions during pumping. The plan for augmentation requires that actual stream system depletions during the 300 years of pumping the Dawson Aquifer are to be replaced by residential return flows from non-evaporative septic systems.

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 Decree requires the Applicant, its successors and assigns, to replace the actual depletions caused by pumping the Dawson Aquifer wells that impact the stream system after pumping ceases. The Decree requires the Applicant to “. . . reserve up to 1,022 acre-feet of water from the nontributary Laramie Fox Hills aquifer, accounting for actual stream depletions replaced during the plan pumping period, calculated at 132 acre feet, or such greater amounts as necessary to replace any injurious post pumping depletions.” (Emphasis added). This is less than a 1:1 replacement of the 1,134 acre-feet of Dawson Aquifer water that will be pumped during 300 years; however, the Water Court says the replacements to the South Platte River system are sufficient under this plan. In other words, it appears the Court took 1,134 acre-feet of the Dawson Aquifer demand, subtracted 132 acre-feet of depletions during pumping, which equals 1,022 acre-feet (likely the Court rounded to 1,022 acre-feet) to arrive at the amount of post-pumping depletions that will have to be replaced. The Decree requires that the Applicant, its successors and assigns, replace all depletions to the South Platte River system.

Paragraph 40 of the Decree states “[t]o the extent that Applicant or one of its successors or assigns is ever unable to provide the replacement water required, then the Savage Wells Nos. 1 through 7 shall not be entitled to operate under the protection of this plan, and shall be subject to administration and curtailment in accordance with the laws, rules, and regulations of the State of Colorado.” In order to provide better assurance that the post-pumping depletions will be met, the Requirements below will require Applicant, its successors and assigns, to convey all of the 1,150 acre-feet of Laramie-Fox Hills Aquifer water to the HOA to use for replacing post-pumping depletions.

6. Analysis: The Decree provides that the “Savage Wells Nos. 1 through 7 may each pump up to 0.54 acre feet of water per year, for a maximum total of 3.78 acre-feet being withdrawn from the Dawson aquifer annually.” With an annual available supply of 12.7 acre-feet from the Dawson Aquifer, a decreed amount of supply of 3.78 acre-feet/year, and a demand of 3.78 acre-feet/year, the quantity of water supply appears to be sufficient to meet the County’s 300 year aquifer life requirement. Furthermore, with a total available supply based on the Decree of 3,820 acre-feet of Dawson Aquifer water, 3,350 acre-feet of Denver Aquifer water, 1,620 acre-feet of Arapahoe Aquifer water, and 1,150 acre-feet of Laramie-Fox Hills Aquifer water, and an annual demand allowed by the Decree of 3.78 acre-feet/year (1,134 acre-feet total for 300 years) of Dawson Aquifer water, there should be a sufficient supply to meet the County’s 300 year water supply rule.

7. Therefore, at this time, based upon the finding of no injury and sufficiency by the State Engineer, the Water Court’s Decree and plan for augmentation, and based on the requirements listed below, the County Attorney’s Office recommends a finding that

the proposed water supply is **sufficient** in terms of quantity and dependability for the High Plains subdivision. The El Paso County Health Department shall provide an opinion as to quality.

REQUIREMENTS:

A. Applicant shall take all necessary steps to ensure that should Applicant convey the property for this subdivision, that the appropriate water rights and obligations of the Decree are also conveyed to the successor purchaser. These Requirements shall apply to the Applicant and its successors and assigns. Applicant, its successors and assigns, shall create a Homeowners' Association ("HOA") and advise the HOA and all future owners of these lots of all applicable requirements of the Decree entered in District Court Water Division Consolidated Case Nos. 18CW3017 (Div. 1) and 18CW3006 (Div. 2), as well as their obligations to comply with the Decree and plan for augmentation, including but not limited to, costs of operating the plan for augmentation, including the costs for constructing and pumping the Laramie-Fox Hills Aquifer well(s) for replacing post-pumping depletions, and the responsibility for metering and collecting data regarding water withdrawals from all wells.

B. Applicant shall reserve and convey by warranty deed to the HOA, Applicant's interests, rights, and obligations in all of the 1,150 acre-feet of Laramie-Fox Hills Aquifer groundwater to be used for replacing post-pumping depletions, In order to provide better assurance that the post-pumping depletions will be met pursuant to Paragraph 40 of the Decree. Applicant shall create restrictive covenants upon and running with the property which shall obligate individual lot owners and the HOA to carry out the requirements of the plan for augmentation. The conveyance instruments and/or deed(s) shall provide that these water rights shall be appurtenant to the land, to be used for replacing depletions to the applicable stream system, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, bartered, or encumbered. Such conveyance instruments and/or deed(s) shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney's Office prior to recording the final plat.

C. Applicant shall require non-evaporative septic systems to replace depletions during 300 years of pumping from the Dawson Aquifer. Deeds for the subdivision property as a whole and for lots shall specifically state that all return flows shall be dedicated by Grantee to replacing depletions during pumping of the Dawson Aquifer pursuant to the plan for augmentation, and said return flows shall not be sold, leased or otherwise used for any other purpose, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, bartered, or encumbered. In addition, the Covenants shall recite that return flows from non-evaporative septic systems shall comply with the requirements of the plan for augmentation, that such return flows shall only be used to replace depletions, shall not be sold, leased or otherwise used for any other purpose, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, bartered, or encumbered.

D. Applicant, its successors and assigns, at the time of lot sales, shall convey by warranty deed to individual lot owners, sufficient water rights in the Dawson Aquifer underlying each lot to satisfy El Paso County's 300 year water supply requirement: (Dawson) 162 acre-feet (0.54 acre-feet/lot x 300 yrs.). Said conveyance instrument shall recite that this water shall not be separated from transfer of title to the lot and shall be used exclusively for the primary supply and augmentation for the lot. Applicant shall provide a form warranty deed for review and approval to the Planning and Community Development Department and the County Attorney's Office prior to recording the plat. It is anticipated that these conveyances will satisfy the State Engineer's evidentiary requirement that an applicant for an individual on-lot well has acquired the right to the portion of water being requested on the application.

D. Applicant shall submit Declaration of Covenants, Conditions, and Restrictions as well as Bylaws and Articles of Incorporation of the HOA to the Planning and Community Development Department and the County Attorney's Office for review, and the same shall be approved by the Planning and Community Development Department and the County Attorney's Office prior to recording the final plat. Said Declaration shall cross-reference the decreed augmentation plan, the water rights decree, and shall recite the obligations of the individual lot owners and the HOA under each of these documents. Applicant shall provide a copy of the Certificate of Incorporation of the HOA by the Secretary of State to the Planning and Community Development Department and the County Attorney's Office.

E. Applicant, its successors and assigns, shall record all applicable documents, including but not limited to, the Decree, agreements, assignments, and warranty deeds regarding the water rights, Declaration of Covenants, By-laws, and Articles of Incorporation in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

F. 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 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: Nina Ruiz, Project Manager/Planner II

PRELIMINARY PLAN (RECOMMEND APPROVAL)

Commissioner Bailey moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SP-18-003

WHEREAS, Savage Development, Inc., did file an application with the El Paso County Planning and Community Development Department for the approval of a preliminary plan for the proposed High Plains 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 March 19, 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 proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is consistent with the purposes of the Land Development Code.
7. The subdivision is in conformance with the subdivision design standards and any approved sketch plan.

8. Sufficiency: A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Land Development Code.
9. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of the 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 the proposed subdivision is compatible with such conditions [C.R.W. §30-28-133(6)(c)].
11. Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and the Engineering Criteria Manual are provided by the design.
12. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Land Development Code and the Engineering Criteria Manual.
13. The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encouraging a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.
14. Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
15. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
16. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.

17. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.
18. That the proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
19. That 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 a preliminary plan of High Plains Subdivision.

AND BE IT FURTHER RESOLVED that the Planning Commission recommends the following conditions and notation(s) be placed upon this approval:

CONDITIONS

1. Applicable traffic, drainage and bridge fees shall be paid with each final plat.
2. Applicable school and park fees shall be paid with each final plat.
3. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 18-471), as amended, 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.
5. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

NOTATIONS

1. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a final plat has been approved and recorded or a time extension has been granted.

2. Preliminary Plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.

BE IT FURTHER RESOLVED that the Resolution and recommendations be forwarded to the El Paso County Board of County Commissioners.

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

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

Commissioner Egbert	aye
Commissioner Risley	aye
Commissioner Dillon	aye
Commissioner Curry	aye
Commissioner Lucia-Treese	aye
Commissioner Friedman	nay
Commissioner Bailey	aye

The Resolution was adopted by a vote of 6 to 1 by the El Paso County Planning Commission, State of Colorado.

DATED: March 19, 2019

Jim Egbert, Chair

EXHIBIT A

LEGAL DESCRIPTION

The Southwest quarter of the Southeast quarter of Section 19, in Township 11 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado, more particularly described as follows:

BEGINNING at the Southwest corner of the SW1/4SE1/4 of said Section 19;
thence N 00°08'55" W, a distance of 1,325.15 feet;
thence N 88°59'57" E, a distance of 1,313.94 feet;
thence S 00°04'28" E, a distance of 1,323.40 feet;
thence S 88°55'17" W, a distance of 1,312.25 feet to the POINT OF BEGINNING.

EXCEPTING therefrom that portion conveyed to Deed recorded October 21, 2010 as Reception No. 210105382

RESOLUTION NO. 19-

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

APPROVE PRELIMINARY PLAN REQUEST FOR HIGH PLAINS (SP-18-003)

WHEREAS, Savage Development, Inc., did file an application with the El Paso County Planning and Community Development Department for the approval of a Preliminary Plan for High Plains 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 March 19, 2019, upon which date the Planning Commission did by formal resolution recommend approval of the subject application with conditions and notations; and

WHEREAS, a public hearing was held by this Board on April 9, 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 and Board of County Commissioners.
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, that all pertinent facts, matters and issues were submitted and that all interested persons were heard at those hearings.
4. All exhibits were received into evidence.
5. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is consistent with the purposes of the El Paso County Land Development Code.

7. The subdivision is in conformance with the subdivision design standards and any approved sketch plan.
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 statutory water supply standards [C.R.S. §30-28-133(6)(a)] 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 the proposed subdivision is compatible with such conditions [C.R.W. §30-28-133(6)(c)].
11. Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and the Engineering Criteria Manual are provided by the design.
12. The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encouraging a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.
13. Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
14. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
15. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.

16. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.
17. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
18. 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 El Paso County Board of County Commissioners of El Paso County, Colorado, hereby approves the request by Savage Development, Inc., for a preliminary plan of the High Plains for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference.

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

CONDITIONS

1. Applicable traffic, drainage and bridge fees shall be paid with each final plat.
2. Applicable school and park fees shall be paid with each final plat.
3. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 18-471), as amended, 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.

5. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

NOTATION

1. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a final plat has been approved and recorded or a time extension has been granted.

Preliminary plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.

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

DONE THIS 9th day of April, 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

The Southwest quarter of the Southeast quarter of Section 19, in Township 11 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado, more particularly described as follows:

BEGINNING at the Southwest corner of the SW1/4SE1/4 of said Section 19;
thence N 00°08'55" W, a distance of 1,325.15 feet;
thence N 88°59'57" E, a distance of 1,313.94 feet;
thence S 00°04'28" E, a distance of 1,323.40 feet;
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EXCEPTING therefrom that portion conveyed to Deed recorded October 21, 2010 as Reception No. 210105382