



Montaño • Freeman • Sinor • Thompson P.C.

Lisa Thompson, Esq.
lthompson@troutlaw.com
303.339.5826

1120 Lincoln Street • Suite 1600
Denver, Colorado 80203-2141
303.861.1963
www.troutlaw.com

January 31, 2023

El Paso County Planning and Community Development Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Re: TR El Paso Rezoning Application

El Paso County Planning and Community Development Department:

This firm represents the Upper Black Squirrel Creek Ground Water Management District (the “District”), a formed and operating ground water management district with the powers enumerated in the Colorado Ground Water Management Act, C.R.S. § 37-90-101 *et seq.* The District has reviewed the application submitted by TR El Paso Land, LLC (c/o Greg Harington) (“Applicant”) to subdivide its 275.89 acre property and rezone the property from R-4 to A-35. According to the Application, water will be provided by individual site wells drilled into the Dawson aquifer and wastewater served through individual onsite wastewater treatment systems.

The district provides the following comments for your review and consideration:

Compliance with the District’s Rules

The TR El Paso Land, LLC property is located within the District’s boundaries and therefore Applicant’s proposed water and wastewater service must comply with all of the District’s Rules and Regulations.

In particular, the proposed wells must comply with District Rule 18, which limits withdrawals from large capacity wells outside of subdivisions. Rule 18(A) provides that “[p]roduction shall be limited to 15 gallons per minute and withdrawals shall not exceed 1 acre foot per year.” Additionally Rule 18(B) provides that a “well may serve up to two residences on a single parcel” and Rule 18(C) provides that “[t]otalizing flow meters shall be installed on all wells.” To date, Applicant has provided no evidence of Applicant’s intent to comply with this rule.

Wastewater Treatment – Septic Systems

According to the Application, discharged wastewater will be treated through individual on-site wastewater treatment systems. At many locations within the Upper Back Squirrel District, shallow groundwater and seasonally high groundwater exists. Because of this, the District has concerns with individual on-site wastewater treatment systems within the District’s boundaries. The District has enacted a policy which encourages the use of central wastewater systems, as opposed to the use of individual septic systems, in any proposed subdivision consisting of three or more lots to minimize the possibility of contamination of the alluvial aquifer in the basin.

The TR El Paso property is near the Ellicott Utilities south wastewater treatment plant. In consideration of the District’s policy, Applicant should connect to the central wastewater

treatment provided by Ellicott Utilities rather than relying on individual wastewater treatment systems. Applicant should contact Jason Kvols, Vice President of Ellicott Utilities, who has shared his phone and email address with the District to send to Applicant. His email is jasonk@ellicottutilitiescompany.org and his office phone is (719) 602-1876.

Clarification of the Proposed Subdivision

Applicant stated on the Type D Application Form (1-2C) Description of the request that Applicant proposes to subdivide the property into “six (6) 35 acre, minimum, lots.” However, the attached Letter of Intent states that Applicant requests “Approval to develop 7 lots under the A-35 zone.” The District would appreciate clarification as to the number of lots proposed under the application.

The District reserves the right to provide additional comments at a later date founded upon information not readily ascertainable from the above-referenced application.

Sincerely,



Lisa M. Thompson
for
TROUT RALEY