

MEGGAN HERINGTON, AICP, EXECUTIVE DIRECTOR

PLANNING AND COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Jay Carlson, Chair

FROM: Joseph Letke, Planner
Edward Schoenheit, Associate Engineer

RE: Project File Number: SF254
Project Name: Table Rock Homesteads Final Plat
Parcel Numbers: 5100000012 & 5100000026
Commissioner District: 1

OWNER:	REPRESENTATIVE:
Thaddeus J. Jarosz 8550 Kenosha Dr. Colorado Springs, CO 80908	MVE, Inc David Gorman (719) 635-5736
Planning Commission Hearing Date: 7/17/2025	
Board of County Commissioners Hearing Date: 8/28/2025	

EXECUTIVE SUMMARY

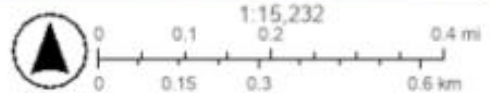
A request by Thaddeus J. Jarosz for approval of a 107-acre Final Plat creating 10 single-family lots. The property is within the RR-5 (Residential Rural) zoning district and is located a third of a mile east of the intersection of East Thunder Road and Gamblers Place.

Zoning and Vicinity Map



7/8/2025, 10:41:35 AM

- Streets & Roads
- Parcels
- County Zoning
- RR-5: Residential Rural (5 acres)



A. AUTHORIZATION TO SIGN: Final Plat, Subdivision Improvements Agreement, Detention Pond Maintenance Agreement and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. APPROVAL CRITERIA

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

- *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;*
- *Either 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 the Code, or, with respect to applications for administrative Final Plat approval, such finding was previously made by the BoCC at the time of Preliminary Plan approval;*
- *A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of the 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 the 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 the 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 the 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 of the Code;*
- *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 of the Code; 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.].*

C. LOCATION

North:	RR-5 (Residential Rural)	Grazing Land
South:	RR-5 (Residential Rural)	Single Family Residential
East:	RR-5 (Residential Rural)	Single Family Residential
West:	RR-5 (Residential Rural)	Single Family Residential

D. BACKGROUND

The two subject properties were initially zoned on September 20, 1965. The current zoning district, RR-5, permits for the creation of lots 5-acres or greater. The applicant is proposing a 10-lot subdivision on a total of 107 acres. The proposed lot sizes will be five 5-acre lots, three 10-acre lots, and two 20-acre lots. Access to the subdivision will be provided by extending the existing public roadway, Gambler Place, and constructing a new road named Sunset Prairie Lane.

E. LAND DEVELOPMENT CODE AND ZONING ANALYSIS

The Final Plat application meets the Final Plat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (as amended).

The applicant requests a Waiver from Section 6.3.3.C.2.c of the Code to allow a single access point, where two access routes are required. Pursuant to 6.3.3.C.2.c, access to a planned building area shall be provided by a minimum of 2 separate routes in accordance with the requirements of this Code and the ECM if the cul-de-sac exceeds the length allowed by the ECM. This request follows the approved deviation from the Engineering Criteria Manual (ECM) Section 2.3.8.A, which permitted a dead-end cul-de-sac exceeding 1,600 feet as part of the Gambler Place Road extension.

In approving a waiver from any of the subdivision design standards and requirements, the Board of County Commissioners shall find that the waiver meets the criteria for approval outlined in Section 7.3.3 (Waivers) of the Code:

- *The waiver does not have the effect of nullifying the intent and purpose of this Code;*
- *The waiver will not result in the need for additional subsequent waivers;*
- *The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;*
- *The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property;*
- *A particular non-economical hardship to the owner would result from a strict application of this Code;*
- *The waiver will not in any manner vary the zoning provisions of this Code; and*
- *The proposed waiver is not contrary to any provision of the Master Plan.*

In approving a Waiver for one access point where two are required, the Board of County Commissioners shall find that the Waiver meets the criteria outlined in Section 6.3.3.C.2 of the Code.

F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Large-Lot Residential

The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more, and are generally large and dispersed throughout the

area so as to preserve a rural aesthetic. The Large-Lot Residential placetype generally supports accessory dwelling units as well. Even with the physical separation of homes, this placetype still fosters a sense of community and is more connected and less remote than Rural areas. Large-Lot Residential neighborhoods typically rely on well and septic, but some developments may be served by central water and waste-water utilities. If central water and wastewater can be provided, then lots sized less than 2.5 acres could be allowed if; 1.) the overall density is at least 2.5 acres/lot, 2.) the design for development incorporates conservation of open space, and 3.) it is compatible with the character of existing developed areas.

Conservation design (or clustered development) should routinely be considered for new development within the Large-Lot Residential placetype to provide for a similar level of development density as existing large-lot areas while maximizing the preservation of contiguous areas of open space and the protection of environmental features. While the Large-Lot Residential placetype is defined by a clear set of characteristics, the different large-lot areas that exist throughout the County can exhibit their own unique characters based on geography and landscape.

Recommended Land Uses:

Primary

- *Single-family Detached Residential (Typically 2.5-acre lots or larger)*

Supporting

- *Parks/Open Space*
- *Commercial Retail (Limited)*
- *Commercial Service (Limited)*
- *Agriculture*

Analysis:

The proposed Final Plat is generally consistent with the Large-Lot Residential placetype due to its lot sizes, which range from 5 to 20 acres. The Master Plan recommends that development in this placetype preserve the rural character of the area. It notes that typical development consists of single-family homes on 2.5-acre lots. Because the proposed lots are significantly larger, the development is expected to have a smaller impact than what is typically anticipated for this area.

b. Area of Change Designation: Minimal Change: Developed

These areas have undergone development and have an established character. Developed areas of minimal change are largely built out but may include isolated pockets of vacant or underutilized land.

These key sites are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. For example, a large amount of vacant land in a suburban division adjacent to a more urban neighborhood may be developed and change to match the urban character and intensity so as to accommodate a greater population. The inverse is also possible where an undeveloped portion of an denser neighborhood could redevelop to a less intense suburban scale. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character can be maintained.

Analysis:

The proposed Final Plat is generally consistent with the Minimal Change: Developed area of change due to the scale of development. The Master Plan states *"are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character should be maintained."* This proposal is consistent with the current level of surrounding development, specifically the existing subdivision, Elk Creek Ranches Filing Number 1, located to the west. The two proposed 20-acre lots are generally consistent with undeveloped lands to the east and south of the subject properties.

The Table Rock Homestead subdivision is generally consistent with the Minimal Change: Developed Area of Change due to the proposed lot sizes being larger than anticipated by this placetype. The larger lots are consistent with the existing surrounding parcels and ensure the established character of the area is maintained.

c. Key Area Influences: The property is not located within a key area.

d. Other Implications (Priority Development, Housing, etc.)

There are no other implications associated with this project.

2. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage

best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

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

Goal 1.3 – *Promote awareness of environmental issues associated with water use.*

Goal 4.5 – *Plan for water resources in a thoughtful way that recognizes the nonrenewable nature of water resources in the area, accommodates existing and historical uses, and allows for sustainable, planned growth.*

See the Water section below for a summary of the water findings and recommendations for the proposed subdivision. The project will have water supplied by wells for each lot being created.

3. Other Master Plan Elements

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

The Master Plan for Mineral Extraction (1996) identifies stream terrace deposit 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.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

Geological hazards were identified during review of the Final Plat. These hazards include expansive soils, potentially unstable slopes, potential for elevated radon levels, and high ground water. These specific hazards are identified in Plat Note 10 located on the face of the plat. Additionally, the hazards which create no-build areas are graphically depicted on pages two and three of the plat drawings, specifically shown on Lots 5, 6, and 9. Mitigation measures for these lots include

engineered foundations and the prohibition of basements. It is recommended that any construction of structures on the lots should have lot specific subsurface soil investigations to determine what hazards could be encountered. Additionally, this investigation will determine an appropriate foundation design, and if basements or crawl spaces are suitable. The lot specific recommendations are engineered foundations or no basements.

2. **Floodplain:** The development is not located within a floodplain as identified in the FEMA Insurance Rate Map number 08041C0305G which has an effective date of December 7th, 2018. The property is in Zone "X" which is an area of minimal flood hazard determined to be outside the 500-yr flood zone.
3. **Drainage and Erosion:** The development is located within the East Cherry Creek Drainage Basin, (CYCY0200). This is an unstudied basin with no applicable drainage basis or bridge fees. Drainage on the property generally flows from the north to the Southeast into existing natural channels. The developer is responsible for constructing water quality control features to treat runoff from the new gravel roads which will be maintained by the Homeowners Association. No detention ponds are required due to the large lot and low impervious nature of the development. The Developer is responsible for improving and stabilizing the natural channels as part of the development. A drainage report was prepared by MVE, Inc. which concluded that the development will not have adverse effects on downstream or adjacent properties due to stormwater runoff.
4. **Transportation:** The development is located along Gambler Place Road which is a County maintained gravel local road located approximately one mile south of East Palmer Divide Avenue. The development will construct an extension of Gambler Place Road and a new local gravel road, Sunset Prairie Lane, both of which will add 0.64 miles of public gravel roads to the County Road network. The development is projected to generate approximately 94 daily trips to the surrounding road network. The subdivision is subject to the El Paso County Road Impact fee program pursuant to BoCC Resolution 24-377. A deviation from the Engineering Criteria Manual (ECM) Section 2.3.8.A was approved with Tri-Lakes Monument Fire District endorsement for a dead-end cul-de-sac with a length greater than 1,600 feet as part of the extension of Gambler Place Road.

H. SERVICES

1. Water

Water will be provided by individual onsite wells. Water sufficiency has been analyzed with the review of the proposed subdivision. The applicant has shown a sufficient water supply for the required 300-year period. The State Engineer and the County Attorney's Office have recommended that the proposed subdivision has an adequate water supply in terms of quantity and dependability. El Paso County Public Health has recommended that there is an adequate water supply in terms of quality.

2. Sanitation

Wastewater is provided by an on-site wastewater treatment system.

3. Emergency Services

The property is within the Tri-Lakes Monument Fire Protection District, which is committed to providing fire protection services to the proposed development. The District was sent a referral and has no outstanding comments related to this project.

4. Utilities

Electric is provided by Mountain View Electric Association, Inc. and natural gas is provided by Black Hills Energy.

5. Metropolitan Districts

There are no metropolitan districts associated with this project.

6. Parks and Trails

Fees in lieu of park land dedication in the amount of \$5,050.00 for regional park fees (Area 2) and \$0.00 for urban park fees (Area 1) will be due at the time of recording the Final Plat.

7. Schools

Fees in lieu of school land dedication in the amount of \$3,080.00 shall be paid to El Paso County for the benefit of Lewis Palmer School District 38 at the time of Final Plat recording.

I. STATUS OF MAJOR ISSUES

There are no major issues associated with this project.

J. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (as amended) staff recommend 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 Final Plat.
- 4.** Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
- 5.** The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of Final Plat recording.
- 6.** Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the Final Plat is recorded.

7. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated April 17, 2025, as provided by the County Attorney's Office.

NOTATIONS

1. The following fees are required to be paid to El Paso County at the time of Final Plat recordation:
 - a. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$5,050.00 and park fees in lieu of land dedication for urban parks (Area 1) in the amount of \$0.00.
 - b. Fees in lieu of school land dedication in the amount of \$3,080 shall be paid for the benefit of Lewis Palmer School District 38.
2. Final Plats not recorded within 24 months of Board of County Commissioners approval shall be deemed expired unless an extension is approved.
3. 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.
4. 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 No. 24-377, 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.

K. WAIVER REQUESTS

Should the Planning Commission and the Board of County Commissioners find that the Waiver request meets the criteria for approval outlined in Section 7.3.3 of the El Paso County Land Development Code (as amended), the following Waivers will be considered for approval:

1. A Waiver from Section 6.3.3.C.2.c of the Code to allow a single access point, where two access routes are required.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified seventeen (17) adjoining property owners on July 1, 2025, for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing.

M. ATTACHMENTS

Map Series

Letter of Intent

Plat Drawing

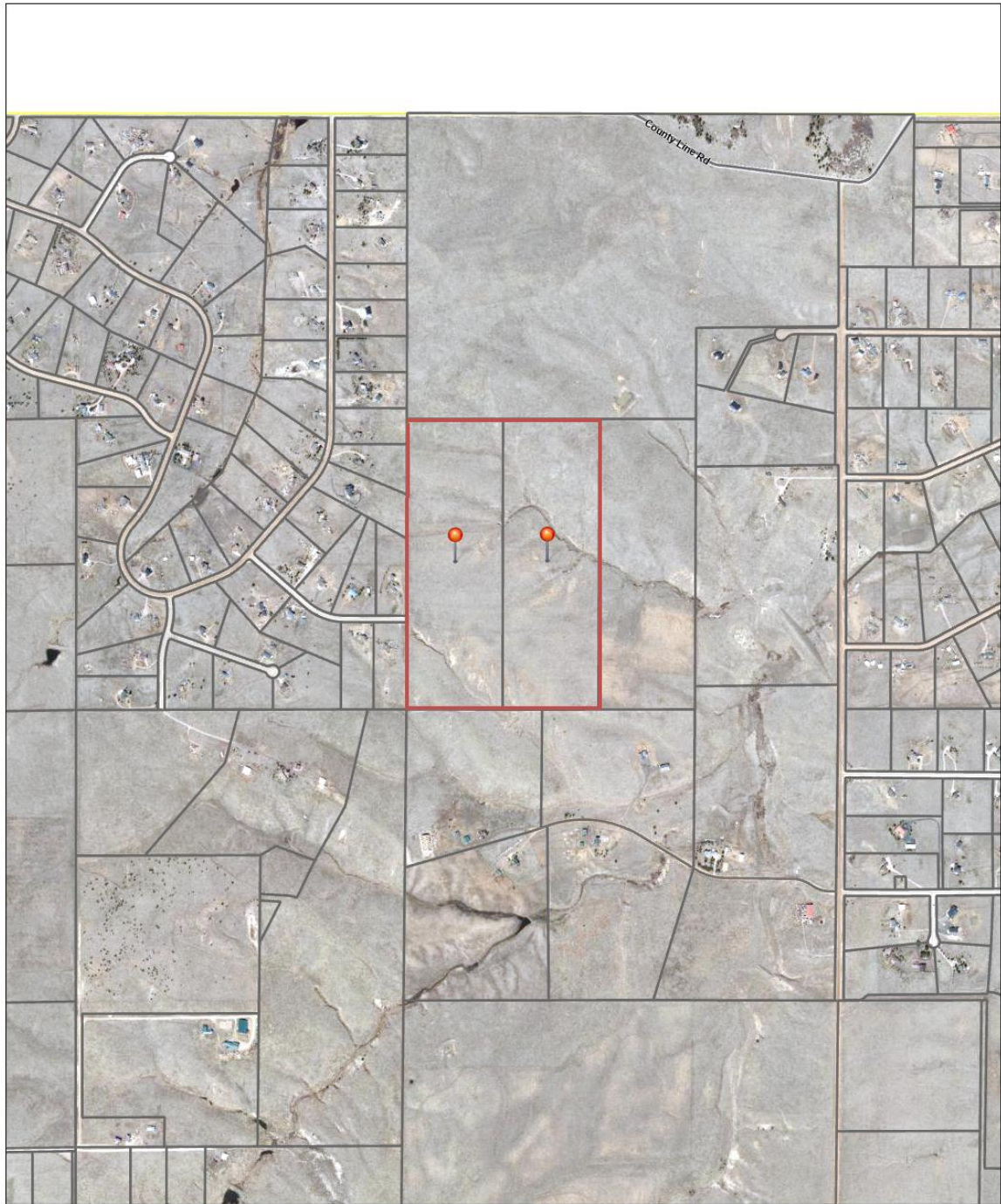
State Engineer's Letter

County Attorney's Letter

EPC Health Letter

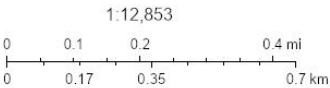
Draft Resolution

Map Exhibit #1 Aerial



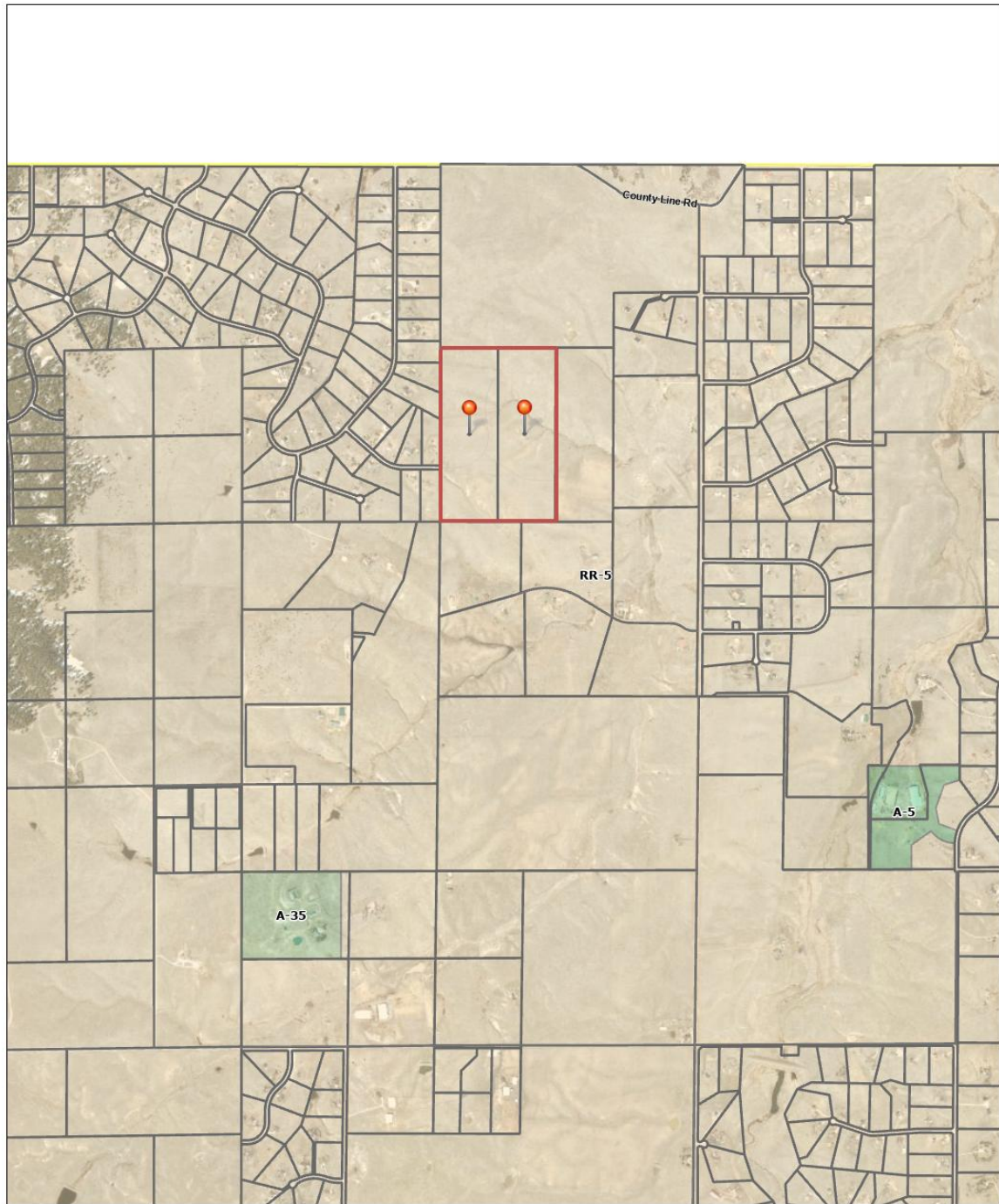
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- Streets & Roads
- Parcels
- Surrounding Counties



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Map Exhibit #2 Zoning



6/25/2025, 11:02:41 AM

- | | |
|----------------------|-----------------------------------|
| Streets & Roads | County Zoning |
| Parcels | A-5: Agricultural (5 acres) |
| Surrounding Counties | A-35: Agricultural (35 acres) |
| | RR-5: Residential Rural (5 acres) |

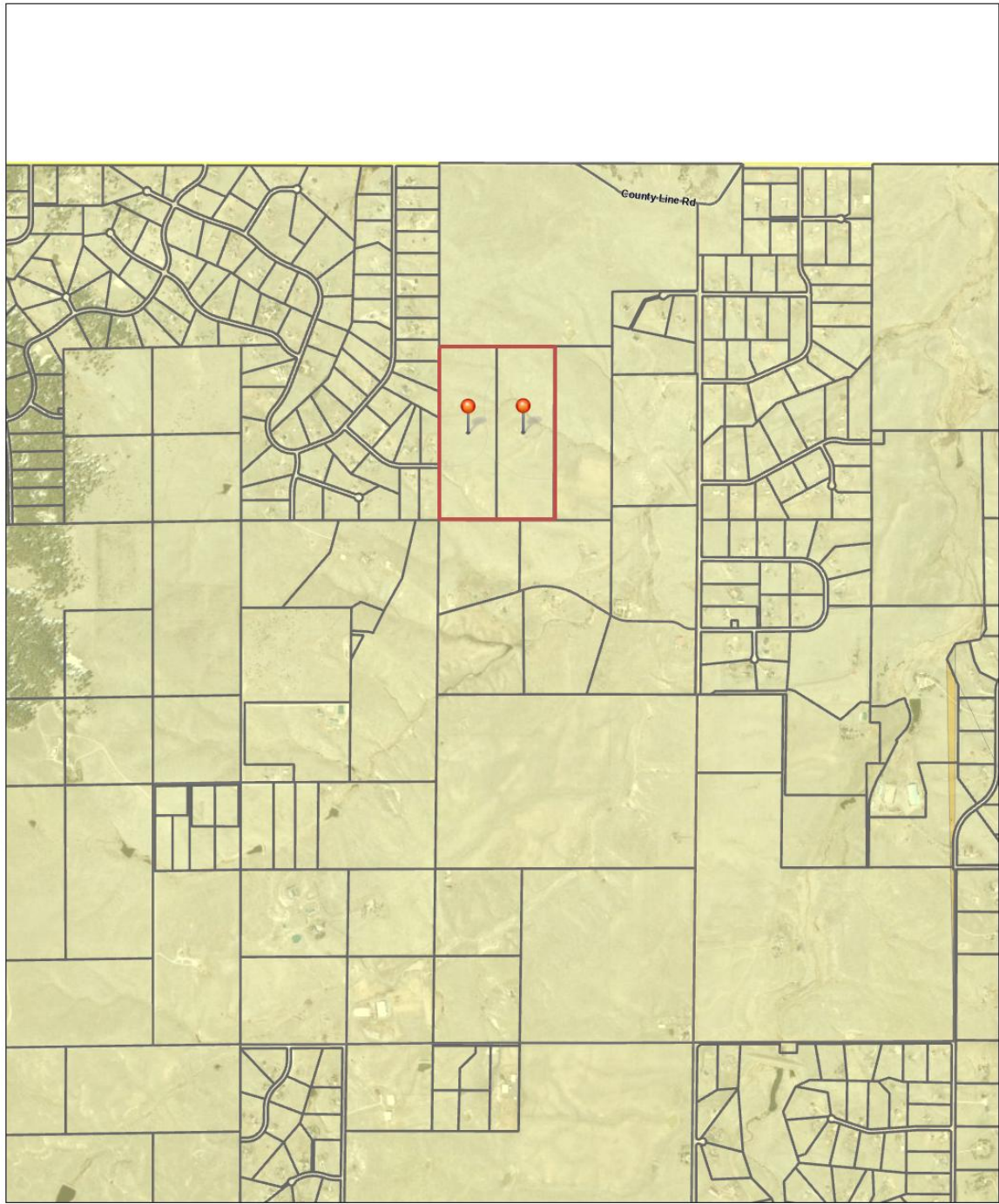
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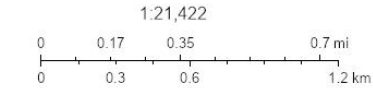
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Map Exhibit #3 Placetype



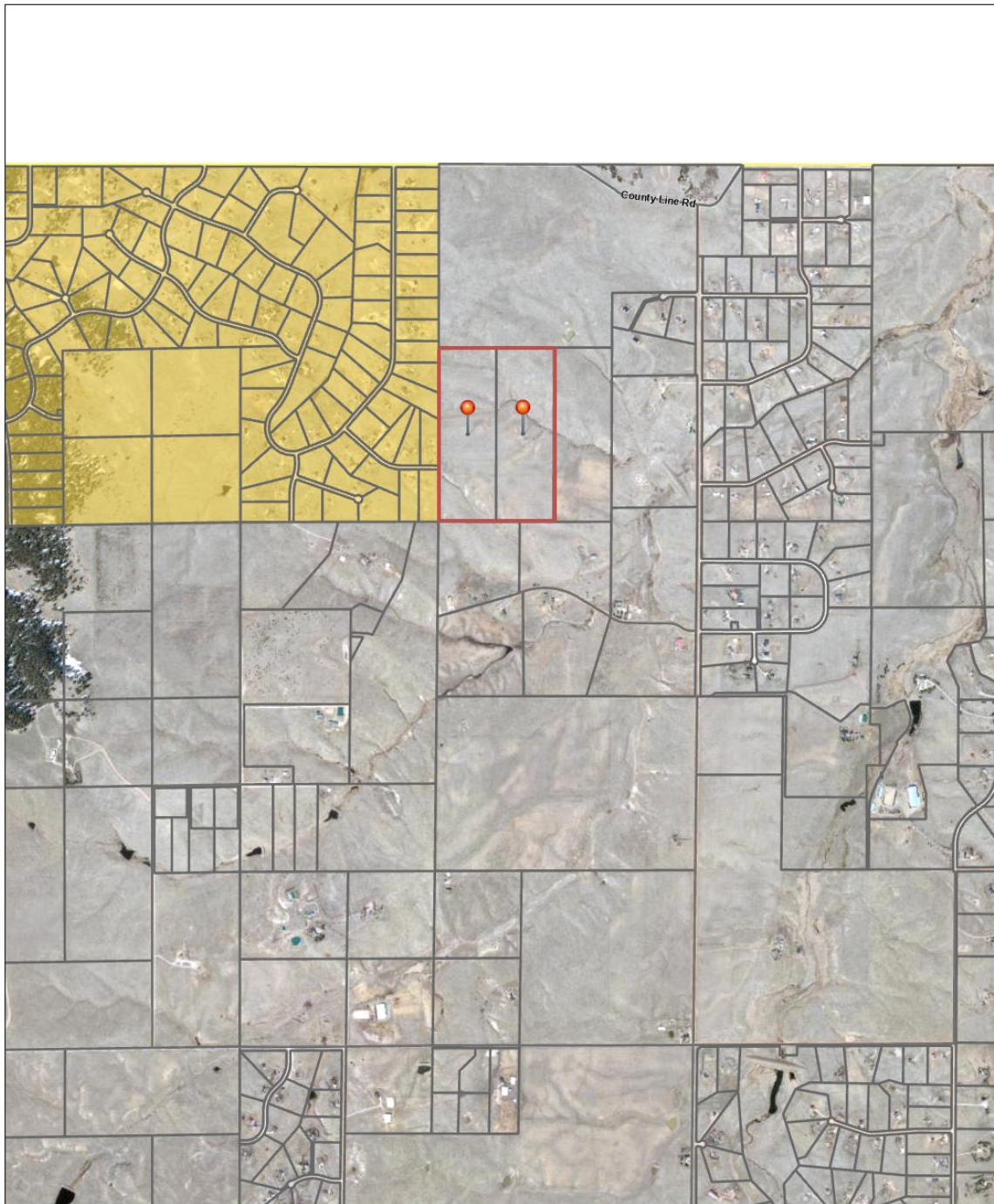
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- Streets & Roads
- Parcels
- Surrounding Counties
- Placetypes
 - Large-Lot Residential
 - Suburban Residential



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Map Exhibit #4 Key Areas



6/25/2025, 11:04:28 AM

- Streets & Roads
- Parcels
- Surrounding Counties
- KeyAreas
- Tri-Lakes Area

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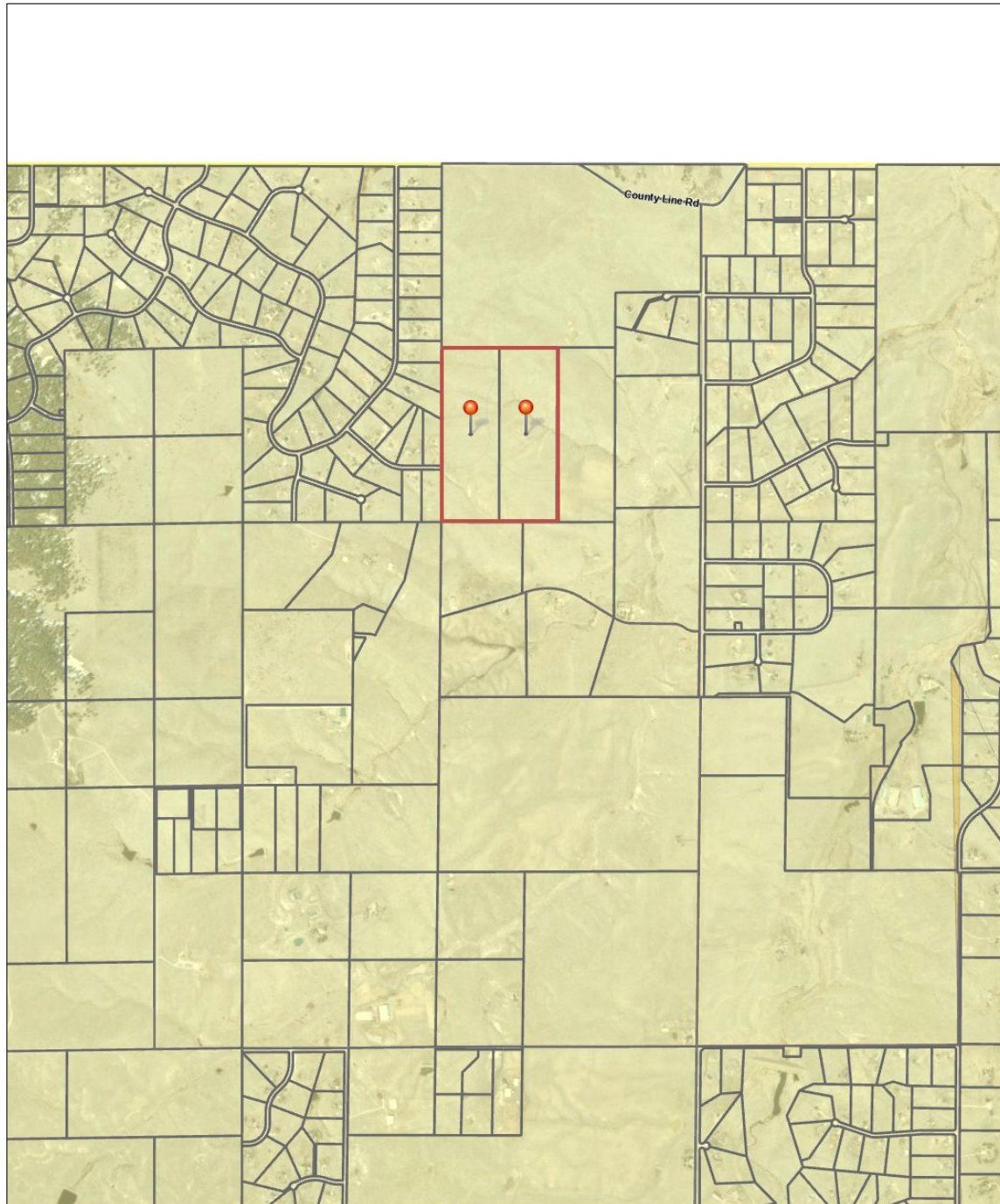
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Map Exhibit #5 Housing and Communities Framework



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- Streets & Roads
- Parcels
- Surrounding Counties
- Housing and Communities Framework
 - Large-Lot Residential
 - Suburban Residential

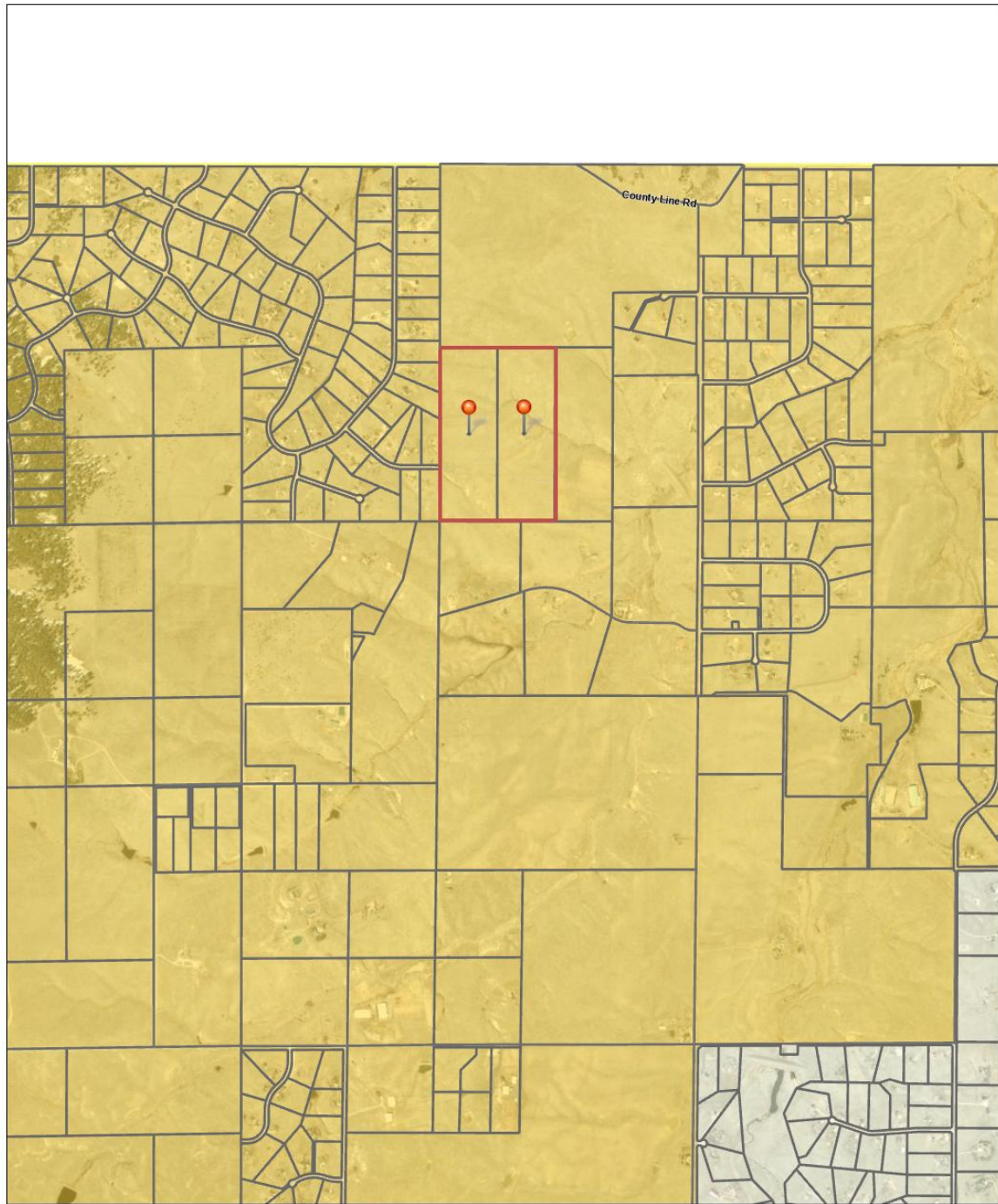
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Map Exhibit #6 Areas Of Change



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- Streets & Roads
- Parcels
- Surrounding Counties
- Areas Of Change
 - Minimal Change: Undeveloped
 - Minimal Change: Developed

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July 3, 2025

PCD File No. SF254

**LETTER OF INTENT
TABLE ROCK Homesteads
Final Plat**

Owner:

Ted Jarosz
8550 Kenosha Drive
Colorado Springs, CO 80908
(719) 201-4515

Applicant:

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

Site Location Size and Zoning:

The proposed plat is to be known as "Table Rock Homesteads" and is located within the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 6, Township 12 South, Range 65 West, of the 6th Principal Meridian in El Paso County, Colorado. The site is made up of two unplatted properties having El Paso County Tax Assessor's Schedule Numbers: 5100000012, 5100000026 and the address is to be determined. The site encompasses 106.364 \pm acres of land currently zoned RR-5 (Rural Residential 5 acres). The parcels are currently undeveloped.

The site is situated approximately 0.60 miles to the west of Black Forest Road and approximately 0.25 miles to the east of E. Thunder Road. E. Palmer Divide Road is about $\frac{1}{2}$ mile to the north of the site. Access for this undeveloped area is an existing road named Gambler Place.

Request and Justification:

The request is for approval of a Final Plat or subdivision to be known as "Table Rock Homesteads" containing 106.364 \pm acres collectively. The owner intends to subdivide the parcel into ten lots. The lots are sized per the following grouping: (5) +5 acre lots, (3) +10 acre lots and (2) +20 acre lots. Public roads will be constructed to access the proposed lots.

This final plat application for proposed Lots 1-10 is consistent with the requirements of their respective zoning such as: land use (single-family residential), lot size, minimum building setbacks, water supply, and wastewater disposal. The proposed lots are compatible with the surrounding land uses and neighborhood and coincide with the adjacent zoning and platted lot

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

sizes found in all directions being approximately 5 acres or larger. The ten lots will each have a single family residence with individual well & septic.

All lots will access a proposed gravel roadway of 32' in width with roadside ditches within a 60' public right-of-way extension of Gambler Place.

There are proposed drainage easements....,

This application meets the Final Plat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivisions in Chapter 8 of the El Paso County Land Development Code (2024). Final Plats are reviewed and approved in consideration of the review criteria found in the El Paso County Land Development Code. Each criteria is listed below followed by the appropriate justification.

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

The site is not located within a designated key area according to the Master Plan. The place-type for this area is “Large-Lot Residential” with primary land uses of Single-Family Detached. Supporting land uses for this place type are Agriculture, Commercial Retail, Commercial Service and Parks & Open Space. The proposed plat contains ten lots for future single-family residential use. All lots are larger than 5 acres. The proposed subdivision is in compliance with the intended place type shown in the master plan. Additionally, each lot is in compliance with the existing zone of the property, which is RR-5. The site is in an area of Minimal Change: Developed. The proposed development represented by this plat will maintain the existing rural character of property and is compatible with the surrounding land uses. In the Land Use category, Goal 1.1 is *“Ensure compatibility with established character and infrastructure capacity”*. This area of the County is conducive to rural residential development that allows residential use of property but preserves the natural character of the landscape. The proposed subdivision is compatible and identical to the existing neighborhood and surrounding development. The existing community character is preserved with this proposed final plat. The proposed density is less than allowed by zoning. The proposed density will not overburden the existing roadway infrastructure or capacity of the land to support the water and wastewater needs of the development. Goal 2.2 is *“Preserve the character of rural and environmentally sensitive areas”*. The proposed subdivision will keep the existing nature of the area intact. The five-acre lot density has reduced impact on environmental conditions. Density and land use are compatible with the surrounding area and the natural features of the site will remain preserved, even with the addition of ten new residences on the site.

A 32' width gravel surface roadway is proposed as an extension of Gambler Place with a cul-de-sac on both roadway segments at the termination point of the proposed right-of-way for an emergency vehicle turnaround. The typical section of the roadway follows County Standard Detail SD-2-10, a 32' width gravel section with a 4% crown with roadside swales of minimum 2' depth within the 60' section and an additional 5' of public improvement easement on each side.

M.V.E., Inc. • Engineers • Surveyors

1903 Lelaray Street, Suite 200 • Colorado Springs, CO 80909 • Phone 719-635-5736

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

The proposed subdivision is in compliance with the **2045 Major Transportation Corridors Plan (MTCP)**. The site is 0.60 miles to the west of Black Forest Road and approximately 2.5 miles to the east of Thunder Road. E. Palmer Divide Road (County Line Road) is about ½ mile to the north of the site. E. Palmer Divide Road and Black Forest Road, are public paved two-lane roads and are classified as a Rural Minor Arterial in the 2045 Major Transportation Corridors Plan. To the west of the site is a gravel public local roadway named Thunder Road. The proposed ten lot subdivision will not significantly impact the traffic on these roadways.

The proposed final plat is in compliance with the **Parks Master Plan**, which does not call for trails or parks in the site. Any required park fees will be paid at the time of plat recording. The proposed subdivision is also in compliance with the Master Plan for Mineral Extraction and the severed mineral right owners for this property have been notified.

The proposed subdivision is in compliance with the **El Paso County Water Master Plan (2019)**. The District Court, Water Division 1 Colorado, has decreed certain water rights and approved a plan for augmentation as necessary to allow use of the existing well (Permit No. 88703-F) and for the drilling of a second and third well for the subdivision in Case No. 21CW3202 recorded under reception number 223019283 of the records of El Paso County. The provision of sufficient water quantity is allowed by the decree and Plan for Augmentation. Water quality is demonstrated by the testing results contained in the Water Resources Report for this project. Water Supply Dependability will be a incorporated in the existing and proposed well facilities to be administered under approved State of Colorado Well Permits. The owner seeks a finding of sufficiency from the Colorado Division of Water Resources and El Paso County Board of County Commissioners along with the eventual granting of two additional well permits based on the decreed water rights. The proposed water demand for the site is 5.8 acre-feet per year for a total usage of 1740 acre-feet over a 300 year period.

Table Rock Homesteads is located within Region 2 in the Water Master Plan. The region is located north of Colorado Springs and generally along the I-25 corridor, including the Tri-Lakes area. The site is not located in a 2040 or 2060 designated Growth Area as determined in the Water Master Plan which predicts low-density developments being expected by 2040 for both the north and south sides of Hodgen Road, along the Highway 83 corridor. The Water Master Plan contains estimates of the demands and available supply by region at the years 2019, 2040 and 2060 Build-Out. The 2019/2040/2060 demands in Region 2 are estimated to be 7,532 acre-feet per year, 11,713 acre-feet per year, and 13,254 acre-feet per year, respectively. The 2019/2040/2060 supplies in Region 2 are estimated to be 13,607 acre-feet per year, 13,607 acre-feet per year, and 13,607 acre-feet per year, respectively, indicating a surplus of supply for the region at each time. A significant portion of the supply is derived from non-renewable Denver Basin groundwater.

According to the Water Master Plan, water providers within region 2 include Woodmoor WSD, Donala WSD, Triview MD, Town of Monument, Town of Palmer Lake, Forest View Acres WD, Academy WSD, Walden WSD, Park Forest WD, Forest Lakes MD, Palmer Lake Mobile Home Ranch, Grandview MHP, Pioneer Lookout WD, Elephant Rock MHP, Peak Shadow, and Pinon Pines MD. The Region 2 Expected Growth Areas Map

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provided in the WMP shows that the subject site and its immediate surroundings are not currently located in any *estimated area of development* or within any *district boundaries*.

A listing of some of the policies of the Water Master Plan that are supported by the proposed development follow: *Policy 4.1.3 – Support enhanced monitoring of sources of surface and tributary groundwater in the County*. The referenced decree requires use of metering for the wells to insure compliance with the terms of the permit; *Policy 6.2.1.2 – Encourage re-use of treated wastewater for irrigation and other acceptable uses when feasible*. Both the existing residence and the new single-family residences on all proposed lots will utilize onsite wastewater treatment systems which will provide “Return Flows” to the environment as a condition of the groundwater findings and order and the well permit.

2. *The subdivision is in substantial conformance with the approved preliminary plan.*

This is a proposed Final Plat and requires no Preliminary Plan for approval. The subdivision will be developed in accordance with the currently proposed land use applications.

3. *The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.*

The proposed Final Plat is prepared in accordance with applicable subdivision design standards. For all public improvements, construction drawings have been prepared and submitted and are in accordance with the provisions of the EPC Engineering Criteria Manual and other applicable standards.

4. *A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code.*

Water service is to be provided by individual on site wells operated under a State approved Water Augmentation Plan.

5. *A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code.*

Wastewater is intended to be treated via individual on site septic systems designed, constructed and operated under State and County Health Department rules and regulations and in accordance with the Groundwater Determination or future water decree.

6. *All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)].*

A soils report has been prepared for the site and the owner will comply with the recommendations of the report. Areas were encountered where the geologic conditions will impose some constraints on development and land use. These include areas of potentially expansive soils, potentially unstable slopes, potential seasonally and

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seasonally shallow groundwater, and the potential for elevated radon levels. Locations of On-site Wastewater Treatment Systems (OWTS) and structures can be mitigated through proper engineering design. In proposed Lots 3,4,5,6,8 and 9, there is a proposed drainage easement which will protect any development within potential drainageways. Based on the proposed subdivision, it appears that these areas will have minor impacts on the development. These conditions are discussed in further detail in the Soil, Geology, and Geologic Hazard Study produced by Entech Engineering, Inc.

7. *Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM.*

The proposed final plat is consistent with the submitted Final Drainage Report. The only Drainage facilities proposed with this development are to meet water quality standards and not for detention. The owner will comply with the requirements of the drainage report.

8. *Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM.*

Table Rock Homesteads Lots 1-10 shall have access to public Gambler Place connecting to E. Thunder Road. The public road is contained within a 60' public right-of-way. The roadway will be dedicated to El Paso County.

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

The site is located within the jurisdiction of the El Paso County Sheriff's Office. The sheriff's office currently provides police protection for the site and surrounding area. Table Rock Homesteads is part of the Monument Fire Protection District. Water and sanitary sewer provisions are discussed in items 4 & 5 above. The property is located within the service areas of Mountain View Electric Association and Lewis-Palmer School District No. 38 which will serve the subdivision. For natural gas connections, Black Hills Energy has agreed to serve this property. Transportation is being facilitated by the existing adjacent roadway system.

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

Table Rock Homesteads is part of the Monument Fire Protection District. A cistern will be installed for the fire department to have a back-up water supply. Building permits for each structure shall be in accordance with the requirements of the fire district as administered by the Pikes Peak Regional Building Department.

11. *Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8.*

All offsite impacts are determined to be insignificant with the addition of ten residences. The owner(s) will be responsible to pay park, school, drainage and Traffic Impact fees.

12. *Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated.*

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A Financial Assurance form has been included with this application. The platting of the site will include the collection of the applicable School Fees, Park Fees and Traffic Impact Fees due for this project.

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

The subdivision is in accordance with the Land Development Code with respect to zoning, lot size, building setbacks, provision of utilities and storm drainage.

14. *The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et seq.].*

There are no Mineral estate owners found for this site.

Requested Waiver:

A **waiver** from **LDC Section 6.3.3.C.2.c** is requested with this application. The provision is: *“Two Access Routes Required. Access to a planned building area shall be provided by a minimum of 2 separate routes in accordance with the requirements of this Code and the ECM if the cul-de-sac exceeds the length allowed by the ECM”*. The proposed subdivision gains access from a proposed extension of existing Gambler Place which currently dead-ends at the west property line of the site. No other public roadways are available for connection to the site. County Line road is located approximately ½ mile north and separated by privately owned property. The site is surrounded by developed and undeveloped parcels with the only public road connection being the end of Gambler Place on the west side. Black Forest Road is located slightly less than ½ mile east of the site and separated by two privately owned properties. Walker Road is located approximately 1½ miles south of the site and separated by four to five privately owned properties.

This project features two cul-de-sac dead end roads that allow public roadway access to all proposed lots. The proposed road layout extends a public road from existing Gambler Place all the way to the east property boundary. The proposed roadway extension allows for future connection to Black Forest Road with future development of the adjacent parcels. This project has also requested and received a deviation from Engineering Criteria Manual (ECM) standards, from the ECM Administrator, to allow the cul-de-sac length to exceed the standard rural cul-de-sac length. Monument Fire Protection District has reviewed the plat and given consent to the layout with the Fire Service Commitment Letter. Additionally, the fire district requires the installation of a fire cistern for the subdivision which is included and indicated on the construction plans.

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

1. The waiver does not have the effect of nullifying the intent and purpose of this Code.

The request for a waiver of the LDC section 6.3.3.C.2.c does not go against the intent and purpose of this code. This request is in line with the requirements set forth in the LDC. All roads will comply with all applicable design standards as evidenced by the current approval of construction plans by the county. The proposed subdivision lays the groundwork for future fulfillment of section 6.3.3.C.2.c requirements for this project and others that may be developed in the future.

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2. The waiver will not result in the need for additional subsequent waivers.

With the approval of this waiver, all proposed lots are provided with the required access necessary for their development. There will be no need for additional waivers due to this waiver.

3. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property.

The proposed public roadways will provide access to all lots and will be constructed in accordance with El Paso County standards and specifications. The proposed layout provides for future additional access points. Monument Fire Protection District has reviewed the plat. Recommendations of the fire district have been adhered to in the preparation of the approved road construction plans. The proposed public roadways of this subdivision will not pose a threat to the public safety, health, or welfare, nor will it be injurious to any other property.

4. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property.

Table Rock Homesteads is unique in that the 106.364± acre site is accessed by a single dead road and is not adjacent to any other nearby public roadways. Privately held parcels surround the site with separations between the site and other roadways of approximately 0.5 miles to 1.5 miles. The proposed roadway allows for future connection to Black Forest Road with potential future offsite development.

5. A particular non-economical hardship to the owner would result from a strict application of this Code.

With strict application of this code, the subdivision would be required to provide roadway through offsite properties which are not in control of the owner. There is no indication that said adjacent properties are considering development at this time. Therefore, there is no feasibility to obtain right-of-way over unknown routes through the multiple adjacent properties.

6. The waiver will not in any manner vary the zoning provisions of this Code.

The proposed roadway layout with single access does not alter and will comply with all zoning related provisions of this code.

7. The proposed waiver is not contrary to any provision of the Master Plan.

The proposed roadway layout with single access is in harmony with the goals of the master plan with regard to preserving place type characteristics, allowance of designated land use, and preserving natural features.

Existing and Proposed Facilities:

Gambler Place is an existing public gravel road used for access by residents of currently developed parcels adjacent to the site within Elk Creek Ranches Filing 1 subdivision. The proposed subdivision establishes an extension of Gambler Place within a 60' public right-of-way. The necessary road culverts will be placed as part of the roadway extension.

Site Drainage:

The development will have negligible and inconsequential effects on the existing site drainage and drainage conditions downstream. The relationships of the existing and proposed drainage

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flow quantities differ by the application of land use characteristics. In the existing conditions, the land use of pasture/meadow was applied and in developed conditions, the land use of “5-acre” was applied. This land use application reflects a 7% increase of impervious surfaces over the entire site. The majority of the site will actually remain pasture/meadow with an anticipated small amount of impervious area added which include a public gravel road to access the proposed lots, driveways, and 10 future homes. The Site Drainage is presented in the Final Drainage Report for the Table Rock Homesteads. Increases in storm flow rates due to the additional development is negligible.

Total Number Of Residential Units And Densities:

The gross area of Table Rock Homesteads is 106.364 acres. This includes ten proposed single family residential units. Residential lots range in size from 5 acres to +20 acres. The average lot size for the ten proposed lots is $10.6 \pm$ acres. The gross density of the site is 0.094 units per acre. Each lot meets the minimum lot size of 5 acres or greater.

Fire Protection:

Table Rock Homesteads is part of the Monument Fire Protection District. A cistern will be installed for the fire department to have a back-up water supply. The lots and homes are subject to the codes and policies adopted by the said district regarding fire protection.

Proposed Access Locations:

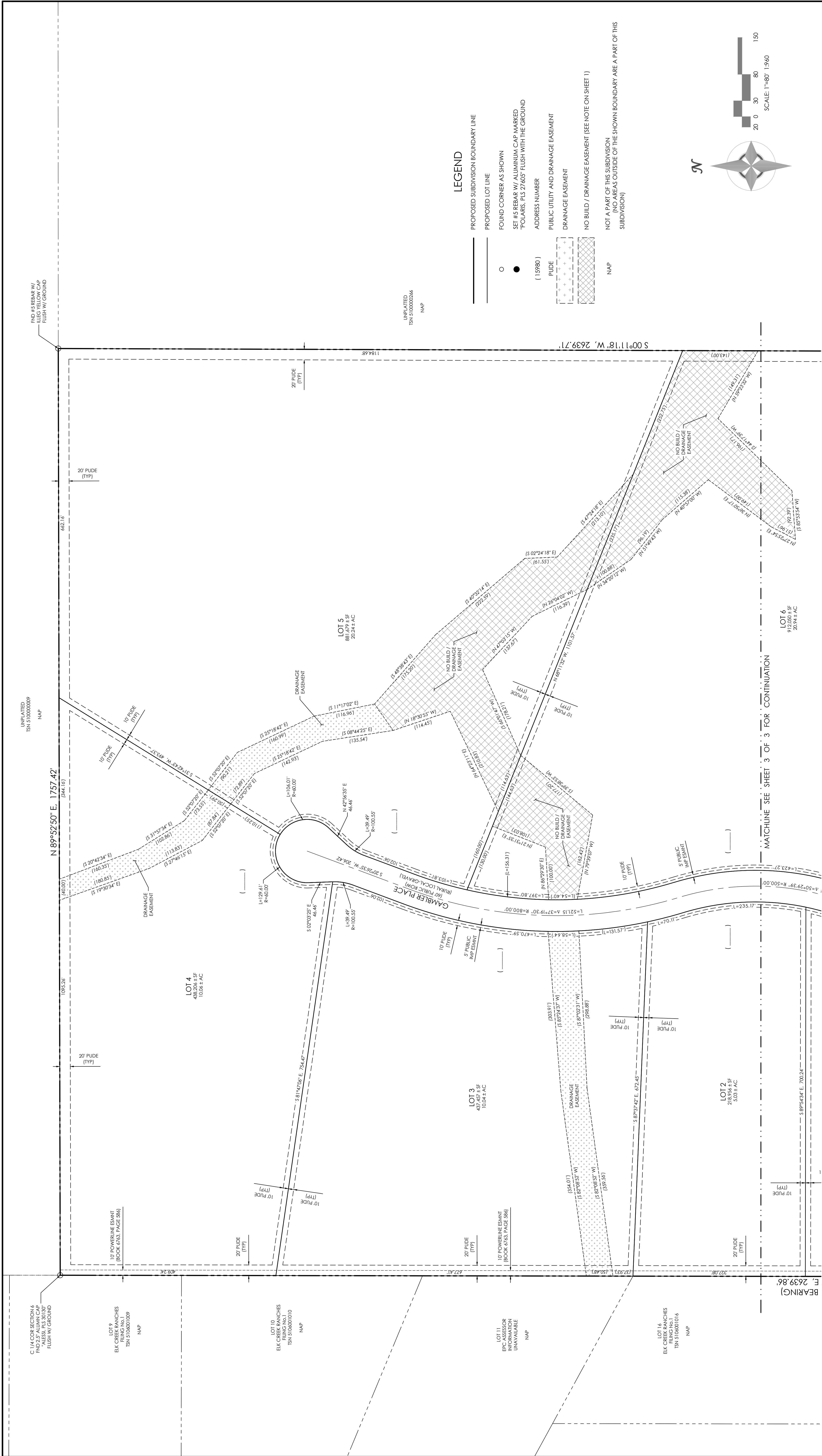
The current access location for Table Rock Homesteads is Gambler Place located at the west side of parcel 5100000012 (of the 2 parcels, this is the one furthest to the west). Gambler Place will be extended to access all 10 lots.

Traffic Impact and Traffic Impact Fees:

The property is approximately a mile south of County Highway 404 / East Palmer Divide Avenue at the County limits and is approximately a mile west of Black Forest Road. The proposed subdivision is accessed from an extension of the existing dirt roadway of Gambler Place that extends west through the Elk Creek Ranches Filing No. 1 subdivision near local rural roadway of Thunder Road West. The accesses to County Highway 404 are via Thunder Road East. There is no direct access to Black Forest Road.

A Traffic Impact Study was prepared by SM Rocha, dated January 2025. The study concluded that no public improvements are recommended.

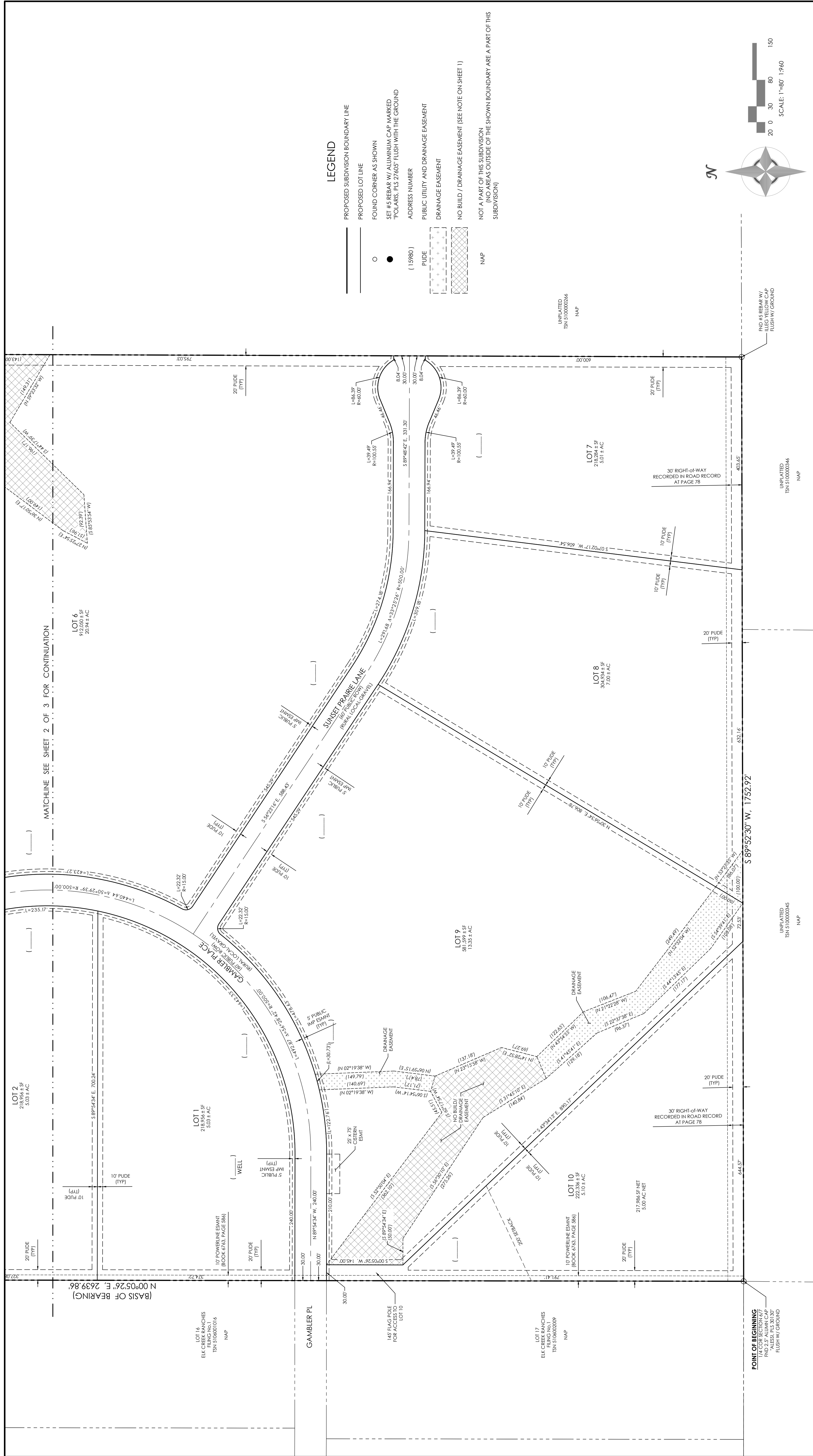
This development is subject to fees established by the El Paso County Road Impact Fee Program per El Paso County Resolution Number 19-471. Traffic Impact Fees will be paid at time of building permit.



PCD FILE NO: SF254

MINOR SUBDIVISION PLAT
TABLE ROCK HOMESTEADS

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PCD FILE NO: SF254

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February 26, 2024

Ashlyn Mathy, Project Manager

El Paso County Development Services Department

Transmitted via the EPC EDARP Portal: <https://epcdevplanreview.com>

RE: Table Rock Homesteads (aka Jarosz) Subdivision

Case No. SF254

Part of the SE ¼, Section 6, T11S, R66W, 6th P.M.

Water Division 1, Water District 8

Dear Ashlyn Mathy,

We have reviewed the submittal documents related to Table Rock Homesteads (aka Jarosz) Subdivision, concerning the above referenced proposal to subdivide approximately 106.36 acres into ten (10) single-family residential lots.

Water Supply Demand

Based on the water supply information summary and the January 21, 2025 Water Resource Report from MVE Inc. ("Report") the estimated annual water requirements total 7.9 acre-feet per year. This amount is broken down to 2.6 acre-feet per year for in-house use inside ten units, 2.9 acre-feet per year for landscape irrigation of 1.18 acres and 2.4 acre-feet per year for the watering of 40 heads of livestock. Further 1 acre-foot of the 7.9 acre-feet is proposed to be used by an existing well decreed in case no. 2024CW3077 as Gamber Well 1 and operating under permit no. 172352-A for in-house use (0.26 acre-feet per year), irrigation of 8,834 square-feet of lawn and garden (0.5 acre-feet per year) and the



watering of 4 horses or equivalent livestock (0.24 acre-feet per year). The remaining 6.9 acre-feet will be used by the proposed Gamber Well nos. 2-10 for in-house use (2.34 acre-feet per year total), irrigation of 4,711.4 square-feet of lawn and garden per lot (2.4 acre-feet per year total) and the watering of 4 horses or equivalent livestock per lot (2.16 acre-feet per year total for 36 horses or equivalent livestock).

Source of Water Supply

The proposed water source is individual on lot wells constructed in the Dawson aquifer operating pursuant to the decreed augmentation plan in case no. 2024CW3077 for nine of the ten residential lots and an existing exempt well operating under permit no. 172352-A for one lot.

The decree in case no. 2024CW3077 quantified the amount of water underlying a 107-acre parcel of which the 106.34 acres is a part. The following amounts of water were determined to be available underlying the 107-acre parcel:

Aquifer	Annual amount available for 107-acre parcel (acre-feet)		Type
	Based on 100 year allocation approach	Based on 300 year allocation approach	
Dawson	93.4	31.13	Not-Nontributary
Denver	81.90	n/a	Nontributary
Arapahoe	49.10	n/a	Nontributary
Laramie-Fox Hills	32.10	n/a	Nontributary

The decreed augmentation plan in case no. 2024CW3077 allows for the total annual withdrawal of 6.9 acre-feet from the not nontributary Dawson aquifer,

based on a 300-year allocation approach to be used in up to nine (9) wells. Indoor use will utilize approximately 0.2 acre-feet of water per year for each residence (1.8 acre-feet combined), with the remaining 0.56 acre-feet (5.04 acre-feet combined) per year pumping entitlement available for other uses including irrigation of lawn and garden and the watering of livestock.

There is an existing well on the property operating under permit no. 172352-A. Permit no. 172352-A was issued on May 31, 2005 as a replacement to the original well no. 172352 (abandoned), pursuant to section 37-92-602(3)(b)(II) C.R.S. as the only well on 53.30 acres described as that portion of the W 1/3 of the SE 1/4 of Sec. 6, Twp.11 South, Rng. 65 West, 6th P.M. for fire protection, ordinary household purposes inside not more than 3 single family dwelling(s), the irrigation of not more than 1 acre of home gardens and lawns, and the watering of poultry, domestic animals, and livestock on a farm or ranch. The well is constructed in the not nontributary Dawson aquifer. Section 37-92-602(3)(b)(III), C.R.S., requires that the cumulative effect of all wells in a subdivision be considered when evaluating material injury to decreed water rights unless the well satisfies the requirements of section 37-92-602(3)(b)(IV), C.R.S. According to the decree in case no. 2024CW3077 this well was decreed as Gamber Well 1 and will remain exempt pursuant to 37-92-602(3)(b)(II), C.R.S. and 37-92-602(3)(b)(IV), C.R.S. for use only on one of the new lots to be created on the Applicant's property.

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 in case no. 2024CW3077 are equal to one percent of the total amount, 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 annual amounts for a maximum of 100 years.

The *El Paso County Land Development Code*, Section 8.4.7.(B)(7)(b) states:

“(7) Finding of Sufficient Quantity

(b) Required Water Supply. The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of 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 proposed annual water demand equals the allowed average annual amount of withdrawal of 6.9 acre-feet per year, allowed by the augmentation plan in the case no. 2024CW3077. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

Any application for on lot well permits for Table Rock Homesteads (aka Jarosz) Subdivision, submitted by entities other than the water court Applicant in case no. 2024CW3077 (Thaddeus Jarosz) must include evidence that the Applicant has acquired the right to the portion of the water being requested on the application.

Additional Comments

The Applicant should be aware that any proposed detention pond for this project must meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), C.R.S., otherwise the structure may be subject to administration by this office. The Applicant should review DWR’s *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, attached, to ensure that

the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The Applicant is encouraged to use *Colorado Stormwater Detention and Infiltration Facility Notification Portal* to meet the notification requirements, located at <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>.

State Engineer's Office Opinion

Based upon the above and pursuant to Section 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.

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 existing water commitments and the demands of the proposed subdivision.

Our opinion is qualified by the following:

The Division 1 Water Court has retained jurisdiction over the final amount of water available pursuant to the above-referenced decree, pending actual geophysical data from the aquifer.

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.

Should you or the Applicant have any questions, please contact me at this office at 303-866-3581 x8246 or ioana.comaniciu@state.co.us

Sincerely,



Ioana Comaniciu, P.E.

Water Resource Engineer

Ec: Subdivision file: 32705
Permit no. 172352-A



EL PASO COUNTY

Office of the County Attorney
Civil Division

KENNETH R. HODGES, COUNTY ATTORNEY

Nathan J. Whitney, First Assistant County Attorney | Steven A. Klaffky, Chief Deputy County Attorney

April 17, 2025

SF-25-4 Table Rock Homesteads

Reviewed by: Lori L. Seago, Senior Assistant County Attorney
 April Willie, Paralegal

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal by Thaddeus J. Jarosz ("Applicant") for subdivision of 10 residential lots on an existing 106.364-acre parcel of land (the "property"). The property is zoned RR-5 (Rural Residential).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary ("WSIS"), the water demand for the subdivision is 7.9 acre-feet/year, comprised of 0.26 acre-feet/year for household use for each of the residential lots totaling 2.6 acre-feet/year, 2.9 acre-feet/year for irrigation of 1.18 acres and 2.4 acre-feet per year for stock watering of up to 40 heads (0.06 per head). Based on this total demand, Applicant must be able to provide a supply of 2,370 acre-feet of water (7.9 acre-feet per year x 300 years) to meet the County's 300-year water supply requirement. There is an existing exempt well (Permit No. 172352-A) that is operating through Water Court Decree case no. 24CW3077. This decree allows for use of up to 1.0 acre-feet of water per year from the Dawson aquifer, leaving 6.9 acre-feet for the remaining 9 lots.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the not-nontributary Dawson aquifer as provided in Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case No. 2024CW3077 ("Decree and Augmentation Plan"). The Decree and Augmentation Plan allocates 9,340 acre-feet of water in the Dawson aquifer to the development. This amount is after removing the allocation for the existing exempt well. The Decree and Augmentation Plan allows the withdrawal of Dawson aquifer water in the amount of 2,070 acre-feet or 6.9 acre-feet annually for up to 300 years for the 9 unconstructed wells operating in Table Rock Homesteads. There is an existing

exempt well on the property operating under permit no. 172352-A and the average annual amount of groundwater withdrawn from this well shall not exceed 1.0 acre-feet.

The approved Decree and Augmentation Plan has a term of 300 years and requires that return flows from in-house use of groundwater shall occur through individual on-lot non-evaporative septic systems to augment depletions to affected stream systems during pumping. The Applicant must reserve 2,112 acre-feet total from the Arapahoe aquifer to augment post-pumping depletions. The Applicant is responsible for ensuring that replacement water is provided to the alluvial aquifer as required by the Augmentation Plan.

State Engineer's Office Opinion

5. In a letter dated February 26, 2025¹ the State Engineer reviewed the proposal to subdivide the 106.36 acres into 10 single-family residential lots. The State Engineer stated that "[t]he proposed water source is individual on lot wells constructed in the Dawson aquifer operating pursuant to the decreed augmentation plan in case no. 2024CW3077 for nine of the ten residential lots and an existing exempt well operating under permit no. 172352-A for one lot". The State Engineer identified the total estimated water requirement at 7.9 acre-feet/year, 1 acre-foot allocated specifically to the existing well. The remaining 6.9 acre-feet will be used for the remaining 9 wells.

The State Engineer stated that "[b]ased upon the above and pursuant to Section 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."

Recommended Findings

6. Quantity and Dependability. Applicant's water demand for Table Rock Homesteads is 7.9 acre-feet per year from the Dawson aquifer for a total demand of 2,370 acre-feet for the subdivision for 300 years. The Augmentation Plan allows for up to 9 wells limited to an annual withdrawal of 6.9 acre-feet per year total, as well as the exempt well operating under the Decree which allows for withdrawal of 1 acre-foot per year.

Based on the water demand of 7.9 acre-feet/year for Table Rock Homesteads and the Augmentation Plan permitting withdrawals in that amount, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for Table Rock Homesteads.

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

¹ The letter was dated February 26, 2024 within the body, but lists February 26, 2025 in the header.

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: a Water Resources Report dated January 21, 2025, the Water Supply Information Summary, the State Engineer Office's Opinion dated February 26, 2025, and Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case No. 2024CW3077 dated December 30, 2024. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

REQUIREMENTS:

A. Applicant and its successors and assigns shall comply with all requirements of the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case No. 24CW3077, specifically, that water withdrawn from the Dawson aquifer by each of the proposed 9 wells permitted shall not exceed a total combined annual withdrawal of 6.9 acre-feet. Depletions during pumping shall be replaced by individual on-lot non-evaporative septic systems. The existing exempt well shall not withdraw in excess of 1.0 acre-foot per year.

B. Applicant must create a homeowners' association ("HOA") for the purpose of enforcing covenants and assessing any necessary fees related to compliance with the water determinations and replacement plans for the property.

C. Applicants shall create restrictive covenants upon and running with the property which shall advise and obligate future lot owners of this subdivision, their successors and assigns, and the HOA regarding all applicable requirements of Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case No. 24CW3077, including the limitations on diversions and use of water for each well and lot, the requirement to meter and record all well pumping, and information on how records are to be recorded.

Covenants shall specifically address the following:

1) Identify the water rights associated with the property. The Covenants shall reserve 2,370 acre-feet of Dawson aquifer water and 2,112 acre-feet of Arapahoe aquifer water (7.04 acre-feet per year) to satisfy El Paso County's 300-year water supply requirement for the 10 lots of Table Rock Homesteads. The Covenants shall further identify that 230 acre-feet (0.76 acre-feet/year) of Dawson aquifer water is allocated to each of 9 lots, and 300 acre-feet (1.0 acre-feet/year) of Dawson aquifer water is allocated to the lot with the existing well with permit number 172352-A. Said reservations shall not be separated from transfer of title to the property and shall be used exclusively for primary water supply.

2) Advise of responsibility for costs. The Covenants shall advise the HOA, lot owners and their successors and assigns of their obligations regarding the costs of operating the plans for augmentation, which include pumping of the Dawson wells in a manner to replace depletions during pumping and the cost of drilling the Arapahoe aquifer in the future to replace post-pumping depletions.

3) Require non-evaporative septic systems and reserve return flows from the same. The Covenants shall require each lot owner to use a non-evaporative septic system to ensure that return flows from such systems are made to the stream system to replace actual depletions during pumping and shall state that said return flows shall not be separately sold, traded, assigned, or used for any other purpose. The Covenants shall also include the following or similar language to ensure that such return flows shall only be used for replacement purposes: "Return flows shall only be used for replacement purposes, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned, or encumbered in whole or in part for any other purpose."

4) Address future lot conveyances. The following or similar language shall be included in the Covenants to address future conveyances of the lots subsequent to the initial conveyance made by Applicant/Declarant:

"The water rights referenced herein shall be explicitly conveyed; however, if a successor lot owner fails to so explicitly convey the water rights, such water rights shall be intended to be conveyed pursuant to the appurtenance clause in any deed conveying said lot, whether or not the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case No. 24CW3077 and the water rights therein are specifically referenced in such deed. The water rights so conveyed shall be appurtenant to the lot with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title."

5) Advise of monitoring requirements. The Covenants shall advise the HOA, future lot owners of this subdivision and their successors and assigns of their responsibility for any metering and data collecting that may be required regarding water withdrawals from Dawson and Arapahoe aquifers.

6) Address amendments to the covenants. The Covenants shall address amendments using the following or similar language:

"Notwithstanding any provisions herein to the contrary, no changes, amendments, alterations, or deletions to these Covenants may be made which would alter,

impair, or in any manner compromise the water supply for Table Rock Homesteads pursuant to Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case No. 24CW3077. 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 the District Court, Water Division 1, approving such amendment, with prior notice to the El Paso County Planning and Community Development Department for an opportunity for the County to participate in any such adjudication."

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

"These Covenants shall not terminate unless the requirements of Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case No. 24CW3077 are also terminated by the Division 1 Water Court and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County."

D. Applicant and its successors and assigns shall reserve in any deeds of the property Dawson aquifer water in the decreed amount of 2,370 acre-feet (0.76 acre-feet per year per lot for unconstructed wells and 1.0 acre-feet per year for the lot with existing well 172352-A). 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.

E. Applicants and their successors and assigns shall convey by recorded warranty deed the reserved Dawson aquifer water rights at the time of lot sales. Specifically, Applicant and future lot owners shall convey sufficient water rights in the Dawson aquifer underlying the respective 9 lots to satisfy El Paso County's 300-year water supply requirement, which amount is 230 acre-feet (0.76 acre-feet per year) per lot. The lot with existing well 172352-A shall be conveyed with 300 acre-feet (1.0 acre-feet per year) of Dawson aquifer water.

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, replacement during pumping, and replacement of post-pumping depletions for each lot of Table Rock Homesteads. 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.”

F. Applicant shall convey, or provide proof of previous conveyance of, 2,112 acre-feet of water from the Arapahoe aquifer (7.04 acre-feet per year) to the HOA for use in the augmentation plan to replace post-pumping depletions.

G. Applicant and its successors and assigns shall submit a Declaration of Covenants, Conditions, and Restrictions, form deeds, and any plat notes required herein to the Planning and Community Development Department and the County Attorney’s Office for review, and the same shall be approved by the Planning and Community Development Department and the County Attorney’s Office prior to recording the final plat. Said Declaration shall cross-reference the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case No. 24CW3077 and shall identify the obligations of the individual lot owners thereunder.

H. Applicants and their successors and assigns shall record all applicable documents, including but not limited to Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case No. 24CW3077, 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.

I. Applications for well permits submitted by persons other than the Applicant must include evidence that the permittee has acquired the right to the portion of the water being requested.

J. 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. Applicant 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: Ashlyn Mathy, Project Manager, Planner

Jarosz (Table Rock Homesteads), SF-25-4

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

- The proposed 107-acre, 10-lot development (5-lots at 5+ acres, 3-lots at 10-acres, and 2-lot at 20-acres) will be provided water from individual private wells. Wastewater treatment service is proposed to be by onsite wastewater treatment systems (OWTS).
- There is a finding for sufficiency in terms of water quality. Sample results from 14Feb2023 tests analyzed by Colorado Analytical Laboratories and Hazen Research from 15Feb2023 were all acceptable and in compliance with the Land Development Code standards.
- The Entech Engineering Wastewater Study dated 23Dec2024 indicated the soil conditions were suitable for onsite wastewater treatment system (OWTS) installations. The OWTS's will likely require a Colorado Registered Professional Engineer to design the OWTS's due to clay and excessive gravel content in the soil. Based on the report's findings EPCPH agrees that the installation of OWTS's for wastewater treatment is suitable for the project.
- Radon resistant construction techniques are encouraged to be used. The EPA has determined that Colorado, and specifically El Paso County, have higher radon levels than other areas of the country.
- Earthmoving activities, if greater than 25 acres, will require a Construction Activity Permit from the Colorado Department of Public Health and Environment, Air Pollution Control Division. Go to: <https://www.colorado.gov/pacific/cdphe/general-air-permits>
- El Paso County Public Health encourages planned walkability of residential communities. Please consider appropriate connections to neighboring areas using walking/bike trails. Walkability features help in the effort to reduce obesity and lower the risk of heart disease.

Mike McCarthy
El Paso County Public Health
719-332-5771
mikemccarthy@elpasoco.com

FINAL PLAT (RECOMMEND APPROVAL)

_____ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SF254

TABLE ROCK HOMESTEADS FINAL PLAT

WHEREAS, Thaddeus J Jarosz did file an application with the El Paso County Planning and Community Development Department for approval of a Final Plat for the Table Rock Homesteads Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on July 17, 2025; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.

6. For the above-stated and other reasons, the proposed Final Plat is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, this Commission further finds that the request meets the criteria for approval outlined in Section 7.2.1.D.3.f of the Land Development Code ("Code") (as amended), as follows:

1. The Subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
2. The Subdivision is in substantial conformance with the approved Preliminary Plan;
3. The Subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
4. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of Subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code;
5. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of the Code;
6. All areas of the proposed Subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed Subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)];
7. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM");
8. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement acceptable to the County in compliance with the Code and the ECM;
9. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed Subdivision;
10. The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code;
11. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the Subdivision in accordance with applicable requirements of Chapter 8 of the Code;

12. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed Subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the Subdivision will be adequately mitigated;
13. The Subdivision meets other applicable sections of Chapter 6 and 8 of the Code;
14. The extraction of any known commercial mining deposit shall not be impeded by this Subdivision [C.R.S. §§ 34-1-302(1), et seq.]; and

WHEREAS, 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 the Code;

WHEREAS, this Commission further finds that the proposed Waiver(s) from the Code meet(s) the criteria for a Waiver outlined in Section 7.3.3 of the Land Development Code and any other applicable criteria for consideration of a Waiver.

NOW, THEREFORE, BE IT RESOLVED, that the El Paso County Planning Commission recommends that the petition of Thaddeus J Jarosz for approval of a Final Plat for the Table Rock Homesteads Subdivision meets the criteria for approval outlined in Section 7.2.1.D.3.f of the Land Development Code and be approved by the Board of County Commissioners with 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 Final Plat.
4. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.

5. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of Final Plat recording.
6. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the Final Plat is recorded.
7. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated April 17, 2025, as provided by the County Attorney's Office.

NOTATIONS

1. The following fees are required to be paid to El Paso County at the time of Final Plat recordation:
 - a. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$5,050.00 and park fees in lieu of land dedication for urban parks (Area 1) in the amount of \$0.00.
 - b. Fees in lieu of school land dedication in the amount of \$3,080 shall be paid for the benefit of Lewis Palmer School District 38.
2. Final Plats not recorded within 24 months of Board of County Commissioners approval shall be deemed expired unless an extension is approved.
3. 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.
4. 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 No. 24-377, 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.

BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein shall be forwarded to the El Paso County Board of County Commissioners for its consideration.

_____ seconded the adoption of the foregoing Resolution.

WAIVERS

A Waiver from Section 6.3.3.C.2.c of the Code to allow a single access point, where two access routes are required

The roll having been called, the vote was as follows: (circle one)

Sarah Brittain Jack	aye / no / non-voting / recused / absent
James Byers	aye / no / non-voting / recused / absent
Jay Carlson	aye / no / non-voting / recused / absent
Rebecca Fuller	aye / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / absent
Bryce Schuettpelz	aye / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / absent

The Resolution was adopted by a vote of ____ to ____ by the El Paso County Planning Commission, State of Colorado.

DONE THIS 17th day of July 2025, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
Chair

EXHIBIT A

The West Two Thirds Of The Southeast Quarter Of Section 6, Township 11 South, Range 65 West Of The 6th Principal Meridian, El Paso County, Colorado More Particularly Described As Follows:

Beginning At The South Quarter Corner Of Said Section 6 Thence N 00°05'26" E, A Distance Of 2639.86 Feet Along The West Line Of Said Southeast Quarter To The Northwest Corner Thereof;

Thence N 89°52'50" E, A Distance Of 1757.42 Feet Along The North Line Of Said Southeast Quarter;

Thence S 00°11'18" W, A Distance Of 2639.71 Feet To A Point On The South Line Of Said Southeast Quarter;

Thence S 89°52'30" W, A Distance Of 1752.92 Feet Along The South Line Of Said Southeast Quarter To The Southwest Corner Thereof And The Point Of Beginning.

Said Tract Contains 4,633,216 Sf (106.364 Acres), More Or Less.