

Commissioners:

Darryl Glenn (President)

mark Waller (President Pro Tempore)

Stan Vanderwerf

Longinos Gonzalez

Peggy Littleton

Planning and Community Development

Craig Dossey, executive Director

December 5, 2017

Grant, Clive and Karen Revocable Trust

1315 Walsen Road

Colorado Springs, CO 80921

Dear Applicant and/or Consultant:

Subject: Comment Review Letter – Grant Minor Subdivision – (MS-17-005)

**The purpose of this letter is to provide you with the review agency responses to the above named development application that have been received to-date by Planning and Community Development.**

**You are encouraged to directly contact those agencies that did provide review comments if the comments require additional action by the applicant/applicant’s representative. You are also encouraged to directly contact those agencies that did not provide review comments if such response is required by state statutes and the El Paso County Land Development Code.**

**EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT**

Comments from the Planning and Community Development Department are provided via redlines to submittal documents which have been uploaded onto the project page in EDARP. Some comments that have not been attached as redlines are provided below.

**Current Planning**

Comment 1:

Attachment: Comment\_MS-17-005\_1.docx

The letter of intent needs to be revised to include a request for waivers of the requirements for a subdivision and lots to have frontage on a public road. Suggested language has been included in a redline version of the letter of intent.

Comment 2:

Attachment: Comment\_MS-17-005\_2.docx

The property is located adjacent to an unimproved extension of the Walson Road right-of-way. A license agreement is needed to continue to use this without any public improvements. A sample of one has been provided for customization for this project.

Comment 3:

See specific comments on plat for review and revision.

**Engineering Division**

Engineering redline on the following pdfs will be uploaded by the project manager: - drainage letter - final plat.

**ELPASO COUNTY CCOMMUNITY SERVICES DEPARTMENT**

**ENVIRONMENTAL**

The El Paso County Environmental Division has completed its review of the above referenced project. Our review consisted of the following items: wetlands, federal and state listed threatened or endangered species, general wildlife resources and noxious weeds.

1. The applicant is hereby requested to consult with the United States Corps of Engineers. The applicant is on notice that the USCOE has regulatory jurisdiction over water and wetlands. It is the applicant’s responsibility, and not El Paso County’s, to ensure compliance with all applicable laws and regulations, including, but not limited to, the Clean Water Act.
2. The project lies within or adjacent to an area with documented noxious weeds including spotted knapweed, bouncing bet, diffuse knapweed and common mullein. It is the applicant’s responsibility, and not El Paso County’s, to ensure disclosure of and compliance with all applicable laws and regulations, including but not limited to the Colorado Noxious Weed Act and the El Paso County Weed Management Plan.

We appreciate the opportunity to comment on this project. If you have any questions or concerns, please contact me at (719) 520-7879.

**COLORADO STATE FOREST SERVICE**

The primary wildland fuel type for this proposal is grassland with scattered deciduous trees having a low wildfire hazard potential. No special fire mitigation plans or other actions are necessary for final approval by the Colorado State Forest Service.

However, it is strongly recommended that the homeowners do defensible space around any structures in accordance with “Protecting Your Home From Wildfire: Creating Wildfire-Defensible Zones“ FIRE 2012-1 located on the Colorado State Forest Service website.

http://csfs.colostate.edu/pdfs/FIRE2012\_1\_DspaceQuickGuide.pdf

Respectfully,

Larry long

Larry Long C.F.

District Forester

719/687-2921

larry.long@colostate.edu

**ELPASO COUNTY CONSERVATION DISTRICT**

The Epccd board of directors and District Conservationist have no comments at this time.

**ELPASO COUNTY PARKS DEPARTMENT**

The Planning Division of the Community Services Department has reviewed the development application for Grant Minor Subdivision and has the following comments of behalf of El Paso County Parks. This application will be presented to the Park Advisory Board on December 13, 2017.

Grant Minor Subdivision is a two residential lot minor subdivision totaling 41 acres. The property is located near the intersection of Walsen Road and Pleier Drive, along the banks of Smith Creek, east of the Gleneagle neighborhood.

The 2013 El Paso County Parks Master Plan shows the proposed Smith Creek Secondary Regional Trail corridor located within the proposed subdivision, adjacent to Smith Creek. From Fox Run Regional Park 1.35 miles to the north, the proposed Smith Creek Secondary Regional Trail generally follows the Smith Creek drainage, crossing the applicant’s property, before continuing to aforementioned Northgate Open Space, an additional .35 mile to the west. Consistent with the Land Development Code, El Paso County Parks may request a 25-foot-wide trail easement where proposed improvements and/or infrastructure may impact existing or proposed County trails. The Master Plan identifies this trail as a long-term priority, and no funds are currently allocated for the construction of the trail.

The Smith Creek Secondary Regional Trail is located primarily within potentially sensitive wildlife habit for the Preble's Meadow Jumping Mouse (PMJM). Due to this wildlife habitat concern along Smith Creek, as well as existing residential structures on the subject property, the exact trail corridor location and subsequent trail easement are indefinable at this time. Furthermore, in areas where trail alignments may be within potential PMJM habitat, County Parks coordinates with El Paso County Environmental Services and the US Fish and Wildlife Service. This ensures an acceptable final trail alignment and that best management practices are intended to mitigate PMJM habitat impacts.

Due to these trail easement alignment concerns, El Paso County Parks staff recommends that a plat note be added the first page of the minor subdivision final plat stating the following:

“Due to the currently indefinable nature of the proposed Smith Creek Secondary Regional Trail corridor, EPC may request a 25’ regional trail easement in the future.”

Parks staff also recommends fees in lieu of land for regional park purposes in the amount of

$814 as shown on the attached Subdivision Review Form.

\*Recommended Motion:

Recommend to the Planning Commission and Board of County Commissioners that approval of the Grant Minor Subdivision include the following conditions: (1) Require a plat note stating the following: “Due to the currently indefinable nature of the proposed Smith Creek Secondary Regional Trail corridor, EPC may request a 25’ regional trail easement in the future,” and (2) require fees in lieu of land dedication for regional park purposes in the amount of $814.

Please let me know if you have any questions or concerns. Sincerely,

Ross A. Williams Park Planner Planning Division

Community Services Department rosswilliams@elpasoco.com

**COLORADO DIVISION OF WATER RESOURCES**

We have received the submittal concerning the above referenced proposal to subdivide a 41± acres tract of land into two new lots. The first lot would be approximately 11.04 acres, and the second approximately 30.0 acres. Our records indicate that an existing well with Permit No. 81317-F is located on the property. The proposed supply of water to the subdivision will be individual on-lot wells for each lot, with wastewater being disposed of through individual on-lot septic disposal systems.

Water Supply Demand

According to the Water Supply Information Summary received in the submittal, the estimated water demand for the development is 1.0 acre-feet/year/household. Based on the Division 2 Water Court case no. 2016CW3066 this amount breaks down to 0.35 acre-feet/year for in house use, 0.6 acre-feet/year for 10,500 square feet of home gardens and lawns, and

0.05 acre-foot per year for up to 4 large domestic animals.

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

Source of Water Supply

The anticipated source of water is to be provided by on-lot wells producing from the Dawson aquifer that will operate pursuant to the augmentation plan decreed by the Division 2 Water Court in case no. 2016CW3066. This case adjudicated water in the Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers underlying the 41 acres of land which make up the entire proposed Grant Minor Subdivision.

According to the decrees entered by the Division 2 Water Court in case no. 2016CW3066, the following amounts of water shown in Table 1, below, were determined to be available underlying the 41 acre property.

**Table 1** – Denver Basin Ground Water Rights

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Aquifer** | **Tributary Status** | **Volume (AF)** | **Annual Allocation 100 Year**  **(AF/Year)** | **Annual Allocation 300 Year**  **(AF/Year)** |
| Dawson | NNT | 600 | 6.0 | 2.0 |
| Denver | NNT4% | 1,496 | 15.0 | 5.0 |
| Arapahoe | NNT | 1,632 | 16.3 | 5.4 |
| Laramie-Fox | NT | 1,110 | 11.1 | 3.7 |

The plan for augmentation decreed in Division 2 Water Court case no. 2016CW3066 allows for diversion of 2.0 acre-foot annually from the Dawson aquifer for a maximum of 300 years.

Permit No. 81317-F was issued on September 7, 2017 pursuant to CRS 37-90-137(4) to use an existing well on the condition that this well is operated in accordance with the plan for augmentation approved by the Division 2 Water Court in case no. 2016CW3066. It appears that the well will be located on the property and can continue to operate under the existing well permit.

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

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

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

The State Engineer’s Office does not have evidence regarding the length of time for which this source will “meet the average annual demand of the proposed subdivision.” However, treating El Paso County’s requirement as an **allocation** approach based on three hundred years, the annual estimated demand, for the entire subdivision, is 2.0 acre-feet as allowed by the augmentation plan. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

# State Engineer’s Office Opinion

Based on the above, it is our opinion, pursuant to CRS 30-28-136(1)(h)(I), that the anticipated water supply can be provided without causing material injury to decreed water rights so long as the applicant obtains well permits issued pursuant to C.R.S. 37-90-137(2) and the plan for augmentation noted herein, for all wells in the subdivision and operates the wells in accordance with the terms and conditions of any future well permits.

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

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

Our opinion is qualified by the following:

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

# The amounts of water in the Denver Basin aquifers, and identified in Division 2 Water Court case no. 2017CW3066, was calculated based on estimated current aquifer conditions. For planning purposes the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 300 years used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.

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

Sincerely,

Ivan Franco, P.E.

Water Resource Engineer

cc: Steve Witte, Division 2 Engineer (via email)

Doug Hollister, District 10 Water Commissioner (via email)

**911 AUTHORITY –ELPASO/TELLER COUNTY**

No comment for 911 No new street names requested Thank you Justin

**MOUNTAIN VIEW ELECTRIC ASSOCIATION INC**

Mountain View Electric Association, Inc. (MVEA) has these comments about the following:

Project Name: Grant Minor Subdivision Project Number: MS 17-005

Description: Clive & Karen Grant are requesting approval for a minor subdivision on a 41 acre parcel at 1315 Walsen Road. The subdivision will consist of one 11 acre lot and a second lot of 30 acres. This property is located in Section 05, Township 12 South, Range 66 West.

This area is within MVEA certificated service area. MVEA will continue to serve this area according to our extension policy. Information concerning connection requirements, fees and upgrades under MVEA line extension policy can be obtained by contacting the Engineering Department of MVEA.

MVEA has no objection to the minor subdivision of the property at 1315 Walsen Road.

MVEA will be working with the land owner on any removal, relocation or new facilities along with the cost and easements required.

If additional information is required, please contact our office at (719) 495-2283.

Sincerely,

Cathy Hansen-Lee

Engineering Administrative Assistant

**PIKES PEAK REGIONAL BUILDING DEPARTMENT**

Regarding a request for approval of a final plat for the Grant Subdivision, Enumerations has the following comments: 1. Per Regional Building Code section RBC312.8, addresses must appear on plats. The applicant should contact Enumerations prior to plat to establish an address for Lot 2 of this subdivision. Lot 1 will retain the use of the existing address, 1315 Walsen Rd. 2. Enumerations will review the mylar prior to recording, for addressing, title block, street names and floodplain statement. An Enumerations fee of $10 per lot addressed will be due at the time of mylar review. Since one of the lots will use an existing address, no fee will be due for that lot, making the total fee due $10. 3. Provide a copy of the final recorded plat for our records. Floodplain has no comment or objection to this submittal. BRENT JOHNSON Enumerations Plans Examiner (719) 327-2888 www.pprbd.org

**NORTHERN EPC COALITION OF COMMUNITY ORGANIZATIONS, INC (NEPCO)**

NEPCO is providing the collective input from its membership that includes 8,800 homes and lots, 41 HOAs and 16,000 registered voters within and around Monument. The purpose of NEPCO, a volunteer coalition of Homeowner Associations in northern El Paso County, is to promote a community environment in which a high quality of life can be sustained for constituent associations, their members, and families in northern El Paso County. We collectively address growth and land use issues with El Paso County Planners and the Town of Monument, as well as addressing HOA issues of common interest among the members. NEPCO achieves this by taking necessary steps to protect the property rights of the members, encouraging the beautification and planned development and maintenance of northern El Paso County.

NEPCO’s general comments related to the Grant Minor Subdivision

1. NEPCO has noted that there is considerable documentation for an effort that proposes to separate 41 acres into two parcels, one of 11 acres and the other of 30 acres. A deeper look reveals that several of the documents are advisory only and that no actual inspection of the property has occurred (such as the US Fish and Wildlife Clearance letter that stipulates that there might be endangered species present and the owner should verify their presence). Given the Subdivisions proximity to Smith Creek, it is almost assured that the Preble’s Meadow Jumping Mouse is nearby.

2. NEPCO is concerned that the proposed Smith Creek Secondary Regional Trail is might be lost in the development plan. This proposed trail will connect Fox Run Regional Park to the new US Air Force Academy Visitor’s Center and hotel complex planned for the North Gate of the Academy.

Transportation/Access Concerns

1. The addition of a single-family residence does not require a Traffic Impact Study.

Future Concerns

1. Radon (likely to need mitigation)

2. A very low estimate of water usage (see Subdivision Summary Sheet) from the two wells proposed (the current one and an estimated future one). Although the Grants’ water court decision gives them rights to a huge amount of groundwater from different aquifers, the Grants were only allowed to take 2-acre feet per year from the Dawson aquifer (one-acre foot from each well). If/when the developer builds single family residences, the actual water use of these homes/families may well exceed this limitation by a great deal and additional well/water permits will be needed. The Water Court seems to have anticipated that future event already by granting the property over 48 acre-feet (total) of water availability in 4 different aquifers.

Conclusion:

NEPCO does not have any specific concerns about this development other than those stated above.

//SIGNED// //SIGNED//

Thomas M. Vierzba Larry Oliver

Vice President, NEPCO President, NEPCO

Chairman,

NEPCO Transportation and Land Use Committee

**COLORADO GEOLOGICAL SURVEY**

Colorado Geological Survey has reviewed the submittal for this property. For this review we received: request for review (El Paso County, 11.8.17), Letter of Intent (Grant, 7.14.17), Application Form (Grant,

6.25 and 9.5.17), Land Description (unknown entity and date), Fish and Wildlife letter (Fish and Wildlife, 6.22.16), Plat (Pinnacle Land Surveying Company, 7.10.17), Waste Water Report (RMG, 11.6.17), and Geologic and Soils Report (Grant, 9.14.17). We understand that the applicant will divide the single existing parcel into 2 parcels. Lot 1 will be about 11 acres and will retain the existing dwelling. Lot 2 will be about 30 acres of currently vacant land.

The site is located outside of any mapped flood hazard zones, is not undermined, and does not contain, nor is it exposed to, any identified geologic hazards that would preclude the existing and proposed residential use. CGS therefore has no objection to approval of the minor subdivision as proposed. However, we have several comments.

We understand that a Report Modification [as defined by El Paso County Subdivision Regulations 8.49(C)(2)(e)] has been authorized for this submittal. The Geologic and Soils Report identifies Pring (map symbols 71,72) and Tomah-Crowfoot (map symbol 93) as the soils underlying the site. As shown in the tables in the Soil Survey, Soil 93 is rated as moderate (slope) for building site and moderate (percs slowly) for septic tank and absorption fields. “Moderate” is defined on page 74 of the Soil Survey: “A moderate limitation indicates that soil properties and site features are unfavorable (emphasis added) for the specified use, but the limitations can be overcome or minimized by special planning or design.” The applicant

concludes in their report that “There are not adverse Geologic or Soils conditions on the Grant Subdivision.” While the constraints posed at the site are not severe, there are limitations that must be recognized and mitigated in the areas mapped as Soil 93. The Geologic and Soils Report should include the limitations of the soil and requirement for special planning and design for both the slopes and the slow percolation rates indicated for Soil 93. The final report should be recorded on the plat.

Soil 93 is found on side slopes of hills, such as at this site. While the shallow pits reported by RMG did not encounter bedrock (or groundwater) at the time they were excavated, the topography (ridge and swale) of the higher portions of the site indicate relatively shallow bedrock (~ <10 feet). Shallow bedrock conditions can produce “perched” groundwater conditions. In addition, the published geologic map identifies “Sheet-wash” (map unit Qsw) in the central portion of the property. Sheet-wash can be prone to consolidation or soil collapse after loading and/or wetting.

Site-specific investigations must be conducted for all future structures proposed for the subdivision. The site specific foundation investigations, including drilling, sampling, lab testing and analysis will be needed, to characterize soil and bedrock engineering properties such as density, strength, water content, and swell and consolidation potential; identify unstable and potentially moisture-sensitive (expansive and collapsible) soils and expansive claystone bedrock; and determine depths to groundwater and bedrock. Additionally, the investigation needs to develop specifications for subgrade preparation and structural fill placement, maximum cut and fill slope angles and heights, and design of foundations, floor systems, retaining walls, and surface and subsurface drainage.

The plat and other documents have a discrepancy that should be corrected regarding the Section number this minor subdivision is located in. It is recorded as Section 22 in the header of the plat and as Section 5 in the Land Description of the plat. Our evaluation indicates that the subdivision is in Section 5.

Thank you for the opportunity to review and comment on this project. If you have questions or need additional review, please call at (303) 384-2643, or e-mail jlovekin@mines.edu.

Sincerely,

Jonathan R. Lovekin, P.G. Senior Engineering Geologist

**ELPASO COUNTY HEALTH DEPARTMENT**

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

• The proposed lot #2 is a residential development site that when developed will be served water by an individual private well and wastewater through an on-site wastewater treatment system (OWTS).

• The existing OWTS, soil treatment area (STA) must be 100’ minimum from any well, and 10’ minimum from the proposed new lot line.

• The proposed new lot (Lot #2) will require compliance with the El Paso County Board of Health Regulations, Chapter 8, Onsite Wastewater Treatment Systems prior to development. The future new STA’s must be protected from any future construction and site development activities. Compaction of the STA by such activities may cause the area to be unsuitable for use. Recommend fencing the area during construction to minimize the potential for soil compaction. Adjacent property well locations were not shown on the Site Plan; therefore, be aware of the specific 100’ setback requirements.

• The Wastewater Disposal Report prepared by RMG Architects/Engineers dated 06Nov2017 indicated the soil in the area of proposed Lot #2 will support the installation of an OWTS. A soil profile excavation test pit is required in the area of the proposed STA as part of the OWTS Permit submittal process prior to any construction on the new Lot #2.

• A finding for sufficiency in terms of water quality is not required for the minor subdivision approval process.

Mike McCarthy, R.E.H.S.

El Paso County Public Health Environmental Health Division 719.575.8602 (O)

719.332.5771 (C)

mikemccarthy@elpasoco.com 06Dec2017

**NAME OF OUTSIDE AGENCY NOT REQUIRING A RESUBMITTAL- Use Matrix for Order**

**The following agencies have not provided review comments to-date:**

County Attorney

Health Department

Sheriff’s Department

CO Parks and Wildlife

US Fish and Wildlife

US Forest Service

Academy D-20

City of Colorado Springs

Tri-Lakes Land Use Committee

USAFA

Comments received from any of the above non-responding agencies following the issuance of this letter will be forwarded to the applicant/applicant’s representative and will be added to the end of this letter for record keeping purposes.

**Due to the number of comments and necessary revisions to the plan(s) an additional detailed review will be necessary. Please address the comments as listed above. A detailed letter needs to accompany the revisions to allow for an expeditious re-review timeframe. The letter should include each comment listed above and, immediately thereafter, include a response from the applicant addressing the comment.**

**If any review agency has an issue that needs resolution or requires a revision, you will need to provide the necessary documents, drawings, etc., to the Planning and Community Development Department in the form of a resubmittal. The Planning and Community Development Department will then forward the resubmitted items directly to the appropriate review agency. If you have any questions pertaining to specific agency comments please contact the appropriate agency directly.**

**PLEASE NOTE: The application cannot be scheduled for public hearing until and unless a final response has been received by Planning and Community Development from those agencies that are required (pursuant to state statute and the El Paso County Land Development Code) to provide such response (i.e.- State Engineer’s Office, County Attorney’s Office, County Health Department, etc).**

In order to be considered for the February 6, 2018 Planning Commission hearing, all outstanding issues must be resolved no later than January 16, 2018. In order to give the reviewers time to confirm that those outstanding issues have been resolved, revisions need to be submitted by January 2, 2018. Please contact me if you would like to schedule a meeting with myself or the multi-disciplinary team.

When all the comments have been addressed and corrections made please submit the required documents as requested on the attached resubmittal matrix.

If you have any questions feel free to contact me at

Best Regards,

Raimere Fitzpatrick, AICP, Project Manager/Planner II

El Paso County Planning and Community Development Department

cc: Gilbert LaForce, P.E., Engineering

File: MS-17-005