


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: Nina Ruiz, Planner III
Daniel Torres, PE Engineer II
Craig Dossey, Executive Director

RE: Project File #: MS-19-005
Project Name: Curtis Subdivision
Parcel No.: 61000-00-519

OWNER:	REPRESENTATIVE:
Curtis Family Living Trust 1920 Baptist Road Monument, CO 80132	Forsgren Associates, Inc. 56 Inverness Drive East, Suite 112 Englewood, CO 80112

Commissioner District: 1

Planning Commission Hearing Date:	4/7/2020
Board of County Commissioners Hearing Date	4/28/2020

EXECUTIVE SUMMARY

A request by the Curtis Family Living Trust for approval of a minor subdivision of a 36.65 acre parcel in the RR-5 (Residential Rural) zoning district. The subdivision will create two (2) single-family lots along with the dedication and reservation of right-of-way for the future realignment of Roller Coaster Road. The site is located at the northwest corner of the Roller Coaster Road and Baptist Road intersection and is located within the boundaries of the Tri-Lakes Comprehensive Plan (1999).

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 the Curtis Family Living Trust for approval of a minor subdivision to create two (2) single-family residential lots.

Waiver(s)/Deviation(s):

Deviations

The following deviations from the standards of the El Paso County Engineering Criteria Manual have been administratively approved by the County Engineer.

1. Section 2.3.2: Table 2-5 indicates a minimum centerline curve radius of 930 feet with a design speed of 50 mph for rural major collectors. The applicant has submitted a deviation requesting a 711-foot centerline radius in line with a 45 mph design speed. The request has been approved since the proposed radius and design speed meet AASHTO (American Association of State Highway and Transportation Officials) standards. Additionally, the proposed design limits the amount of land dedicated to the County while still providing sufficient right-of-way for an adequate future roadway realignment.
2. Section 2.3.2: Table 2-4 indicates that access is not permitted on an arterial roadway, and that access shall be taken from the smaller of two roads when there is an option. The applicant has submitted a deviation requesting that a driveway access be allowed on Baptist Road, an arterial roadway, for the proposed Lot 2. There are safety concerns if the access were to come off of Roller Coaster Road as there is a large vertical curve near the property that causes a dangerous blind spot. The access is proposed to be located a minimum of 330 feet from the intersection of Baptist Road and Roller Coaster Road. The request has been approved due to the safety concerns of an access from Roller Coaster Road. The County may require the access along Baptist Road to be relocated when the future segment of Roller Coaster Road is constructed.

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

B. PLANNING COMMISSION SUMMARY

Request Heard:

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)	Agricultural
South: RR-5 (Residential Rural)	Fox Run County Regional Park
East: A-5 (Agricultural)	Residential
West: RR-5 (Residential Rural)	Agricultural

E. BACKGROUND

The property was zoned A-5 (Agricultural) in 1955. Due to changes in the nomenclature of the Land Development Code, the A-5 zoning district has been renamed to the RR-5 (Residential Rural) zoning district. The applicant is proposing a minor subdivision creating two single-family residential lots. The existing home was constructed in 2016. The home will meet all setback requirements from the lot lines of proposed Lot 1 and the existing well and onsite wastewater treatment system will be fully contained within the proposed lot lines. The proposed lot sizes are 25.00 acres (Lot 1) and 8.01 acres (Lot 2) with approximately 4.10 acres being dedicated for public right-of-way for the future realignment of Roller Coaster Road. Please see the transportation section below for additional details regarding the realignment of Roller Coaster Road.

F. ANALYSIS

1. Land Development Code Compliance

The 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 proposed final plat is in conformance with the RR-5 (Rural Residential) zoning district. The Residential Rural (RR-5) zoning district density and dimensional standards are as follows:

- Minimum zone district lot size – 5 acres
- Setbacks – 25 feet in the front, rear and side
- Maximum building height – 30 feet
- Maximum lot coverage – 25 percent

The existing home will meet all setback requirements from the lot lines of proposed Lot 1 and both proposed lots will exceed the minimum lot size requirement of five acres.

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.

Goal 9.1 – Plan, develop, and maintain a safe and efficient transportation system to meet the present and future mobility needs of the people, goods materials, and services.

Policy 9.1.1 – Identify and preserve the functional integrity of the corridors necessary to meet the County’s potential future transportation needs.

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 parcel is directly across the street from three approximately five (5) acre parcels to the east located within the Four Bar Kay Farm Subdivision. The parcel is surrounded by zoning districts which require a minimum of five acres. Parcels located immediately adjacent to the north and west are undeveloped 35+ acre parcels, however, each property could be subdivided in the future into lots with a minimum lot size of five (5) acres pursuant to the current RR-5 zoning.

The Major Transportation Corridors Plan (MTCP) shows Roller Coaster Road to be realigned in the future to eliminate the jog in the alignment at Higby Road so that the roadway is aligned north-south as it traverses through the northern portion of the County. The applicant is dedicating right-of-way for the future realignment of Roller Coaster Road. Staff recommends that a finding of general consistency with the policy plan can be made.

4. Small Area Plan Analysis

The proposed subdivision is within the West Cherry Creek sub-area of the Tri-Lakes Comprehensive Plan (1999). The Plan recognizes that the undeveloped areas of West Cherry Creek may eventually be subdivided as rural residential lots.

The Land Use summary on page 125 of the Plan states:

“This sub-area should remain primarily rural and/or rural residential with lot sizes averaging a minimum of 5 acres exclusive of roads and tracts not devoted to open space areas. Large lot clustering options, utilizing minimum 2.5 acre lots should be considered only if there is strict adherence to this overall density approach and if adequate mechanisms for implementation are available.”

The Plan also recognizes the importance of maintaining efficient unimpeded traffic flows and that “Roller Coaster Road, once a ranching road, now functions as a major collector.” (page 123)

Chapter IV, Section 5, Transportation of the Plan states:

“Upgrading the overall transportation system as it becomes necessary rather than anticipating future transportation needs is generally more costly and problematic. Once an area becomes established rising land values, increased infrastructure costs, environmental concerns, and community resistance to roadway improvements significantly add to the cost of building and/or improving roads and intersections.”(page 47)

The following recognition is also included in the Transportation section:

“There are significant challenges to building roads and reserving additional rights-of-way once development has occurred and residential and non-residential land use patterns are established. Preserving rights-of-way for transportation is an essential element of growth and must be accomplished prior to development.” (page 47)

The Plan acknowledges that the “...weakest link in the roadway system are the north-south roadways, or lack thereof.” (page 48) According to the Plan improvement of Roller Coaster Road would aid in improving the efficiency of the north-south transportation system in this region.

The following land use guidance and objectives have been used in the review of the applicant’s request:

- Objective 5.1.2 - Plan for additional north-south arterial and collector roads.
- Objective 5.1.4 - Encourage the dedication and/or acquisition of additional roadway rights-of-way.
- Objective 5.1.7 - Encourage logical and economical road extensions and linkages.
- Proposed Action 5.1.15 - Identify and reserve roadway corridors and linkages necessary to facilitate the efficient flow of traffic in the Tri-Lakes Area.

The applicant is proposing a minor subdivision to create two lots, both of which will be in excess of the five acre minimum in the RR-5 zoning district. The subdivision will result in the dedication of a significant amount of right-of-way for the future realignment of Roller Coaster Road. Staff finds that the proposed subdivision is generally consistent with the Tri-Lakes Comprehensive Plan.

6. 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.

Water sufficiency has been analyzed with the review of the proposed minor subdivision. Please see the Water Section below for a summary of the water findings and recommendations for the proposed minor subdivision. 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.

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 an assumption of water quality for minor subdivisions.

6. 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 Division of Community Services, Colorado Parks and Wildlife, and Colorado State Forest Service were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies potential 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, 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 2016 Major Transportation Corridor Plan (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

Pursuant to Section 8.4.9.C.2.e of the El Paso County Land Development Code in effect at the time of approval:

“Where a report modification is authorized by the PCD Director such as in the instance of a minor subdivision, the report is not required to be prepared by a professional geologist but shall include information regarding the following:

- Streams, lakes, topography, and vegetation;
- Geologic characteristics of the area and a determination of the impacts of the characteristics on the proposed subdivision;
- Suitability of types of soil in the proposed subdivision, including where appropriate, maps and tables in accordance with any standard soil classification; and
- Identification of potential radiation hazards, where applicable.”

The regulations have been amended since the application was submitted and no longer allow for a modified report. However, Section 1.10.5 allows applicants to follow the regulations in place at the time of a complete submission.

The PCD Director approved a modified report for this application. The soils and geology report prepared by Rocky Mountain Group (RMG) and dated December 9, 2019, identified that a portion of proposed Lot 2 contains slopes exceeding 30 percent. This area has been depicted and identified as a “no-build” area on the

final plat. The Colorado Geologic Survey was sent a referral for this application and have no outstanding comments.

2. Wildlife

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

3. Floodplain

The property is not located within a defined floodplain as determined from FEMA Flood Insurance Rate Map panel number 08041C0285G, dated December 7, 2018.

4. Drainage and Erosion

The property is located within the Smith Creek (FOMO4000) and West Cherry Creek (CYC0400) drainage basins. The Smith Creek drainage basin is a studied basin that has drainage and bridge fees. The West Cherry Creek drainage basin is an unstudied basin with no associated drainage and bridge fees. All fees shall be due at time of final plat recordation. The applicable drainage fee for Smith Creek is calculated as \$1,870.25 and the bridge fee is \$251. There are no drainage basin planning study (DBPS) improvements associated with this development.

The northern portion of the site generally drains to the northeast and the southern portion drains to the southeast. A permanent water quality facility is not required for development areas of low density (rural) single family residential developments (2.5 acre or larger lots) per Appendix I of the El Paso County Engineering Criteria Manual (2019). Furthermore, on-site detention was not required due to the minimal increase in imperviousness created by the additional residential lot. Per the associated drainage memo, the proposed minor subdivision will not adversely impact the downstream and surrounding developments.

5. Transportation

The property is accessed via Baptist Road, which is an existing public road. 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 applicant has agreed to dedicate approximately 4.10 acres of public right-of-way for the future realignment of Roller Coaster Road. The 2016 Major

Transportation Corridor Plan (MTCP) classifies Roller Coaster Road as a rural major collector in its 2040 Roadway Plan. This Plan also identifies that Roller Coaster Road is to be realigned from Higby Road south as currently there is a jog in the alignment where the northern and southern portion of Roller Coaster Road are separated by approximately one-half mile at Higby Road. This right-of-way dedication will allow Roller Coaster Road to align with the right-of-way dedication provided with the J.T. Ranch subdivision located northwest of this proposed subdivision.

The subdivision is subject to the El Paso County Road Impact Fee Program (Resolution 19-471), as amended.

H. SERVICES

1. Water

Sufficiency:

Quality:

Quantity:

Dependability:

Attorney's summary: To be provided at hearing.

2. Sanitation

The existing residence on the subject property is served by an onsite wastewater treatment system (OWTS), which is proposed to be located entirely on proposed Lot 1 and will not require an easement to be created on the other proposed lot. Any home constructed in the future on lot 2 will also be served by individual OWTSs. The El Paso County Public Health and Environment Department had no objection to the proposed minor subdivision.

3. Emergency Services

The property is within the Tri-Lakes Monument Fire Protection District. The District was provided a referral for comment and responded stating:

“All roadways/driveways will be required to comply with Appendix D of the adopted 2009 IFC for Fire Department access. Based upon the Wildfire and Hazard Mitigation Plan we recommend that the entire subdivision be mitigated and thinned to the Colorado State Forest Service Fire Mitigation Standards as referenced in FIRE2012_1_DspaceQuickGuide(1).pdf.”

Section 6.3.3.B.3 of the El Paso County Land Development Code (2019) includes the following language:

“If the wildfire mitigation issues are significant enough in the determination of the Fire Marshal to require mitigation associated with development construction activities, the cost of the mitigation shall be included in the construction financial assurance.”

El Paso County does not have a Fire Marshall at this time. However, Planning and Community Development has not received a request from the District for the mitigation costs to be included in the collateral nor an indication that the mitigation issues are significant.

The applicant provided a Wildland Fire & Hazard Mitigation Plan with the subdivision application. The Plan references the Colorado State Forest Service Fire Mitigation Standards and states that they will comply with these standards. A specific wildfire note has been added to the plat.

4. Utilities

Mountain View Electric Association and Black Hills Energy will provide electrical and natural gas service to the subdivision, respectively.

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 \$912.00 for regional parks shall be paid at the time of plat recording. The subject parcel is located immediately north of the Fox Run Regional Park. The El Paso County Parks Master Plan (2013) identifies a future regional trail in the vicinity of the subject parcel. The applicant has provided an easement for future Fox Run Regional Trail along Baptist Road.

7. Schools

Fees in lieu of school land dedication in the amount of \$616.00 shall be paid to El Paso County for the benefit of Lewis Palmer School District No. 38 at the time of plat recording.

I. APPLICABLE RESOLUTIONS

Approval	Page 19
Disapproval	Page 20

J. STATUS OF MAJOR ISSUES

There are no outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

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

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department. The County may require the access along Baptist Road to be relocated when the future segment of Roller Coaster Road is constructed.

7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 18-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
8. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$912.00 shall be paid at the time of plat recording.
9. Fees in lieu of school land dedication in the amount of \$616.00 shall be paid to El Paso County for the benefit of Lewis Palmer School District No. 38 at the time of plat recording.
10. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

NOTATION

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

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified six (6) adjoining property owners on March 23, 2020, 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

El Paso County Parcel Information

File Name: MS-19-005

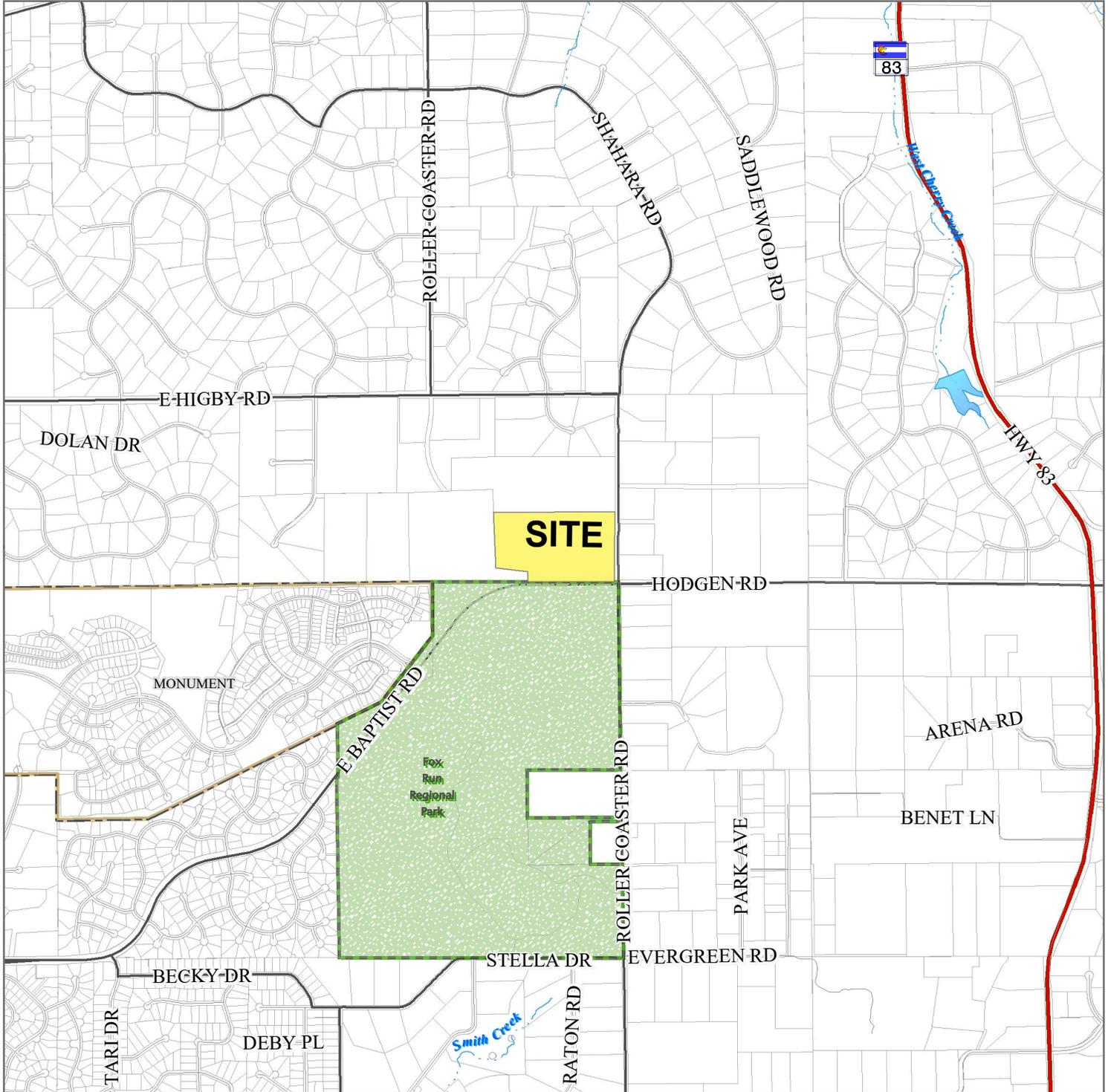
PARCEL	NAME
6100000519	CURTIS FAMILY LIVING TRUST

Zone Map No. --

ADDRESS	CITY	STATE
1920 E BAPTIST ROAD	MONUMENT	CO

ZIP	ZIPLUS
80132	7713

Date: March 17, 2020



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 914 520-6600



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Forsgren Associates, LLC
56 Inverness Drive East, Suite 112
Englewood, CO 80128
(720) 214-5884

1920 E Baptist Rd LLC. – 2-Lot Minor Subdivision
Letter of Intent

Site Location: 1920 E Baptist Rd
Monument, CO 80132

Site Data The 37.11-acre site, zoned RR-5, is located just northwest the intersection of Roller Coaster Rd and Baptist Rd in Monument.

Request/Justification To gain approval for platting the current lot at 1920 E Baptist Rd to include 2-lots. The western lot will be 25.00-acres, while the eastern lot shall be 8.011-acres. No site work is proposed at this time. Each individual owner and builder shall conduct their own due-diligence when developing each individual lot.

In addition, two separate tracts (Tract A and Tract B) are proposed with areas of 0.904-acres and 3.195-acres, respectively. The 2040 classification of the El Paso County 2016 MTCP show future plans for a minor arterial roadway passing through the northeast corner of the Owner’s property. These two tracts encompass the anticipated area of disturbance of said road and are to be owned and maintained by El Paso County. On condition that El Paso County comes to decision that a roadway through Tract A and Tract B will not be constructed, ownership of tract A shall be given to Owner of Lot 1 and ownership of Tract B shall be given to Owner of Lot 2.

This application meets all requirements of a Minor Subdivision, as described in Section 7.2.1 of the El Paso County Land Development Code. The proposed use is for only 2-lots, which meets the standard of “4 or fewer lots”. In addition, the two lots are simply for residential use, on large acreage lots. All preliminary plan and final plat requirements have been met, as set forth in the El Paso County Land Development Code.

The subdivision is in conformance with the goals, objectives, and policies of the Master Plan. The relevant master plan comprises the County Policy Plan, Black Forest Preservation Plan, and Trails Addendum to the Black Forest Preservation Plan. The proposed lots shall not exceed 5-acres, as is consistent with the RR-5 zoning designation, and are contiguous to existing large lot subdivisions within the area and supported by the Master Plan. Developing large acreage lots with low impervious areas shall limit any disturbance to natural features and resources. In addition, a trail easement has been provided at the southern boundary of the site to meet planning objectives by the El Paso County Community Services Department for the future extension of the Fox Run

Regional Trail. This is consistent with the Trails Addendum to the Black Forest Preservation Plan which includes a trail extension from Roller Coaster Road to a location just north of the Baptist Trailhead of the Fox Run Regional Park.

The subdivision as shown on the Final Plat is in substantial conformance with the submitted Preliminary Plan. Direct coordination between the Engineer and Surveyor completing the Final Plat was conducted throughout the design process and consistency between all applicable, submitted documents was provided.

The subdivision is consistent with its current RR-5 zoning designation and is consistent with the subdivision design standards, engineering and surveying requirements of the county all mapping, data, surveys, analyses, plans, reports and studies.

Sufficient water supply has been secured for the subdivision, and is summarized in the Colorado Ground Water Determination of Water Rights, as provided to the County. The supply has been deemed sufficient in terms of quality, quantity and dependability. Individual wells shall provide each property with its water supply.

A Geology and Soils Report, as well as an Onsite Wastewater Treatment System Report, have been prepared and submitted to the County. The Owner shall comply with the recommendations of the report. A public sewage disposal system shall not be provided. A private Onsite Wastewater Treatment System shall be installed, per the reports submitted to the County.

All areas of the proposed subdivision which involve soil or topographical conditions presenting hazards or requiring special precautions have been identified on the Preliminary Plan and Final Plat. These have been shown as "No-Build Areas". The Owner shall not disturb these areas.

A Drainage Letter has been prepared and submitted to the County. It was determined that no drainage improvements shall be required for the two-lot subdivision, and all applicable fees shall be paid as provided in said Drainage Letter.

Legal access has been shown for the proposed, additional lot for the proposed subdivision. A deviation request has been submitted to allow for a proposed access along E Baptist Road, in order to provide a safe access to Lot 2 as opposed to a potentially dangerous access along Roller Coaster Road. The Owner of Lot 2 shall be required to construct an access to Lot 2 that is in conformance with the Preliminary Plan and Final Plat. A physical access to Lot 1 along E Baptist Road exists for this subdivision.

The property is within the Tri-Lakes Monument Fire Protection District. The District has agreed to continue to serve this area and any building permits

submitted within the subdivision shall meet applicable District standards and requirements.

The property is located within Monument, CO and is within the jurisdiction of the Monument Police Department. It shall be served by this department.

Mountain View Electric Association, Inc. has provided an electric service commitment letter and has agreed to continue to serve the area.

Black Hills Energy has provided a natural gas commitment letter and has agreed to provide Natural Gas Distribution Service to the development.

Off-site impacts were evaluated and it was determined that no off-site improvements shall be required. Impacts of the two-lot subdivision shall be negligible. This Minor Subdivision shall not “discernibly impact surrounding properties, environmental resources or public facilities”.

No public facilities or infrastructure shall be provided, as this is a Minor Subdivision expanding from one lot to two lots. Impacts of this subdivision shall be negligible.

It was determined that there are no existing mineral estate owners on the property. The extraction of any known commercial mining deposit shall not be impeded by this subdivision.

Existing/Proposed
Facilities, Structures
and Roads

The site has a single-family home with an access road located at the northwest corner of the property and is covered in native grasses, trees and shrubs. Existing storm inlets and pipes exist at the south edge of the property where runoff from the site shall be delivered. No additional features are proposed as part of the work.

Landscaping/Screening

Currently, the site is covered in native grasses, trees and shrubs with abundant screening for each of the large size lots. Each individual owner shall provide landscaping/screening for their lots, if it is deemed necessary by El Paso County.

Grading/Erosion
Control

Each property owner will be responsible for property specific grading and erosion control. Erosion control measures selected for utilization on the site shall be installed per El Paso County standards as follows:

- Clearing and grubbing – Silt fence/sediment control log will be used.
- Initiation of perimeter controls – Silt fence/sediment control log will be used.
- Remaining clearing and grubbing – Silt fence/sediment control log and vehicle tracking pad will be used.
- Road Grading – Sediment control logs will be used on the downgradient side of all roadways and parking lots being graded.
- Final grading – All areas will receive final landscaping.

- Stabilization – All areas will receive final landscaping.

Traffic Control This project is an internal, private project with no disturbance to existing roadways. Only 1 new home shall be built in the future as a result of this minor subdivision. This will not result in any substantial increase in traffic. As a result, no additional traffic control shall be provided

Deviation Requests The County has requested a tract of land be dedicated to the County in order to preserve a section of the property with the intent of developing a roadway in the future. A deviation of the required radius of curvature of the potential future extension of Roller Coaster Road from 930 feet to 711-feet for a roadway with a design speed of 45-MPH shall be requested. This shall provide the County with the necessary tract for developing this roadway, while not eliminating an abundant amount of buildable area for the Owner.

A second deviation request shall be requested for the Lot 2 access location. The County has deemed a second access from E Baptist Road as unacceptable and initially required an access from Roller Coaster Road. However, upon review of the impacts an access from Roller Coaster Road would cause, it has led to serious safety concerns, as there are high speeds along Roller Coaster Road, as well as steep curves and vertical blind spots. An access along E Baptist Road would provide a much safer access to the subdivision.

For any questions regarding this letter of intent, please contact the Applicant/Engineer as listed below.

Owner: 1920 E Baptist Rd LLC.
Barry Curtis
1920 E Baptist Rd
Monument, CO 80132
719-331-0159

Applicant/Engineer: Forsgren Associates, Inc
Conner Burba
56 Inverness Dr. East Ste 112
Englewood, CO 80112
720-214-5884

FINAL PLAT
CURTIS SUBDIVISION FILING NO. 1
 A PORTION OF THE SOUTHWEST QUARTER OF
 SECTION 21, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6TH P.M.
 COUNTY OF EL PASO, STATE OF COLORADO

KNOW ALL MEN BY THESE PRESENTS:

A tract of land being a portion of the Southwest Quarter of Section 21, Township 11 South, Range 66 West of the 6th P.M., as described by Trustee's Deed (Reception No. 203069905, El Paso County, Colorado records), Commencing at the South One-Quarter corner of said Section 21 (all bearings in this description are relative to the East line of said Section 21's Southwest Quarter, which bears S 01° 01' 31" E assumed); thence S 88° 52' 31" W along the South line of said Southwest Quarter, said line also being coincident with the Northerly right of way line of Baptist Road (80' r.o.w.), 30.00 feet to the Point of Beginning of the tract herein described; thence continue S 88° 52' 31" W along said coincident lines, 1245.00 feet; thence N 01° 07' 29" W, 150.00 feet; thence N 83° 26' 06" W, 448.47 feet; thence N 02° 10' 50" W, 777.67 feet; thence N 88° 46' 41" E, 1703.45 feet to a point thirty (30) Feet West of said Southwest Quarter's East line, said point also being the Westerly right of way line of Roller Coaster Road (60' r.o.w.); thence S 01° 01' 31" E along a line thirty (30) feet West of and parallel to said East line and coincident Roller Coaster Road's Westerly right of way line, 990.47 feet to the Point of Beginning, County of El Paso, State of Colorado (Per Commitment File No. 507-F0633407-370-CSP)

DEDICATION

The above owner has caused said parcel of land to be platted into lots, right of way dedication, and easements as shown hereon. The undersigned does hereby grant and convey to the County of El Paso all right of way dedications and easements for public use. The tract of land herein platted shall be known as **CURTIS SUBDIVISION FILING NO. 1** in the County of El Paso, State of Colorado. Tracts A and B is hereby dedicated to the county for future road purposes.

OWNERS CERTIFICATE

The undersigned, being all the owners and mortgagees in the land described herein, have laid out, subdivided, and platted said lands into lots, roads, and easements as shown hereon under the name and subdivision of **CURTIS SUBDIVISION FILING NO. 1**. All public improvements so platted are hereby dedicated to public use and said owner does hereby covenant and agree that the public improvements will be constructed to El Paso County standards and that proper drainage and erosion control for same will be provided at said owner's expense, all to the satisfaction of the Board of County Commissioners of El Paso County, Colorado. Upon acceptance by resolution, all public improvements so dedicated will become matters of maintenance by El Paso County, Colorado. The utility easements shown hereon are hereby dedicated for public utilities and communication systems and other purposes as shown hereon. The entities responsible for providing the services for which the easements are established are hereby granted the perpetual right of ingress and egress from and to adjacent properties for installation, maintenance, and replacement of utility lines and related facilities.

Curtis Family Living Trust

 By: Barry Wayne Curtis
 Title: Co-Trustee

 By: Tanja Theresa Curtis
 Title: Co-Trustee

STATE OF COLORADO }
) ss.
 COUNTY OF _____ }
 Acknowledged before me this ____ day of _____, 20____ by
 _____ as _____
 My commission expires _____
 Witness my hand and official seal _____
 Notary Public

BOARD OF COUNTY COMMISSIONERS CERTIFICATE

This plat for **CURTIS SUBDIVISION FILING NO. 1** was approved for filing by the El Paso County, Colorado Board of County Commissioners on the ____ day of _____, 2019, subject to any notes specified hereon and any conditions included in the resolution of approval. The dedications of land to the public (roads and easements) are accepted, but public improvements thereon will not become the maintenance responsibility of El Paso County until preliminary acceptance of the public improvements in accordance with the requirements of the Land Development Code and Engineering Criteria Manual, and the Subdivision Improvements Agreement.

Chair, Board of County Commissioners _____ Date _____

COUNTY APPROVAL

This plat for **CURTIS SUBDIVISION FILING NO. 1** was approved for filing by the El Paso County, Colorado Planning and Community Development Department this ____ day of _____, 20____
 Planning and Community Development Director _____ Date _____

SURVEYOR'S STATEMENT

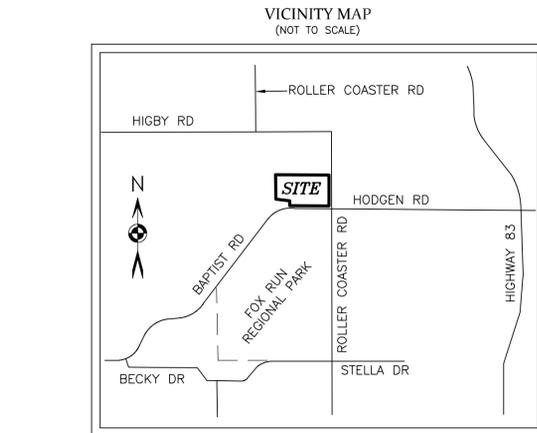
I, Spencer J. Barron, a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that this plat truly and correctly represents the results of a survey made on date of survey, by me or under my direct supervision and that all monuments exist as shown hereon; that mathematical closure errors are less than 1:10,000 ; and that said plat has been prepared in full compliance with all applicable laws of the State of Colorado dealing with monuments, subdivision, or surveying of land and all applicable provisions of the El Paso County Land Development Code.

I attest the above on this ____ day of _____, 20____.

Spencer J. Barron
 State of Colorado Professional Land Surveyor No. 38141
 For and on behalf of Barron Land, LLC

SURVEYOR'S NOTES

1. NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.
2. Any person who knowingly removes, alters or defaces any public land survey monument or land boundary monument or accessory commits a class 2 misdemeanor pursuant to the Colorado Revised Statute 18-4-508.
3. The lineal units used in this drawing are U.S. Survey Feet.
4. This survey was performed in the field on April 27, 2018.
5. The overall subject parcel contains a calculated area of 1,616,553 square feet (37.111 acres) of land, more or less.
6. This survey does not constitute a title search by Barron Land, LLC to determine ownership or easements of record. For information regarding easements, rights-of-way and title of record, Barron Land, LLC relied upon Title Commitment No. 507-F0633407-370-CSP with an effective date of March 18, 2019 as provided by Fidelity National Title insurance Company.
7. Bearings are based on the East line of the Southwest 1/4 of Section 21, Township 11 South, Range 66 West of the 6th P.M., monumented as shown, and is assumed to bear S 01°32'53" E.
8. All property owners are responsible for maintaining proper storm water drainage in and through their property. Public drainage easements as specifically noted on the plat shall be maintained by the individual lot owners unless otherwise indicated. Structures, fences, materials or landscaping that could impede the flow of runoff shall not be placed in drainage easements.
9. Unless otherwise indicated, all side, front, and rear lot lines are hereby platted on either side with a 10 foot public utility and drainage easement unless otherwise indicated. All exterior subdivision boundaries are hereby platted with a 20 foot public utility and drainage easement. The sole responsibility for maintenance of these easements is hereby vested with the individual property owners.
10. 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.
11. The addresses exhibited on this plat are for informational purposes only. They are not the legal description and are subject to change.
12. No driveway shall be established unless an access permit has been granted by El Paso County.
13. No lot or interest therein, shall be sold, conveyed, or transferred whether by deed or by contract, nor shall building permits be issued, until and unless either the required public and common development improvements have been constructed and completed and preliminarily accepted in accordance with the Subdivision Improvements Agreement between the applicant/owner and El Paso County as recorded under Reception Number _____ in the Office of the Clerk and Recorder of El Paso County, Colorado or, in the alternative, other collateral is provided to make provision for the completion of said improvements in accordance with the El Paso County Land Development Code and Engineering Criteria Manual. Any such alternative collateral must be approved by the Board of County Commissioners or, if permitted by the Subdivision Improvements Agreement, by the Director and meet the policy and procedure requirements of El Paso County prior to the release by the County of any lots for sale, conveyance or transfer. This plat restriction may be removed or rescinded by the Board of County Commissioners or, if permitted by the Subdivision Improvements Agreement, by the Department Director upon either approval of an alternative form of collateral or completion and preliminary acceptance by the El Paso Board of County Commissioners of all improvements required to be constructed and completed in accordance with said Subdivision Improvements Agreement. The partial release of lots for sale, conveyance or transfer may only be granted in accordance with any planned partial release of lots authorized by the Subdivision Improvements Agreement.
14. Individual lot purchasers are responsible for constructing driveways, including necessary drainage culverts from Baptist Road and Roller Coaster Road per Land Development Code Section 6.3.3.C.2 and 6.3.3.C.3. Due to their length, some of the driveways will need to be specifically approved by the Black Forest Fire Protection District.
15. Individual wells are the responsibility of each property owner. Permits for individual wells must be obtained from the State Engineer who by law has the authority to set conditions for the issuance of these permits.
16. 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 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.
17. Excluded from the Donala Water and Sanitation District per Court decision made per document recorded at Reception No. 213030701 on March 8, 2013, El Paso County records.
18. The Federal Emergency Management Agency, Flood Insurance Rate Map No. 08041C0285G, effective date December 7, 2018 shows this parcel in Zone X (Areas determined to be outside the 0.2% annual chance floodplain).
19. At the time of approval of this project, this property is located within the Black Forest Fire Protection District, which has adopted a Fire Code requiring residential fire sprinkler requirements for covered structures over 6000 square feet in size, and other fire mitigation requirements depending upon the level of fire risk associated with the property and structures. The owner of any lot should contact the fire district to determine the exact development requirements relative to the adopted Fire Code. Due to wildfire concerns, homeowners are encouraged to incorporate wildfire fuel break provisions as recommended by the Colorado State Forest Service and illustrated through publications available through the State Forest Service. **Wildfire Plat Restriction:** As a condition of approval of this plat by the Board of County Commissioners, no conveyance, sale or transfer of title of lots 1 and 2 identified hereon, shall be made, nor any building permit or certificate of occupancy be issued by El Paso County, until such times as the following has been accomplished by (the developer, homeowner, whomever is responsible).
20. Mailboxes shall be installed in accordance with all El Paso County Department of Transportation and United States Postal Service regulations.
21. Subject property is held to the conditions, covenants, restrictions and easements for White Trail Ridge, document recorded in Reception No. 214076341 and amended in Reception No.'s 214108456, 214109293, 215073369 and 216076490, El Paso County Records.
22. The following reports have been submitted in association with the Minor Subdivision Plat for this subdivision and are on file at the County Planning and Community Development Department: Drainage Report; Water Resources Report; Fire Protection Report; Wildfire Hazard Report; Natural Features Report and Geology and Soils Study with Wastewater Study, Curtis Subdivision, Filing No. 1, Monument, Colorado (Rocky Mountain Group [RMG], December 9, 2019).
23. Sewage treatment is the responsibility of each individual property owner. The El Paso County Department of Health and Environment must approve each system and, in some cases the Department may require an engineer designed system prior to permit approval. These systems may cost more to design, install, and maintain.
24. There shall be no permanent access to Baptist Road for Lot 2. A conditional access may be provided from Baptist Road for Lot 2. The conditional access shall be relocated by the individual property owners upon request by the County.
25. The subdivides agree on behalf of him/herself and any developer or builder 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 in 2019, 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.
26. Water Supply: Individual wells are the responsibility of each property owner. Permits for individual wells must be obtained from the State Engineer who by law has the authority to set conditions for the issuance of these permits. 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 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. Water withdrawal and wells are subject to limitations, restrictions and augmentation requirements and responsibilities as found within the Covenants for this subdivision recorded in Reception No. 610000519, of the Office of the El Paso County Clerk and Recorder and the terms of the water court approved water augmentation plan.
27. No-build areas shown on this plat are due to steep slopes exceeding 30% in these areas. No structures or septic systems shall be constructed in these areas.
28. The Future owner of Lot 2 will be responsible for the road impact fees which will be based on the established rate at the time of the building permit application.



RECORDING:

STATE OF COLORADO }
) ss.
 COUNTY OF EL PASO }
 I hereby certify that this instrument was filed for record in my office at ____ o'clock ____M., this ____ day of _____, 20____, A.D., and is duly recorded under Reception No. _____ of the records of El Paso County, Colorado.
 SURCHARGE: _____ CHUCK BROERMAN, RECORDER
 FEE: _____ BY: _____ Deputy

FEES:

Drainage Fee: _____
 School Fee: _____
 Bridge Fee: _____
 Park Fee: _____

MS 195

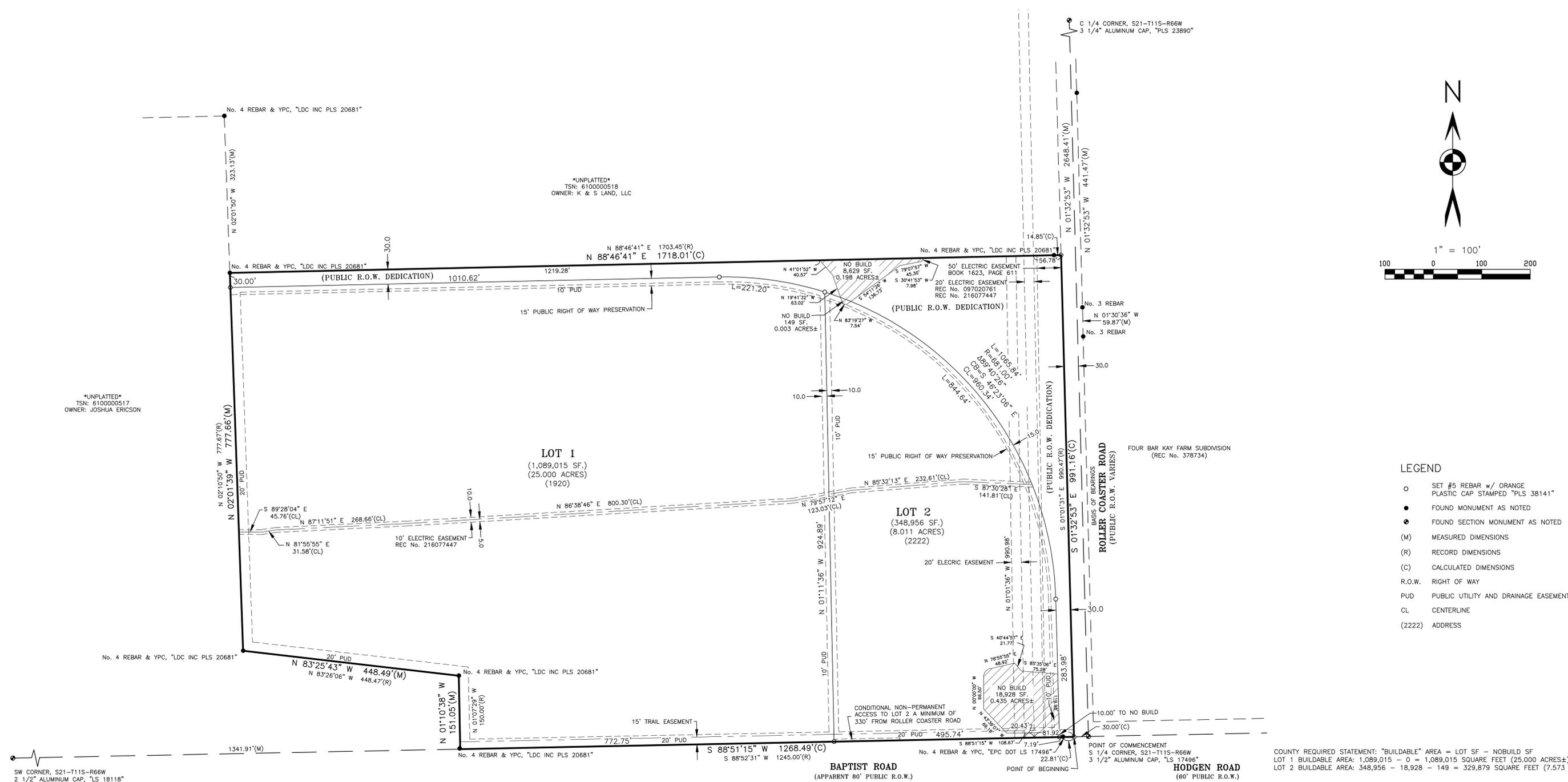
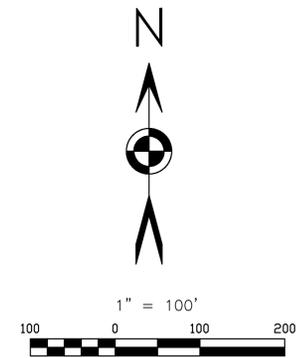
DATE: 04/01/2019		REVISIONS	
No.	Remarks	Date	By
1	Changes to Lots and split Tract into two	05/16/19	JLP
2	County comments	08/29/19	JLP
3	County comments	02/03/20	JLP

BARRON LAND

BOUNDARY Δ MAPPING Δ SURVEYING Δ CONSTRUCTION
 2790 N. Academy Blvd, Suite 311 P: 719.360.6827
 Colorado Springs, CO 80917 F: 719.466.6527
 www.BARRONLAND.com

PROJECT No.: 18-081 SHEET 1 OF 2

FINAL PLAT
CURTIS SUBDIVISION FILING NO. 1
 A PORTION OF THE SOUTHWEST QUARTER OF
 SECTION 21, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6TH P.M.
 COUNTY OF EL PASO, STATE OF COLORADO



- LEGEND**
- SET #5 REBAR w/ ORANGE PLASTIC CAP STAMPED "PLS 38141"
 - FOUND MONUMENT AS NOTED
 - ⊙ FOUND SECTION MONUMENT AS NOTED
 - (M) MEASURED DIMENSIONS
 - (R) RECORD DIMENSIONS
 - (C) CALCULATED DIMENSIONS
 - R.O.W. RIGHT OF WAY
 - PUD PUBLIC UTILITY AND DRAINAGE EASEMENT
 - CL CENTERLINE
 - (2222) ADDRESS

COUNTY REQUIRED STATEMENT: "BUILDABLE" AREA = LOT SF - NOBUILD SF
 LOT 1 BUILDABLE AREA: 1,089,015 - 0 = 1,089,015 SQUARE FEET (25.000 ACRES±).
 LOT 2 BUILDABLE AREA: 348,956 - 18,928 - 149 = 329,879 SQUARE FEET (7.573 ACRES±)

DATE: 04/01/2019		REVISIONS	
No.	Remarks	Date	By
1	Changes to Lots and split Tract into two	05/16/19	JLP
2	County comments	08/29/19	JLP
3	County comments	02/03/20	JLP

MS 195

BARRON & LAND

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 www.BARRONLAND.com

PROJECT No.: 18-081 SHEET 2 OF 2

November 18, 2019

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

RE: Tanja Curtis Minor Subdivision – Final Plat
SW1/4 of Sec. 21, Twp. 11S, Rng. 66W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 26565

To Whom It May Concern,

We have received additional materials concerning the above referenced proposal to subdivide a 36.65± acre tract of land into two new lots. The first lot will be 25.0 ± acres, and the second lot will be 8.0 ± acres. The proposed supply of water to the subdivision will be two individual on-lot wells operating pursuant to a court decreed plan for augmentation, with wastewater being disposed of through individual on-site septic disposal systems.

Water Supply Demand

According to the updated Water Supply Information Summary received in the submittal, the estimated water demand for the development is incorrectly identified as 3 acre-feet/year for each lot.

The actual subdivision waters supply should be recognized as 2.0 acre-feet/year for the entire development. Based on the Division 2 Water Court case no. 2018CW3052 this amount breaks down 1.0 acre-foot/year for each of the two lots. The decree notes that the 1.0 acre-foot can be used for a combination of household use, where 0.25 acre-feet is assumed to be utilized by each residence, with remaining pumping entitlements are available for other uses on the property. Should the applicant require more supply than what is provided in case no. 2018CW3052 a new application should be made to the Division 2 Water Court to amend the plan for augmentation

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

Source of Water Supply

The anticipated source of water is to be provided by two on-lot wells producing from the Dawson aquifer that will operate pursuant to the augmentation plan decreed by the

Division 2 Water Court in case no. 2018CW3052. In a prior Division 2 Water Court case no. 2001CW0140 water underlying this property was adjudicated and the applicant is owner of a pro-rata allocation of the Dawson, Denver and Laramie Fox-Hills aquifers.

According to the decree entered by the Division 2 Water Court in case no. 2018CW3052, the following amounts of water shown in Table 1, below, were determined to be available underlying the 36.65 ± acre tract of land and owned by the applicant.

Table 1 - Denver Basin Ground Water Rights

Aquifer	Tributary Status	Volume (AF)	Annual Allocation 100 Year (AF/Year)	Annual Allocation 300 Year (AF/Year)
Dawson	NNT	2,360	23.6	7.87
Denver	NNT	3,380	33.8	*
Laramie-Fox	NT	1,078	10.78	*

*Value was omitted from the table in decree 18CW3052

The plan for augmentation decreed in Division 2 Water Court case no. 2018CW3052 allows for diversion of 2.0 acre-feet annually from Dawson aquifer for a maximum of 300 years.

Permit No. 302149 was issued pursuant to CRS 37-92-602(3)(b)(II)(A) for use in fire protection, ordinary household purposes inside not more than three single family dwellings, the watering of poultry, domestic animals and livestock on a farm or ranch and the irrigation of not more than one acre of home gardens and lawns. This well permit is located in the S ½ of the SW1/4 of Section 21, Twp 11S, Rng 66W, 6th P.M. It appears that this well is located on the property and the applicant has proposed to continue to utilize the existing well pursuant to the decreed plan for augmentation. This will require that the applicant apply for, and obtain a new well permit issued pursuant to Section 37-90-137(4) C.R.S., or plug and abandon this well.

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

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

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

The State Engineer’s Office does not have evidence regarding the length of time for which this source will “meet the average annual demand of the proposed subdivision.” However, treating El Paso County’s requirement as an **allocation** approach based on three hundred years, the annual estimated demand, for the entire subdivision, is 2.0 acre-feet as

allowed by the augmentation plan. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

State Engineer's Office Opinion

Based on the above, it is our opinion, pursuant to CRS 30-28-136(1)(h)(l), that the anticipated water supply can be provided without causing material injury to decreed water rights so long as the applicant obtains well permits issued pursuant to C.R.S. 37-90-137(4) and the plan for augmentation noted herein, for all wells in the subdivision and operates the wells in accordance with the terms and conditions of any future well permits.

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

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

Our opinion is qualified by the following:

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

The amounts of water in the Denver Basin aquifers, and identified in Division 2 Water Court case no. 18CW3052, was calculated based on estimated current aquifer conditions. For planning purposes, the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 300 years used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply. Furthermore, that applicant will need to apply for, and obtain a new well permits issued pursuant to Section 37-90-137(4) C.R.S.

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

Sincerely,



Ivan Franco, P.E.
Water Resource Engineer

cc: Bill Tyner, Division 2 Engineer
Doug Hollister, District 10 Water Commissioner
Permit File: 302149



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

Tanja Curtis Minor Subdivision, MS-19-005

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

- **The proposed 37.11-acre, 2-lot residential development site is/will be served water by individual private wells and wastewater through onsite wastewater treatment systems (OWTS). There is an existing, approved OWTS on lot 1 installed in 2016. Lot 2 is undeveloped and requires compliance with Chapter 8 (OWTS Regulations) of the El Paso County Board of Health Regulations.**
- **A finding for sufficiency in terms of water quality is not required for minor subdivision approval.**
- **The 16May2019, Onsite Wastewater Treatment System Report prepared by Forsgren Associates, Inc., was reviewed for site suitability for the use of onsite wastewater treatment systems for wastewater service. Based on the report findings of the use of OWTS's is acceptable. The percolation test conducted indicated the Lot 2 OWTS would require a professional engineer design if installed in the area of this test.**

**Mike McCarthy
El Paso County Public Health
Environmental Health Division
719.575.8602 (O)
mikemccarthy@elpasoco.com
16July2019**