

**EL PASO COUNTY**  
  
**COLORADO**

COMMISSIONERS:  
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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

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

**FROM: Mercedes Rivas, Planner II  
 Daniel Torres, PE Engineer II  
 Craig Dossey, Executive Director**

**RE: Project File #: MS-21-005  
 Project Name: Crowe Minor Subdivision Filing No. 1  
 Parcel No.: 61280-00-001**

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Michael Crowe, Ruth Griffith-Crowe and Robert Crowe 15980 Roller Coaster Road Colorado Springs, CO 80921	Dave Gorman M.V.E., Inc. 1903 Lelaray Street Colorado Springs, CO 80909

**Commissioner District: 1**

Planning Commission Hearing Date:	12/2/2021
Board of County Commissioners Hearing Date	12/21/2021

**EXECUTIVE SUMMARY**

A request by Michael Crowe, Ruth Griffith-Crowe and Robert Crowe for approval of a minor subdivision to create three (3) single-family residential lots. The 20-acre property is zoned RR-5 (Residential Rural) as is located along the west side of Roller Coaster Road, approximately one-half (1/2) mile south of the Baptist Road and Roller Coaster Road intersection and is within Section 28, Township 11 South, Range 66 West of the 6th P.M.

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 Michael Crowe, Ruth Griffith-Crowe and Robert Crowe for approval of a minor subdivision to create three (3) single-family residential lots.

**Waiver(s)/Deviation(s):** The following waiver of the El Paso County Land Development Code (2021) (LDC) is requested with the proposed minor subdivision.

- A waiver of Section 8.4.3 (B), which requires that lots have a minimum of 30 feet of frontage on and have access from a public road. The applicants are proposing a common access easement along the southern property lines of Lots 1 and 2 giving Lots 2 and 3 access to Roller Coaster Road. The property owners will be responsible for maintenance of the proposed driveway as outlined in the maintenance agreement.

**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 minor subdivision, the BoCC shall find that the request meets the preliminary plan and final plat criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2021):

Preliminary plan criteria for approval:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of this Code;
- The subdivision is in conformance with the subdivision design standards and any approved sketch plan;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S.

- § 30-28-133(6)(a)] and the requirements of Chapter 8 of this Code (this finding may not be deferred to final plat if the applicant intends to seek administrative final plat approval);
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. § 30-28-133(6) (b)] and the requirements of Chapter 8 of this Code;
  - All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)];
  - Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;
  - The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;
  - Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
  - The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;
  - Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
  - The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and

- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

Final plat criteria for approval:

- 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)	Single-Family Residential
South:	RR-5 (Residential Rural)	Vacant
East:	RR-5 (Residential Rural)	Single-Family Residential
West:	RR-5 (Residential Rural)	Single-Family Residential

#### **E. BACKGROUND**

The parcel was zoned A-4 (Agricultural) on January 3, 1955, when zoning was first initiated for this portion of El Paso County (BoCC Resolution No. 94669). Due to changes in the nomenclature of the Land Development Code, the A-4 zoning district was renamed as the RR-5 (Residential Rural) zoning district.

The 20-acre parcel was legally created by deed on August 20, 1969 (Book 2306, Page 213). There are several structures located on the property, which include one (1) residence and four (4) accessory structures. The existing residence was constructed in 1929, and the accessory structures were constructed in 1978, 1979, and 1981. The existing structures will remain on proposed Lot 2.

#### **F. ANALYSIS**

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

The minor subdivision application meets the preliminary plan and 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 (2021).

##### **2. Zoning Compliance**

The RR-5 (Residential Rural) zoning district density and dimensional standards are as follows:

- Minimum lot size: 5 acres
- Minimum width (at front setback line): 200 feet
- Minimum front, side, and rear yard setback: 25 feet
- Maximum lot coverage: 25 percent
- Maximum height: 30 feet

The request is to subdivide the existing parcel into three (3) single-family residential lots. The parcel is currently developed with a single-family dwelling and four (4) accessory structures. The existing dwelling and accessory structures will be located on proposed Lot 2 and will comply with all setback, lot coverage, lot width, and height standards for the RR-5 district with the new configuration. Should the request for a minor subdivision be approved, the applicant will need to complete and receive approval of a site plan prior to construction of any additional structures on any of the lots. All new structures will need to comply with the dimensional standards included in Chapter 5 as well as the Development Standards in Chapter 6 of the Code.

### **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 6.1.7** - *Encourage infill development which complements existing uses, is consistent with Small Area and other adopted plans.*

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

The subject property is located at the intersection of Baptist Road and Roller Coaster Road. The applicants are requesting to subdivide the existing parcel in order to create three (3) single-family residential lots which will range in size from five (5) acres to nine (9) acres. The subject property is surrounded by properties zoned RR-5 that are similarly developed with single-family dwellings. Twin Acres Subdivision and Crane Subdivision are located to the northeast of the subject property and have lots ranging from four (4) to six (6) acres. The Probst Subdivision is located to the southeast of the subject property and has lots ranging in size from five (5) to nine (9) acres. The proposed subdivision is consistent with the character of the surrounding neighborhood and is compatible with the density of development in the area (Policy 6.1.3 and Policy 6.1.11).

#### 4. Small Area Plan Analysis

The proposed minor subdivision is located within the boundaries of the Tri-Lakes Comprehensive Plan (2000) and is specifically identified as being within the Ponderosa Breaks Area, which recommends lot sizes of 2.5 acres. The Plan recommends low density residential uses in the Ponderosa Breaks Area. The relevant goals and objective are as follows:

**Objective 5.2** - *To reduce the adverse impacts of existing and future transportation systems through a combination of careful planning and mitigation techniques.*

**Goal 7.1.2** – *To encourage a moderate growth rate and ensure that new development will not create a disproportionately high demand on services and facilities by virtue of its location, design, or timing.*

**Goal 7.1.3** – *To allow development that complements the unique environmental conditions, is harmonious with the overall established land use patterns, and is consistent with the character of each Sub-Area.*

**Goal 7.1.14** – *Encourage carefully planned residential development that is consistent with adjacent developments in the unincorporated Planning Area.*

The Plan specifically recommends lot sizes of 2.5 acres or greater to help maintain the existing rural density in the Ponderosa Breaks Area (Chapter 6, Page 129). As discussed above, the subject property is surrounded by rural properties of a similar size with some developed with single-family dwellings. The proposed lots will range in size from five (5) acres to nine (9) acres and have access to Roller Coaster Road via a common access easement along the southern property lines of Lots 1 and 2. The proposed subdivision is consistent with the rural residential character of the surrounding neighborhood, which is consistent with Goal 7.1.14.

#### 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:

**Policy 5.2.4** – *Encourage the locating of new development where it can take advantage of existing or proposed water supply projects that would allow shared infrastructure costs.*

**Goal 5.5** – *Identify any water supply issues early on in the land development process.*

The Water Master Plan discusses water in terms of centralized services and not individual wells. The existing single-family dwelling to remain on Lot 2 is in Region 2 of the Water Master Plan and is currently served by an individual well. The proposed new lots will also be served by individual wells.

For informational purposes, the Plan identifies Region 2 as having a current water supply for central water providers of 13,607 acre-feet per year and a current demand of 7,532 acre-feet per year. The 2040 water supply is projected to be 20,516 acre-feet per year and the projected demand is 11,713 acre-feet. The 2060 water supply is projected to be 20,756 acre-feet per year, whereas the demand is anticipated to be 13,254 acre-feet per year; therefore, there is projected to be a surplus supply of water for central water providers in this region of the County. The recommendation of a finding of water sufficiency with this application supports a finding of consistency with Goal 5.5.

## **6. Other Master Plan Elements**

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

The Master Plan for Mineral Extraction (1996) identifies potential stream terrace deposits near the subject parcel. 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**

The soils and geology report submitted with the application was prepared by Entech Engineering on June 7, 2021. The report identified areas of seasonal shallow groundwater within the proposed subdivision area. The following plat note has been added to the face of the final plat:

“A description of affected lots, potential constraints, and mitigation measures are provided below:

- Expansive soils (Lots 1, 2, 3) mitigation measures include: Special foundation design, over excavation, replacement and compaction of soils beneath foundations.
- Potentially seasonal shallow ground water (Lots 1, 2, 3) mitigation measures include: Special foundation design, extension of foundations a minimum of 30 inches below grade, installation of foundation perimeter drains and provision of swales to intercept and carry surface flows away from structures. No elements of wastewater treatment systems should be placed in areas of potentially seasonal shallow groundwater.
- Downslope creep areas (Lots 1, 2, 3) mitigation measures include: Special foundation design, compact and rigid foundation layout, reinforcement or tie beams incorporated in the foundation design and retention of any cuts greater than 3:1 by retaining walls designed for sloping conditions.”

### **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 review of the 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) drainage basin. The Smith Creek drainage basin is a fee basin with associated drainage and bridge fees. Drainage fees in the amount of \$8,476.58 and bridge fees in the amount of \$1,515.93 shall be paid by the developer at the time of plat recordation.

The site generally drains to the south toward Smith Creek. Per the associated drainage report there are no changes proposed that will affect the drainage patterns of the site. 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.” Furthermore, on-site detention was not required since large lot single-family residential lots generate a negligible increase in stormwater runoff. The associated drainage report concludes that the proposed development will not negatively impact the adjacent and downstream properties.

## **5. Transportation**

The site is located along Roller Coaster Road, south of Baptist Road and adjacent to Fox Run Regional Park. No internal roadways are proposed with this development as access to the three lots will be via a joint access easement from Roller Coaster Road. Right-of-way for Roller Coaster road is currently deficient, consisting of approximately 20 feet. The property line currently extends past the centerline of the existing road. The subdivision is dedicating approximately 66.7 feet of right-of-way along Roller Coaster Road. This dedication will allow for 50 feet of right-of-way from the existing roadway centerline and allow for a future total right-of-way width of 100 feet for Roller Coaster Road in accordance with the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP).

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 subdivision 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: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: Water service to the subject property is provided by an onsite well. The State Water Engineer's Office has made a recommendation regarding a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office recommends a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health has made a recommendation regarding a finding of sufficiency for water quantity and dependability.

## **2. Sanitation**

The existing single-family dwelling to remain on Lot 2 is served by an onsite wastewater treatment system and the proposed additional lots are intended to also be served by individual onsite wastewater treatment systems. The property has an approved septic system (Permit No. 5228). The applicant must receive approval from El Paso County Public Health for any additional septic systems for the proposed additional lots.

## **3. Emergency Services**

The property is within the Tri-Lakes Monument Fire Protection District. The District was sent a referral for the minor subdivision and has no objections.

## **4. Utilities**

Mountain View Electric Association and Black Hills Energy were sent a referral and have no objections. Mountain View Electric Association and Black Hills Energy have provided a commitment letter.

## **5. Metropolitan Districts**

The property is not located within the boundaries of a metropolitan district.

## **6. Parks/Trails**

The El Paso County Parks Master Plan (2013) does not identify any existing or proposed regional trails within the area of the proposed subdivision.

El Paso County Parks staff recommends that the Planning Commission and the Board of County Commissioners include the following conditions when considering and/or approving the Crowe Minor Subdivision: (1) require fees in lieu of land dedication for regional park purposes in the amount of \$1,380 which will be required at the time of recording of the final plat, and (2) require the applicant provide a 25-foot no-build along the lot lines bordering Fox Run Regional Park.

**7. Schools**

Fees in lieu of school land dedication in the amount of \$924 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 major issues.

**K. RECOMMENDED CONDITIONS AND NOTATIONS**

Should the Planning Commission find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2021) 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 the plat, 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. A joint access easement granting access for Lots 1, 2, and 3 shall be provided and recorded with the minor subdivision plat.
6. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of

applicable agencies including, but not limited to, the Colorado 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.

7. Driveway permits will be required for each lot access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
8. The subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 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.
9. Park fees in lieu of land dedication for regional parks in the amount of \$1,380 shall be paid at the time of plat recordation.
10. Fees in lieu of school land dedication in the amount of \$924 shall be paid to El Paso County for the benefit of Lewis Palmer School District No. 38 at the time of plat recording.
11. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
12. Drainage fees in the amount of \$8,476.58 and bridge fees in the amount of \$1,515.93 for Smith Creek drainage basin (FOMO4000) shall be paid to El Paso County at the time of final plat recordation.

## **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 of 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 four (4) adjoining property owners on November 16, 2021, for the Planning Commission meeting. Responses will be provided at the hearing.

**M. ATTACHMENTS**

Vicinity Map

Letter of Intent

Final Plat Map

County Attorney's Letter

Site Plan

El Paso County Public Health Recommendation Letter

# El Paso County Parcel Information

File Name: MS-21-005

PARCEL	NAME
612800001	CROWE MICHAEL B

Zone Map No.: --

ADDRESS	CITY	STATE
15980 ROLLER COASTER RD	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80921	1956

Date: November 10, 2021



Please report any parcel discrepancies to:  
 El Paso County Assessor  
 1675 W. Garden of the Gods Rd.  
 Colorado Springs, CO 80907  
 (59) 520-6600



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August 2, 2021

PCD File No.: MS-21-005

**LETTER OF INTENT  
CROWE SUBDIVISION FILING NO. 1  
MINOR SUBDIVISION**

**Owner:**

Michael B. Crowe, Ruth C. Griffith-Crowe, Robert T. Crowe  
15980 Roller Coaster Road  
Colorado Springs, CO 80921  
(719) 987-1631  
mikecr7258@gmail.com

**Applicant:**

M.V.E., Inc.  
1903 Lelaray Street, Suite 200  
Colorado Springs, CO  
(719) 635-5736  
Attn: David R. Gorman, P.E.  
daveg@mvecivil.com

**Site Location Size and Zoning:**

The proposed subdivision to be known as “Crowe Subdivision Filing No. 1” is located within the northeast one-quarter of the southwest one-quarter of Section 28, Township 11 South, Range 66 west of the 6th principal meridian in El Paso County, Colorado. The property has El Paso County Tax Schedule No. 61280-00-001. The current address of the site is 15980 Roller Coaster Road. The central portion of the site currently contains a residence, gravel drive, outbuilding, well and septic system. The site is 20.052± acres in area and is zoned RR-5 (Residential Rural – 5 Acre).

The site situated on the west side of Roller Coaster Road, north of Stella Drive, south of Baptist Road. Roller Coaster Road, a public asphalt road with 100 ft right-of-way, is adjacent to the eastern edge of the site. Lots 1, 2, and 3 Andrene Subdivision (Zone RR-5) with existing single-family residential development is south of the site on the same side of Roller Coaster Road. Fox Run Regional Park, owned by El Paso County, is located on the north and west sides of the site.

**Request and Justification:**

The request is for approval of the Minor Subdivision plat of Crowe Subdivision Filing No. 1, containing 20.052± acres. This proposed Minor Subdivision will create three (3) rural residential single-family lots in the RR-5 zone (Residential Rural – 5 Acre), each with lot areas of 5.0 acres or more. The plat will also dedicate right-of-way for Roller Coaster Road. A waiver from LDC section 8.4.3 (B) that “Lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads

***Engineers • Surveyors  
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Fax 719-635-5450 • e-mail mve@mvecivil.com***

are approved by the BoCC” is also requested. Instead of road frontage, access to lots 1, 2, & 3 shall be through the proposed common access easement connecting the site to Roller Coaster Road. The justification for the requested waiver is included in a separate section below.

This Minor Subdivision plat is consistent with the requirements of the existing RR-5 zoning with respect to the layout, land use (single-family residential), lot size, minimum building setbacks, water supply and wastewater disposal. The existing residence and auxiliary structures and facilities are to be contained within proposed Lot 2.

The proposed Minor Subdivision is compatible with the surrounding land uses and neighborhood listed above and coincides with the adjacent zoning and platted lot sizes on the north, south, east, and west, all being approximately 5 acres or larger. The proposed Minor Subdivision application is in conformance with the goals, objectives, and policies of the Master Plan including the Policy Plan and the Small Area Plan discussed below.

This application meets the Minor Subdivision submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivisions in Chapter 8 of the El Paso County Land Development Code (2021). Minor Subdivisions are reviewed and approved in consideration of the review criteria found in the El Paso County Land Development Code. Each criteria is listed below followed by the appropriate justification.

1. *The subdivision is in conformance with the goals, objectives, and policies of the Master Plan. “Your El Paso Master Plan” (2021)* is a comprehensive document communicating a vision for many factors that influence the quality of in El Paso County, including Land Use. The Master Plan provides a strategy to achieve the vision by putting forth goals and policies that can be used as a framework for decision-making regarding development of the County.

The site is located in the “Forested Area” of the county located west of Roller Coaster Road, north of Stella Drive, and south of Baptist Road. The site is designated to be a Large-Lot Residential Placetype. The Primary Land Use of this placetype is Single Family Detached housing with Agriculture, Commercial Retail, Commercial Service and Parks and Open Space as Supporting Land Uses. The location of this site and existing infrastructure is suited to single family residential use. The existing roadway layout in the immediate area is not suitable for Commercial Service and Commercial Retail uses. In the Land Use category, Goal 1.1 is “*Ensure compatibility with established character and infrastructure capacity*”. This area of the County is conducive to rural residential development that allows residential use of property but preserves the natural character of the landscape. The proposed subdivision is compatible and identical to the existing neighborhood and surrounding development. The existing community character is preserved with this proposed plat. The proposed density is less than allowed by zoning. The proposed density will not overburden the existing roadway infrastructure or capacity of the land to support the water and wastewater needs of the development. The proposed Minor Plat will not create the need for additional roadways or public facilities. Goal 2.2 is “*Preserve the character of rural and environmentally sensitive areas*”. The proposed subdivision will keep the forested nature of the area intact. The five-acre lot density has reduced impact on environmental conditions. Density and land use are compatible with the surrounding area and the natural features of the site will remain preserved, even with the addition of two more residences on the site. The private driveways to be used for access will have minimal impact on the existing terrain. No new roads are proposed with this subdivision since all access is proposed to be provided by a single low-impact driveway connecting to Roller Coaster Road. In this way, lot access is provided while eliminating the need for additional access points and addition public roadway.

The driveway will present a reduced impact on the natural terrain, land forms and vegetation. The project maintains the rural character of site and neighborhood.

The proposed subdivision is in compliance with the **2040 Major Transportation Corridors Plan (MTCP)**. Approximately 67 feet, or 1.016 acres of property, are dedicated for Roller Coaster Road right-of-way located on the east edge of the site. This dedication will allow for 50 feet of right-of-way from the existing road center line and allow for a total right-of-way width of 100 feet for a Rural Minor Arterial roadway.

The proposed Minor Plat is in compliance with the **Parks Master Plan**, which does not appear to call for trails or parks in the site. Any required Park Fees will be paid at the time of plating. The proposed subdivision is also in compliance with the Master Plan for Mineral Extraction as no separate mineral estate owners were found for the property and the existing development on surrounding properties is not compatible with any potential mineral extraction operations.

The proposed subdivision is in compliance with the **El Paso County Water Master Plan (2018)**. The District Court, Water Division 2 Colorado, has decreed certain water rights and approved a plan for augmentation as necessary to allow use of the existing well and the drilling of a second well for the subdivision in Case No. 19CW3079 recorded under reception number 220091284 of the records of El Paso County. The owner seeks a finding of sufficiency from the Colorado Division of Water Resources and the eventual granting of two additional well permits based on the decreed water rights. A listing of some of the policies of the Water Master Plan that are supported by the proposed development follow: *Policy 4.1.3 – Support enhanced monitoring of sources of surface and tributary groundwater in the County*. The referenced decree requires use of metering for the wells to insure compliance with the terms of the permit; *Policy 6.2.1.2 – Encourage re-use of treated wastewater for irrigation and other acceptable uses when feasible*. Both the existing residence and the new single-family residences on the proposed 5 acre lots will utilize onsite wastewater treatment systems which will provide “Return Flows” the environment as a condition of the groundwater findings and order and the well permit.

2. *The subdivision is in substantial conformance with the approved preliminary plan.*  
This is a proposed Minor Subdivision and requires no Preliminary Plan for Plat approval. The subdivision will be developed in accordance with the currently proposed land use applications.
3. *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.*  
The proposed Minor Subdivision Plat is prepared in accordance with applicable subdivision design standards. No public improvements are required for this subdivision.
4. *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.*  
Water service is to be provided by individual on site wells operated under a State approved Water Augmentation Plan.
5. *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.*

**M.V.E., Inc. • Engineers • Surveyors**  
**1903 Lelaray Street, Suite 200 • Colorado Springs, CO 80909 • Phone 719-635-5736**  
**Fax 719-635-5450 • e-mail mve@mvecivil.com**

Waste water is intended to be treated via individual on site septic systems designed, constructed and operated under State and County Health Department rules and regulations and in accordance with the Water Decree.

6. *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)].*

A soils report has been prepared for the site and the owner will comply with the recommendations of the report. Areas were encountered where the geologic conditions will impose some constraints on development and land use. These include areas of potentially seasonal shallow groundwater, potential expansive soils and downslope creep which can be satisfactorily mitigated through avoidance or proper engineering design and construction practices. Based on the proposed plat, it appears that these areas will have minor impacts on the development. These conditions are discussed in further detail in the Soil, Geology, and Geologic Hazard Study produced by Entech Engineering, Inc.

7. *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.*

The proposed Minor Subdivision is consistent with the submitted Final Drainage Report. There are not Drainage facilities needed or proposed with this development. The the owner will comply with the requirements of the drainage report.

8. *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.*

All lots, one with existing structures and the two new lots, will access via existing Roller Coaster Road using the same driveway. The driveway access point is proposed to be relocated to the south edge of the site, which will enable a single driveway to efficiently serve all three lots. Access easements are provided on the Final Plat and a private access and maintenance agreement will be established to facilitate the common access.

9. *Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.*

The site is located within the jurisdiction of the El Paso County Sheriff's Office. The Sheriff's office currently provides police protection for the site and surrounding area. Crowe Subdivision Filing No. 1 is located within the Black Forest Fire Protection District which is providing fire protection for the site and has agreed to serve this subdivision. Water and sanitary sewer provisions are discussed in items 4 & 5 above. The property is located within the service areas of Mountain View Electric Association, Blackhills Energy Corporation, Centurylink Telephone, and Lewis Palmer School District 38, which will serve the subdivision. Transportation is being facilitated by the existing adjacent roadway system.

10. *The Minor Subdivision plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code.*

Crowe Subdivision Filing No. 1 is located within the Black Forest Fire Protection District which is providing fire protection for the site and the surrounding area. The District has agreed to serve this subdivision. Building permits for each structure shall be in accordance with the requirements of the Fire District as administered by the Pikes Peak Regional Building Department.

11. *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.*

All Offsite impacts are determined to be insignificant with the addition of two residences to the site already containing one residence. The owner will be responsible to pay park, school, drainage and Traffic Impact fees.

12. *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.*

There are no public facilities or infrastructure required or proposed for this subdivision. The platting of the site will include the collection of the applicable School Fees, Park Fees, Drainage Fees and Traffic Impact fees due for this project.

13. *The subdivision meets other applicable sections of Chapter 6 and 8.*

Upon approval of a waiver to the LDC section 8.4.3 (B) stating “Lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads are approved by the BoCC pursuant to waiver granted under Section 8.4.4 (E)” the subdivision will meet the requirements of the Land Development Code. The subdivision is in accordance with the Land Development Code with respect to zoning, lot size, building setbacks, provision of utilities and storm drainage. The waiver is requested with this application to allow access by one common private driveway for the three lots without the required 30 feet of frontage for each lot. The code allows up to three lots to access one driveway, however the waiver is needed to address the lack of road frontage onto a public roadway for proposed lots 2 and 3. The waiver is more fully discussed below.

14. *The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et seq.].* Mineral estate owners have been notified of this application. It is unlikely that mineral extraction operations would be feasible in this area.

#### **Requested Waiver:**

As previously mentioned, a waiver from LDC section 8.4.3 (B) is requested. The provision requires that “Lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads are approved by the BoCC”. It is proposed that lots 1, 2, & 3 gain access by way of a common access easement connecting the site to Roller Coaster Road near the southeast corner of the site. The responsibility and maintenance of said access shall be carried out as described in a private access maintenance agreement.

The property is rectangular in shape with the shorter sides oriented on the west and east sides adjacent to Roller Coaster Road. The natural terrain on the site lends to lots that are parallel to Roller Coaster Road with the western two lots not connecting to Roller Coaster Road. Due to the roadway classification of Roller Coaster Road, only one access point will be allowed for the property. Since the Land Development Code allows access for up to three lots from one private driveway, it is most practical to all access by a single drive, rather than extending a public roadway into the site. The arrangement eliminates the need for additional public right-of-way and additional public maintenance to serve the three large lot rural residential single family lots. Private access drives, coupled with private maintenance agreements have

been shown to be effective and efficient modes of access for up to three lots within the county. The driveway will also have a much diminished impact on the natural terrain and landscape of the site compared to a public roadway which would be much larger and require far more disturbance.

Each criteria for approval of waivers as stated in section 7.3.3 of the El Paso County Land Development Code (2021) is listed below followed by the appropriate justification.

1. *The waiver does not have the effect of nullifying the intent and purpose of this code;* The request for a waiver of the LDC section 8.4.3 (B) does not go against the intent and purpose of this code. This request is in line with the requirements set forth in the LDC, and the shared driveway will comply with all applicable design standards.
2. *The waiver will not result in the need for additional subsequent waivers;* With the approval of this waiver the lots will each be provided the required access necessary for their development. There will be no need for additional waivers as all applicable requirements of the El Paso County Land Development Code will be met.
3. *The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;* The proposed shared driveway will be constructed to provide safe and reliable access to each lot on the site. The responsibility and maintenance of said driveway shall be carried out as described in a private access maintenance agreement. The driveway will not pose a threat to the public safety, health, or welfare, nor will it be injurious to any other property.
4. *The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property;* The Crowe Subdivision Filing No. 1 contains 20.052± acres and three (3) lots. Because the site does not contain more than three lots, a single driveway may be used to provide access to the entire site in lieu of a public road.
5. *A particular non-economical hardship to the owner would result from a strict application of this code;* With strict application of this code, the subdivision would be required to access by a public roadway in a 60' right-of-way constructed to El Paso County standards. The public road would significantly increase disturbance of the natural terrain and forest as well as the impervious area of the site while increasing the maintenance responsibility of the county.
6. *The waiver will not in any manner vary the zoning provisions of this code;* The proposed shared driveway will comply with all zoning provisions of this code.
7. *The proposed waiver is not contrary to any provision of the master plan;* The proposed shared driveway is in harmony with the goals of the master plan with regard to preserving place type characteristics and preserving natural features.

#### **Existing and Proposed Facilities:**

Existing improvements within this parcel are related to the existing residential use of the site, located in the central portion of the property. The new vacant lots will be located in the western and eastern portions. Existing facilities also include the adjacent public roadway of Roller Coaster Road. There are no required public subdivision improvements required for this site.

**Total Number Of Residential Units And Densities:**

The gross area of Crowe Subdivision Filing No. 1 is 20.052+/- acres and the site is proposed to contain three single-family residential units. An area of 19.036+/- acres will consist of single-family residential lots. The average lot size for the 3 proposed lots is 6.345+/- acres. The gross density of the site is 0.15 units per acre.

**Fire Protection:**

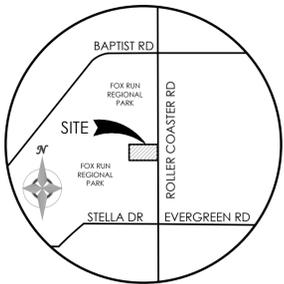
The Crowe Subdivision Filing No. 1 property is located within the Tri-Lakes Monument Fire Protection District. The lots and homes are subject to the codes and policies adopted by the said District regarding fire protection.

**Proposed Access Locations:**

The current access location for Crowe Subdivision Filing No. 1 is the existing driveway access for the existing residence at 15980 Roller Coaster Road located approximately 68 feet south of the northeast corner of the subdivision. Only one access point from Roller Coaster Road will be allowed for the subdivision due to the roadway classification. Therefore, the existing access will be abandoned and removed in favor of the proposed access point. Access for all three proposed lots will be from Roller Coaster Road through a joint access easement that runs along the south property line.

**Traffic Impact and Traffic Impact Fees:**

The one (1) existing and two (2) proposed single family residential units will access public Roller Coaster Road. The development is expected to generate a total of 28 trips per day (Average weekday trips ends) and 3 trips in the peak hour based on 9.44 trips per unit for Single Family Detached Housing (according to Trip Generation, 10th Edition, 2017 by the Institute of Transportation Engineers). This number of trips is below the County threshold of 100 trips per day or 10 trip during the peak hour. Therefore, a Transportation Impact Study (TIS) is not required for the project. This development is subject to fees established by the El Paso County Road Impact Fee Program per El Paso County Resolution Number 19-471. The owners have elected to not be included in any Public Improvements District. Traffic Impact Fees will be paid at time of building permit.



VICINITY MAP  
NOT TO SCALE

# CROWE SUBDIVISION FILING NO. 1

THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28,  
TOWNSHIP 11 SOUTH, RANGE 66 WEST, EL PASO COUNTY, COLORADO

## LEGEND

- PROPOSED BOUNDARY LINE
- - - - - PROPOSED LOT LINE
- SECTION LINE
- ◆ FOUND SECTION CORNER AS SHOWN
- FOUND CORNER AS SHOWN
- SET #5 REBAR W/ ALUMINUM CAP MARKED "POLARIS, PLS 27605" FLUSH WITH THE GROUND
- (xxxx) ADDRESS NUMBER

## OWNER'S CERTIFICATE

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS IN THE LAND DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED, AND PLATTED SAID LANDS INTO LOTS, STREETS, AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF CROWE 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.

MICHAEL B. CROWE, OWNER  
STATE OF COLORADO )  
COUNTY OF EL PASO ) SS  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021 BY \_\_\_\_\_ AS \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_  
WITNESS MY HAND AND OFFICIAL SEAL \_\_\_\_\_ NOTARY PUBLIC

ROBERT T. CROWE, OWNER  
STATE OF COLORADO )  
COUNTY OF EL PASO ) SS  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021 BY \_\_\_\_\_ AS \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_  
WITNESS MY HAND AND OFFICIAL SEAL \_\_\_\_\_ NOTARY PUBLIC

RUTH C. GRIFFITH-CROWE, OWNER  
STATE OF COLORADO )  
COUNTY OF EL PASO ) SS  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021 BY \_\_\_\_\_ AS \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_  
WITNESS MY HAND AND OFFICIAL SEAL \_\_\_\_\_ NOTARY PUBLIC

## PCD DIRECTOR

THIS PLAT FOR "CROWE SUBDIVISION FILING NO. 1" WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, SUBJECT TO ANY NOTES SPECIFIED HEREON.

PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_

## BOARD OF COUNTY COMMISSIONERS CERTIFICATE

THIS PLAT FOR "CROWE SUBDIVISION FILING NO. 1" WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, SUBJECT TO ANY NOTES SPECIFIED HEREON AND ANY CONDITIONS INCLUDED IN THE RESOLUTION OF APPROVAL. THE DEDICATIONS OF LAND TO THE PUBLIC (STREETS, TRACTS, 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 \_\_\_\_\_

## CLERK AND RECORDER

CLERK AND RECORDER: \_\_\_\_\_  
STATE OF COLORADO )  
COUNTY OF EL PASO ) SS

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, A.D. AND IS DULY RECORDED AT RECEPTION NO. \_\_\_\_\_ OF THE RECORDS OF EL PASO COUNTY, COLORADO.

CHARLES D. BROERMAN, RECORDER

BY: \_\_\_\_\_ DEPUTY  
SCHOOL FEE: \_\_\_\_\_  
BRIDGE FEE: \_\_\_\_\_  
PARK FEE: \_\_\_\_\_  
DRAINAGE FEE: \_\_\_\_\_  
PCD FILE NO. MS-21-005

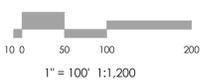
OWNER OF RECORD  
AT TIME OF PLATTING:  
MICHAEL B. CROWE  
15980 ROLLER COASTER ROAD  
COLORADO SPRINGS CO 80921  
(720) 987-1631

## MINOR SUBDIVISION PLAT CROWE SUBDIVISION FILING NO. 1

**MVE, INC.**  
ENGINEERS SURVEYORS

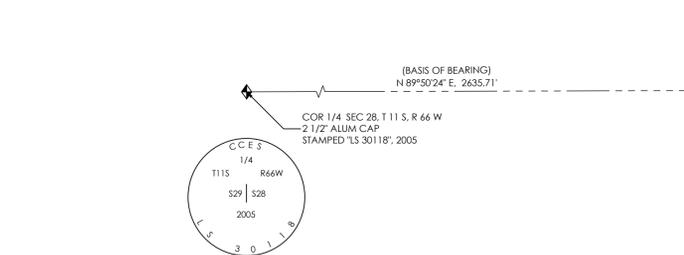
1903 Lelary Street, Suite 300  
Colorado Springs CO 80909  
719.635.5736 www.mveinc.com

MVE PROJECT: 61138  
MVE DRAWING: 61138-PLAT-PS  
DATE: NOVEMBER 1, 2021  
SHEET: 1 OF 1



## COUNTY GOVERNMENT NOTES

- NOTE REGARDING REPORTS ON FILE: THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THE FINAL PLAT FOR THIS SUBDIVISION AND ARE ON FILE AT THE COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT: FINAL DRAINAGE REPORT; WATER RESOURCES REPORT; WASTEWATER DISPOSAL REPORT; GEOLOGY & SOILS REPORT; FIRE PROTECTION REPORT AND WILDFIRE HAZARD REPORT.
- ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGHOUT 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.
- 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 LISTED SPECIES (E.G., PREBLE'S MEADOW JUMPING MOUSE).
- THE ADDRESSES EXHIBITED ON THIS PLAT ARE FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT THE LEGAL DESCRIPTION AND ARE SUBJECT TO CHANGE.
- NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY.
- MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY AND UNITED STATES POSTAL SERVICE REGULATIONS.
- 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 OF 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 ON NON-RENEWABLE AQUIFERS. ALTERNATE RENEWABLE WATER RESOURCES SHOULD BE ACQUIRED AND INCORPORATED IN A PERMANENT WATER SUPPLY PLAN THAT PROVIDES FUTURE GENERATIONS WITH A WATER SUPPLY
- 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.
- 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 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 N PLAT NOTES TO ENSURE THAT A TITLE SEARCH WOULD FIND THE FEE OBLIGATION BEFORE SALE OF THE PROPERTY.
- ACCESS TO LOTS 1, 2, & 3 SHALL BE LOCATED WITHIN THE COMMON ACCESS EASEMENT SHOWN HEREON. THE RESPONSIBILITY FOR CONSTRUCTION AND MAINTENANCE OF SAID ACCESS SHALL BE IN ACCORDANCE WITH THE ACCESS AGREEMENT AS RECORDED IN RECEPTION NO. \_\_\_\_\_ OF THE RECORDS OF EL PASO COUNTY, COLORADO.
- SOIL AND GEOLOGIC CONDITIONS: AREAS WITHIN THIS SUBDIVISION HAVE BEEN FOUND TO BE IMPACTED BY POTENTIAL GEOLOGIC CONSTRAINTS AS DETAILED IN THE SOIL, GEOLOGY, AND GEOLOGIC HAZARD STUDY FOR CROWE SUBDIVISION FILING NO. 1 PREPARED BY ENTECH ENGINEERING, INC. AND DATED JUNE 7, 2021. THE REPORT IS AVAILABLE IN THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT RECORDS (WWW.EPCDEVLPLANREVIEW.COM) UNDER FILE NUMBER MS-21-005. THE REPORT INCLUDES MAPPING OF THE POTENTIAL HAZARD AREAS WITHIN THE SUBDIVISION. A DESCRIPTION OF AFFECTED LOTS, POTENTIAL CONSTRAINTS AND MITIGATION MEASURES ARE LISTED BELOW. NO AREAS OF THE SITE EXCEED 50% IN GRADE. INDIVIDUAL SOILS INVESTIGATIONS AND FOUNDATION DESIGNS FOR ALL NEW BUILDING SITES AND SEPTIC SYSTEMS ARE REQUIRED. ONCE BUILDING LOCATIONS HAVE BEEN DETERMINED, SHOULD GROUNDWATER OR BEDROCK BE ENCOUNTERED WITHIN 6 FEET OF THE SURFACE, DESIGNED ON-SITE WASTEWATER SYSTEMS ARE REQUIRED. WASTEWATER ABSORPTION FIELDS MUST BE LOCATED AT LEAST 100 FEET FROM ANY WELL, 50 FEET FROM DRAINAGES, FLOODPLAINS OR PONDED AREAS AND 25 FEET FROM DRY GULCHES.
  - EXPANSIVE SOILS: LOTS 1, 2, 3; MITIGATION MEASURES INCLUDE: SPECIAL FOUNDATION DESIGN, OVEREXCAVATION, REPLACEMENT AND COMPACTION OF SOILS BENEATH FOUNDATIONS.
  - POTENTIALLY SEASONAL SHALLOW GROUND WATER: LOTS 1, 2, 3; MITIGATION MEASURES INCLUDE: SPECIAL FOUNDATION DESIGN, EXTENSION OF FOUNDATIONS A MINIMUM OF 30 INCHES BELOW GRADE, INSTALLATION OF FOUNDATION PERIMETER DRAINS AND PROVISION OF SWALES TO INTERCEPT AND CARRY SURFACE FLOWS AWAY FROM STRUCTURES. NO ELEMENTS OF WASTEWATER TREATMENT SYSTEMS SHOULD BE PLACED IN AREAS OF POTENTIALLY SEASONAL SHALLOW GROUNDWATER.
  - DOWNSLOPE CREEP AREAS: LOTS 1, 2, 3; MITIGATION MEASURES INCLUDE: SPECIAL FOUNDATION DESIGN, COMPACT AND RIGID FOUNDATION LAYOUT, REINFORCEMENT OR TIE BEAMS INCORPORATED IN THE FOUNDATION DESIGN AND RETENTION OF ANY CUTS GREATER THAN 3:1 BY RETAINING WALLS DESIGNED FOR SLOPING CONDITIONS.
- LOT AND DENSITY DATA:
  - GROSS ACREAGE: 20.052 ACRES
  - TOTAL NUMBER OF LOTS IN THE SUBDIVISION: 3
  - GROSS DENSITY: 0.150 LOTS PER ACRE
  - ACREAGE DEDICATED TO PUBLIC STREETS: 1.016 ACRES
  - NET ACREAGE: 19.036 ACRES
  - NET DENSITY: 0.158 LOTS PER ACRE
- WILDFIRE MITIGATION REQUIRED: AS A CONDITION OF APPROVAL OF THIS PLAT BY THE BOARD OF COUNTY COMMISSIONERS, NO NEW BUILDING PERMIT OR NEW CERTIFICATE OF OCCUPANCY FOR LOTS 1, 2, & 3, AS IDENTIFIED HEREON, MAY BE ISSUED BY EL PASO COUNTY UNTIL SUCH TIMES THAT THE INDIVIDUAL PROPERTY OWNER HAS OBTAINED A LETTER OF COMPLIANCE FROM THE COLORADO STATE FOREST SERVICE, FIRE DEPARTMENT, FIRE MARSHAL, OR OTHER QUALIFIED PROFESSIONAL STAFFING PRACTICES DESIGNED TO REDUCE WILDFIRE HAZARDS HAVE BEEN COMPLETED IN ACCORDANCE WITH THE WILDLAND FIRE AND HAZARD MITIGATION PLAN. SUCH WORK MAY INCLUDE, BUT IS NOT NECESSARILY LIMITED TO THE FOLLOWING:
  - FOREST-WIDE THINNINGS
  - FUELBREAK THINNINGS
  - PRUNINGS
  - DEBRIS DISPOSAL



UNPLATTED TAX SCH. NO. 6100000297

UNPLATTED TAX SCH. NO. 6100000297

UNPLATTED TAX SCH. NO. 6128001001

UNPLATTED TAX SCH. NO. 6128001002

UNPLATTED TAX SCH. NO. 6128001003

UNPLATTED TAX SCH. NO. 6128001002

## EASEMENTS

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.

## NOTES

- BASIS OF BEARING: BEARINGS REFERRED TO HEREON ARE RELATIVE TO THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 11 SOUTH, RANGE 66 WEST, BEARING S 00° 27' 11" E, MONUMENTED AS SHOWN HEREON.
- ALL CORNERS SET WITH NO. 5 REBAR WITH SURVEYOR'S ALUMINUM CAP PLS 27605 AND FLUSH WITH THE GROUND, UNLESS OTHERWISE NOTED.
- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY M.V.E., INC., TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY AND TITLE OF RECORD, M.V.E., INC. RELIED UPON TITLE INSURANCE POLICY PREPARED BY CAPSTONE TITLE, AGENT FOR STEWART TITLE GUARANTY COMPANY, ORDER NO. 21196 WITH EFFECTIVE DATE OF MAY 24, 2021.
- FLOODPLAIN STATEMENT: ACCORDING TO FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 08041C0285 G, DATED DECEMBER 7, 2018, THE PROPERTY IS LOCATED IN ZONE "X". (AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN).
- LINEAL UNITS SHOWN HEREON ARE US SURVEY FEET.
- PROPERTY IS SUBJECT TO TERMS THEREOF GRANTED IN DECREE IN THE DISTRICT COURT, WATER DIVISION 2, STATE OF COLORADO RECORDED JUNE 29, 2020, AT RECEPTION NO. 220091284.
- 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. (SECTION 13-80-105 C.R.S.).
- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMPLETS A CLASS TWO (2) MISDEMEANOR PURSUANT TO C.R.S. § 18-4-508.

## KNOW ALL MEN BY THESE PRESENTS

THAT MICHAEL B. CROWE, ROBERT T. CROWE, & RUTH C. GRIFFITH-CROWE ARE THE OWNERS OF THE FOLLOWING DESCRIBED TRACT OF LAND, TO WIT:

THE NORTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 28, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(BEARINGS REFERRED TO HEREIN ARE BASED ON THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 28, BEARING N 89°50'24" E.)

**BEGINNING** AT THE CENTER ONE-QUARTER CORNER OF SAID SECTION 28, THENCE S 00°27'11" E, A DISTANCE OF 663.63 FEET ALONG SAID EAST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 28;

THENCE S 89°55'04" W, A DISTANCE OF 1318.17 FEET ALONG THE NORTH LINE OF LOT 1, ANDRENE SUBDIVISION, AS RECORDED IN RECEPTION NO. 1199606, OF THE PUBLIC RECORDS OF SAID EL PASO COUNTY, TO THE NORTHWEST CORNER OF SAID LOT 1, ANDRENE SUBDIVISION;

THENCE N 00°25'38" W, A DISTANCE OF 661.84 FEET ALONG THE WEST LINE OF THE EAST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 28;

THENCE N 89°50'24" E, A DISTANCE OF 1317.86 FEET ALONG THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 28 TO THE **POINT OF BEGINNING**;

SAID TRACT CONTAINS 873.478 SF (20.052 ACRES), MORE OR LESS.

## SURVEYOR'S STATEMENT

I, RANDALL D. HENCY, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OF "CROWE SUBDIVISION FILING NO. 1" TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE ON 10/01/2018, 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 AND IS NOT A WARRANTY OR GUARANTEE EITHER EXPRESSED OR IMPLIED.

I ATTEST THE ABOVE ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

RANDALL D. HENCY  
COLORADO REGISTERED PLS #27605  
FOR AND ON BEHALF OF M.V.E., INC.

# EL PASO COUNTY



## OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

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November 9, 2021

MS-21-5 Crowe Minor Subdivision

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

## WATER SUPPLY REVIEW AND RECOMMENDATIONS

### Project Description

1. This is a proposal by Michael Crowe, Ruth Griffith-Crowe, and Robert Crowe ("Applicant") for subdivision of 3 single-family lots from an existing 20.052-acre parcel (the "property"). Lots 1 and 3 will be approximately 5 acres and the existing lot 2 will be approximately 9 acres. The property is zoned RR-5 (Rural Residential).

### Estimated Water Demand

2. Pursuant to the Water Supply Information Summary ("WSIS"), the subdivision demand is 0.26 acre-feet/lot for in-house use, 0.60 acre-feet for irrigation, and 0.72 acre-feet for stock watering, for a total of 2.10 acre-feet/year for the 3-lot subdivision (0.70 acre-feet/lot/year). Based on the total demand, Applicant must be able to provide a supply of 630 acre-feet of water (2.10 acre-feet per year x 300 years) to meet the County's 300-year water supply requirement.

### Proposed Water Supply

3. The Applicant has provided for the source of water to derive from individual on-lot wells, as provided in Findings of Fact, Conclusions of Law, Ruling of Referee and Decree Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation, Water Division 2, Case No. 19CW3079 dated June 25, 2020 ("Decree" and/or "Augmentation Plan"). The Decree adjudicates the following water supply beneath Applicant's property:

AQUIFER	Annual Average Withdrawal 100 Years (Acre Feet)	Annual Average Withdrawal 300 Years (Acre Feet)	Total Withdrawal (Acre Feet)
Dawson (NNT)	12.0	4.0	1200
Denver (NNT)	18.2	6.1	1820
Arapahoe (NT)	7.99	2.6	799
Laramie-Fox Hills (NT)	5.73	1.9	573

The Decree and Augmentation Plan provides that Applicant has a “vested right to use Crowe Wells Nos. 1 through 4, along with any necessary additional or replacement wells ....” And further, that if 3 lots are developed, the “Crowe Wells Nos. 1 through 3 are each entitled to pump up to 0.7 acre-feet per lot.” Permitted water use on the property includes household use and “irrigation of lawn, greenhouse, and garden and the watering of up to four horses or equivalent livestock, per residence.” The Augmentation Plan requires the replacement of actual stream depletions during pumping which shall be “effectively replaced by residential return flows from non-evaporative septic systems.” Further, Applicant must reserve their 573 acre-feet of Laramie-Fox Hills aquifer water rights to replace post-pumping depletions.

4. Applicant provided a *Water Resources Report for Crowe Subdivision Filing No. 1* dated October 1, 2021 by MVE, Inc. (“*Report*”). The *Report* summarizes the wells and water demands noting that all 3 wells will utilize 0.26 acre-feet/year for household use, 0.20 acre-feet/year for irrigation, and 0.24 acre-feet/year for stock-watering for a total of 0.70 acre-feet/year/lot, which totals 2.10 acre-feet/year for the subdivision.

The *Report* states that the “water supply for the residential lots using three (3) Dawson aquifer wells pursuant to the augmentation plan ... is sufficient ....” Further, it states that the Augmentation Plan requires replacement of actual stream depletions and reservation of all of Applicant’s available Laramie-Fox Hills aquifer water (573 acre-feet).

State Engineer’s Office Opinion

5. In a letter dated July 29, 2021, the State Engineer reviewed the proposal to subdivide the 20 +/- acre parcel into 3 single-family lots. The State Engineer stated that the “source of water is to be provided by three on-lot wells. All three wells will be completed into the Dawson aquifer. These wells will operate pursuant to the augmentation plan decreed in case no. 2019CW3079 (Division 2). The water underlying this property was adjudicated and the applicant is the owner of the Dawson, Denver, Arapahoe, and Laramie Fox-Hills aquifers.” The State Engineer identified the total estimated water requirement at 2.10 acre-feet/year (0.70 acre-feet/year per residential lot) for household use, irrigation and stock-watering.

The State Engineer noted that there is an existing well and well permit (no. 98194) on the property and that if Applicant intends to use this well, Applicant will need to obtain a new well permit pursuant to C.R.S. § 37-90-137(4).

The State Engineer stated that the “annual estimated demand, for the entire subdivision, is a maximum of 2.12 acre-feet as allowed by the augmentation plan.” And finally, “[b]ased 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 ....”

### Recommended Findings

6. Quantity and Dependability. Applicant’s water demand for the Crowe Minor Subdivision is 2.10 acre-feet per year from the Dawson aquifer for a total demand of 630 acre-feet for the subdivision for 300 years, with replacement water occurring through non-evaporative septic systems to replace actual stream depletions, and with post-pumping depletions being met by the 573 acre-feet of Laramie-Fox Hills water owned by the Applicant.

**Based on the water demand of 2.10 acre-feet/year for the Crowe Minor Subdivision and the Decree and Augmentation Plan permitting withdrawals in the amount of 2.10 acre-feet/year, the County Attorney’s Office recommends a finding of sufficient water quantity and dependability for Crowe Minor Subdivision.**

7. Quality. The water quality requirements of Section 8.4.7.B.10 of the Land Development Code must be satisfied. **El Paso County Public Health shall provide a recommendation as to the sufficiency of water quality.**

8. Basis. The County Attorney’s Office reviewed the following documents in preparing this review: Findings of Fact, Conclusions of Law, Ruling of Referee and Decree Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation, Case No. 19CW3079 dated June 25, 2020, the Water Supply Information Summary provided August 5, 30, 2021, the *Water Resources Report* dated October 1, 2021, and the State Engineer Office’s Opinion dated July 29, 2021. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney’s Office reserves the right to amend or withdraw its recommendations.***

### **REQUIREMENTS:**

A. Applicant and its successors and assigns shall comply with the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation, Case No. 19CW3079 (“Decree and Augmentation Plan”). Water use shall not exceed 2.10 acre-feet annually for the 3-lot subdivision. Withdrawals from

Crowe Wells Nos. 1 through 3 shall not exceed 0.70 acre-feet/year/lot. Stream depletions shall be replaced with non-evaporative septic system return flows for a period of 300 years and post-pumping depletions will be replaced by Laramie-Fox Hills aquifer water pursuant to the Augmentation Plan.

B. The County prefers that when there is a augmentation plan, Applicant create a homeowners' association ("HOA") for the purpose of enforcing covenants and assessing any necessary fees related to compliance with the water determinations and replacement plans for the property. For minor subdivisions such as this, however, Applicant may elect to solely rely on the covenant provisions required below and forego creation of an HOA.

C. Applicant and its successors and assigns shall 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 the Decree and Augmentation Plan, including their obligations to comply with the augmentation plan.

The covenants shall specifically address the following:

- 1) Identify the water rights associated with the property. The Covenants shall reserve 630 acre-feet of not nontributary Dawson aquifer water pursuant to Decree and Augmentation Plan to satisfy El Paso County's 300-year water supply requirement for the 3 residential lots of the Crowe Minor Subdivision. The Covenants shall further identify that 210 acre-feet (0.70 acre-feet/year) of Dawson aquifer water is allocated to each of the three lots.
- 2) Advise of responsibility for costs. The Covenants shall advise lot owners and their successors and assigns of their obligations regarding the costs of compliance with the Decree and Augmentation Plan, which include pumping of the Dawson wells in a manner to replace depletions during pumping and drilling Laramie-Fox Hills aquifer wells in the future to replace post-pumping depletions.
- 3) Require evaporative septic systems and reserve return flows from the same. The Covenants shall require each residential 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 or used for any other purpose. The Covenants more specifically shall require the Dawson aquifer well on each lot to be serving an occupied single-family dwelling that is generating return flows from a non-evaporative septic system before any irrigation or animal watering is allowed from the well. 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."

4) Require reservation of 573 acre-feet of Laramie-Fox Hills aquifer water to replace post-pumping depletions pursuant to the Decree and Augmentation Plan. The Covenants shall further identify that 191 acre-feet of Laramie-Fox Hills aquifer water is allocated to each of the 3 lots. The Covenants shall recite that this water shall not be separated from transfer of title to the property and shall be used exclusively for augmentation supply.

5) Address future lot conveyances. 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 Findings of Fact, Conclusions of Law, Ruling of Referee and Decree Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation, Case No. 19CW3079 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.”

6) Advise of monitoring requirements. The Covenants shall advise future lot owners of this subdivision and their successors and assigns of their responsibility for any metering and data collecting that may be required regarding water withdrawals from Dawson aquifer wells.

7) Address amendments to the covenants. 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 Crowe Minor Subdivision pursuant to the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation, Case No. 19CW3079. Further, written approval of the 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 an Order from the Division 2 Water Court 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.”

8) Address termination of the Covenants. The Covenants shall address termination using the following or similar language:

“These Covenants shall not terminate unless the requirements of the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation, Case No. 19CW3079 are also terminated by order of the Division 2 Water Court and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County.”

D. Applicant and its successor assigns shall reserve and convey by recorded warranty deed the reserved Dawson and Laramie-Fox Hills aquifer water rights at the time of lot sales. Specifically, Applicant and future lot owners shall convey sufficient water rights in the Dawson and Laramie-Fox Hills aquifers underlying the respective lots pursuant to the Decree and Augmentation Plan. Sufficient water rights are 210 acre-feet of Dawson aquifer water for each lot and 191 acre-feet of Laramie-Fox Hills aquifer water for each lot.

Any and all conveyance instruments shall recite as follows:

For the water rights and return flows conveyed for the primary supply (Dawson and Laramie-Fox Hills aquifers): “These water rights conveyed, and the return flows therefrom, are intended to provide a 300-year supply, replacement during pumping, and replacement of post-pumping depletions for each lot of the Crowe 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.”

E. Applicant and its successors and assigns shall submit Covenants, form deeds, 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 documents shall cross-reference the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation, Case No. 19CW3079 and shall identify the obligations of the individual lot owners thereunder.

F. Applicant and its successors and assigns shall record all applicable documents, including, but not limited to, Findings of Fact, Conclusions of Law, Ruling of Referee and Decree

Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation, Case No. 19CW3079 and any assignments thereof, any warranty deeds regarding the water rights, and any Declaration of Covenants in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

G. Applicant and/or lot owners must obtain well permits pursuant to Findings of Fact, Conclusions of Law, Ruling of Referee and Decree Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation, Case No. 19CW3079.

H. Prior to recording the final plat, Applicant shall upload the following to eDARP:

- A *Water Resources Report* that corrects the reference on page 2 indicating that the currently constructed Crowe Well No. 1 will be utilized on lot 1.

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

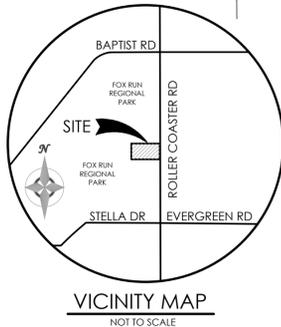
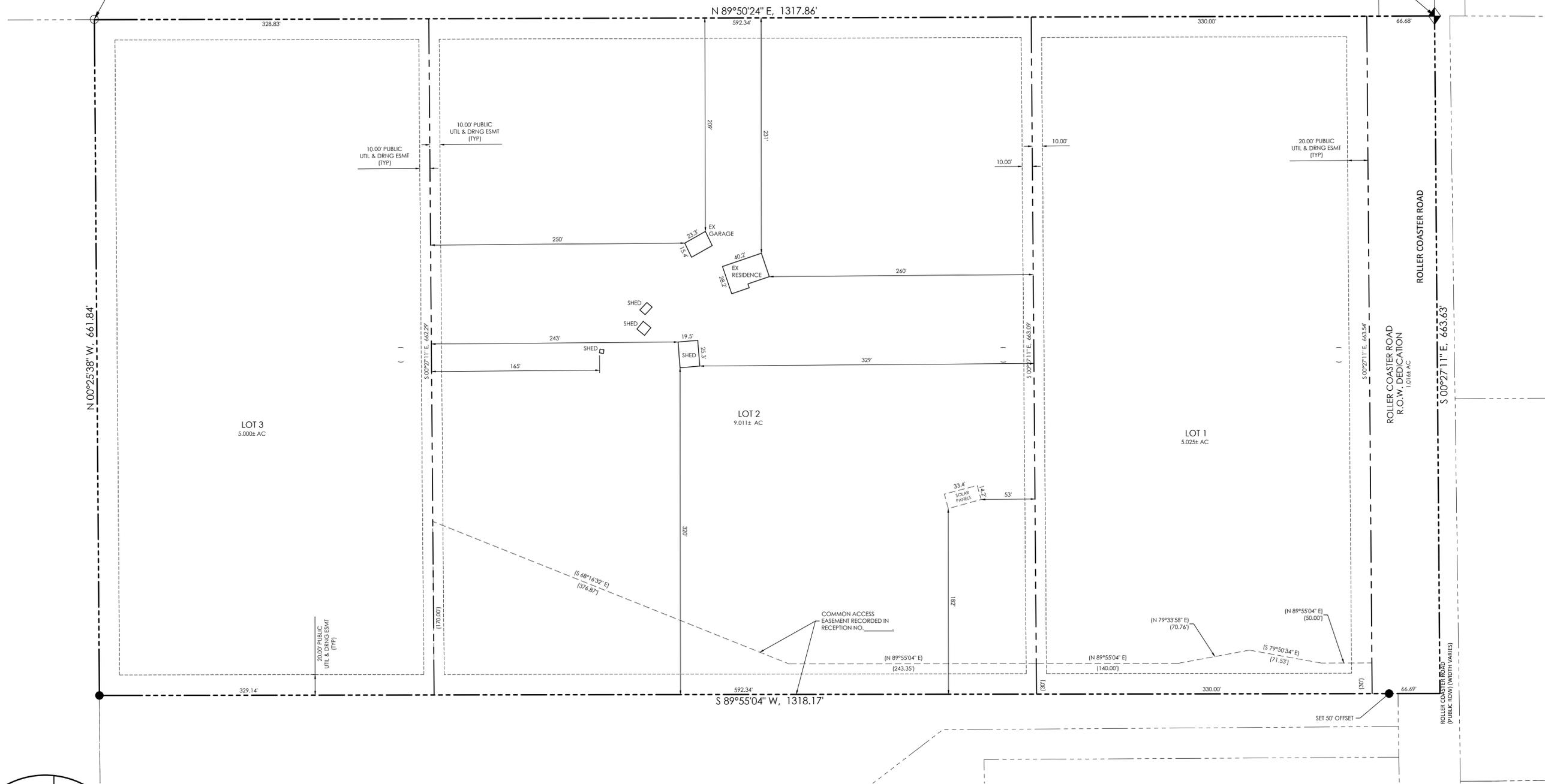
"Water in the Denver Basin aquifers is allocated based on a 100-year aquifer life; however, for El Paso County planning purposes, water in the Denver Basin aquifers is evaluated based on a 300-year aquifer life. Applicants and all future owners in the subdivision should be aware that the economic life 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: Mercedes Rivas, Planner II

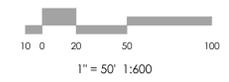
# CROWE SUBDIVISION FILING NO. 1 - SITE PLAN

**POINT OF BEGINNING**  
 COR 1/4 SEC 28, T 11 S, R 66 W  
 2" ALUM CAP  
 STAMPED "PLS 4842", 2002

FND 1-1/4" ALUM CAP  
 "PE & LS 2692"  
 (0.13'W,0.38'N)



- LEGEND**
- PROPOSED BOUNDARY LINE
  - - - PROPOSED LOT LINE
  - - - SECTION LINE
  - ◆ FOUND SECTION CORNER AS SHOWN
  - FOUND CORNER AS SHOWN
  - SET #5 REBAR W/ ALUMINUM CAP MARKED "POLARIS, PLS 27605" FLUSH WITH THE GROUND
  - (xxxx) ADDRESS NUMBER



**REQUIRED MINIMUM BUILDING SETBACKS - RR-5 ZONE**  
 FRONT = 25'  
 SIDE = 25'  
 REAR = 25'

Site Plan  
 CROWE SUBDIVISION FILING NO. 1

**MVE, INC.**  
 ENGINEERS SURVEYORS

1903 Lelaury Street, Suite 300  
 Colorado Springs, CO 80909  
 719.635.5736 www.mvecivil.com

MVE PROJECT: 61138  
 MVE DRAWING: 61138-siteplan  
 DATE: NOVEMBER 16, 2021  
 SHEET: 1 OF 1

### **Crowe Minor Subdivision, MS-21-5**

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

- The proposed 3-lot residential development 20-acre site will be served water by an individual private well and wastewater through onsite wastewater treatment systems (OWTS).
- There is a finding for sufficiency in terms of water quality based on the sample results reviewed from both Colorado Analytical Laboratory and Hazen Research, Inc. All parameters sampled were within the standards established by the Colorado Department of Public Health and Environment (CDPHE), Primary Drinking Water Regulations.
- The 7June2021, Onsite Wastewater Treatment System Report prepared by Entech Engineering, Inc. was reviewed for site suitability for the use of onsite wastewater treatment systems for wastewater service. Based on the findings of the two soil test pits performed, one each on lot 1 and 3, the use of onsite wastewater treatment systems is acceptable. In some cases, the soil conditions may require a professional engineer design. The existing OWTS was installed and approved in 1978 for a 3-bedroom house.
  - The proposed development requires full compliance with the El Paso County Board of Health Regulations, Chapter 8, Onsite Wastewater Treatment Systems.
  - Each lot will require site-specific soil tests in the location of each of the OWTS soil treatment areas.
  - The soil treatment areas (STA) on each lot must be protected from all construction and site development activities. Compaction of the STA by such activities may cause the area to be unsuitable for use. Recommend fencing the area during construction to minimize the potential for soil compaction.

Mike McCarthy  
El Paso County Public Health  
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15November2021