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

FROM: **John Green, Planner II**
Lupe Packman, PE Engineer I
Craig Dossey, Executive Director

RE: **Project File #: MS-21-003**
Project Name: Rapson Minor Subdivision
Parcel No.: 51140-00-007

OWNER:	**REPRESENTATIVE:**
Andrea Rapson 10870 Elizabeth Way Colorado Springs, CO 80908	

Commissioner District: 1

Planning Commission Hearing Date:	10/7/2021
Board of County Commissioners Hearing Date	10/12/2021

EXECUTIVE SUMMARY

A request by Andrea & William Rapson for approval of a minor subdivision to create two (2) single-family residential lots. The 19.6-acre property is zoned RR-5 (Residential Rural) and is located southeast of the intersection of Hardy Road and Black Squirrel Road, approximately one mile north of Hodgen Road, and is within Section 14, Township 11, Range 65 West of the 6th P.M. The property is located within the Black Forest Preservation Plan (1987) area.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Andrea Rapson for approval of a minor subdivision to create two (2) single-family residential lots.

Waiver(s)/Deviation(s): No deviations requested with this application.

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

A minor subdivision shall be required to conform to all preliminary plan and final plat requirements including the criteria for approval.

In approving a preliminary plan, Section 7.2.1.D.2 of the El Paso County Land Development Code (2019) states the BoCC shall find that:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of this Code;
- The subdivision is in conformance with the subdivision design standards and any approved sketch plan;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. §30-28-133(6) (b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been

identified and the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)];

- Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;
- 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.

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

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

- The subdivision is in substantial conformance with the approved preliminary plan;
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;
- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
- The subdivision meets other applicable sections of Chapter 6 and 8; and
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §34-1-302(1), et seq.]

D. LOCATION

North:	RR-5 (Residential Rural)	Single-family dwelling
South:	RR-5 (Residential Rural)	Single-family dwelling
East:	RR-5 (Residential Rural)	Single-family dwelling
West:	RR-5 (Residential Rural)	Single-family dwelling

E. BACKGROUND

The property was initially zoned A-4 (Agricultural) on September 20, 1965 when zoning was first initiated for this portion of the County. Due to nomenclature changes to the Land Development Code, the A-4 district has been renamed as the RR-5 (Rural Residential) zoning district.

The parcel was legally created by deed on September 29, 1967 (Book 2202, Page 114). The applicant is requesting approval of a minor subdivision to create two (2) single-family residential lots from the existing 19.6 acre parcel. The proposed lots will be 5 and 14.3 acres in size. The property is currently developed with a single-family dwelling, which was constructed in 2020. The existing dwelling has an approved well and onsite wastewater treatment system that will be fully contained within the boundaries of proposed Lot 1. The existing dwelling will comply with all setback, lot coverage, and height standards of the RR-5 (Rural Residential) district for proposed Lot 1 of the subdivision.

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 (2019).

2. Zoning Compliance

The 19.6-acre property is within the RR-5 (Rural Residential) zoning district. The RR-5 zoning district is intended to accommodate low-density, rural, single-family residential development. The density and dimensional standards for the RR-5 zoning district are as follows:

- Minimum lot size: 5 acres *
- Minimum width at the front setback line: 200 feet
- Minimum setback requirement: front 25 feet, rear 25 feet, side 25 feet *
- Maximum lot coverage: 25%
- Maximum height: 30 feet

* In the event that the land to be partitioned, platted, sold or zoned abuts a section line County road, the minimum lot area for lots abutting the road shall be 4.75 acres and minimum lot width shall be 165 ft.

*Agricultural stands shall be setback a minimum of 35 feet from all property lines.

The request is to subdivide the existing unplatted parcel into two (2) single-family residential lots. Lot 2 is proposed to be 5 acres in size and Lot 1 is proposed to be 14.34 acres. The parcel is currently developed with a single-family dwelling and existing well and onsite wastewater treatment system. The existing improvements will be fully contained within the boundaries of proposed Lot 1. The existing dwelling will comply with all setback, lot coverage, lot width, and height standards for the RR-5 district for proposed Lot 1 of the subdivision. The proposed lots will be accessed by individual driveways onto Hardy Road. Should the request for a minor subdivision be approved, the applicant will need to complete a site plan prior to initiation of any residential use on the proposed lots.

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 6.1.7 - *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.*

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.*

The subject property is located immediately southeast of the intersection of Hardy Road and Black Squirrel Road, approximately one mile north of Hodgen Road. The applicant intends to subdivide the existing parcel to create two (2) single-family residential lots. Lot 2 is proposed to be 5 acres in size and Lot 1 is proposed to be 14.34 acres. The subject property is surrounded by properties

zoned RR-5 that are developed with single-family dwellings. Specifically, the two (2) parcels east of the subject property are 5 and 7 acres, while the property to the south of the subject property is approximately 40 acres. The property west of the subject property is zoned RR-5 (Rural Residential) and is approximately 19 acres. The property north of the subject property is within the Fielder Subdivision and is 5 acres. The subject property is bordered by properties having similar zoning and density as the proposed two lot subdivision. As such, 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).

Additionally, the proposed subdivision complies with the goals of the Black Forest Preservation Plan (1987), which specifically states that development within the Meridian-Eastonville Corridor sub-area should be rural in character and should not exceed a density of one (1) dwelling unit per five (5) acres. The proposed subdivision is consistent with the stated goals of the Black Forest Preservation Plan (1987) (Policy 6.1.7).

4. Small Area Plan Analysis

The proposed minor subdivision is located within the boundaries of the Black Forest Preservation Plan (1987) and is specifically identified as being within the Meridian-Eastonville Corridor Area. The Plan recommends that this area include large-lot residential development with recommended densities of one dwelling unit per five acres or less. The relevant goals and policies are as follows:

> **Goal 3.A** – *Promote a residential environment which perpetuates a rural-residential character of the Black Forest Planning Area.*
>
> **Policy 3.1** – *Continue the promotion of residential subdivisions with an overall average minimum lot area of five acres in the Timbered Area and other designated portions of the planning area. The minimum lot size for five-acre overall density areas should be at least 2 ½ acres in most instances.*

The subject property is located within an area of low density, large-lot rural residential development. The Plan specifically recommends that the density of development in the Meridian-Eastonville Corridor Area align with rural residential densities of one(1) dwelling unit per five (5) acres, in compliance with Policy 3.1. The subject property is surrounded by rural properties of similar size, developed with single-family dwellings. The applicant is proposing to subdivide the existing

19.6-acre property into two single-family residential lots. The proposed lots will be 14.3 acres and 5 acres and will be accessed via individual driveways onto Hardy Road. The proposed subdivision is consistent with the rural residential character of the surrounding neighborhood, which is in compliance with Goal 3.A of the Plan.

5. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

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

The subject parcel is within Region 4a of the El Paso County Water Master Plan. The Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The proposed development will not be served by a central water system. The following has been included for informational purposes only as it pertains to water demands and supplies in Region 4a for central water providers:

> Region 4a has a current water supply for central water providers of 725 acre-feet per year and a current demand of 725 acre-feet per year. The 2040 water supply is projected to be 725 acre-feet per year and the projected demand is 958 acre-feet. The 2060 water supply is projected to be 725 acre-feet per year, whereas the demand is anticipated to be 1,170 acre-feet per year; therefore, there is projected to be a shortage of water for central water providers in this region of the County. The projected water demand in the region does not consider groundwater sources, which may be adequate to serve projected demands in the region. The recommendation of a finding of water sufficiency with this application indicates that this request is in compliance with Goal 5.5 and that there is a finding of water sufficiency for the proposed subdivision.

The State Engineer and the County Attorney's Office have recommended that the proposed vacation and replat has an adequate water supply in terms of quantity and dependability. El Paso County Public Health has recommended that the proposed subdivision has an adequate water supply in terms of quality.

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

6. **Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels 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 request for the application and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) does not identify specific deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

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

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

G. PHYSICAL SITE CHARACTERISTICS

1. **Hazards**

The soils and geology report submitted with the application was prepared by Rocky Mountain Group on January 8, 2021. The report identified areas of seasonal shallow groundwater within the proposed subdivision area. The areas of seasonally shallow groundwater have been identified as no-build areas on the final plat.

2. **Wildlife**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels 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 request for the application and have no outstanding comments.

3. **Floodplain**

The property is not located within a defined floodplain as determined from review of the FEMA Flood insurance Rate Map panel number 08041C0310G, dated December 7, 2018.

4. **Drainage and Erosion**

The property is located within the West Kiowa Creek drainage basin, which is not included in the El Paso County Drainage Basin Fee program. Drainage fees will not be due for this application.

Per the submitted drainage report, the site generally sheet flows to the northeast and infiltrates into the ground before reaching County infrastructure. No public improvements are required for this project. Water quality and detention facilities are not required due to the nature and size of the lots.

5. **Transportation**

Access to the site is from Hardy Road, which is a rural local road. A traffic study was not required since the proposed lots are not expected to generate more than 100 trips per day.

The El Paso County 2016 Major Transportation Corridors Plan Update does not depict roadway improvement projects in the immediate vicinity of the site. The development is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471, as amended). Road impact fees shall be paid in full at the time of building permit.

H. SERVICES

1. **Water**

Sufficiency:

Quality: Sufficient
Quantity: Sufficient
Dependability: Sufficient

Attorney's summary: Water service to the subject property is provided by an on-site 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 quality and has no outstanding comments.

2. **Sanitation**

The proposed subdivision is intended to be served by individual onsite wastewater treatment systems, which require approval from El Paso County Public Health.

3. **Emergency Services**
   The property is within the Falcon Fire Protection District. The District was sent a referral for the minor subdivision and has not provided comments.

4. **Utilities**
   Mountain View Electric Association will provide electrical service and Black Hills Energy will provide natural gas service to the minor subdivision.

5. **Metropolitan Districts**
   The subject 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. Fees in lieu of regional park land dedication in the amount of $920 will be due at the time of plat recordation.

7. **Schools**
   Fees in lieu of school dedication in the amount of $720 for the benefit of Falcon School District No. 49 are required with the minor subdivision application and are due at the time of plat recordation.

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 (2019) staff recommends the following conditions and notations:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.

2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.

3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.

4. The applicant shall submit the Mylar to Enumerations for addressing.

5. 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.

6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.

7. The subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 18-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

8. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of $920 shall be paid at the time of plat recordation.

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

NOTATIONS

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

2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 8 adjoining property owners on September 16, 2021, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

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

El Paso County Parcel Information

PARCEL	NAME
5114000007	RAPSON ANDREA

File Name: MS-21-003

Zone Map No. --

Date: September 17, 2021

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

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Rapson Subdivision
Letter of Intent

Date: May 16, 2021

Owner/ Applicant:

Andrea and William Rapson

10675 Hardy Rd
Colorado Springs, CO 80908

907-982-3897

Site Information:

Legal Description of the Property

The West Half of the South East Quarter of the South East Quarter of Section 14,Township 11 South, Range 65 west of the 6th P.M. County of El Paso , State of Colorado

10675 Hardy Road, Colorado Springs Co. 80908

Parcel number: 5114000007

19.344 Acres

Zoned RR-5 (Rural Residential District)

Property currently is a vacant site with a single-family residence on the west portion of the parcel. The existing land uses in the area are of rural residential/agriculture parcels improved with homes.

The Two Lot subdivision proposes the use of wells and septic systems.

Hardy Road is a maintained road that provides legal access to both Lot 1 and Lot 2 and multiple other homes in the area.

The site is comprised of 19.344 Acres more or less. About 2.8 miles North East of the intersection of Hodgen and Remington Rd.

Legal description – W 1/2 of the SE 1/4 of the SE ¼ of Section 14, Township 11 South, Range 65 West, Sixth P.M.; Excepting a perpetual easement for roadway, utilities, ingress and egress purposes over and across the North 40 feet, County of El Paso, State of Colorado.

Minor Subdivision 10675 Hardy Road

Letter of Intent

Rapson Subdivision

Letter of Intent

Request:

The Owner/Applicant requests approval of a two-lot minor subdivision on the Property to be known as the Rapson Subdivision ("Subdivision"). The Subdivision will create two rural residential single family lots in the RR5 zone, with each lot exceeding the 5 acres minimum. Lot 1 will be approximately 14.337 acres in size and will contain the currently residence, barn and related structures. Lot 2 will be approximately 5.007 acres in size and is currently vacant, although electric utilities have been installed on the lot to serve a future residence. A water well and individual septic system will serve each lot.

Hardy Road will provide access to the proposed Lots. Overhead and underground utility lines located along Hardy Road provide electrical, natural gas, and communication service to the site.

JUSTIFICATION:

The proposed Rapson Minor Subdivision is in conformance with all El Paso County requirements for creation of a minor subdivision. The proposal is consistent with the RR5 zoning and is compatible with the surrounding neighborhood zoned RR5, which consists of large lots or parcels of at least 5 acres in size.

The Property contains a single family residence located on the western portion of the Property, which will be known as Lot 1. Lot 2 is on the Eastern portion of the Property. The proposed layout of the Subdivision will comply with the requirements of the RR5 zone with respect to land use (single-family residential), lot size, minimum building setbacks, water supply and wastewater disposal.

The Property was purchased by the Owner/Applicant from the former owner. The Owner/Applicant's eldery mother and father currently live in the existing residence with the owners. The Owner/Applicant desired to build a second home on the Property and began the process of obtaining County administrative relief to have the existing residence declared a guest house so a second residence could be built on the Property. When the size of the existing residence became an issue for approval as a guest house under the County's land use regulations, the Owner/Applicant decided to subdivide the Property into two lots and obtain approval of a minor subdivision.

Access to the two residences on the Property will be by 2 separate permitted driveways off of Hardy Road.

Criteria for Approval:

The Subdivision complies with all requirements for approval of a minor subdivision contained in Section 7.2.1 (C) and the plans and standards set forth in Chapter 8 of the County Land Development Code ("Code"). Section 7.2. 1 (c) states that a minor subdivision shall be required to conform to all preliminary plan and final plat requirements including the criteria for approval, except to the extent the requirements are modified by the Code or the Procedures Manual.

Preliminary Plan Approval Criteria

The Subdivision meets all criteria for approval under Section 7.2.1 (D) (2) of the Code for preliminary plan approval, as follows:

- The Subdivision is consistent with the purposes of the Code.
- The Subdivision is in conformance with the subdivision design standards.
- As shown in the Engineered water reports submitted as part of the application, a sufficient water supply has been acquired in terms of quantity, quality and dependability for the proposed minor subdivision, as determined in accordance with the standards set forth in the water supply standards (C.R.S. § 30-28-133 (6) (a)) and the requirements of Chapter 8 of the Code.
- The septic system for the existing residence in construction and the septic system proposed for the new home meet all criteria of Chapter 8 of the Code and is in compliance with state and local laws and regulations, per C.R.S. § 30-28-133 (6) (b).

- Any soil or topographical conditions presenting hazards or requiring special precautions were identified in the accompanying geology and soils reports and to the extent identified, the Subdivision is compatible with such conditions. per C.R.S. § 30-28-133 (6) (c).
- Adequate drainage improvements complying with State law (C.R.S. § 30-28-133 (6)(C)(VIII)) and the requirements of the Code and the ECM are provided with the design of the Subdivision.
- As there are no public improvements proposed in connection with the Subdivision, no determination of the adequacy of the location and design of any public improvements is required.
- There is legal and physical access to both Lots proposed in the Subdivision on Hardy Road, a county road.
- The Subdivision has established an adequate level of compatibility by incorporating natural physical features in the design. As there will only be two lots platted on the 19.6-acre Property, there will be sufficient open spaces. The Subdivision's site planning techniques will foster the implementation of the County's plans. Physical design features of the Subdivision will remain consistent with the adjacent land uses and will remain rural residential. Any environmentally sensitive areas in the Subdivision have been identified and incorporated into the Subdivision design. The Subdivision will not negatively impact the levels of service of County services and facilities.
- Necessary services, including police and protection, recreation, utilities, open space and transportation system, are available to serve the Subdivision.
- The Subdivision meets other applicable sections of Chapters 6 and 8 of the Code.

Final Plat Approval Criteria:

The Subdivision meets all criteria for approval under Section 7.2.1 (D) (3) of the Code for final plat approval, as follows:

• The Subdivision is in conformance with the goals, objectives and policies contained in the County Master Plan, including the Policy Plan, and it is in compliance with the County's Water Master Plan. The Black Forest Preservation Plan (the "Plan") is the Small Area Plan under the County Master Plan that provides guidelines for land use in the Black Forest area, including the Property.

1. *The Subdivision is in conformance with the goals, objectives, and policies of the Master Plan and Policy Plan*.

An element of the Master Plan is the Policy Plan, which establishes goals and policies in connection with approval of new development in the County. The Rapson Minor Subdivision proposal satisfies the following goals and policies from the Policy Plan:

Goal 6.1 a *Encourage patterns of growth and development which complement the regions' unique natural environments and which reinforce community character.*

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*.

The proposed minor subdivision is compatible with adjacent properties, all of which are at least 5 acres in size, and located within the Black Forest area, which is rural residential in character. The existing natural environment on the Property will be preserved following approval of this subdivision using mitigation and landscaping to maintain the properties natural environment.

Goal 6.4 *Develop and maintain rural residential areas in a manner which protects their integrity, addresses the carrying capacity of the natural environment and provides for an adequate level of non-urban facilities and services.*

Policy 6.4.1 *- Protect and sustain established viable rural residential areas where possible.* ***Policy 6.4.2*** *Continue to define and limit the boundaries of rural residential areas primarily*

through the Small Area Planning process (refer to Section 1.0 Small Area Plans).

Policy 6.4.3 *Allow rural residential development in those areas with sufficient "carrying capacity" including roadway capacity, water supply, septic suitability, educational facilities and organized structural fire protection.*

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

The proposal will subdivide an existing 19.344 acre parcel into two lots, which will only increase the number of homes on the Property from one to two. There will be limited impact on the existing carrying capacity of the area by the addition of one lot upon approval of the minor subdivision. The lot sizes of the two lots exceed the minimum 5-acre size required under RR5 zoning, and will ensure the existing rural residential nature of the area is maintained. Water for the second lot has been adjudicated with the State, the well for the existing residence has been re-permitted, and a well permit for the new residence has been authorized.

2. *The Subdivision meets goals and policies set forth in the Black Forest Preservation Plan.*

The Property is within the planning area of the Plan, and more specifically, within “The “Timbered Area” unit defined by the Plan. Uses in The Timbered Area are generally limited to low density residential or open space.

3. Residential - Goal 3.A *- Promote a residential environment which perpetuates the rural-residential character of the Black Forest Planning Area.*

Policy 3.1 *– Continue the promotion of residential subdivisions with an overall average minimum lot area of 5 acres in the Timbered Area and other designated portions of the Planning Area....*

8. Natural Environment – Goal 8.A *– Protect the integrity of the natural systems in the Black Forest.*
Policy 8.1 *– Preserve and enhance the natural environment and wildlife of the planning area.*

Policy 8.2 *– Protect and maintain the area's drainage courses in their natural condition by promoting designs and densities which are sensitive to natural drainage patterns.*

The minor subdivision will preserve the rural-residential character of the Black Forest Planning Area. The lot sizes will be in excess of the minimum 5 acres required under the RR5 zoning, with Lot 1 being 14.337 acres and Lot 2 being 5.007 acres. The Property contains a single family home. Upon approval of the minor subdivision, the Owner/Applicant will build one residence on Lot 2, which is sited on the lot to be near the road in the meadow which will preserve a majority of the open space and all the forested areas. As shown in the final drainage report submitted for this application, the 4.003-acre drainage easements existing on the Properties will not be impacted by the 2-lot minor subdivision or construction of the residence on Lot 2.

3. *The Subdivision meets the goals and policies set forth in the El Paso County Water Master Plan.*

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

Policy 1.1.1 – Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.

As part of this land use planning action, Owner/Applicant has demonstrated the quantity, dependability and quality of the water to be utilized in this development, demonstrating adequate water quality through testing, and adequacy and sufficiency of supply consistent with the County's 300-year rule concerning water supplies. Use of shallow Dawson aquifer groundwater, as contemplated here, is typical of rural residential lots in Black Forest, and further consistent with the Water Master Plan as concerns rural residential lots where municipal or quasi-municipal water supplies are unavailable. *See*, WMP at pp. 25, 27 (the site is located in area 4a, there are "no water providers are available"); *see also*, WMP at p. 39 ("*Individual lot owners and non-Colorado Springs Utilities water providers rely heavily upon them to supply potable water. The Denver Basin aquifers provide a great source of water supply because they are protected from surface contamination and are drought-proof*").

Each Lot has 1.5 Acre feet of water use per year from the Dawson Aquifer. Household use of .200 AF/year per lot, a total of 2.360 Acre feet total for both lots for irrigation, and 0.242-acre feet for maintaining animal watering.

Goal 4.3 Collaborate with the State and other stakeholders to extend the economic life of the Denver Basin aquifers.

Policy 4.3.1 – Denver Basin groundwater should be preserved as much as practical through water conservation and efficiency, extending the economic useful life.

Policy 4.3.2 – Encourage the systematic monitoring and careful administration of the bedrock aquifers to avoid over-allocation of groundwater.

Owner/Applicant, consistent with the County's 300-year rule, seeks a long-term sustainable use of the Dawson aquifer, consistent with local historical practices and vested property rights in the underlying Denver Basin aquifers. Such uses will prolong the economic life of not only the Dawson aquifer to be utilized in the Subdivision, but also deeper underlying Denver Basin aquifers available to the Owner/Applicant which are not to be utilized as part of the primary water source for this Subdivision.

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

Policy 5.5.1 – Discourage individual wells for new subdivisions with 2.5 acre or smaller average lot sizes, especially in the near-surface aquifers, when there is a reasonable opportunity to connect to an existing central system, alternatively, or construct a new central water supply system when the economies of scale to do so can be achieved.

Goal 5.6 Protect property rights.

The Subdivision proposed at this site concerns approximately 5 and 14 acre lots, considerably larger than those for which individual wells are to be discouraged under the WMP, and there currently is no opportunity in this location to connect to an existing system or construct a new central system. Approval of individual wells in this circumstance protects the vested property rights of Owner/Applicant.

Goal 6.0 Require adequate water availability for proposed development.
Policy 6.0.1 – Continue to require documentation of the adequacy or sufficiency of water, as

appropriate, for proposed development.

As described above, and in the Water Resources Report and Water Quality Report, adequacy and sufficiency of water for the proposed development, for a period of at least 300-years, has been documented and demonstrated. See also WMP p. 111 ("*El Paso County understands that each landowner has property rights, and, in many cases, those property rights include water rights. The County's goal is not to infringe on those rights, but to assure sufficient water supplies are available to foster a sustainable place for people to live and work"*).

- The Subdivision is consistent with the 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.
- As shown in the water reports submitted as part of the application, a sufficient water supply has been acquired in terms of quantity (1.5 acre feet per lot per year), quality (tested and passed all quality reports for safe drinking) and dependability for the proposed minor subdivision, as determined in accordance with the standards set forth in the water supply standards (C.R.S. § 30-28-133 (6) (a)) and the requirements of Chapter 8 of the Code.

- The septic system for the existing residence and the septic system proposed for the new home meet all criteria of Chapter 8 of the Code and is in compliance with state and local laws and regulations, per C.R.S. § 30-28-133 (6) (b). Lot 1 septic system is an engineered septic system due to clay levels, and test pits from holes for lot 2 will also need to be an engineered septic system.
- Any soil or topographical conditions presenting hazards or requiring special precautions were identified in the accompanying geology and soils reports and to the extent identified, the Subdivision is compatible with such conditions. per C.R.S. § 30-28-133 (6) (c). The surveyor and engineer did find 4.003 acres across lot 1 and 2 as geo Hazard/ Drainage Easements that are no build areas, but will not impact either purposed site.
- Adequate drainage improvements complying with State law (C.R.S. § 30-28-133 (6)(C)(VIII)) and the requirements of the Code and the ECM are provided with the design of the Subdivision. Culvert has already been installed in lot 1 for driveway access and will also be assessed for lot 2 driveway per standards.

There is legal and physical access to both Lots proposed in the Subdivision on Hardy Road. Hardy road is a dirt road that is designated as a dead-end road connected to Hodgen Road through Table Rock road, Morgan road, and Remington Road.

- Necessary services, including police and protection, recreation, utilities, open space and transportation system, are available to serve the Subdivision.
- The final plans of the Subdivision show that the proposed methods for fire protection comply with Section 6 of the Code. Wildland Mitigation Report showed the 2 purposed Lots have Low Wildfire Risk, and Low wildfire Burn probability. Mitigation for fire safety will be done as per Wildland Fire Mitigation Report reports for both lots.
- Off-site impacts of this Subdivision are addressed below. No mitigation for off-site impacts are necessary under the applicable requirements of Chapter 8.
- To the Owner/Applicant's knowledge, no public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the Subdivision, are required.
- The Subdivision meets other applicable sections of Chapters 6 and 8.
- The subdivision will not interfere with the extraction of any known commercial mining deposit.

Public Improvements

There are no required public subdivision improvements required for the Subdivision. The Property has frontage along Hardy Road, where county required right of way will be maintained.

The Property is approximately 19.344 acres in size. Upon approval of the Subdivision, there will be two lots (and two homes) where before there was one parcel and vacant land with single family home.

FINAL PLAT

RAPSON SUBDIVISION

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH P.M. COUNTY OF EL PASO, STATE OF COLORADO

KNOW ALL BY THESE PRESENTS:

That Andrea Jayne Rapson and William Clark Rapson, being the owners of the following described tract of land to wit:

LEGAL DESCRIPTION

The West half of the Southeast quarter of the Southeast quarter of Section 14, Township 11 South, Range 65 West of the 6th P.M.; Excepting a perpetual easement for roadway, utilities, ingress and egress purposes over and across the North 40 feet, County of El Paso, State of Colorado.

Per a Commitment for Title Insurance File No. 81953UTC, with an effective date of January 27, 2021, as provided by Stewart Title Guaranty Company and Unified Title Company, LLC, and per the Special Warranty Deed recorded under Reception No. 220000136, Records of El Paso County

Address of Record: 10675 Hardy Road, Colorado Springs, CO 80908

DEDICATION

The above owners have caused said parcel of land to be platted into the lots and easements as shown hereon. The undersigned does hereby grant and convey to the County of El Paso all right-of-way dedications and easements for public use. The tract of land herein platted shall be known as RAPSON SUBDIVISION in the County of El Paso, State of Colorado.

OWNERSHIP AND ACKNOWLEDGMENT STATEMENT:

The aforementioned, Andrea Jayne Rapson and William Clark Rapson, have executed this instrument this ___ day of _____, 20___, A.D.

_____
Andrea Jayne Rapson

_____
William Clark Rapson

OWNERS CERTIFICATE

The undersigned, being all the owners and mortgagees in the land described herein, have laid out, subdivided, and platted said lands into lots and easements as shown hereon under the name and subdivision of RAPSON SUBDIVISION. 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.

_____
By: Andrea Jayne Rapson

_____
By: William Clark Rapson

NOTARIAL:

STATE OF COLORADO }
COUNTY OF EL PASO } SS

The above and aforementioned instrument was acknowledged before me this _____ day of _____, 20___, A.D.

By: Andrea Jayne Rapson and William Clark Rapson

Witness my hand and seal:

My Commission expires _____

Notary Public _____

LIEN HOLDER SUBORDINATION CERTIFICATE:

The undersigned are all the mortgagees and lien holders of certain lands known herein as RAPSON SUBDIVISION in the County of El Paso, State of Colorado, and Hereby subordinate the subject lien to the terms, conditions and restrictions of this document

COMPANY: Northpointe Bank

ADDRESS: 3333 Deposit Dr NE, Grand Rapids, MI 49546

Executed this ___ day of _____ , 20___.

Mortgagee(s) and lien holder(s):

_____
Karen Seager, Assistant Vice President
for and on behalf of Northpointe Bank

NOTARIAL:

STATE OF MICHIGAN }
COUNTY OF KENT } SS

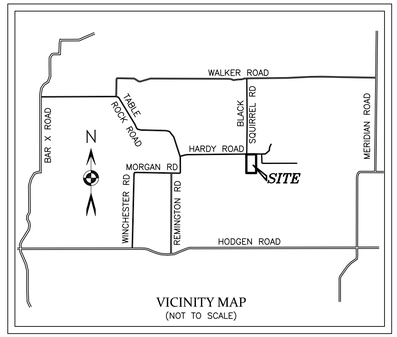
The above and aforementioned instrument was acknowledged before me this _____ day _____, 20___, A.D.

By: Karen Seager, Assistant Vice President, for and on behalf of Northpointe Bank

Witness my hand and seal:

My Commission expires _____

Notary Public _____



VICINITY MAP
(NOT TO SCALE)

SURVEYOR'S NOTES

1. NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

2. Any person who knowingly removes, alters or defaces any public land survey monument or land boundary monument or accessory commits a class 2 misdemeanor pursuant to the Colorado Revised Statute 18-4-508.

3. The lineal units used in this drawing are U.S. Survey Feet. A U.S. Survey Foot is defined as 1200/3937 meters.

4. No attempt has been made by the surveyor to show and utility lines or services on this map.

5. This plat does not constitute a title search by Barron Land, LLC to determine ownership, rights-of-way, or easements of record. For information regarding ownership, rights-of-way, and easements of record, Barron Land, LLC relied upon a Commitment for Title Insurance File No. 81953UTC, with an effective date of January 27, 2021, as provided by Stewart Title Guaranty Company and Unified Title Company, LLC.

6. The field work was performed on December 10, 2020.

7. The overall subject parcel contains a calculated area of 842,636 square feet (19.344 acres) of land, more or less.

8. BASIS OF BEARINGS: Bearings are based on the South line of the Southeast Quarter of Section 14, Township 11 South, Range 65 West of the 6th P.M., monumented at both ends with a No 6 rebar and 3 1/4" aluminum cap, stamped "1994 PS INC PLS 12103" and is assumed to bear S 89°30'01" W, a distance of 2635.91 feet.

9. Found and or set monuments shown hereon are flush with grade unless noted otherwise.

10. The approval of this Replat vacates all prior plats for the area described by this plat.

11. The following reports have been submitted in association with the Final Plat for this subdivision and are on file at the Planning and Community Development Department: Onsite Wastewater Treatment Report; Drainage Report; Water Resources Report; Geology and Soils Report; Fire Protection Report; Wildfire Hazard Report; Natural Features Report. The subdivision has been found to be impacted by geologic constraints. Mitigation measures and explanation of constraints in the area can be found in the report Soil, Geology, and Wastewater Study by Rocky Mountain Group, January 8, 2021 in file PCD File No. MS213, available at the El Paso County Planning and Community Development Department: Loose and Compressible Soils; Surface and Subsurface Drainage; Faults and Seismicity; Radon. The limits of the hazards mentioned have been plotted hereon and dedicated as "no-build" areas with no structures allowed in the constrained areas.

12. All property owners are responsible for maintaining proper storm water drainage in and through their property. Public drainage easements as specifically noted on the plat shall be maintained by the individual lot owners unless otherwise indicated. Structures, fences, materials or landscaping that could impede the flow of runoff shall not be placed in drainage easements. The subdivider agrees for itself and its successors and assigns that subdivider and/or said successor and assigns shall be required to maintain drainage channel that flows through the site. The County is not responsible for maintenance of the drainage easement.

13. 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.

14. The addresses exhibited on this plat are for informational purposes only. They are not the legal description and are subject to change.

15. No driveway shall be established unless an access permit has been granted by El Paso County.

16. Individual lot purchasers are responsible for constructing driveways, including necessary drainage culverts per Land Development Code Section 6.3.3.C.2 and 6.3.3.C.3.

17. 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.

18. Water in the Denver Basin Aquifers is allocated based on a 100-year aquifer life; however, for El Paso County planning purposes, water in the Denver Basin Aquifers is evaluated based on a 300-year aquifer life. Applicants and all future owners in the subdivision should be aware that the economic life of a water supply based on wells in a given Denver Basin Aquifer may be less than either the 100 years or 300 years indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply.

19. 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. Onsite Wastewater Treatment systems cannot be located within identified seasonally shallow groundwater areas, per the Soils and Geology report referenced hereon.

20. At the time of approval of this project, this property is located within the Falcon Fire Protection District.

21. Due to wildfire concerns, homeowners are encouraged to incorporate wildfire fuel break provisions as recommended by the Colorado State Forest Service and illustrated through publications available through the State Forest Service.

22. Mailboxes shall be installed in accordance with all El Paso County and United States Postal Service regulations.

23. Surface Investigation and Soils Report was completed by Rocky Mountain Group on January 8, 2021 as Job No. 180667. Water Resources Report was completed by JDS-Hydro Consultants, Inc. on February, 2021. Geological Hazard Report was competed by Rocky Mountain Group and is on file at the El Paso County Department.

24. The no-build/no storage materials area limits shown hereon were provided by Catamount Engineering, David Mijares, PE. The subdivider agrees for itself and its successors and assigns that subdivider and/or said successor and assigns shall be required to maintain the drainage channel that flows through the site. The County is not responsible for maintenance of the drainage easement. The drainage easement is a no-build and no storage of materials area.

25. 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 submittal. 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.

SHEET LEGEND:

SHEET 1: Notes, project information, and certification

SHEET 2: boundary and plat detailed information

FLOOD PLAIN CERTIFICATION:

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 08041C0310G, effective date December 7, 2018, indicates this parcel of land to be located in Zone X (Areas determined to be outside the 0.2% annual (500-year) chance floodplain).

EASEMENT STATEMENT:

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.

SURVEYOR'S STATEMENT:

I, Spencer J. Barron, a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that this plat truly and correctly represents the results of a survey made on date of survey, by me or under my direct supervision and that all monuments exist as shown hereon; that mathematical closure errors are less than 1:10,000 ; and that said plat has been prepared in full compliance with all applicable laws of the State of Colorado dealing with monuments, subdivision, or surveying of land and all applicable provisions of the El Paso County Land Development Code, to the best of my knowledge, opinion, and belief. This certification is neither a warranty nor guarantee, either expressed or implied.

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

_____
Spencer J. Barron
Colorado registered PLS #38141
For and on behalf of Barron Land, LLC

This plat for (name of subdivision or plat) was approved for filing by the El Paso County, Colorado Planning and Community Development Department Director on the _____ day of _____, 20__, subject to any notes or conditions specified hereon.

_____
Planning and Community Development Director

This plat for RAPSON SUBDIVISION was approved for filing by the El Paso County, Colorado Board of

County Commissioners on the _____ day of _____, 20_____, subject to any notes specified hereon and any conditions included in the resolution of approval. The dedications of land to the public (easements) are accepted, but the 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.

_____
President, Board of County Commissioners Date

please revise to chair.

RECORDING

STATE OF COLORADO }
COUNTY OF EL PASO } SS

I hereby certify that this instrument was filed for record at my office at _____ O'clock ____ this ____ day of _____, 20__ A.D., and is duly recorded under Reception Number _____ of the records of El Paso County, Colorado.

Fee: _____

Surcharge: _____

Chuck Broerman, Recorder

BY: _____
Deputy

FEES:

School Fee: _____

Bridge Fee: _____

Park Fee: _____

Drainage Fee: _____

PCD File No. MS-21-003

DATE: 2/18/2021	REVISIONS		
No.	Remarks	Date	By
1	Comments	5/05/21	TH
2	Comments	6/17/21	TH

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

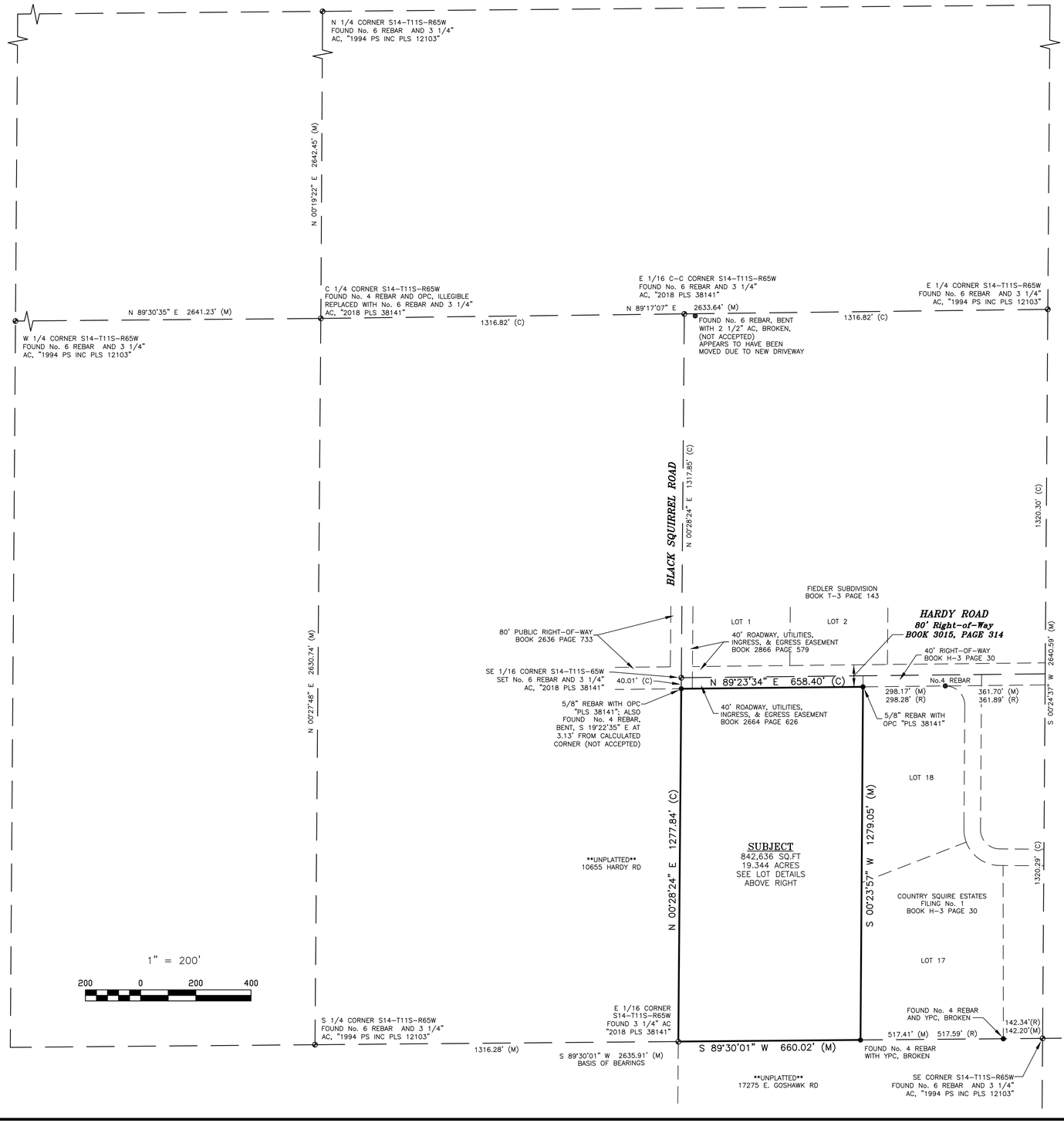
PROJECT No.: 18-017 SHEET 1 OF 2

FINAL PLAT

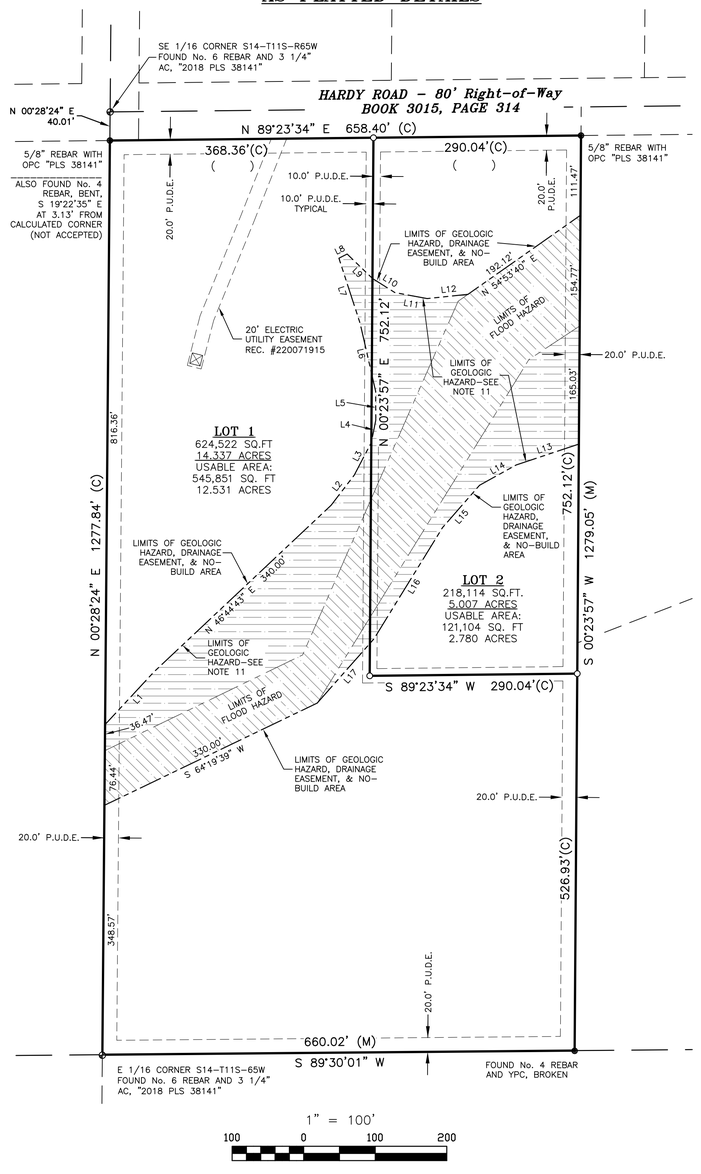
RAPSON SUBDIVISION

A PORTION OF THE SOUTHEAST QUARTER OF
SECTION 14, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH P.M.
COUNTY OF EL PASO, STATE OF COLORADO

SECTION BREAKDOWN



AS PLATTED DETAILS



1" = 100'
100 0 100 200

N

LEGEND

(R)	RECORD DIMENSION
(M)	FIELD MEASURED DIMENSIONS
(C)	CALCULATED DIMENSIONS
REC.	RECEPTION
●	FOUND MONUMENT AS NOTED
○	SET No. 5 REBAR AND ORANGE PLASTIC CAP, "PLS 38141"
⊕	SECTION MONUMENT AS NOTED
OPC	ORANGE PLASTIC CAP
YPC	YELLOW PLASTIC CAP
AC	ALUMINUM CAP
P.U.D.E.	PUBLIC UTILITY AND DRAINAGE EASEMENT
( )	PARCEL ADDRESS
☒	ELECTRIC TRANSFORMER
———	SUBJECT PARCEL LINES
— — —	ADJACENT PARCEL LINES
– – – –	EASEMENT LINES

LINE	BEARING	DISTANCE
L1	N 42°51'43" E	100.44'
L2	N 37°28'19" E	53.10'
L3	N 27°36'27" E	51.46'
L4	N 11°12'45" E	31.68'
L5	N 00°03'06" W	40.01'
L6	N 12°52'06" W	97.74'
L7	N 18°02'16" W	95.87'
L8	N 63°26'06" E	12.92'
L9	S 46°01'36" E	49.15'
L10	S 57°49'15" E	37.05'
L11	S 79°26'16" E	45.81'
L12	N 84°03'05" E	57.37'
L13	S 71°33'35" W	92.30'
L14	S 61°01'41" W	58.61'
L15	S 41°07'51" W	78.51'
L16	S 31°38'50" W	182.79'
L17	S 41°27'34" W	119.65'

PCD File No. MS–21–003

SHEET LEGEND:

SHEET 1: Notes, project information, and certification

SHEET 2: boundary and plat detailed information

DATE: 2/18/2021	REVISIONS		
No.	Remarks	Date	By
1	Comments	5/05/21	TH
2	Comments	6/17/21	TH

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Colorado Springs, CO 80917 F: 719.466.6527
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PROJECT No.: 18–017 SHEET 2 OF 2

July 27, 2021

John Green
El Paso County Development Services Department
DSDcomments@elpasoco.com

RE: Rapson Subdivision
Part of SE ¼, Section 14, T11S, R65W, 6th P.M.
Kiowa Bijou Designated Basin
Water Division 1, Water District 1

Dear Mr. Green:

We have received your May 20, 2021 submittal concerning additional information regarding the above-referenced proposal to subdivide a 19.6-acre parcel of land into two lots. This office previously commented on the subject proposal in letters dated April 6, 2021 and June 15, 2021. This letter supersedes the previous letters.

Water Supply Demand
According to a report from JDS-Hydro Consultants, Inc. dated February 2021 and revised June 2021 ("Water Resources Report") provided with the submittal, the estimated water requirements total 3.0 acre-feet annually. The proposed water demand for lot 1 is 1.5 acre-feet per year and the proposed water demand for lot 2 is 1.5 acre-feet per year. The proposed uses on each lot are use in one single family dwelling, the irrigation of 20,780 square-feet of irrigation and the watering of 11 horses.

Source of Water Supply
The proposed source of water supply is individual on-lot wells producing from the not-nontributary (actual replacement) Dawson aquifer pursuant to the Replacement Plan for Determination of Water Right No. 3637-BD.

Determination of Water Right no. 3637-BD was issued by the Ground Water Commission ("Commission") on January 31, 2019 for an allowed average annual amount of withdrawal of ground water of 16.7 acre-feet from the Dawson Aquifer (based on an aquifer life of 100 years) to be used on 19.6 acres, which is the subject property of this referral.

On December 29, 2020 the Commission approved the Replacement Plan No. 2 for Determination of Water Right no. 3637-BD, (cancelling Replacement Plan No. 1 for Determination of Water Right no. 3637-BD issued on January 31, 2019). Replacement Plan No. 2 for Determination of Water Right no. 3637-BD allows for the withdrawal of 3.0 acre-feet per year of groundwater from the Dawson aquifer for 300 years, through two wells to be located on two residential lots on 19.6 acres, which is the subject property of this referral. Each well may withdraw groundwater to be used for in-house use, irrigation of landscape/lawn and garden, replacement and the watering of domestic animal and livestock. The information submitted also included well permit no. 85011-F.

The proposed source of water for this development is a bedrock aquifer allocation from the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which the bedrock aquifer sources will be a physically and economically viable source of water. According

to 37-90-107(7)(a), C.R.S., "Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years." Based on this allocation approach, the annual amounts of water determined in Determination of Water Right No. 3637-BD is equal to one percent of the total amount, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

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

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

The State Engineer's Office does not have evidence regarding the length of time for which the bedrock aquifer sources will "meet the average annual demand of the proposed subdivision." However, treating El Paso County's requirement as an allocation approach based on three hundred years, the allowed average annual amount of withdrawal of 3.0 acre-feet per year from the Dawson aquifer pursuant to the Replacement Plan No. 2 for Determination of Water Right no. 3637-BD, for a maximum of 300 years, is sufficient to supply the requirement of 3.0 acre-feet/year.

The Water Resources Report submitted makes reference to other water rights, including those in the Denver, Arapahoe and Laramie-Fox Hills Aquifers under Determination of Water Right nos. 3636-BD, 3635-BD and 3634-BD, but those rights are not identified as a sources of water for the subdivision.

Well permit no. 85011-F was issued for the use of an existing well constructed under permit no. 84274-F (canceled), pursuant to the Replacement Plan No. 2 for Determination of Water Right no. 3637-BD for the withdrawal of 1.5 acre-feet/year of groundwater from the Dawson aquifer for use in one (1) single family, irrigation of landscape/lawn and garden, replacement and watering of domestic animals and livestock. The applicant has indicated the well constructed under permit no. 85011-F will be located on lot 1 and will be used to serve that lot. The permitted uses and withdrawal amount of well permit no. 85011-F meet the proposed uses for lot 1.

State Engineer's Office Opinion

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

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

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

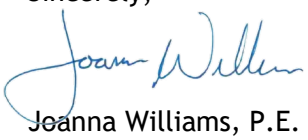
Our opinion is qualified by the following:

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

may be less than the 100 years (or 300 years) used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.

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

Sincerely,



Joanna Williams, P.E.
Water Resources Engineer

Ec: Well permit no. 85011-F
SEO referral no. 27575

Rapson_El Paso.docx

EL PASO COUNTY

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September 3, 2021

Rapson Subdivision a/k/a 10675 Hardy Road
MS-21-3

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

FINDINGS AND CONCLUSIONS:

1. This is a minor subdivision proposal by Andrea and William Rapson ("Applicant") for a subdivision of 2 single-family lots on 19.6 +/- acres of land (the "Property"). Lot 1 is approximately 14.337 acres and Lot 2 is approximately 5.07 acres. An existing residence and existing well are currently present on the Property. The Property is zoned RR-5 (Rural Residential).

2. The Applicant has provided for the source of water to derive from individual on-lot wells as provided in the Findings and Order Determination No. 3637-BD which was approved by the Colorado Ground Water Commission on January 31, 2019 and Replacement Plan No. 2 - 3637-RP, which was approved by the Colorado Ground Water Commission on December 29, 2020 ("Determination" and "Replacement Plan", respectively). Pursuant to the Water Supply Information Summary ("WSIS"), the annual water demand is 0.40 acre-feet for household use (0.20 acre-feet per residence), 2.36 acre-feet for irrigation and 0.242 acre-feet for stock watering for a total of 3.0 acre-feet per year for the subdivision (1.50 acre-feet/year/lot). Based on a total demand of 3.0 acre-feet per year for the subdivision, Applicant must provide a water supply of 900 acre-feet (3.0 acre-feet per year x 300 years) to meet the County's 300-year water supply requirement.

3. In a letter dated July 27, 2021, the State Engineer's Office reviewed the submittal to subdivide the 19.6 +/- acre parcel into 2 lots. The State Engineer stated that the "proposed source of water supply is individual on-lot wells producing from the not-nontributary (actual replacement) Dawson aquifer pursuant to the Replacement Plan for Determination of Water Right No. 3637-BD." Determination of Water Right No. 3637-BD allowed an average annual amount of withdrawal of groundwater of 16.7 acre-feet from the Dawson Aquifer (based on an aquifer life of 100 years). The Replacement Plan was approved on December 29, 2020 and allows withdrawal of 3.0 acre-feet/year from the Dawson aquifer for 300 years, through 2 wells located on the 2 residential lots. The State Engineer stated that the withdrawal of 3.0 acre-feet per year from the Dawson aquifer pursuant to the Replacement Plan "is sufficient to supply the

requirement of 3.0 acre-feet/year". The Applicant may withdraw groundwater for in-house use, irrigation, replacement, and stock watering.

The State Engineer noted that the Water Resources Report referenced additional water rights owned by the Applicant in the Denver, Arapahoe, and Laramie-Fox Hills aquifers, but since those water rights are not going to be used in this subdivision, they will not be examined further.

The State Engineer identified a current well on the Property, identified as Well Permit No. 85011-F. The Applicant indicates this well will be utilized on Lot 1 and the well permit allows the withdrawal of 1.5 acre-feet/year of groundwater for in-house use, irrigation, replacement and stock watering.

Finally, the State Engineer opined that "[b]ased upon the above and pursuant to Sections 30-28-136(1)(h)(I), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights."

4. Determination of Water Right No. 3637-BD. The Colorado Ground Water Commission issued Determination of Water Right No. 3637-BD to Carefree Properties, LLC on January 31, 2019. The water rights were transferred to Andrea and William Rapson by a Bargain and Sale Deed on December 30, 2019. The Determination identified a total of 1,670 acre-feet of water available in the Dawson aquifer underlying the 19.6 +/- acres of the Property and permitted withdrawal of 16.7 acre-feet/year (based on a 100-year aquifer life) or 5.57 acre-feet/year (based on a 300-year aquifer life). The beneficial uses of the Dawson aquifer water are described as: "domestic, including in-house, landscape/irrigation of lawn and gardens, watering of domestic animals and stock and replacement."

5. Replacement Plan - Determination of Water Right No. 2: 3637-RP. On December 29, 2020, the Commission granted the Replacement Plan to William Rapson, permitting withdrawal of water from 2 wells for a total of 3.0 acre-feet/year for a period of 300 years.

Replacement of Depletions. The Replacement Plan provides a pumping period of 300 years. Replacement of depletions must be provided annually in the acre-feet amounts shown in Exhibit A.[1] As the Replacement Plan states: "Annual replacement requirements may be computed by pro-rating between the values given on Exhibit A, or for simplicity may be taken as the amount shown in the next succeeding 5-year increment." And further, the "Applicant must provide the required annual amount of replacement water for the first 100 years, or for as long as a well is operated pursuant to this plan, whichever is longer. To assure adequate return flows, at least one well must be serving an occupied single-family dwelling that is generating return flows via a non-evaporative septic system before any irrigation or animal watering is allowed to be served by any of the wells."

6. Analysis. Applicant's water demand is 3.0 acre-feet/year for the entire subdivision using Dawson aquifer water which is allowed under the Replacement Plan for the 2-lot subdivision. The total water demand for the subdivision for 300 years is 900 acre-feet. The

[1] Exhibit A was attached to Replacement Plan No. 3637-RP and is also incorporated into this water review as Attachment A.

WSIS and the Water Resources Report for the Rapson Subdivision dated June 2021, confirm the annual water demand for the subdivision is 3.0 acre-feet for 300 years (1.50 acre-feet/lot/year). With an annual demand of 3.0 acre-feet and a total available supply of 3.0 acre-feet/year, there appears to be a sufficient water supply to meet the water demands of the Rapson Subdivision.

7. The water quality requirements of Section 8.4.7.B.10.g., of the Land Development Code must be satisfied.

8. Therefore, based on the Water Supply Information Summary, based on the finding of sufficiency and no injury by the State Engineer, based on the Determination of Water Right 3637-BD and Replacement Plan No. 3637-RP, and based on the requirements below, the County Attorney's Office recommends a finding that the proposed water supply is sufficient in terms of quantity and dependability. El Paso County Public Health shall provide a recommendation as to water quality.

REQUIREMENTS:

A. Applicant and its successors and assigns shall comply with all requirements of Determination of Water Right 3637-BD and Replacement Plan No. 2-3637-RP, specifically, that water use shall not exceed 3.0 acre-feet annually for the 2-lot subdivision; and that all stream depletions will be replaced with non-evaporative septic system return flows for a period of 300 years.

B. The County prefers that when there is a plan for replacement, Applicant create a homeowners' association ("HOA"); however, alternatively to establishing an HOA, especially for minor subdivisions such as this, Applicant 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 Colorado Ground Water Commission Determination 3637-BD and Replacement Plan No. 3637-RP, as well as their obligations to comply with the plan for replacement, including, but not limited to, ensuring that return flows by the use of non-evaporative septic systems are made to the stream systems, and that such return flows shall only be used to replace depletions and shall not be sold, traded, or assigned in whole or in part for any other purpose. The Covenants more specifically shall require the Dawson aquifer wells to serve on each lot 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 wells. In addition, the Covenants shall advise future lot owners of this subdivision and their successors and assigns of their obligations regarding costs of operating the plan for replacement. Such Covenants shall also address responsibility for any metering and data collecting that may be required regarding water withdrawals from wells pursuant to the plan for replacement and shall protect the viability of the water supply by placing limitations in the Covenants as to amendments and termination as applied to said water supply.

The covenants shall address the following:

1) Identify the water rights associated with the property. The Covenants shall reserve 900 acre-feet (450 acre-feet per lot) of not-nontributary Dawson aquifer water pursuant to Colorado Ground Water Commission Determination 3637-BD and Replacement Plan No. 3637-RP, to satisfy El Paso County's 300-year water supply requirement for the 2 lots of the Rapson Subdivision.

2) Require evaporative septic systems and reserve return flows from the same. The Covenants shall require each lot owner to use non-evaporative septic systems during 300 years of pumping, shall reserve said return flows to replace depletions during pumping, and shall state that said return flows shall not be 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."

3) The following or similar language shall be included in the Covenants to address future conveyances of the lots subsequent to the initial conveyance made by Applicant/Declarant: "The water rights referenced herein shall be explicitly conveyed; however, if a successor lot owner fails to so explicitly convey the water rights, such water rights shall be intended to be conveyed pursuant to the appurtenance clause in any deed conveying said lot, whether or not the plan for replacement in Colorado Ground Water Commission Determination 3637-BD and Replacement Plan No. 2-3637-RP and the water rights are specifically referenced in such deed. The water rights so conveyed shall be appurtenant to the lot with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title."

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

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

> "Notwithstanding any provisions herein to the contrary, no changes, amendments, alterations, or deletions to these Covenants may be made which would alter, impair, or in any manner compromise the water supply for the Rapson Subdivision pursuant to the plan for replacement in Colorado Ground Water Commission Determination 3637-BD and Replacement Plan No. 2-3637-RP. 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 a Determination from the Colorado Ground Water Commission, with prior notice to the El Paso County Planning and Community Development for an opportunity for the County to participate in any such adjudication."

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

"These Covenants shall not terminate unless the requirements of Colorado Ground Water Commission Determination 3637-BD and Replacement Plan No. 2-3637-RP are also terminated by order of the Commission, and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County."

C. Applicant or its successors and assigns shall reserve in the Covenants and in any deeds of the Property the decreed amount of at least 1.50 acre-feet per lot annually and shall reserve a total decreed amount of at least 3.0 acre-feet/year of Dawson aquifer water for the 2 lots in the subdivision for 300 years for a total of 900 acre-feet for the 2-lot subdivision for 300 years. Said reservation shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for primary and replacement supply. Applicant shall convey by recorded warranty deed these reserved Dawson aquifer water rights to the individual lot owners pursuant to Colorado Ground Water Commission Determination 3637-BD and Replacement Plan No. 3637-RP. Applicant or its successors and assigns shall, at the time of lot sales, convey by warranty deed to individual lot owner(s) sufficient water rights in the Dawson aquifer underlying the lots to satisfy El Paso County's 300-year water supply requirement. Dawson aquifer requirements for each lot are as follows: 450 acre-feet for each lot (1.50 acre-feet/year x 300 yrs.). Said conveyance instruments shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for the primary supply and replacement during pumping for the respective lots. Applicant shall provide said Covenants or other such reservation instrument and form deeds for such conveyances that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney's Office prior to recording of the minor subdivision plat.

Any and all conveyance instruments shall recite as follows:

For the water rights and return flows conveyed for the primary supply (Dawson aquifer): "These water rights conveyed, and the return flows therefrom, are intended to provide a 300-year supply, and replacement during pumping, for each of the 2 lots of the Rapson Subdivision. The water rights so conveyed, and the return flows therefrom, shall be appurtenant to each of the respective lots with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title."

D. Applicant or its successors and assigns shall submit Declaration of Covenants, Conditions, and Restrictions and any plat notes required herein to the Planning and Community Development Department and the County Attorney's Office for review, and the same shall be approved by the Planning and Community Development Department and the County Attorney's Office before the final plat will be recorded. Said Declaration shall cross-reference Colorado Ground Water Commission Determination 3637-BD and Replacement Plan No. 2-3637-RP and shall identify the obligations of the individual lot owners thereunder.

E. Applicant or its successors and assigns shall record all applicable documents, including, but not limited to, Colorado Ground Water Commission Determination 3637-BD and Replacement Plan No. 2-3637-RP, agreements, assignments, and warranty deeds regarding the water rights, and Declaration of Covenants in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

F. As further noted by the State Engineer's Office, 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. John Green, Planner II

Exhibit A
Replacement Plan No. 2 - Determination No.: 3637-BD

Designated Basin Summary Table for William Rapson Pumping Rate of 3 acre-feet per year for 300 Years from the Dawson aquifer Section(s): Section 14, T11S, R65W, 6th P.M.							
Year	Pumping (Q) (AF/YR)	Annual Depletion (q) (AF/YR)	Depletion as a % of Pumping (q/Q)	Year	Pumping (Q) (AF/YR)	Annual Depletion (q) (AF/YR)	Depletion as a % of Pumping (q/Q)
5	3.0	0.000	0.00	155	3.0	0.046	1.55
10	3.0	0.000	0.01	160	3.0	0.049	1.62
15	3.0	0.000	0.02	165	3.0	0.051	1.68
20	3.0	0.001	0.03	170	3.0	0.053	1.75
25	3.0	0.002	0.05	175	3.0	0.055	1.82
30	3.0	0.002	0.08	180	3.0	0.057	1.89
35	3.0	0.003	0.11	185	3.0	0.059	1.96
40	3.0	0.004	0.15	190	3.0	0.061	2.02
45	3.0	0.006	0.19	195	3.0	0.063	2.09
50	3.0	0.007	0.23	200	3.0	0.065	2.16
55	3.0	0.008	0.28	205	3.0	0.067	2.23
60	3.0	0.010	0.33	210	3.0	0.069	2.29
65	3.0	0.012	0.39	215	3.0	0.071	2.36
70	3.0	0.013	0.44	220	3.0	0.073	2.43
75	3.0	0.015	0.50	225	3.0	0.075	2.49
80	3.0	0.017	0.56	230	3.0	0.077	2.56
85	3.0	0.019	0.62	235	3.0	0.079	2.63
90	3.0	0.021	0.69	240	3.0	0.081	2.69
95	3.0	0.022	0.75	245	3.0	0.083	2.76
100	3.0	0.024	0.81	250	3.0	0.085	2.82
105	3.0	0.026	0.88	255	3.0	0.087	2.89
110	3.0	0.028	0.94	260	3.0	0.089	2.95
115	3.0	0.030	1.01	265	3.0	0.091	3.02
120	3.0	0.032	1.08	270	3.0	0.092	3.08
125	3.0	0.034	1.14	275	3.0	0.094	3.15
130	3.0	0.036	1.21	280	3.0	0.096	3.21
135	3.0	0.038	1.28	285	3.0	0.098	3.27
140	3.0	0.040	1.35	290	3.0	0.100	3.34
145	3.0	0.042	1.41	295	3.0	0.102	3.40
150	3.0	0.044	1.48	300	3.0	0.104	3.46

Created by wad on August 27, 2020
Values for 'Depletion as a % of Pumping' (q/Q) are not calculated when the pumping rate (Q) is changed to anything but zero

El Paso County, CO
Public Health
Prevent • Promote • Protect

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10675 Hardy Road, MS-21-3

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

- **The existing 19.6-acre developed lot is proposing 1 lots at 5.007 acres in size and 1-developed lot of 14.337 acres. All lots will be served water by individual private wells, and wastewater by onsite wastewater treatment systems (OWTS's).**

- **There is a finding for sufficiency in terms of water quality based upon the sample results of Colorado Analytical Laboratories, Inc., dated 15Jan2021, for confined aquifer parameters, and the ACZ Laboratories, Inc., for radiological results.**

    - **There was a positive result for coliform bacteria included with the sample results. The report indicated the sample was taken from newly installed water lines. Positive coliform samples are not uncommon in new water lines exposed to contamination by soil. El Paso County Public Health recommends re-sampling after the water lines are chlorinated. NOTE: The sample was negative for E. Coli.**

- **The wastewater reports submitted by JDM Consulting, LLC. dated 3Aug2020, the RMG Engineering, Inc., Soil, Geology and Wastewater Study dated 8Jan2021, and the JDS Hydro Consultants, Inc., report dated February 2021, all support suitability of the property for use of an onsite wastewater treatment system (OWTS). A design of the proposed OWTS by was included with the project.**

- **Radon resistant construction building techniques/practices are encouraged in this area. The EPA has determined that Colorado, and specifically the El Paso County area, have higher radon levels than other areas of the country.**

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13April2021