

EL PASO COUNTY

COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Planning Commission
 Brian Risley, Chair**

**FROM: Ryan Howser, Planner II
 Daniel Torres, PE Engineer II
 Craig Dossey, Executive Director**

**RE: Project File #: MS-19-006
 Project Name: Wyoming Estates Minor Subdivision
 Parcel No.: 43330-00-003**

OWNER:	REPRESENTATIVE:
Home Run Restorations, Inc. 5090 Wileys Road Peyton, CO, 80831	Alessi and Associates, Inc. 2989 Broadmoor Valley Road Colorado Springs, CO, 80906

Commissioner District: 2

Planning Commission Hearing Date:	5/6/2021
Board of County Commissioners Hearing Date	5/25/2021

EXECUTIVE SUMMARY

A request by Home Run Restorations, Inc. for approval of a minor subdivision to create four (4) single-family residential lots. The 40.01-acre property is zoned RR-5 (Residential Rural), is located on the west side of Curtis Road, approximately 2.75 miles north of Highway 94, and is within Section 33, Township 13 South, Range 64 West of the 6th P.M. If approved, the minor subdivision application will result in the creation of a 5.15-acre lot (Lot 1), a 5.08-acre lot (Lot 2), a 5.06-acre lot (Lot 3), a 21.19-acre lot (Lot 4), and the dedication of 3.53 acres of land for future public right-of-way. The property is located within the 2003 Highway 94 Comprehensive Plan (2003) area.

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



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

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Home Run Restorations, Inc., for approval of a minor subdivision to create four (4) single-family residential lots.

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

1. Section 4.3.6.A.3 of the ECM states that at no time shall storm sewer lines be placed less than 2 feet in depth measured perpendicular to the ground line at any point of the road cross section. The applicant has submitted a deviation request to allow for an approximate reduced depth of 1.25 feet at the culvert where the proposed roadway will tie into the existing Curtis Road. The culvert cover is dictated by the existing ditch along Curtis Road. The ditch grade will be modified to the extent possible to obtain the above cover. The ECM allows for the minimum and maximum cover be determined based on factors such as loading, type, and class of pipe and manufacturer's recommendations. This request has been approved as the proposed RCP culvert will be increased from a standard Class 3 to Class 4 pipe, meet the manufacturer's recommendations of 12 inches of cover, as well as meet the loading requirements indicated in the ECM.

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

B. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

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

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the approved preliminary plan;
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;
- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
- The subdivision meets other applicable sections of Chapter 6 and 8; and

- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §34-1-302(1), et seq.]

D. LOCATION

North: RR-5 (Residential Rural)	Residential
South: RR-5 (Residential Rural)	Residential
East: A-5 (Agricultural)	Residential
West: A-35 (Agricultural)	Residential

E. BACKGROUND

The property was zoned A-4 (Agricultural) on April 13, 1983 when zoning was first initiated for this portion of El Paso County. Due to changes in the nomenclature of the Land Development Code, the A-4 zoning district has been renamed as the RR-5 (Residential Rural) zoning district. The property is vacant and has not been platted, but is greater than 35 acres, and is therefore considered a legal division of land as it currently exists.

F. ANALYSIS

1. Land Development Code Compliance

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

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

The applicant is requesting approval of a minor subdivision to divide the parcel into four (4) lots and to dedicate 3.53 acres of land for public right-of-way. All lots are proposed to meet the minimum lot size of five (5) acres, with the smallest proposed to be 5.06 acres (Lot 3). All lots are proposed to meet the minimum lot

width of 200 feet, with the narrowest proposed to be 308 feet wide at the front property line (Lot 3). Individual site plans will need to be submitted for review for each proposed single-family dwelling in order to ensure compliance with the applicable dimensional standards.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. 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 9.2.2** – Require advance right-of-way reservation and/or dedication for transportation facilities as part of the land development process.*

The subject property is zoned RR-5 (Residential Rural) and is surrounded by other rural residential properties. The parcels to the east, located within the Curtis Estates subdivision, are comprised of five (5)-acre lots other than those lots adjacent to Curtis Road (a section line road), which have a minimum of 4.75 acres (Plat no. 4417). The proposed subdivision is contiguous to and compatible with the previously developed area to the east in terms of density and land use.

The parcels to the west, north, and south are over 35 acres in size and have not been subdivided to date. The parcel to the west is 40 acres and is zone A-35 (Agricultural). To the north is a 40-acre residential property zoned RR-5 (Residential Rural) and the residential parcel to the south is 80 acres and is also zoned RR-5, which means that both properties could be subdivided in the future into lots with a minimum lot size of five (5) acres pursuant to the current RR-5 zoning.

Dedication of land for public right-of-way has been provided from the proposed Teleo Court roadway to the westerly property line to provide access to the land-locked parcels located to the west of the proposed subdivision. Should the

parcels to the west subdivide, this connection will provide the necessary access and public right-of-way for the extension of Teleo Court.

Staff recommends that a finding of general consistency with the Plan can be made.

4. Small Area Plan Analysis

The property is located within the North Central Sub-Area of the Highway 94 Comprehensive Plan (2003). Relevant policies are as follows:

***Goal 1** – Guide growth in a manner that respects the emerging needs of the community and enhances the existing rural character.*

***Policy 1.1.2** – Use low densities or open spaces to provide an identity separate and distinct from the City of Colorado Springs.*

***Policy 2.1.1** – Consider physical site characteristics for all development proposals, with particular attention to mineral deposits, moderate and steep slopes, mining subsidence, debris fans, drainage ways, floodplains, and soils.*

***Goal 3** – Ensure that residential development is appropriate for the planning area.*

The North Central Sub-Area is identified in the Plan as suitable for development at a density of one (1) dwelling unit per five (5) acres, which is consistent with approved subdivisions in the area. While subdividing the property would increase the density, the average density for the subdivision is proposed to be one (1) dwelling unit per ten (10) acres. Therefore, the proposed subdivision is consistent with the rural character of the area. An analysis of geologic conditions has been provided with this application, indicating no geologic hazards were determined to be present on the property. Analysis of mineral deposits and information regarding the Master Plan for Mineral Extraction (1996) is contained below in Section 6. Staff recommends that a finding of general consistency with the Plan can be made.

5. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand

management through the comprehensive planning and development review processes. Relevant policies are as follows:

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

Goal 1.2 – Integrate water and land use planning.

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

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

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

The property is located within Planning Region 4c of the Plan, which is an area anticipated to experience growth by 2040. The Region is identified as potentially having issues regarding long term sustainable draw from the Denver Basin aquifer. The Plan identifies the current demands for Region 4c to be 2,970 acre-feet per year (AFY) (Water Master Plan, Figure 5.1) with a current supply of 2,970 AFY (Figure 5.2). The projected demand in 2040 is at 3,967 AFY (Figure 5.1) with a projected supply in 2040 of 3,027 AFY (Figure 5.2). The projected demand at build-out in 2060 is at 4,826 AFY (Figure 5.1) with a projected supply in 2060 of 3,027 AFY (Figure 5.2). This means that by 2060 a deficiency of 1,799 AFY is anticipated for Region 4c.

Water sufficiency has been analyzed with the review of the proposed minor subdivision. The augmentation decree for the property allows the subdivision to draw 1.82 acre-feet of water per year from the Denver aquifer. Each individual well may withdraw 0.455 AFY from the Denver aquifer. The applicant's water resources report indicates an annual allocation of 2.72 acre-feet available in the Denver aquifer over a 300-year period.

The applicant's water resources report and augmentation plan include measures for recharging renewable water resources in the Denver and Dawson aquifers. The applicant has shown a sufficient water supply for the required 300-year period. The State Engineer and the County Attorney's Office have recommended that the proposed minor subdivision has an adequate water supply in terms of

quantity and dependability. Please see the Water section below for a summary of the water findings and recommendations for the proposed minor subdivision.

Section 1.10.5 of the Land Development Code states the following:

“Any project or action for which a complete application was submitted to the County before the effective date of this Code or any subsequent amendment to this Code may, at the applicant's option, will be reviewed under the regulations or ordinances in effect at the time of application. If approved, the projects or actions may be carried out in accordance with said regulations or ordinances. Nothing in this subsection is intended to restrict otherwise applicable vested applicant rights.”

The Code in effect at the time of submittal of the minor subdivision application allowed for a presumption of water quality for minor subdivisions. Therefore, there is a presumption of sufficiency with regards to water quality.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Community Services Department, Environmental Division, was sent a referral and has no outstanding comments.

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

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

Please see the Transportation section below for information regarding conformance with the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

A soils and geology report was prepared with the minor subdivision application. No hazards were identified that would impact development of the property.

2. Wildlife

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

3. Floodplain

The property is not located within a defined floodplain as determined from review of the FEMA Flood Insurance Rate Map panel number 08041C0568G, dated December 7, 2018.

4. Drainage and Erosion

The property is located within the Curtis Ranch (CHWS1000) and Livestock Company (CHWS0400) drainage basins. The Curtis Ranch drainage basin is not studied and has no associated drainage or bridge fees. The Livestock Company drainage basin is an unstudied basin and is within the miscellaneous drainage basin fee schedule; the calculated fees are \$2,375 for the drainage and \$28 for the bridge. All fees shall be due at time of final plat recordation.

The site generally drains to the northwest. Stormwater runoff is conveyed via sheet flow, roadside ditches, and culverts to the Curtis Road ditch. Permanent stormwater quality control measures are not required for the development of the proposed lots based on the exclusion identified in the El Paso County Engineering Criteria Manual (2019) Appendix I Section I.7.1.B.5. The exclusion states “Water quality capture volume for single-family residential lots greater than or equal to 2.5 acres in size per dwelling unit and having a total lot impervious area of less than 10 percent are excluded from providing water quality.” Stormwater quality for the proposed roadway is addressed through the runoff reduction method identified in Appendix I Section I.7.1.C.3. The runoff from the impervious roadway surface is conveyed to the receiving pervious area in the roadside ditch for infiltration or evapotranspiration of the required water quality capture volume. Furthermore, on-site detention was not required since the single-family residential lots generate a negligible increase in stormwater runoff. The associated drainage report concludes that the proposed development will not adversely affect the downstream or surrounding properties.

A grading and erosion control plan has been submitted with this application. The plan calls for construction best management practices (BMPs) to prevent sediment and debris from affecting adjoining properties and the public stormwater system before and during grading activities.

5. Transportation

Access to this subdivision is from the proposed cul-de-sac Teleo Court, which is anticipated to be a rural local public roadway. The proposed roadway will intersect Curtis Road and align with the existing Patton Drive to the east of the proposed subdivision. The subdivision is dedicating 50 feet of right-of-way along Curtis Road as well as an additional 40 feet for future right-of-way preservation in accordance with the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP). Public right-of-way has been provided from the proposed Teleo Court roadway to the westerly property line to provide access to the land locked parcels west of this subdivision. Should the parcels to the west subdivide, this connection will provide the necessary public right-of-way for the extension of Teleo Court. The current easement that provides access to the parcels to the west shall be vacated prior to preliminary acceptance of Teleo Court. Staff is recommending Condition of Approval No. 14, which would require the applicant to provide a license agreement for the maintenance and construction of the proposed driveway to serve the parcels to the west of the subject property prior to recordation of the plat.

A traffic impact study was not required as the proposed minor subdivision is not expected to generate 100 daily vehicle trips more than the property would be expected to generate currently.

The El Paso County 2016 Major Transportation Corridors Plan Update (MTCP) identifies 2040 roadway improvements to Curtis Road along the property frontage. The MTCP indicates that Curtis Road is to be improved from an Unimproved County Road to 2-lane Principal Arterial Road. This development is not required to upgrade Curtis Road as the existing road cross-section has sufficient capacity for the minimal impact that this development will have to the roadway.

The site is subject to the El Paso County Road Impact Fee Program (Resolution 19-471), as amended. Traffic impact fees shall be paid in full at the time of building permit issuance.

H. SERVICES

1. Water

Sufficiency:

Quality: Presumed Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State Water 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 is recommending a finding of sufficiency with regard to water quantity and dependability. Water quality is presumed sufficient. El Paso County Public Health was sent a referral and has no outstanding comments.

2. Sanitation

Any new structures constructed in the future will be served by an individual onsite wastewater treatment system (OWTS). A soils and geology report prepared by Groundwater Investigations, LLC, on October 5, 2020, identified a minimum of two (2) potential locations for future OWTS on the proposed lots. El Paso County Public Health had no objection to the proposed minor subdivision.

3. Emergency Services

The property is within the Falcon Fire Protection District. The District was sent a referral and has no outstanding comments.

4. Utilities

Mountain View Electric Association (MVEA) provides electrical service to the property. MVEA was sent a referral and have no outstanding comments. Natural gas service is not available to the property.

5. Metropolitan Districts

The property is not within the service area of a metropolitan district.

6. Parks/Trails

Fees in lieu of park land dedication in the amount of \$1,824 (Area 4) for regional fees and \$0.00 for urban park fees will be due at the time of recording the final plat. The El Paso County Parks Master Plan (2013) shows no parks, trails, or open space impacted by the proposed subdivision. The proposed Curtis Road Bicycle Route is located immediately adjacent to the east of the property, within the right-of-way of Curtis Road, while the proposed Blaney Road and Highway 94 Bicycle Routes are located approximately 0.50 and 2.5 miles south of the property, respectively. These proposed bicycle routes will be constructed and maintained within the dedicated public rights-of-way; therefore, no trail easements are being requested.

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

6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at final plat recordation.
8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided at final plat recordation.
9. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
10. Park fees in lieu of land dedication for regional parks (Area 4) in the amount of \$1,824 shall be paid at the time of plat recordation.
11. Fees in lieu of school land dedication in the amount of \$960.00 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recording.
12. Drainage fees in the amount of \$2,375 and bridge fees in the amount of \$28 for the Livestock Company drainage basin (CHWS0400) shall be paid to El Paso County at the time of plat recordation.
13. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

14. Prior to recordation of the plat, the applicant shall provide and record a license agreement for the maintenance and construction of the proposed driveway to serve the parcels to the west of the subject property.
15. Prior to preliminary acceptance of Teleo Court, the easement providing access to parcels to the west of the subject property shall be vacated.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified ten (10) adjoining property owners on April 15, 2021, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Plat Drawing
State Engineer's Letter
County Attorney's Letter
El Paso County Public Health Recommendation Letter
Adjacent Property Owner Responses

El Paso County Parcel Information

File Name: MS-19-006

PARCEL	NAME
4333000	HOME RUN RESTORATIONS

Zone Map No. --

Date: April 14, 2021

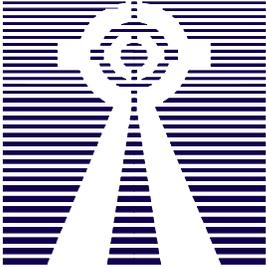


Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 15 (719) 520-6600



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ALESSI
AND ASSOCIATES, Inc.



November 24, 2020

Letter of Intent

Minor Subdivision
3050 N. Curtis Road

OWNER: *Shawn Shaffer*
Home Run Restorations, Inc.
3050 N. Curtis Road
Peyton, CO 80831

CONSULTANT:

Joseph Alessi PLS
Alessi and Associates, Inc.
2989 Broadmoor Valley Road, Suite C
Colorado Springs, CO 80906
Tele: 719-540-8832 fax# 719-540-2781

SITE LOCATION:

Property Address: 3050 N. Curtis Road, Peyton, CO
Property currently is a vacant site. The existing land uses in the area are of rural residential/agriculture sites. The Four Lot subdivision proposes the use of wells and septic systems. Curtis Road provides legal access to the site and an existing gravel road along the North boundary line currently provides access to property owners West of the subject property. The site is comprised of 40 Acres more or less. Two and half miles North of the intersection of Highway 94 and Curtis Road. Natural Gas is not available at this time. Propane will provide gas for utility purposes.

Legal description – The Southeast Quarter Northeast Quarter of Section 33, Township 13 South, Range 64 West of the 6th P.M., El Paso County, Colorado.

ZONING:

Parcel # 4333000003 is currently zoned
RR-5 – Rural Residential District.

ALESSI and ASSOCIATES, Inc.

Letter of Intent

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3050 N. Curtis Road

REQUEST:

1. Request to subdivide into four Lots comprised of proposed Lot 1 = 5.16 Acres, Lot 2 = 5.12 Acres, Lot 3 = 5.11 Acres and Lot 4 = 19.79 Acres. Water wells and individual septic systems are proposed for rural/residential use on each Lot. Teleo Point a proposed roadway off Curtis Road will provide access to the proposed Lots along with continued access West of the subject property. Overhead and underground utility lines located along Curtis Road provide electrical and communication service to the site.

JUSTIFICATION:

1. The request complies and is in general conformance with the goals, objective and policies of the 2003 Highway 94 Comprehensive Plan, the Policy Plan and the Water Master Plan for rural residential developments. This project is consistent with adjacent properties.
 - a. Highway 94 Comprehensive Plan North Central Sub-Area – Goals, Objectives, Policies and Strategies
 - i. Goal 1. Guide growth in a manner that respects the emerging needs of the community and enhances the existing rural character – Proposed 5 acre or greater lots fit into the rural character.
 - ii. Goal 2. Achieve a desirable and effective use of the land while enhancing the physical environment through functional and compatible land use configurations – Proposed subdivision is compatible with adjacent land uses.
 - iii. Goal 3. Ensure that residential development is appropriate for the planning area – Proposed project is located adjacent to similar sized subdivision.

ALESSI and ASSOCIATES, Inc.

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3050 N. Curtis Road

- iv. Policy Plan – Adherence to the overall County wide Master Plan – The Proposed subdivision is in compliance with all applicable standards and recommendations of the Master Plan.
- b. Water Master Plan
 - i. The project is located within the Region 4C Area – Upper Black Squirrel Creek Ground Water Management District
 - ii. The water supply for the proposed five acres plus lots is by the drilling of Private wells for each of the four lots.
 - iii. No Central supplier will be used for this project.
 - iv. The Standards of Section 4 are met by limiting the well ground water to the Denver Aquifer and by obtaining a Ground Water Findings and Order No 3542-BD as well as a Replacement Plan – Determination of Water Right.
 - v. The Applicant has shown that the proposed four wells for the 40.01-acre site has Water Rights for 816 Acre-feet and meets the requirements of the 300-year Rule for the County.
 - vi. The proposed four lot subdivision has ensured adequate water for the future by designing a low-density residential development for the 40-acre site.
- 2. The proposed Minor Subdivision is in conformance With the requirements of the El Paso County Zoning Code, Subdivision requirements have been met.
- 3. The proposed Minor Subdivision is compatible with Existing and proposed Land Uses within the area consisting With a combination of 5 and 35+ acre sites

ALESSI and ASSOCIATES, Inc.

Letter of Intent

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3050 N. Curtis Road

4. The water supply report provides sufficient information to identify probable compliance with the water supply standards and identifies any need for additional water supplies. Please review the replacement plan and court findings with adequate water supply.
5. Services are or will be available to meet the needs of the subdivision including, roads, police and fire protection, schools, recreation facilities and utility services.
6. The soil is suitable for the subdivision see Soil and Geology Report
7. The geological hazards do not prohibit the subdivision or can be mitigated. See Soil and Geology Report
8. The subdivision will not interfere with the extraction of any known commercial mining deposit
9. The design of the subdivision protects the natural resources as a grass rangeland.
10. The proposed methods for fire protection are adequate to serve the subdivision. See Fire mitigation and protection reports
11. 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. As described in the Soils and Geology Report, Storm water report etc.
12. Curtis Road connects the Falcon area to Schriever Air Force Base traffic. Curtis Road is designated as a Principal Arterial roadway in the 2016 El Paso County MTCP. Proposed Teleo Point is located in line with Patton Drive East across Curtis Road

Your consideration of this request will be greatly appreciated.

Respectfully Submitted
On behalf of the property owner

Joseph Alessi PLS

2989 Broadmoor Valley Road, Suite C • Colorado Springs, CO 80906-3720 • (719)540-8832 • FAX: (719)540-2781

Appraisers • Engineers • Surveyors



August 5, 2020

Rad Dickinson
El Paso County Development Services Department
DSDcomments@elpasoco.com

RE: 3050 Curtis Road 4 Lot Minor Subdivision (AKA Wyoming Estates Minor Subdivision)
SE ¼ of the NE ¼, Section 33, T13S, R64W, 6th P.M.
Water Division 2, Water District 10
Upper Black Squirrel Creek Designated Basin

Dear Mr. Rad Dickson:

We have reviewed the additional information submitted July 14, 2020 concerning the above referenced proposal to subdivide 40 acres into 4 residential lots. This office previously commented on this referral in a letter dated July 2, 2019, this letter supersedes the previous letter.

Water Supply Demand

According to the Water Supply Information Summary sheet provided with the submittal, the total estimated water requirement for the minor subdivision is 1.82 acre-feet/year (0.455 acre-feet per lot for household use in one single family dwelling, irrigation and stock watering).

Source of Water Supply

According to the Water Supply Letter dated June 16, 2020 by Julia Murphy of Ground Water Investigations, LLC, the source of water for the subdivision will be from wells constructed in the Denver aquifer operating pursuant to the Replacement Plan for Determination of Water Right no. 3542-BD.

Determination of Water Right no. 3542-BD was issued by the Ground Water Commission (“Commission”) on July 2, 2018 for an allowed average annual amount of withdrawal of groundwater of 8.16 acre-feet from the Denver Aquifer (based on an aquifer life of 100 years) to be used on 40 acres , which is the subject property of this referral.

On July 2, 2020 the Commission approved the Replacement Plan for Determination of Water Right no. 3542-BD for the withdrawal of 1.82 acre-feet per year of ground water from the Denver aquifer for 300 years, through four wells to be located on four residential lots on 40 acres , which is the subject property of this referral. Each well may withdraw 0.455 acre-feet per year of ground water to be used for use in one single family residence; the irrigation of lawn, garden, and trees; and the watering of large domestic animals. These allowed uses are consistent with the proposed uses specified in the Water Supply Report.



The proposed source of water for this development is a bedrock aquifer allocation from the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which the bedrock aquifer sources will be a physically and economically viable source of water. According to 37-90-107(7)(a), C.R.S., "Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years." Based on this allocation approach, the annual amounts of water determined in Determination of Water Right No. 3542-BD is equal to one percent of the total amount, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

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

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

The State Engineer's Office does not have evidence regarding the length of time for which the bedrock aquifer sources will “meet the average annual demand of the proposed subdivision.” However, treating El Paso County's requirement as an allocation approach based on three hundred years, the allowed average annual amount of withdrawal of 1.82 acre-feet per year from the Denver aquifer pursuant to Replacement Plan for Determination of Water Right no. 3542-BD for a maximum of 300 years, is sufficient to supply the requirement of 1.82 acre-feet/year.

The Water Resources Report submitted makes reference to other water rights, including those in the Arapahoe and Laramie-Fox Hills Aquifers under Determination of Water Right nos. 3541-BD and 3540-BD, but those rights are not identified as a sources of water for the subdivision.

State Engineer's Office Opinion

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

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

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

Our opinion is qualified by the following:

The amounts of water in the Denver Basin aquifers, and identified in this letter, are calculated based on estimated current aquifer conditions. The source of water is from a non-renewable aquifer, the allocations of which are based on a 100 year aquifer life. The county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 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.

If you, or the applicant, have any questions, please contact Ailis Thyne at 303-866-3581 ext. 8216.

Sincerely,

A handwritten signature in black ink that reads "Keith Vander Horst". The signature is written in a cursive, slightly slanted style.

Keith Vander Horst
Chief of Water Supply, Designated Basins

Cc: Division 2
3050 Curtis Road 4 Lot Minor Subdivision.docx
SEO referral no. 26557

EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

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November 5, 2020

MS-19-6 Wyoming Estates (a/k/a 3050 Curtis Road 4) Minor Subdivision

Reviewed by: Lori L. Seago, Senior Assistant County Attorney
Edi Anderson, Paralegal, ACP

FINDINGS AND CONCLUSIONS:

1. This is a proposal by Shawn Shaffer of Home Run Restorations, Inc. ("Applicant") for a 4-lot minor subdivision on a parcel of approximately 40 acres of land (the "Property"). The Applicant plans to subdivide the Property into 4 lots. Lot 1 is estimated at 5.16 acres; Lot 2 is estimated at 5.12 acres; Lot 3 is estimated at 5.11 acres; and Lot 4 is estimated at 19.79 acres. The property is zoned RR-5 (Rural Residential).

2. The Applicant has provided for the source of water to derive from individual on-lot wells, as provided in the determination and replacement plan identified as Colorado Ground Water Commission Findings and Order 3542-BD. The Determination was issued on July 2, 2018 and provided for an average annual amount of withdrawal of groundwater of 8.16 acre-feet from the Denver Aquifer (for a period of 100 years) to be used on the 40-acre property. A Replacement Plan for Water Right 3542-BD ("Replacement Plan") was issued on July 2, 2020, permitting withdrawal of 1.82 acre-feet per year of ground water from the Denver aquifer. Pursuant to the Water Supply Information Summary ("WSIS"), the water demand is 0.25 acre-feet for each lot for household use, plus an additional 0.82 acre-feet total for both irrigation and stock watering, for a total demand of 1.82 acre-feet/year for the minor subdivision. Based on this total demand, Applicant must be able to provide a supply of 546 acre-feet of water (1.82 acre-feet per year x 300 years) to meet the County's 300-year water supply requirement.

3. In a letter dated August 5, 2019, the State Engineer reviewed the submittal to plat the 40-acre parcel into a 4-lot minor subdivision. The State Engineer stated that the "source of water for the subdivision will be from wells constructed in the Denver aquifer operating pursuant to the Replacement Plan for Determination of Water Right no. 3542-BD." The State Engineer detailed that the Replacement Plan permits withdrawal of "1.82 acre-feet per year of ground water from the Denver aquifer for 300 years, through four wells to be located on four residential lots on 40 acres Each well may withdraw 0.455 acre-feet per year of ground water to be

used for use in one single family residence; the irrigation of lawn, garden, and trees; and the watering of large domestic animals.”

The State Engineer further stated that the “allowed average annual amount of withdrawal of 1.82 acre-feet per year from the Denver aquifer pursuant to Replacement Plan for Determination of Water Right no. 3542-BD for a maximum of 300 years, is sufficient to supply the requirement of 1.82 acre-feet/year.” Finally, the State Engineer provided their opinion that “pursuant to Sections 30-28-136(1)(h)(I), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to water rights.” The State Engineer noted that the Applicant also has water rights in the Arapahoe and Laramie-Fox Hills Aquifers; however, since those sources of water are not used in this subdivision, further analysis of those water rights is not necessary.

4. Colorado Ground Water Commission Findings and Order Determination and Replacement Plan No. 3542-BD (“Determination and Replacement Plan”). The Determination and Replacement Plan was entered in the name of Home Run Restorations, Inc. and it approves the plan for replacement to allow withdrawal from the not nontributary Denver aquifer for this subdivision. The aquifer requires the use of septic return flows from indoor uses to meet the respective requirements to replace depletions to the stream system during 300 years of pumping. Such return flows may not be otherwise used, sold, traded, or assigned.

The Determination provides for maximum withdrawal of 816 acre-feet total (2.72 acre-feet/year for 300 years) for the subdivision. Pursuant to the Replacement Plan, the subdivision may withdraw 1.82 acre-feet/year for a period of 300 years, which equates to 0.455 acre-feet of water annually for use in one single family residence, irrigation of lawn, garden, and trees, and watering of domestic animals.

Pursuant to the Replacement Plan, the Applicant is required to provide replacement water from septic and leaching field return flows from in-home use of the groundwater. The Replacement Plan dictates that replacement of depletions must be “provided annually in the acre-feet amounts shown in Exhibit A” to the Replacement Plan [also attached hereto]. The Applicant or their successors are responsible for ensuring that replacement water is provided to the alluvial aquifer as requested by the plan and reported to the Commission. The Replacement Plan states that “[t]he annual amount of replacement water provided must be no less than the annual replacement requirement on a yearly basis.”

5. Analysis. Applicant’s water demand for the Wyoming Estates Minor Subdivision is 1.82 acre-feet per year for a total demand of 546 acre-feet for the subdivision for 300 years. Determination No. 3542-BD permits withdrawal of 2.72 acre-feet/year (816 acre-feet total) of Denver aquifer water for a period of 300 years; however, the Replacement Plan permits withdrawal of 1.82 acre-feet/year for a period of 300 years. Based on the demand of 1.82 acre-feet/year for the 4-lot subdivision and the Replacement Plan permitting withdrawals in that amount for a period of 300 years, there appears to be a sufficient water supply to meet the water demands of the Wyoming Estates Minor Subdivision.

6. Section 8.4.7.B.10.g., of the Land Development Code allows for the presumption of acceptable water quality for minor subdivision projects such as this.

7. Therefore, based upon the Water Supply Information Summary, a finding of sufficiency and no injury by the State Engineer, the *Determination and Replacement Plan 3542-BD*, and based on 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, its successors and assigns, shall comply with all requirements of *Determination and Replacement Plan 3542-BD*, specifically, that water use shall not exceed 1.82 acre-feet annually for the 4-lot subdivision and that all stream depletions will be replaced with non-evaporative septic system return flows for a period of 300 years, pursuant to the Commission's replacement plan.

B. The County prefers that when there is a plan for replacement, Applicant create a homeowners' association ("HOA"); however, alternatively to establishing an HOA, especially for minor subdivisions such as this, Applicant may create restrictive covenants upon and running with the property which shall advise and obligate future lot owners of this subdivision and their successors and assigns regarding all applicable requirements of *Determination and Replacement Plan 3542-BD*, including, but not limited to, ensuring 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 separately sold, traded, or assigned in whole or in part for any other purpose. The Covenants more specifically shall require that each lot served by the Denver aquifer well will have an occupied single-family dwelling that is generating return flows from a non-evaporative septic system. In addition, the Covenants shall advise future lot owners of this subdivision and their successors and assigns of their obligations regarding costs of operating the plan for replacement, including all monitoring and accounting. Such Covenants shall also address responsibility for any metering and data collecting that may be required regarding water withdrawals from wells pursuant to the plan for replacement, and shall protect the viability of the water supply by placing limitations in the Covenants as to amendments and termination as applied to said water supply.

The covenants shall address the following:

1) Identify the water rights associated with the property. The Covenants shall reserve 136.5 acre-feet per lot of not nontributary Denver aquifer water pursuant to the Replacement Plan No. 3452-BD, to satisfy El Paso County's 300-year water supply requirement for the 4 lots of the Wyoming Estates Minor Subdivision.

2) Require non-evaporative septic systems and reserve return flows from the same. The Covenants shall require each lot owner to use non-evaporative septic systems to ensure that return flows from such systems are made to the stream system to replace actual depletions during pumping, shall reserve said return flows to replace depletions during pumping, and shall state that said return flows shall not be separately sold, traded, assigned, or used for any other purpose. The Covenants more specifically shall require that each lot served by a Denver well have an occupied single-family dwelling that is generating return flows from a non-evaporative septic system. The Covenants shall also include the following or similar language to ensure that such return flows shall only be used for replacement purposes: "Return flows shall only be used for replacement purposes, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose."

3) The following or similar language shall be included in the Covenants to address future conveyances of the lots subsequent to the initial conveyance made by Applicant/Declarant: "The water rights referenced herein shall be explicitly conveyed; however, if a successor lot owner fails to so explicitly convey the water rights, such water rights shall be intended to be conveyed pursuant to the appurtenance clause in any deed conveying said lot, whether or not the plan for replacement in Determination and Replacement Plan 3542-BD and the water rights therein are specifically referenced in such deed. The water rights so conveyed shall be appurtenant to the lot with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title."

4) The Covenants shall advise future lot owners of this subdivision, their successors and assigns, of their responsibility for any metering and data collecting that may be required regarding water withdrawals from wells in the Denver aquifer.

5) The Covenants shall address amendments using the following or similar language:

"Notwithstanding any provisions herein to the contrary, no changes, amendments, alterations, or deletions to these Covenants may be made which would alter, impair, or in any manner compromise the water supply for the Wyoming Estates Minor Subdivision pursuant to Determination and Replacement Plan 3542-BD. Further, written approval of any such proposed amendments must first be obtained from the El Paso County Planning and Community Development Department, and as may be appropriate, by the Board of County Commissioners, after review by the County Attorney's Office. Any amendments must be pursuant to a Determination from the Colorado Ground Water Commission approving such amendment, with prior notice to the El Paso County Planning and Community

Development Department for an opportunity for the County to participate in any such adjudication.”

6) The Covenants shall address termination using the following or similar language:

“These Covenants shall not terminate unless the requirements of Determination and Replacement Plan 3542-BD are also terminated by the Colorado Ground Water Commission and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County.”

C. Applicant, its successors and assigns, shall reserve in the Covenants and in any deeds of the Property the determined amount of at least 1.82 acre-feet annually for the subdivision from the Denver aquifer for a period of 300 years for a total of 546 acre-feet for the 4-lot subdivision. Said reservation shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for primary and replacement supply. Applicant shall convey by recorded warranty deed the reserved Denver aquifer water rights to the individual lot owners. Applicant shall provide copies of said Covenants 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 minor subdivision plat.

Any and all conveyance instruments shall recite as follows:

For the water rights and return flows conveyed for the Denver aquifer: “These water rights conveyed, and the return flows therefrom, are intended to provide a 300-year supply, and replacement during pumping, for each of the 4 lots of the Wyoming Estates Minor Subdivision. The water rights so conveyed, and the return flows therefrom, shall be appurtenant to each of the respective lots with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title.”

D. Pursuant to the Determination and Replacement Plan, Applicant shall recite that this water shall not be separated from transfer of title to the Property. Applicant shall provide copies of 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 minor subdivision plat.

E. 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 Denver aquifer, pursuant to Determination and Replacement Plan 3542-BD, underlying the respective lots to satisfy El Paso County’s 300 year water supply requirement. Denver aquifer requirements are 136.5 acre-feet per lot (0.455 acre-feet/year) x 300 years. Said conveyance instruments shall recite that this

water shall not be separated from transfer of title to the Property and shall be used exclusively for the primary supply and replacement during pumping for the respective lots. Applicant shall provide form deeds for such conveyances that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney's Office prior to recording the minor subdivision plat.

F. Applicant, its successors and assigns, shall submit a Declaration of Covenants, Conditions, and 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 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 Determination and Replacement Plan 3542-BD and shall identify the obligations of the individual lot owners thereunder.

G. Applicant, its successors and assigns, shall record all applicable documents, including, but not limited to, the Determination and Replacement Plan 3542-BD and agreements, assignments, and warranty deeds regarding the water rights, and Declaration of Covenants in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

H. 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 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: Rad Dickson, Project Manager

Exhibit A
Replacement Plan - Determination No.: 3542-BD
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Designated Basin Summary Table for Home Run Restorations, Inc. Pumping Rate of 1.82 acre-feet per year for 300 Years from the Denver aquifer Section(s): Section 33, T13S, R64W, 6th P.M.							
Year	Pumping (Q) (AF/YR)	Annual Depletion (q) (AF/YR)	Depletion as a % of Pumping (q/Q)	Year	Pumping (Q) (AF/YR)	Annual Depletion (q) (AF/YR)	Depletion as a % of Pumping (q/Q)
1	1.8	0.000	0.0	151	1.8	0.604	33.2
2	1.8	0.001	0.0	152	1.8	0.607	33.3
3	1.8	0.002	0.1	153	1.8	0.609	33.5
4	1.8	0.003	0.1	154	1.8	0.612	33.6
5	1.8	0.004	0.2	155	1.8	0.615	33.8
6	1.8	0.006	0.3	156	1.8	0.617	33.9
7	1.8	0.007	0.4	157	1.8	0.620	34.1
8	1.8	0.009	0.5	158	1.8	0.622	34.2
9	1.8	0.012	0.6	159	1.8	0.625	34.3
10	1.8	0.014	0.8	160	1.8	0.627	34.5
11	1.8	0.017	0.9	161	1.8	0.630	34.6
12	1.8	0.020	1.1	162	1.8	0.632	34.7
13	1.8	0.023	1.2	163	1.8	0.635	34.9
14	1.8	0.026	1.4	164	1.8	0.637	35.0
15	1.8	0.029	1.6	165	1.8	0.639	35.1
16	1.8	0.033	1.8	166	1.8	0.642	35.3
17	1.8	0.036	2.0	167	1.8	0.644	35.4
18	1.8	0.040	2.2	168	1.8	0.647	35.5
19	1.8	0.044	2.4	169	1.8	0.649	35.7
20	1.8	0.048	2.6	170	1.8	0.651	35.8
21	1.8	0.052	2.9	171	1.8	0.654	35.9
22	1.8	0.057	3.1	172	1.8	0.656	36.0
23	1.8	0.061	3.3	173	1.8	0.658	36.2
24	1.8	0.065	3.6	174	1.8	0.661	36.3
25	1.8	0.070	3.8	175	1.8	0.663	36.4
26	1.8	0.075	4.1	176	1.8	0.665	36.5
27	1.8	0.079	4.4	177	1.8	0.667	36.7
28	1.8	0.084	4.6	178	1.8	0.669	36.8
29	1.8	0.089	4.9	179	1.8	0.672	36.9
30	1.8	0.094	5.2	180	1.8	0.674	37.0
31	1.8	0.099	5.5	181	1.8	0.676	37.1
32	1.8	0.104	5.7	182	1.8	0.678	37.3
33	1.8	0.109	6.0	183	1.8	0.680	37.4
34	1.8	0.115	6.3	184	1.8	0.683	37.5
35	1.8	0.120	6.6	185	1.8	0.685	37.6
36	1.8	0.125	6.9	186	1.8	0.687	37.7
37	1.8	0.130	7.2	187	1.8	0.689	37.9
38	1.8	0.136	7.5	188	1.8	0.691	38.0
39	1.8	0.141	7.8	189	1.8	0.693	38.1

Exhibit A
Replacement Plan - Determination No.: 3542-BD
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Year	Pumping (Q) (AF/YR)	Annual Depletion (q) (AF/YR)	Depletion as a % of Pumping (q/Q)	Year	Pumping (Q) (AF/YR)	Annual Depletion (q) (AF/YR)	Depletion as a % of Pumping (q/Q)
40	1.8	0.146	8.0	190	1.8	0.695	38.2
41	1.8	0.152	8.3	191	1.8	0.697	38.3
42	1.8	0.157	8.6	192	1.8	0.699	38.4
43	1.8	0.163	8.9	193	1.8	0.701	38.5
44	1.8	0.168	9.2	194	1.8	0.703	38.6
45	1.8	0.174	9.5	195	1.8	0.705	38.8
46	1.8	0.179	9.8	196	1.8	0.707	38.9
47	1.8	0.184	10.1	197	1.8	0.709	39.0
48	1.8	0.190	10.4	198	1.8	0.711	39.1
49	1.8	0.195	10.7	199	1.8	0.713	39.2
50	1.8	0.201	11.0	200	1.8	0.715	39.3
51	1.8	0.206	11.3	201	1.8	0.717	39.4
52	1.8	0.211	11.6	202	1.8	0.719	39.5
53	1.8	0.217	11.9	203	1.8	0.721	39.6
54	1.8	0.222	12.2	204	1.8	0.723	39.7
55	1.8	0.227	12.5	205	1.8	0.724	39.8
56	1.8	0.233	12.8	206	1.8	0.727	39.9
57	1.8	0.238	13.1	207	1.8	0.728	40.0
58	1.8	0.243	13.4	208	1.8	0.730	40.1
59	1.8	0.249	13.7	209	1.8	0.732	40.2
60	1.8	0.254	13.9	210	1.8	0.734	40.3
61	1.8	0.259	14.2	211	1.8	0.735	40.4
62	1.8	0.264	14.5	212	1.8	0.738	40.5
63	1.8	0.269	14.8	213	1.8	0.739	40.6
64	1.8	0.275	15.1	214	1.8	0.741	40.7
65	1.8	0.280	15.4	215	1.8	0.743	40.8
66	1.8	0.285	15.6	216	1.8	0.745	40.9
67	1.8	0.290	15.9	217	1.8	0.746	41.0
68	1.8	0.295	16.2	218	1.8	0.748	41.1
69	1.8	0.300	16.5	219	1.8	0.750	41.2
70	1.8	0.305	16.7	220	1.8	0.751	41.3
71	1.8	0.310	17.0	221	1.8	0.753	41.4
72	1.8	0.315	17.3	222	1.8	0.755	41.5
73	1.8	0.319	17.6	223	1.8	0.756	41.6
74	1.8	0.324	17.8	224	1.8	0.759	41.7
75	1.8	0.329	18.1	225	1.8	0.760	41.8
76	1.8	0.334	18.3	226	1.8	0.761	41.8
77	1.8	0.339	18.6	227	1.8	0.764	42.0
78	1.8	0.343	18.9	228	1.8	0.765	42.0
79	1.8	0.348	19.1	229	1.8	0.766	42.1
80	1.8	0.353	19.4	230	1.8	0.769	42.2
81	1.8	0.357	19.6	231	1.8	0.770	42.3
82	1.8	0.362	19.9	232	1.8	0.772	42.4

Exhibit A
Replacement Plan - Determination No.: 3542-BD
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Year	Pumping (Q) (AF/YR)	Annual Depletion (q) (AF/YR)	Depletion as a % of Pumping (q/Q)	Year	Pumping (Q) (AF/YR)	Annual Depletion (q) (AF/YR)	Depletion as a % of Pumping (q/Q)
83	1.8	0.366	20.1	233	1.8	0.773	42.5
84	1.8	0.371	20.4	234	1.8	0.775	42.6
85	1.8	0.375	20.6	235	1.8	0.777	42.7
86	1.8	0.380	20.9	236	1.8	0.778	42.8
87	1.8	0.384	21.1	237	1.8	0.780	42.8
88	1.8	0.389	21.3	238	1.8	0.781	42.9
89	1.8	0.393	21.6	239	1.8	0.782	43.0
90	1.8	0.397	21.8	240	1.8	0.785	43.1
91	1.8	0.401	22.1	241	1.8	0.786	43.2
92	1.8	0.406	22.3	242	1.8	0.787	43.3
93	1.8	0.410	22.5	243	1.8	0.789	43.4
94	1.8	0.414	22.8	244	1.8	0.790	43.4
95	1.8	0.418	23.0	245	1.8	0.792	43.5
96	1.8	0.422	23.2	246	1.8	0.793	43.6
97	1.8	0.426	23.4	247	1.8	0.795	43.7
98	1.8	0.430	23.7	248	1.8	0.796	43.8
99	1.8	0.434	23.9	249	1.8	0.798	43.9
100	1.8	0.438	24.1	250	1.8	0.800	43.9
101	1.8	0.442	24.3	251	1.8	0.801	44.0
102	1.8	0.446	24.5	252	1.8	0.803	44.1
103	1.8	0.450	24.7	253	1.8	0.804	44.2
104	1.8	0.454	24.9	254	1.8	0.806	44.3
105	1.8	0.458	25.2	255	1.8	0.807	44.3
106	1.8	0.461	25.4	256	1.8	0.809	44.4
107	1.8	0.465	25.6	257	1.8	0.810	44.5
108	1.8	0.469	25.8	258	1.8	0.811	44.6
109	1.8	0.473	26.0	259	1.8	0.813	44.7
110	1.8	0.476	26.2	260	1.8	0.814	44.7
111	1.8	0.480	26.4	261	1.8	0.816	44.8
112	1.8	0.484	26.6	262	1.8	0.816	44.9
113	1.8	0.487	26.8	263	1.8	0.818	44.9
114	1.8	0.491	27.0	264	1.8	0.819	45.0
115	1.8	0.494	27.2	265	1.8	0.821	45.1
116	1.8	0.498	27.3	266	1.8	0.822	45.2
117	1.8	0.501	27.5	267	1.8	0.824	45.3
118	1.8	0.505	27.7	268	1.8	0.825	45.3
119	1.8	0.508	27.9	269	1.8	0.827	45.4
120	1.8	0.511	28.1	270	1.8	0.828	45.5
121	1.8	0.515	28.3	271	1.8	0.829	45.5
122	1.8	0.518	28.5	272	1.8	0.830	45.6
123	1.8	0.521	28.6	273	1.8	0.832	45.7
124	1.8	0.525	28.8	274	1.8	0.833	45.8
125	1.8	0.528	29.0	275	1.8	0.835	45.9

Exhibit A
Replacement Plan - Determination No.: 3542-BD
Page 4 of 4

Year	Pumping (Q) (AF/YR)	Annual Depletion (q) (AF/YR)	Depletion as a % of Pumping (q/Q)	Year	Pumping (Q) (AF/YR)	Annual Depletion (q) (AF/YR)	Depletion as a % of Pumping (q/Q)
126	1.8	0.531	29.2	276	1.8	0.836	45.9
127	1.8	0.534	29.4	277	1.8	0.837	46.0
128	1.8	0.537	29.5	278	1.8	0.838	46.1
129	1.8	0.541	29.7	279	1.8	0.840	46.1
130	1.8	0.544	29.9	280	1.8	0.841	46.2
131	1.8	0.547	30.0	281	1.8	0.843	46.3
132	1.8	0.550	30.2	282	1.8	0.843	46.3
133	1.8	0.553	30.4	283	1.8	0.845	46.4
134	1.8	0.556	30.5	284	1.8	0.846	46.5
135	1.8	0.559	30.7	285	1.8	0.848	46.6
136	1.8	0.562	30.9	286	1.8	0.848	46.6
137	1.8	0.565	31.0	287	1.8	0.850	46.7
138	1.8	0.568	31.2	288	1.8	0.851	46.8
139	1.8	0.571	31.4	289	1.8	0.853	46.9
140	1.8	0.574	31.5	290	1.8	0.853	46.9
141	1.8	0.577	31.7	291	1.8	0.855	47.0
142	1.8	0.579	31.8	292	1.8	0.856	47.1
143	1.8	0.582	32.0	293	1.8	0.857	47.1
144	1.8	0.585	32.1	294	1.8	0.858	47.2
145	1.8	0.588	32.3	295	1.8	0.860	47.3
146	1.8	0.591	32.4	296	1.8	0.861	47.3
147	1.8	0.593	32.6	297	1.8	0.862	47.4
148	1.8	0.596	32.8	298	1.8	0.864	47.5
149	1.8	0.599	32.9	299	1.8	0.864	47.5
150	1.8	0.601	33.0	300	1.8	0.866	47.6

Created by Wenli Dickinson on March 03, 2020

Values for 'Depletion as a % of Pumping' (q/Q) are not calculated when the pumping rate (Q) is changed to anything but zero



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

3050 N. Curtis Road, MS-19-6

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

- **The existing 35-acre, undeveloped lot is proposing 3-lots at roughly 5 acres in size and 1-lot roughly 20-acre lot. The lots will be served water by private wells, and wastewater by onsite wastewater treatment systems (OWTS's).**
- **A finding for sufficiency in terms of water quality is not required for minor subdivision approval.**
- **The GWI, Groundwater Investigations, LLC, Soils and Geology and Wastewater Treatments Systems, Evaluations for Wyoming Estates, 3050 N. Curtis Road, 06June2019 report and revised 05Oct2020, were reviewed for OWTS suitability on the proposed new lots. The report supports the use of OWTS's on this site. There is a possibility for an engineer designed OWTS on the site as one soil test showed a restrictive soil layer at 6' deep.**
 - **The proposed new lots require full compliance with the El Paso County Board of Health Regulations, Chapter 8, Onsite Wastewater Treatment Systems.**
 - **Adjacent property well locations were not shown; therefore, be aware of the specific 100'+ setback requirements to exterior wells.**

Mike McCarthy
El Paso County Public Health
719.575.8602 (O)
mikemccarthy@elpasoco.com
24July2019
Revised, 31Jan2021

From: Bill Stuber <B_Stuber@hotmail.com>

Sent: Tuesday, April 27, 2021 5:48 PM

To: Ryan Howser <RyanHowser@elpasoco.com>; Elena Krebs <ElenaKrebs@elpasoco.com>

Subject: Wyoming Estates minor subdivision hearing scheduled May 6th 1:00 PM

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ElPaso County Planning Committee Members and County commissioners,

Please find attached and contained herein my formal notice of opposition to the proposed "Minor Subdivision- Wyoming Estates". Having been provided a mere 10 days of time to prepare this opposition statement, research code requirements, basis of position for the developer, water rights law and personal property deeds has been a challenge as the developer has had well over 2 years to prepare his presentation and documents leading to this point.

I strongly urge the Planning committee to postpone recommendation of the approval of this subdivision based on the facts contained within the attachment , and below statements. I have a business trip that has been planned for months scheduled for the date of the hearing and therefore will not be able to testify, or present statements of impact in person on the proposed hearing date of May 6th, 2021 at 1:00PM.

Please review the attached position of opposition statement with the reasoning for opposition and find it in the best interest of the residents of the county to postpone this hearing until such time as an in person representation can be seen and heard.

I am available until the 5th or May to discuss facts, or answer any questions you may have.

Regards,
William Stuber
3130 Curtis Road

Position- Opposed

Reasoning-

- 1.) I do not believe the proposed "minor subdivision" should be treated as a "minor" subdivision for the following reasons:
 - a.) there have been some conversations with the developer that have indicated the desire to subdivide into 8 parcels this would immediately move the proposal to that of a major subdivision.
 - b.) If the proposed subdivision as proposed is approved, I would request a re-zoning of the remaining 20 acre parcel to prevent a further subdivision of that parcel in the future.
 - c.) According to Land Development Code Section 7.2.1.c.1.b. which states, "A minor subdivision is a division of land that results in the creation of 4 or fewer lots that do not **discernibly impact surrounding properties**" I believe this proposed subdivision would have profound impact to a total of 6 properties that currently utilize the existing easement to the detriment of ease of access, Safety of access to Curtis road as well as property values.
- 2.) There is a concern of safety in relocation of access to the proposed subdivision.
 - a.) In review of the Colorado State Patrol report regarding the intersection of Curtis Rd. and Patton Dr. I believe it relevant to assume that changing the configuration of the intersection of Curtis road and Patton drive by adding the need for a left turn from northbound Curtis road, onto the newly proposed "Teleo Ct." at a point much closer to the crest of a blind hill, would inherently add an unevaluated level of risk and added danger to the modified Curtis road and Patton drive intersection. See attached photos (Photo A shows distance from existing easement and Photo B shows distance to top of hill from newly Proposed Teleo Ct location)
 - b.) If the proposed Teleo Ct. intersection is allowed it would be prudent to add a left turn lane to northbound Curtis road, as well as a Deceleration lane, and Acceleration lane to southbound Curtis rd. See fatality report ¼ mile north on May 27th 2018 in a similar type blind spot.
 - c.) I believe the traffic letter provided as justification for no required traffic impact study to have been calculated with "general" data favoring the developer and not at all based in fact. There are 5 families, all with a minimum of 3 licensed drivers in each household, and 2 small service businesses which operate out of the existing residences which would increase the total trip count significantly.
- 3.) The requirement to Vacate the existing easement is not acceptable as proposed because the requirement for county road access to 6 pieces of property is not met.
 - a.) I believe there to be a gap in the end of the county road (Teleo Ct) at the Cul De Sac to the property line. If that is the case then the re-establishment of an easement

across 2 separate pieces of property would be required to be established by quit claim deed to all 6 property owners beyond the end of the proposed county road

b.) Additionally 4 of the 6 property owners have not been notified and been given the opportunity to voice opinion regarding relinquishment of their rights to easement across the afore mentioned proposed subdivision.

In closing I would request a postponement of the presentation of facts to the commissioners based on the following facts, the developer has had in excess of 2 years to prepare his documents, research, hire attorneys, pay professionals to write opinions regarding the rights of citizens of the county which may or may not be based in fact, case law, county policy, and county code. The residents affected by these future decisions have been given a total of 17 days to review the formal documents, ahead of the planning committee meeting to determine what to recommend to the county commissioners, and only 10 days to review all the documents provided by the developer, research planning commission code, and prepare documents to be submitted to the planning commission to allow time for commissioners, and planning committee to review ahead of the zoning committees meeting the 6th of May. I have a previously planned business trip the 5th, thru the 7th that has been planned for months, and cannot be re-scheduled. I urge the committee to grant an extension of time for residents impacted by the decision about the be made to thoroughly investigate all options, legal code requirements and other possible remedies ahead of a decision impacting personal property and investments of 6 county families and their personal properties.

William R. and Margaret S. Stuber
3130 Curtis Rd.
Peyton, Colorado



Photo A Taken from existing easement to top of hill south of newly proposed Teleo Ct. Teleo Ct would enter Curtis road at a point just north of the 2 large pines (corner of existing Patton Dr.)



Photo B Taken from newly proposed Teleo Ct Location to top of hill south of existing Patton Dr.

From: Kathy Solberg <krfal@elpasotel.net>
Sent: Tuesday, April 27, 2021 3:01 PM
To: Ryan Howser <RyanHowser@elpasoco.com>
Subject: Wyoming Subdivision

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El Paso County Planning Commission
Proposed Wyoming Subdivision

To Whom It May Concern:

I will like to make it known that I oppose this subdivision for several reasons. My main concern is water. I pasture several head of cattle each summer and during the warm weather of summer one head can drink between 10 and 15 gallons of water a day. By reducing the amount of water my well may pump you could possibly be putting the revenue I receive from them in danger, as I would have to decrease or discontinue having livestock. I do not believe there is an unlimited amount of water and your job as commissioners is not to try for as much revenue of taxes as possible but to balance between maintaining our way of life and using our resources carefully.

According to the information I received the State Patrol says there is not a problem with the intersection of Curtis and Patton. As this may be true there was also a death just up Curtis Rd when a truck was attempting to make a left hand turn and was broadsided. The driver was killed in this accident. I believe the State Patrol does not patrol this area except maybe occasionally. During peak hour in the morning and afternoon vehicles going and coming from Schieiver Airbase can exceed over a hundred cars in an hour. I recently contacted the Sheriff's department about the dangerous driving that occurs on Curtis Rd. Passing, speeding are a daily occurrence. The Sheriff's department does its best to patrol this but they have a large area and can only do so much. The deputy that I spoke to agreed that it is a very dangerous situation and will eventually end in someone being killed. I live on Curtis Rd and at times I take my life in my hands trying to exit my own driveway. By moving the road in question closer to the crest of the hill without putting in a turn lane for vehicles going north it is only a matter of time before someone comes over the top of this hill and rear ends a car.

Does the subdivision have any covenants as I didn't see any listed anywhere. There is already semi trailers setting on this property that are very unattractive. Will things like this be allowed?

I feel I have not been given time to review the documents and would ask the commission to postpone this hearing until we as adjacent land owners can review the

situation to a fuller extent. Postponing does not hurt anyone and would only be fair as the developer has had at least two years to work on his presentation. I would ask you give those of us opposing this development the same consideration. Thank you.

Kathy Solberg
2620 Curtis Rd.
Falcon, CO 80831