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

FROM: **Ryan Howser, Planner I**
Daniel Torres, PE Engineer II
Craig Dossey, Executive Director

RE: **Project File #: MS-19-009**
Project Name: Edgewood Minor Subdivision
Parcel No.: 52280-00-011

OWNER:	**REPRESENTATIVE:**
Karen & James Martens 8190 Poco Road Colorado Springs, CO 80908	David Gorman, P.E. M.V.E., Inc. 1903 Lelaray St, Suite 200 Colorado Springs, CO 80909

Commissioner District: 2

Planning Commission Hearing Date:	9/3/2020
Board of County Commissioners Hearing Date	9/22/2020

EXECUTIVE SUMMARY

A request by Karen and James Martens for approval of a minor subdivision to create two (2) single-family residential lots. The 12-acre property is zoned RR-5 (Residential Rural), is located on the north side of Poco Road, approximately one quarter (1/4) of a mile west of Vollmer Road, and is within Section 28, Township 12 South, Range 65 West of the 6th P.M.. If approved, the minor subdivision application will result in the creation of a 7.22-acre lot (Lot 1), a 5.01-acre lot (Lot 2), the dedication of a five (5)-

foot-wide public improvement easement adjacent to Poco Road, and the dedication of a 20-foot-wide strip of land within Lot 2 for a drainage easement. The property is located within the Black Forest Preservation Plan (1987) area.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Karen and James Martens for approval of a minor subdivision to create two (2) single-family residential lots.

Waiver(s)/Deviation(s): N/A

Authorization to Sign: Final plat and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. PLANNING COMMISSION SUMMARY

Request Heard:
Recommendation:
Waiver Recommendation:
Vote:
Vote Rationale:
Summary of Hearing:
Legal Notice:

C. APPROVAL CRITERIA

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

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the approved preliminary plan;
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local

laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;

- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;
- Off-site impacts were evaluated, and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
- The subdivision meets other applicable sections of Chapter 6 and 8; and
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §34-1-302(1), et seq.]

D. LOCATION

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

E. BACKGROUND

The subject property was zoned A-4 (Agricultural) on September 21, 1965, when zoning was first initiated for this portion of El Paso County (Resolution No. 434870). Due to changes in the nomenclature of the Land Development Code, the A-4 zoning district has been renamed as the RR-5 (Residential Rural) zoning district. Presently, the subject property is not platted. The property was created and has existed in its

current configuration since March 31, 1965. The 12-acre property has an existing single-family residence built in 1999, which is anticipated to remain on the proposed 7.22-acre lot to be known as Lot 1. The property has existing well and septic permits to service the existing home on the proposed Lot 1. The well permit was issued in 1995 and the septic permit was issued in 1996.

F. ANALYSIS

1. Land Development Code Compliance

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 (2019).

2. Zoning Compliance

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

- Minimum lot size – 5 acres
- Minimum lot width – 200 feet
- Setbacks – front 25 feet, sides 25 feet, and rear 25 feet
- Maximum lot coverage- 25 percent
- Maximum building height – 30 feet

The applicant is requesting approval of a minor subdivision to split the parcel into two (2) lots and to dedicate a public improvement easement adjacent to Poco Road. Both lots are proposed to meet the minimum lot size of five (5) acres at 7.22 acres (Lot 1) and 5.01 acres (Lot 2). Both lots are proposed to meet the minimum lot width of 200 feet, at 518.84 feet (Lot 1) and 360.02 feet (Lot 2). The existing home, which has a building footprint of 3,326 sq. ft., is anticipated to remain on Lot 1, will meet the setback requirements of the RR-5 zoning district, and will comprise approximately one percent (1%) of the total lot area should the minor subdivision be approved.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

Policy 6.1.3 – *Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use, and access.*

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

The subject property is zoned RR-5 (Residential Rural) and is surrounded by other RR-5-zoned properties on all sides. Parcels to the north are not platted, with one comprising seven (7) acres and the other comprising five (5) acres. The parcel to the east is not platted and is 12 acres. To the west are two five (5)-acre lots within the J+S Subdivision. To the south is a five (5)-acre lot within the Jaynes Subdivision and an unplatted parcel of 99.87 acres. The proposed subdivision is contiguous to and compatible with similarly subdivided and developed areas.

Staff recommends that a finding of general consistency with the Plan can be made.

4. Small Area Plan Analysis

The property is located within the Southern Transitional Area of the Black Forest Preservation Plan (1987). Chapter III, Section 10 of the Plan identifies this area as a "low density residential buffer area," with the following provision:

> "This buffer would originate along a line one quarter (1/4) mile north of a major corridor, if such a roadway is constructed and if it is located within two miles of Woodmen Road. Only open space and single-family residential development is appropriate north of this line. Overall densities are expected to decrease rapidly from approved densities at the line to one dwelling per five acres at the Timbered Area edge… In the event that a major parkway or expressway is not constructed along the Stapleton alignment, the density and intensity of uses should more rapidly decrease from this line north. In this case Woodmen Road should be the clear initial focus of urban density in this area."

Since no major transportation corridors designated on the Plan have been constructed, much of the Southern Transitional Area remains low density rural residential. This area is expected to serve as a transitional area between the urban density of the City of Colorado Springs and along Woodmen Road to the south and the lower density of one lot per five acres in the Timbered Area of the

Plan to the north of the subject property. The proposed subdivision is compatible with the surrounding area and with the recommended density of the Plan, preserving the rural residential density of one unit per five acres in the northern section of the Southern Transitional Area.

5. **Water Master Plan Analysis**

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

> ***Goal 1.1 –*** *Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*
>
> ***Goal 1.2 –*** *Integrate water and land use planning.*
>
> ***Goal 5.4 –*** *Promote the long-term use of renewable water.*
>
> ***Policy 6.0.1 –*** *Continue to require documentation of the adequacy or sufficiency of water, as appropriate, for proposed development.*
>
> ***Policy 6.0.10 –*** *Encourage land use proposals to expressly declare water source(s), quality, quantity, and sustainability in terms of years and number of single-family equivalents.*

Water sufficiency has been analyzed with the review of the proposed minor subdivision. The augmentation decree for the property allows the applicant to draw 1.17 acre-feet of water per year from the Denver and Dawson aquifers for the subdivision. The existing well for proposed Lot 1 may pump up to 0.78 acre-feet per year from the Denver aquifer and the anticipated well for proposed Lot 2 may pump up to 0.39 acre-feet per year from the Dawson aquifer. The applicant's water resources report indicates an annual allocation of 2.08 acre-feet available in the Dawson aquifer and an annual allocation of 2.04 acre-feet available in the Denver aquifer over a 300-year period.

The applicant's water resources report and augmentation plan include measures for recharging renewable water resources in the Denver and Dawson aquifers. 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 minor subdivision has an adequate water supply in terms of quantity and dependability. Please see the Water Section below for a summary of the water findings and recommendations for the proposed minor subdivision.

Section 1.10.5 of the Land Development Code states the following:

> "Any project or action for which a complete application was submitted to the County before the effective date of this Code or any subsequent amendment to this Code may, at the applicant's option, will be reviewed under the regulations or ordinances in effect at the time of application. If approved, the projects or actions may be carried out in accordance with said regulations or ordinances. Nothing in this subsection is intended to restrict otherwise applicable vested applicant rights."

The Code in effect at the time of submittal of the minor subdivision application allowed for a presumption of water quality for minor subdivisions. Therefore, there is a presumption of sufficient water quality.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Environmental Services were sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies upland deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, severed mineral rights exist. The mineral rights owner has been notified of the application and hearing date.

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

Please see the Transportation section below for information regarding conformance with the 2016 Major Transportation Corridor Plan (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

The soils and geology report prepared by Entech Engineering, Inc., identified two areas of potentially shallow groundwater associated with low-lying areas in the southwest corner of Lot 1 and on the west side of Lot 2. These areas can likely

be avoided or properly mitigated to allow for development. The report recommended avoiding placement of buildings or septic systems in these areas and recommended a subsurface perimeter drain should buildings encroach on these areas. A public drainage easement is being proposed on the west side of Lot 2. Colorado Geologic Survey (CGS) was sent a referral for the minor subdivision, had no objection, and was in support of the recommendation of the applicant's soils and geology report.

2. **Wildlife**
   The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential.

3. **Floodplain**
   The property is not located within a defined floodplain as determined from FEMA Flood Insurance Rate Map panel number 08041C0535G, dated December 7, 2018.

4. **Drainage and Erosion**
   The property is located within the Sand Creek (FOFO4000) drainage basin, which is a studied basin with associated drainage and bridge fees. The applicable drainage fee for Sand Creek is calculated as $4,924.40 and the bridge fee is $1,445.34. There are no drainage basin planning study (DBPS) improvements associated with this development.

   The site generally drains to the south and southwest. Stormwater runoff is conveyed via sheet flow and natural drainage swales that traverse the property from north to south. A 20' drainage easement has been identified for the drainage swale within the proposed Lot 2. A permanent stormwater quality facility is not required for development areas of low density (rural) single family residential developments (2.5 acre or larger lots) per Appendix I of the El Paso County Engineering Criteria Manual (2019). Furthermore, on-site detention is not required due to the minimal increase in imperviousness created by the additional residential lot. Per the associated drainage report, the proposed minor subdivision will have no adverse effects to the downstream or surrounding properties.

5. **Transportation**
   The property is accessed via Poco Road which is an existing public local road. A traffic study was not required as the proposed minor subdivision is not expected to generate 100 daily vehicle trips more than the property would be expected to

generate currently. The proposed minor subdivision will have a minimal impact to the County's transportation network. There are no improvements identified in the 2016 Major Transportation Corridor Plan (MTCP) in the immediate vicinity of the site.

The subdivision is subject to the El Paso County Road Impact Fee Program (Resolution 19-471), as amended. Traffic impact fees shall be paid in full at the time of subsequent land use approval.

H. SERVICES

1. Water

Sufficiency:

Quality: Presumed Sufficient
Quantity: Sufficient
Dependability: Sufficient

Attorney's summary: The State Water Engineer's Office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office is recommending a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health has made a favorable recommendation regarding assumed water quality.

2. Sanitation

The existing residence on the subject property is served by an onsite wastewater treatment system (OWTS), which will remain entirely on proposed Lot 1. Any new structures constructed in the future are also likely to be served by an individual OWTS and potential locations for those have been identified in the soils and geology report. El Paso County Public Health had no objection to the proposed minor subdivision.

3. Emergency Services

The property is within the Black Forest Fire Protection District. The Fire District was sent a referral and did not provide a response.

4. Utilities

Mountain View Electric Association and Black Hills Energy will provide electrical and natural gas service to the subdivision, respectively.

5. Metropolitan Districts

The property is not within the service area of a metropolitan district.

6. **Parks/Trails**
   Fees in lieu of park land dedication in the amount of $912.00 for regional fees and $0.00 for urban park fees will be due at the time of recording the final plat. There are no parks or trails in the immediate vicinity of the subject property that have been identified in the Parks Master Plan.

7. **Schools**
   Fees in lieu of school land dedication in the amount of $612.00 shall be paid to El Paso County for the benefit of Academy School District No. 20 at the time of recording the final plat.

I. APPLICABLE RESOLUTIONS

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J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. 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 (2019) staff recommends the following conditions and notations:

CONDITIONS

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

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

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

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

5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.

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

7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

8. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of $912.00 and urban park (Area 2) fees in the amount of $0.00 shall be paid at the time of plat recordation.

9. Fees in lieu of school land dedication in the amount of $612.00 shall be paid to El Paso County for the benefit of Academy School District No. 20 at the time of plat recording.

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

NOTATION

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

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified ten (10) adjoining property owners on August 13, 2020, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

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

El Paso County Parcel Information

File Name: MS-19-009

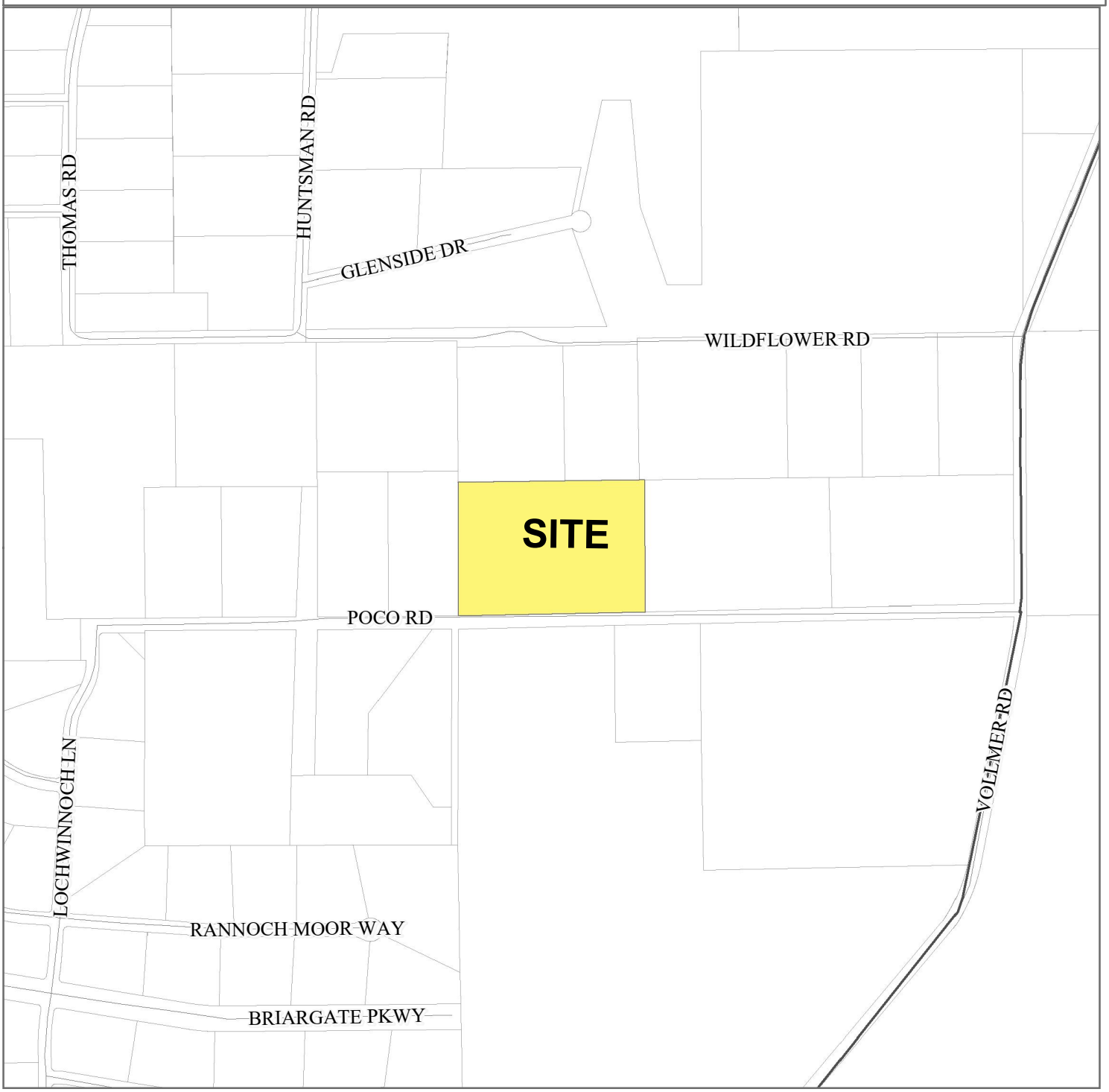
Zone Map No. --

Date: August 12, 2020

PARCEL	NAME
5228000011	MARTENS KAREN L

ADDRESS	CITY	STATE
8190 POCO RD	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80908	4728



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

N W E S

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March 12, 2020 PCD File No. MS199

LETTER OF INTENT
EDGEWOOD SUBDIVISION FILING NO. 1
MINOR SUBDIVISION

Owner:
Karen and James Martens
8190 Poco Road
Colorado Springs, CO 80908
(719) 660-1567

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

Site Location Size and Zoning:

The proposed subdivision to be known as "Edgewood Subdivision Filing No. 1" is located within the southeast one-quarter of the northwest one-quarter of Section 28, Township 12 South, Range 65 west of the 6th principal meridian in El Paso County, Colorado. The property has El Paso County Tax Schedule No. 52280-00-011. The current address of the site is 8190 Poco Road. The eastern portion of the site currently contains a residence, gravel drive, outbuilding, well and septic system. The site is 12.228± acres in area and is zoned RR-5 (Residential Rural – 5 Acre).

The site situated on the north side of Poco Road, west of Vollmer Road, north of Woodmen Road and south of Burgess Road. Poco Road, a public gravel road with 60 ft right-of-way, is adjacent to the southern edge of the site. Lots 3 and 4 Sunrise Meadow Subdivision Filing No. 1 (Zone RR-5) with existing single-family residential development is southwest of the site on the opposite side of Poco Road. An unplatted parcel zoned RR-5 with existing single family residential development is located on the south side of Poco Road to the south of the site. Lot 1, Jaynes Subdivision is located to the southeast of the site on the opposite side of Poco Road. An unplatted parcel zoned RR-5 with existing single-family residential development borders the east side of the site. Unplatted parcels zoned RR-5, all having existing single-family residential development is located to the northeast, north, northwest and westerly directions.

Request and Justification:

The request is for approval of the Minor Subdivision plat of Edgewood Subdivision Filing No. 1, containing 12.228± acres. This proposed Minor Subdivision will create two (2) rural residential single-family lots in the RR-5 zone (Residential Rural – 5 Acre), each with lot area exceeding 5 acres.

This Minor Subdivision plat is consistent with the existing RR-5 zoning. The site already contains one existing single family residence with auxiliary structure located on the eastern portion of the site. The proposed minor subdivision layout will comply with the requirements of the proposed RR-5 zone with the existing improvements being located on eastern lot. The existing residence will also be compatible with the RR-5 zone with respect to land use (single-family residential), lot size, minimum building setbacks, water supply and wastewater disposal.

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

This application meets the Minor Subdivision submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivisions in Chapter 8 of the El Paso County Land Development Code (2016). Minor Subdivisions are reviewed and approved in consideration of the review criteria found in the El Paso County Land Development Code. Each criteria is listed below followed by the appropriate justification.

1. *The subdivision is in conformance with the goals, objectives, and policies of the Master Plan*. The Master Plan is comprised of several elements. One of the elements is the El Paso County Policy Plan (1998), which does not include site-specific land use policies, but establishes broad policies and goals which are intended to serve as a framework for decision-making regarding development of the County. The project satisfies the following policies from the Policy Plan as they specifically relate to this request:
   Goal 6.4 – "Develop and maintain rural residential areas in a manner which protects their integrity, addresses the carrying capacity of the natural environment and provides for an adequate level of non-urban facilities and services." and "Policy 6.1.3 - Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access." The proposed Minor Plat will not create the need for additional roadways or public facilities. The site will remain rural residential and is surrounded by existing rural residential development on the north, south, east, and west sides.*;*
   Policy 6.1.14 – "Support development which compliments the unique environmental conditions and established land use character of each sub-area of the County."; This area of the County is conducive to rural residential development. The five acres lots in the area have lot impact on environmental conditions. The proposed Minor Plat is consistent with the Black Forest Preservation Plan as it applies to the Southern Transitional sub-area which is discussed below.*;*
   Policy 6.4.4 - "Encourage new rural residential subdivisions to be located within or contiguous with existing rural residential area or to be incorporated as a buffer between higher density and undevelopable areas."; The proposed Minor Plat is in an area adjacent to rural residential development with RR-5 to the north, west, south and east.;
   Goal 6.1 A – "Encourage patterns of growth and development which compliment the regions' unique natural environments and which reinforce community character." The existing community character is preserved with this Minor Plat. 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 one more residential lot on the site.

   Another element of the Master Plan is the Small Area Plan. The Edgewood Subdivision Filing No. 1 site is located within the area of the Black Forest Preservation Plan (1987), specifically

within the "Southern Transitional sub-area" of the plan. Although this small area plan is out of date, the goals for land use within this sub-area are still valid. The area desires that the rural residential development pattern be encouraged, while providing a gradual buffer from higher density to lower density development. The preferred density of one dwelling unit per five acres is encouraged in the northern portion of the sub-area which approaches the treed area. This coincides with the proposed subdivision density. The proposed Minor Plat is consistent with the Black Forest Preservation Plan.

The proposed Minor Plat is in compliance with the Parks Master Plan, which does not appear to call for trails or parks in the site vicinity. Any required Park Fees will be paid at the time of plating. The proposed subdivision is also in compliance with the 2040 Major Transportation Corridors Plan (MTCP) and Master Plan for Mineral Extraction as no separate mineral estate owners were found for the property and the existing development on surrounding properties is not compatible with any potential mineral extraction operations.

The proposed subdivision is in compliance with the El Paso County Water Master Plan (2018). The District Court, Water Division 2 Colorado, has decreed certain water rights and approved a plan for augmentation as necessary to allow use of the existing well and the drilling of a second well for the subdivision in Case No. 19CW3006 recorded under reception number 219086827 of the records of El Paso County. The owner seeks a finding of sufficiency from the Colorado Division of Water Resources and the eventual granting of the additional well permit based on the decreed water rights. A listing of some of the policies of the Water Master Plan that are supported by the proposed development follow: *Policy 4.1.3 – Support enhanced monitoring of sources of surface and tributary groundwater in the County.* The referenced decree requires use of metering for the wells to insure compliance with the terms of the permit; *Policy 6.2.1.2 – Encourage re-use of treated wastewater for irrigation and other acceptable uses when feasible.* Bothe the existing residence and the new single-family residence on the proposed 5 acre lot will utilize onsite wastewater treatment systems which will provide "Return Flows" the environment as a condition of the groundwater findings and order and the well permit.

2. *The subdivision is in substantial conformance with the approved preliminary plan*.
   This is a proposed Minor Subdivision and requires no Preliminary Plan for Plat approval. The subdivision will be developed in accordance with the currently proposed land use applications.

3. T*he subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials*.
   The proposed Minor Subdivision Plat is prepared in accordance with applicable subdivision design standards. No public improvements are required for this subdivision.

4. *A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code*.
   Water service is to be provided by individual on site wells operated under a State approved Water Augmentation Plan.

5. *A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code*.
   Waste water is intended to be treated via individual on site septic systems designed, constructed and operated under State and County Health Department rules and regulations and in accordance with the Water Decree.

6. *All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)]*.
   A soils report has been prepared for the site and the owner will comply with the recommendations of the report.

7. *Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM*.
   The proposed Minor Subdivision is consistent with the submitted Final Drainage Report. There are not Drainage facilities needed or proposed with this development. The the owner will comply with the requirements of the drainage report.

8. *Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM*.
   Both lots, one with existing structure and the one new lot, will access via existing Poco Road. The existing residence utilizes the existing driveway access onto Poco Road. A new driveway will be established for the new proposed lot.

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. Edgewood Subdivision Filing No. 1 is located within the Black Forest Fire Protection District which is providing fire protection for the site and has agreed to serve this subdivision. Water and sanitary sewer provisions are discussed in items 4 & 5 above. The property is located within the service areas of Mountain View Electric Association, Blackhills Energy Corporation, Centurylink Telephone, and Academy School District 20, which will serve the subdivision. Transportation is being facilitated by the existing adjacent roadway system.

10. *The Minor Subdivision plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code*.
    Edgewood Subdivision Filing No. 1 is located within the Black Forest Fire Protection District which is providing fire protection for the site and the surrounding area. The District has agreed to serve this subdivision. Building permits for each structure shall be in accordance with the requirements of the Fire District as administered by the Pikes Peak Regional Building Department.

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

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

12. *Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated.*
    There are no public facilities or infrastructure required or proposed for this subdivision. The platting of the site will include the collection of the applicable School Fees, Park Fees, Drainage Fees and Traffic Impact fees due for this project.

13. *The subdivision meets other applicable sections of Chapter 6 and 8.*
    The subdivision meets the requirements of the Land Development 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.].* Mineral estate owners have been notified of this application. It is unlikely that mineral extraction operations would be feasible in this area.

Existing and Proposed Facilities:

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

Total Number Of Residential Units And Densities:

The gross area of Edgewood Subdivision Filing No. 1 is 12.228+/- acres and is proposed to contain 2 rural residential Single Family Units. An area of 12.228+/- acres will be single-family residential lots. The average lot size for the 2 lots is 6.11 acres. The gross density of the site is 0.16 units per acre.

Fire Protection:

The Edgewood Subdivision Filing No. 1 property is located within the Black Forest Fire Protection District. The lots and homes are subject to the codes and policies adopted by the District regarding fire protection.

Proposed Access Locations:

The access location for Edgewood Subdivision Filing No. 1 is the existing driveway access for the existing residence at 8190 Old Ranch Road located approximately 65 feet west of the southeast corner of the subdivision. Access for the proposed lot will be from Poco Road in a location to be determined in accordance with the County's access policies.

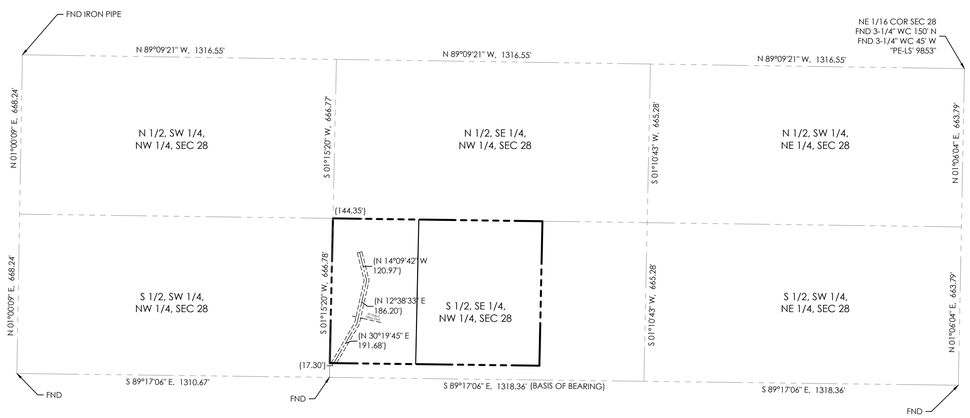
Traffic Impact and Traffic Impact Fees:

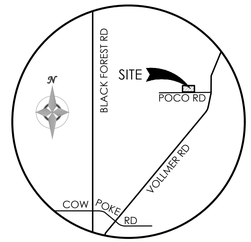
The one (1) existing and one (1) proposed single family residential units will access public Poco Road, which connects to Vollmer Road. The development is expected to generate a total of 19 trips per day (Average weekday trips ends) and 2 trips in the peak hour based on 9.44 trips per unit for Single Family Detached Housing (according to Trip Generation, 10th Edition, 2017 by the Institute of Transportation Engineers). This number of trips is below the County threshold of 100 trips per day or 10 trip during the peak hour. Therefore, a Transportation Impact Study (TIS) is not required for the project. This development is subject to fees established by the El Paso County Road Impact Fee Program per El Paso County Resolution Number 18-471. The owners have elected to not be included in any Public Improvements District. Traffic Impact Fees will be paid at time of building permit.

Z:\61127\Documents\Correspondance\61127-LetterOfIntent-Minor Sub.odt

EDGEWOOD SUBDIVISION FILING NO. 1

A PORTION OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST of the 6th PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO

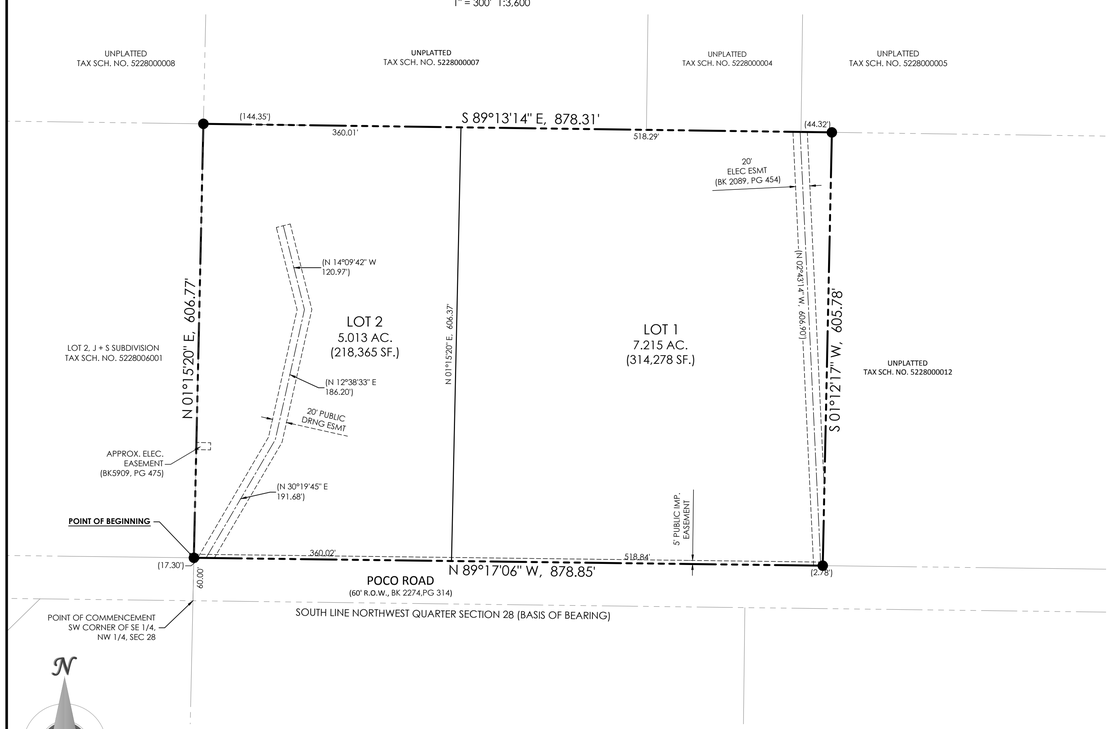




VICINITY MAP

NOT TO SCALE

SECTION BREAKDOWN



LEGEND

PROPOSED BOUNDARY LINE

PROPOSED LOT LINE

SECTION LINE

SET #5 REBAR W/ ALUMINUM CAP MARKED "POLARIS, PLS 27605" FLUSH WITH THE GROUND

EASEMENTS

UNLESS OTHERWISE INDICATED, ALL SIDE, FRONT AND REAR LOT LINES ARE HEREBY PLATTED ON EITHER SIDE WITH A 10 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT UNLESS OTHERWISE INDICATED. ALL EXTERIOR SUBDIVISION BOUNDARIES ARE HEREBY PLATTED WITH A 20 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT. THE SOLE RESPONSIBILITY FOR MAINTENANCE OF THESE EASEMENTS IS HEREBY VESTED WITH THE INDIVIDUAL PROPERTY OWNERS.

KNOW ALL MEN BY THESE PRESENTS

THAT KAREN L. & JAMES D. MARTENS ARE THE OWNERS OF THE FOLLOWING DESCRIBED TRACT OF LAND, TO WIT:

THE WEST 2/3 OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN. EXCEPT THE SOUTH 60 FEET CONVEYED TO EL PASO COUNTY FOR ROAD PURPOSES (POCO ROAD) BY DEED RECORDED IN BOOK 2274 AT PAGE 314, EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 28; THENCE N01°15'20"E, 60.00 FEET ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28 TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUE N01°15'20"E, 606.77 FEET TO THE NORTHWEST CORNER OF THE SAID SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28;

THENCE S89°13'14"E, 878.31 FEET ALONG THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28;

THENCE S01°12'17"W, 605.78 FEET TO A POINT ON THE NORTH LINE OF SAID POCO ROAD;

THENCE N89°17'06"E, 878.85 FEET ALONG THE NORTH LINE OF SAID POCO ROAD TO THE POINT OF BEGINNING.

COUNTY OF EL PASO,
STATE OF COLORADO

CONTAINING 12.228 ACRES MORE OR LESS.

COUNTY GOVERNMENT NOTES

1. THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THE FINAL PLAT FOR THIS SUBDIVISION AND ARE ON FILE AT THE COUNTY DEVELOPMENT SERVICES DEPARTMENT: FINAL DRAINAGE REPORT; WASTE-WATER DISPOSAL REPORT MEMO; GEOLOGIC & SOILS MEMO; FIRE PROTECTION REPORT; WILDFIRE AND HAZARD REPORT.

2. ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGHOUT THEIR PROPERTY. PUBLIC DRAINAGE EASEMENTS AS SPECIFICALLY NOTED ON THE PLAT SHALL BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS UNLESS OTHERWISE INDICATED. STRUCTURES, FENCES, MATERIALS OR LANDSCAPING THAT COULD IMPEDE THE FLOW OF RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENTS.

3. DEVELOPER SHALL COMPLY WITH FEDERAL AND STATE LAWS, REGULATIONS, ORDINANCES, REVIEW AND PERMIT REQUIREMENTS, AND OTHER AGENCY REQUIREMENTS, IF ANY, OF APPLICABLE AGENCIES INCLUDING, BUT NOT LIMITED TO, THE COLORADO DIVISION OF WILDLIFE, COLORADO DEPARTMENT OF TRANSPORTATION, U.S. ARMY CORPS OF ENGINEERS AND THE U.S. FISH AND WILDLIFE SERVICE REGARDING THE ENDANGERED SPECIES ACT, PARTICULARLY AS IT RELATES TO THE LISTED SPECIES (E.G., PREBLE'S MEADOW JUMPING MOUSE).

4. THE ADDRESSES EXHIBITED ON THIS PLAT ARE FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT THE LEGAL DESCRIPTION AND ARE SUBJECT TO CHANGE.

5. NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY.

6. MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY AND UNITED STATES POSTAL SERVICE REGULATIONS.

7. PROPERTY WITHIN THIS SUBDIVISION IS SUBJECT TO THE TERMS OF THE EL PASO COUNTY TRANSPORTATION IMPROVEMENT FEE RESOLUTION (RESOLUTION 18-471) AS AMENDED. FEES FOR EACH LOT WITHIN THIS SUBDIVISION SHALL BE PAID IN FULL AT TIME OF BUILDING PERMIT ISSUANCE.

8. INDIVIDUAL WELLS ARE THE RESPONSIBILITY OF EACH PROPERTY OWNER. PERMITS FOR INDIVIDUAL WELLS MUST BE OBTAINED FROM THE STATE ENGINEER WHO BY LAW HAS THE AUTHORITY TO SET CONDITIONS FOR THE ISSUANCE OF THESE PERMITS.
WATER IN THE DENVER BASIN AQUIFERS IS ALLOCATED BASED ON A 100-YEAR AQUIFER LIFE; HOWEVER, FOR EL PASO COUNTY PLANNING PURPOSES, WATER IN THE DENVER BASIN AQUIFERS IS EVALUATED BASED ON A 300-YEAR AQUIFER LIFE. APPLICANTS AND ALL FUTURE OWNERS OF THE SUBDIVISION SHOULD BE AWARE THAT THE ECONOMIC LIFE OF A WATER SUPPLY BASED ON WELLS IN A GIVEN DENVER BASIN AQUIFER MAY BE LESS THAN EITHER THE 100 YEARS OR 300 YEARS INDICATED DUE TO ANTICIPATED WATER LEVEL DECLINES. FURTHERMORE, THE WATER SUPPLY PLAN SHOULD NOT RELY SOLELY ON NON-RENEWABLE AQUIFERS. ALTERNATE RENEWABLE WATER RESOURCES SHOULD BE ACQUIRED AND INCORPORATED IN A PERMANENT WATER SUPPLY PLAN THAT PROVIDES FUTURE GENERATIONS WITH A WATER SUPPLY.

WATER SUPPLY NOTE

INDIVIDUAL WELLS ARE THE RESPONSIBILITY OF EACH PROPERTY OWNER. PERMITS FOR INDIVIDUAL WELLS MUST BE OBTAINED FROM THE STATE ENGINEER WHO BY LAW HAS THE AUTHORITY TO SET CONDITIONS FOR THE ISSUANCE OF THESE PERMITS.
WATER IN THE DENVER BASIN AQUIFERS IS ALLOCATED BASED ON A 100-YEAR AQUIFER LIFE; HOWEVER, FOR EL PASO COUNTY PLANNING PURPOSES, WATER IN THE DENVER BASIN AQUIFERS IS EVALUATED BASED ON A 300-YEAR AQUIFER LIFE. APPLICANTS AND ALL FUTURE OWNERS IN THE SUBDIVISION SHOULD BE AWARE THAT THE ECONOMIC LIFE OF A WATER SUPPLY BASED ON WELLS IN A GIVEN DENVER BASIN AQUIFER MAY BE LESS THAN EITHER THE 100 YEARS OR 300 YEARS INDICATED DUE TO ANTICIPATED WATER LEVEL DECLINES. FURTHERMORE, THE WATER SUPPLY PLAN SHOULD NOT RELY SOLELY UPON NON-RENEWABLE AQUIFERS. ALTERNATIVE RENEWABLE WATER RESOURCES SHOULD BE ACQUIRED AND INCORPORATED IN A PERMANENT WATER SUPPLY PLAN THAT PROVIDES FUTURE GENERATIONS WITH A WATER SUPPLY.
OWNER, ITS SUCCESSORS AND ASSIGNS SHALL ADVISE ALL FUTURE OWNERS OF THESE LOTS OF ALL APPLICABLE REQUIREMENTS OF THE DECREE ENTERED IN CASE NO. 19CW3006 (DIVISION 2), AND THEIR COSTS OF OPERATING THE PLAN FOR AUGMENTATION AND RESPONSIBILITY FOR METERING AND COLLECTING DATA REGARDING WATER WITHDRAWALS FROM WELLS.
OWNER SHALL RESERVE IN THE DEEDS OF THE PROPERTY FOR LOT 1 368 ACRE-FEET OF DAWSON AQUIFER WATER, 361 ACRE-FEET OF DENVER AQUIFER WATER, 307 ACRE-FEET OF ARAPAHOE AQUIFER WATER AND 202 ACRE-FEET OF LARAMIE FOX HILLS AQUIFER WATER. OWNER SHALL RESERVE IN THE DEEDS OF THE PROPERTY FOR LOT 2 256 ACRE-FEET OF DAWSON AQUIFER WATER, 251 ACRE-FEET OF DENVER AQUIFER WATER, 213 ACRE-FEET OF ARAPAHOE AQUIFER WATER AND 140 ACRE-FEET OF LARAMIE FOX HILLS AQUIFER WATER FOR TOTAL RESERVATION AMOUNTS OF 624 ACRE-FEET OF DAWSON AQUIFER WATER, 612 ACRE-FEET OF DENVER AQUIFER WATER, 520 ACRE-FEET OF ARAPAHOE AQUIFER WATER AND 342 ACRE-FEET OF LARAMIE FOX HILLS AQUIFER WATER AS DECREED IN CASE NO. 19CW3006 DIVISION 2 FOR USE IN THIS AUGMENTATION PLAN.
WATER WITHDRAWAL AND WELLS ARE SUBJECT TO LIMITATIONS, RESTRICTIONS AND AUGMENTATION REQUIREMENTS AND RESPONSIBILITIES AS FOUND WITHIN THE COVENANTS FOR THIS SUBDIVISION RECORDED IN RECEPTION NO. _____, OF THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDER AND THE TERMS OF THE WATER COURT APPROVED WATER AUGMENTATION PLAN.

NOTES

1.) BEARING REFERRED TO HEREIN ARE BASED ON THE SOUTH LINE OF THE OF THE NW 1/4, OF SECTION 28, T12S, R65W, 6TH P.M.

2.) THIS PLAT DOES NOT CONSTITUTE A TITLE SEARCH BY M.V.E., INC. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, TITLE, AND OTHER MATTERS OF RECORD, M.V.E., INC. RELIED ON TITLE COMMITMENT FILE NO. F0644054-370-CSP, AS PREPARED BY FIDELITY NATIONAL TITLE COMPANY, JULY 17, 2019.

3.) ALL CORNERS SET WITH NO. 5 REBAR WITH SURVEYOR'S ALUMINUM CAP PLS 27605, UNLESS OTHERWISE NOTED.

4.) ACCORDING TO FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 08041C0535 G, DATED DECEMBER 7, 2018 THE PROPERTY IS NOT LOCATED IN A FEMA DESIGNATED FLOOD HAZARD AREA.

5.) NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON. (SECTION 13-80-105 C.R.S.).

6.) THIS PROPERTY IS SUBJECT TO THE COVENANTS FOR EDGEWOOD SUBDIVISION RECORDED IN RECEPTION NO. _____, OF THE RECORDS OF EL PASO COUNTY COLORADO.

DEDICATION

THE ABOVE OWNERS HAVE CAUSED SAID TRACT OF LAND TO BE SURVEYED AND SUBDIVIDED INTO LOTS, EASEMENTS, AND ADDITIONAL RIGHT OF WAY AS SHOWN ON THE ACCOMPANYING PLAT, WHICH PLAT IS DRAWN TO A FIXED SCALE AS INDICATED HEREON AND ACCURATELY SETS FORTH THE BOUNDARIES AND DIMENSIONS OF SAID TRACT AND THE LOCATION OF SAID LOTS, EASEMENTS, AND ADDITIONAL RIGHT OF WAY AND WHICH TRACT SO PLATTED SHALL BE KNOWN AS "EDGEWOOD SUBDIVISION FILING NO. 1", EL PASO COUNTY, COLORADO.

IN WITNESS WHEREOF THE AFOREMENTIONED OWNERS HAVE EXECUTED THIS INSTRUMENT THIS _____ DAY OF _____, 2020 A.D.

_____
KAREN L. MARTENS, OWNER

STATE OF COLORADO)
) SS
COUNTY OF EL PASO)

ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2020 BY _____ AS _____.

MY COMMISSION EXPIRES _____

WITNESS MY HAND AND OFFICIAL SEAL _____
NOTARY PUBLIC

_____
JAMES D. MARTENS, OWNER

STATE OF COLORADO)
) SS
COUNTY OF EL PASO)

ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2020 BY _____ AS _____.

MY COMMISSION EXPIRES _____

WITNESS MY HAND AND OFFICIAL SEAL _____
NOTARY PUBLIC

SURVEYOR'S STATEMENT

I, RANDALL D. HENCY, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE ON 10/01/2018, BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON; THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:10,000 ; AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO DEALING WITH MONUMENTS, SUBDIVISION, OR SURVEYING OF LAND AND ALL APPLICABLE PROVISIONS OF THE EL PASO COUNTY LAND DEVELOPMENT CODE.

I ATTEST THE ABOVE ON THIS _____ DAY OF _____, 2020.

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

BOARD OF COUNTY COMMISSIONERS CERTIFICATE

THIS PLAT FOR "EDGEWOOD SUBDIVISION FILING NO. 1" WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS ON THE _____ DAY OF _____, 2020, SUBJECT TO ANY NOTES SPECIFIED HEREON AND ANY CONDITIONS INCLUDED IN THE RESOLUTION OF APPROVAL. THE DEDICATION OF LAND TO THE PUBLIC (EASEMENTS) AREA ACCEPTED, BUT PUBLIC IMPROVEMENTS THEREON WILL NOT BECOME THE MAINTENANCE RESPONSIBILITY OF EL PASO COUNTY UNTIL PRELIMINARY ACCEPTANCE OF THE PUBLIC IMPROVEMENTS IN ACCORDANCE WITH THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE AND ENGINEERING CRITERIA MANUAL, AND THE SUBDIVISION IMPROVEMENTS AGREEMENT.

_____
CHAIR, BOARD OF COUNTY COMMISSIONERS DATE

_____
EXECUTIVE DIRECTOR, PLANNING AND COMMUNITY DEVELOPMENT DATE

CLERK AND RECORDER

CLERK AND RECORDER:

STATE OF COLORADO)
) SS
COUNTY OF EL PASO)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT _____ O'CLOCK __.M. THIS _____ DAY OF _____, 2020, A.D.

AND IS DULY RECORDED AT RECEPTION NO. _____ OF THE RECORDS OF EL PASO COUNTY, COLORADO.

CHARLES D. BROERMAN, RECORDER

BY: _____
DEPUTY

SCHOOL FEE: _____

BRIDGE FEE: _____

PARK FEE: _____

DRAINAGE FEE: _____

PCD FILE NO. MS199

MINOR SUBDIVISION PLAT
EDGEWOOD SUBDIVISION
FILING NO. 2

MVE, INC.
ENGINEERS SURVEYORS
1903 Lelaray Street, Suite 200
Colorado Springs, CO 80909
719.635.5736 www.mvecivil.com

MVE PROJECT: 61127
MVE DRAWING: -PLAT-PS
DATE: MAY 1, 2020
SHEET: 1 OF 1

October 15, 2019

Gabe Sevigny
El Paso County Development Services Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910

RE: Edgewood Minor Subdivision
SE1/4 of NW1/4 of Sec. 28, Twp. 12S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 26715

To Whom It May Concern,

We have received the submittal concerning the above referenced proposal to subdivide a 12.228 ± acre tract of land into two new lots. The first lot will be 7.215 ± acres, and the second lot will be 5.013 ± acres. The proposed supply of water to the subdivision will be two individual on-lot wells operating pursuant to a court decreed plan for augmentation, with wastewater being disposed of through individual on-site 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 1.17 acre-feet/year. This amounts to ordinary household use inside one single family dwelling per lot (0.25 acre-feet/year per lot), with the remaining 0.67 acre-feet/year available for other uses such as landscape irrigation, domestic animals, or livestock watering.

It should be noted that standard water use rates, as found in the *Guide to Colorado Well Permits, Water Rights, and Water* Administration, are 0.3 acre-foot per year for each ordinary household, 0.05 acre-foot per year for four large domestic animals, and 0.05 acre-foot per 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 two on-lot wells, one producing from the Dawson aquifer and one producing from the Denver aquifer, that will operate pursuant to the augmentation plan decreed by the Division 2 Water Court in case no. 2019CW3006. The water underlying this property was adjudicated and the applicant is the owner of the Dawson, Denver, Arapahoe, and Laramie Fox-Hills aquifers.

According to the decree entered by the Division 2 Water Court in case no. 2019CW3006, the following amounts of water shown in Table 1, below, were determined to be available underlying the 12.0 ± acre tract of land owned by the applicant.

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	624	6.24	2.08
Denver	NNT 4%	612	6.12	2.04
Arapahoe	NT	520	5.20	1.73
Laramie-Fox Hills	NT	342	3.42	1.14

The plan for augmentation decreed in Division 2 Water Court case no. 2019CW3006 allows for diversion of 0.78 acre-feet annually from the Denver aquifer for a maximum of 300 years using the existing Martens Well No. 1 (currently operating under well permit no. 172086) on proposed Lot 1 and 0.39 acre-feet annually from the Dawson aquifer for a maximum of 300 years using the proposed Martens Well No. 2 on proposed Lot 2.

Well permits have not yet been issued. In the Response to Consultation Report filed by the applicant in case no. 2019CW3006, the applicant indicated they intended to apply to permit the existing well pursuant to the associated Plan for Augmentation. **This will require that the applicant apply for, and obtain a new well permit issued pursuant to Section 37-90-137(4) C.R.S., or plug and abandon this well.**

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 1.17 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(4) 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. 19CW3006, 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. Furthermore, that applicant will need to apply for, and obtain a new well permits issued pursuant to Section 37-90-137(4) C.R.S.

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

Sincerely,

Kate Fuller, P.E.
Water Resource Engineer

cc: Bill Tyner, Division 2 Engineer
Doug Hollister, District 10 Water Commissioner

EL PASO COUNTY

OFFICE OF THE COUNTY ATTORNEY
CIVIL DIVISION

Diana K. May, County Attorney

Assistant County Attorneys
M. Cole Emmons
Lori L. Seago
Lisa A. Kirkman
Steven A. Klaffky
Mary Ritchie
Bryan E. Schmid
Nathan J. Whitney

August 3, 2020

MS-19-9 Edgewood Minor Subdivision

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

FINDINGS AND CONCLUSIONS:

1. This is a proposal by James D. Martens and Karen L. Martens ("Applicant") for a 2-lot minor subdivision on a parcel of approximately 12.23 +/- acres (the "Property"). The Applicant plans to subdivide the Property into 2 lots with an average lot size of 6.11 acres. There is currently an existing single-family home on the Property. The property is zoned RR-5 (Rural Residential).

2. The Applicant has provided for the source of water to derive from individual on-lot wells, as provided in the decree and plan for augmentation in District Court Water Division 2 Case No. 2019CW3006 ("Decree" or "Augmentation Plan"). An existing small capacity or exempt well (Permit No. 172086) is located on the Property. Pursuant to the Water Supply Information Summary ("WSIS"), the water demand is 0.25 acre-feet for each lot for household use, plus an additional 0.67 acre-feet total for irrigation, stock water, and a mixture of uses (the Decree allows for additional uses) for a total demand of 1.17 acre-feet/year for the minor subdivision. Based on this total demand, Applicant must be able to provide a supply of 351 acre-feet of water (1.17 acre-feet per year x 300 years) to meet the County's 300 year water supply requirement.

3. In a letter dated October 15, 2019, the State Engineer reviewed the submittal to plat the 12.228 +/- acre parcel into a 2-lot minor subdivision. The State Engineer notes that the first lot will be 7.215 +/- acres and the 2nd lot will be 5.013 +/- acres. The Engineer stated that the "water is to be provided by two on-lot wells, one producing from the Dawson aquifer and one producing from the Denver aquifer, that will operate pursuant to the augmentation plan decreed by the Division 2 Water Court in case no. 2019CW3006."

The following amounts of water have been adjudicated and were determined to be available underlying the property:

Aquifer	Tributary Status	Volume (A/F)	Annual Allocation acre/feet (100/year)	Annual Allocation acre-feet (300/year)
Dawson	NNT	624	6.24	2.08
Denver	NNT 4%	612	6.12	2.04
Arapahoe	NT	520	5.20	1.73
Laramie-Fox Hills	NT	342	3.42	1.14

The State Engineer stated that the "plan for augmentation decreed in Division 2 Water Court case no. 2019CW3006 allows for diversion of 0.78 acre-feet annually from the Denver aquifer for a maximum of 300 years using the existing Martens Well No. 1 (currently operating under well permit no. 172086) on proposed Lot 1 and 0.39 acre-feet annually from the Dawson aquifer for a maximum of 300 years using the proposed Martens Well No. 2 on proposed Lot 2."

The State Engineer further noted that Applicant intends to apply to permit the existing well on the Property. The State Engineer directed that "the applicant apply for, and obtain a new well permit issued pursuant to Section 37-90-137(4) C.R.S., or plug and abandon this well." Finally, the State Engineer provided the 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(4) 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."

4. Decree and Augmentation Plan, Division 2, Case No. 19CW3006 ("Augmentation Decree"/"Augmentation Plan"). The Augmentation Decree is in the name of James and Karen Martens and it approves the plan for augmentation to allow withdrawal from the not nontributary Dawson and Denver aquifers for this subdivision. Both aquifers require the use of septic return flows from indoor uses to meet the respective requirements to replace depletions to the stream system during 300 years of pumping. Such return flows may not be otherwise used, sold, traded, or assigned.

The Decree provides for maximum withdrawal of 1.17 acre-feet/year for the subdivision. Martens Well No. 1 may pump up to 0.78 acre-feet/year from the Denver aquifer and Martens Well No. 2 may pump up to 0.39 acre-feet/year from the Dawson aquifer (0.78 + 0.39 = 1.17 acre-feet). Pursuant to the Augmentation Plan, the households will use 0.25 acre-feet of water per year per lot for household use, with the remaining allocation for other uses to include irrigation, stock watering, and a mixture of uses.

Replacement of Depletions During Pumping. The Augmentation Plan provides for a pumping period of a minimum of 300 years. For any wells constructed into the not nontributary Dawson aquifer (Martens Well No. 2), the Applicant is required to replace actual stream depletions on an annual basis during the 300 years of pumping by residential return flows from a non-evaporative septic system. For wells constructed in the Denver aquifer (Martens Well No. 1), 4%

replacement is required by residential return flows from a non-evaporative septic system. The Augmentation Plan indicates "annual consumptive use for non-evaporative septic systems is 10% per year per residence. At the household use rate of 0.25 acre feet per residence per year, total of 0.50 acre feet (assuming two residences), 0.45 acre-feet is replaced to the stream system per year, utilizing non-evaporative septic systems. Applicant will not cause stream depletions to exceed this amount during pumping."

Replacement of Post-Pumping Depletions. The Decree requires the Applicant to replace any injurious post-pumping depletions by reserving all of the nontributary Laramie-Fox Hills aquifer water (342 acre-feet), plus 16 acre-feet of Arapahoe aquifer water. Applicant must construct wells first into the Laramie-Fox Hills aquifer and then if necessary into Arapahoe aquifer to replace post-pumping depletions. The reserved Laramie-Fox Hills and Arapahoe groundwater will be used to replace any injurious post-pumping depletions, and the Decree requires that these waters may not be severed from ownership of the overlying Property.

5. Analysis. Applicant's water demand for the Edgewood Minor Subdivision is 1.17 acre-feet per year (0.78 acre-feet from the Denver well and 0.39 acre-feet from the Dawson well) for a total demand of 351 acre-feet for the subdivision for 300 years. District Court Water Division 2, Case No. 19CW3006, authorizes withdrawal of 0.78 acre-feet/year (234 acre-feet total) of Denver aquifer water for a period of 300 years and 0.39 acre-feet/year (117 acre-feet total) of Dawson aquifer water for a period of 300 years. Based on the demand of 1.17 acre-feet/year for the 2 lot subdivision and the Decree and Augmentation Plan permitting withdrawals in that amount for a period of 300 years, there appears to be a sufficient water supply to meet the water demands of the Edgewood Minor Subdivision.

6. Section 8.4.7.B.10.g., of the Land Development Code allows for the presumption of acceptable water quality for minor subdivision projects such as this.

7. Therefore, based upon the Water Supply Information Summary, a finding of sufficiency and no injury by the State Engineer, the Augmentation Plan and Decree in Case No. 2019CW3006, and based on the requirements below, the County Attorney's Office recommends a finding that the proposed water supply is sufficient in terms of quantity and dependability. There is a presumption of sufficient water quality.

REQUIREMENTS:

A. Prior to plat recording, the Applicant shall:
   1) Provide proof to the County that the existing well on the Property has been re-permitted pursuant to the requirements of the decree in Case No. 19CW 3006; and
   2) Provided to the County an amended decree in Case No. 19CW3006 that reconciles the conflict between the augmentation provisions in paragraph 19.C and the rest of the decree.

B. Applicant, its successors and assigns, shall comply with all requirements of District Court Water Division 2, Case No. 19CW3006, specifically, that water use shall not exceed 1.17 acre-feet annually for the 2-lot subdivision and that all stream depletions will be replaced with non-evaporative septic system return flows for a period of 300 years, pursuant to the Court's augmentation plan.

C. The County prefers that when there is a plan for augmentation Applicant create a homeowners' association ("HOA"); however, alternatively to establishing an HOA, especially for minor subdivisions such as this, Applicant may create restrictive covenants upon and running with the property which shall advise and obligate future lot owners of this subdivision and their successors and assigns regarding all applicable requirements of District Court Water Division 2, Case No. 19CW3006, as well as their obligations to comply with the plan for augmentation, including, but not limited to, ensuring that return flows by the use of non-evaporative septic systems are made to the stream systems, and that such return flows shall only be used to replace depletions and shall not be separately sold, traded, or assigned in whole or in part for any other purpose. The Covenants more specifically shall require that each lot served by Denver and Dawson aquifer wells have an occupied single-family dwelling that is generating return flows from a non-evaporative septic system before any irrigation or animal watering is allowed from the wells. In addition, the Covenants shall advise future lot owners of this subdivision and their successors and assigns of their obligations regarding costs of operating the plan for augmentation, which will include pumping of the Dawson and Denver wells in a manner to replace depletions during pumping and the cost of drilling Laramie-Fox Hills and Arapahoe aquifer wells in the future to replace post-pumping depletions. Such Covenants shall also address responsibility for any metering and data collecting that may be required regarding water withdrawals from wells pursuant to the plan for augmentation, and shall protect the viability of the water supply by placing limitations in the Covenants as to amendments and termination as applied to said water supply.

The covenants shall address the following:

1) Identify the water rights associated with the property. The Covenants shall reserve 234 acre-feet of not nontributary Denver aquifer water and 117 acre-feet of Dawson aquifer water pursuant to the Augmentation Plan, District Court Water Division 2, Case No. 19CW3006, to satisfy El Paso County's 300-year water supply requirement for the 2 lots of the Edgewood Minor Subdivision.

2) Require non-evaporative septic systems and reserve return flows from the same. The Covenants shall require each lot owner to use non-evaporative septic systems to ensure that return flows from such systems are made to the stream system to replace actual depletions during pumping, shall reserve said return flows to replace depletions during pumping, and shall state that said return flows shall not be separately sold, traded, assigned, or used for any other purpose. The Covenants more specifically shall require that each lot served by Denver and Dawson aquifer wells have an occupied single-family dwelling that is generating return flows from a non-evaporative septic system before any

irrigation or animal watering is allowed from the well. The Covenants shall also include the following or similar language to ensure that such return flows shall only be used for replacement purposes: "Return flows shall only be used for replacement purposes, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose."

3) The following or similar language shall be included in the Covenants to address future conveyances of the lots subsequent to the initial conveyance made by Applicant/Declarant: "The water rights referenced herein shall be explicitly conveyed; however, if a successor lot owner fails to so explicitly convey the water rights, such water rights shall be intended to be conveyed pursuant to the appurtenance clause in any deed conveying said lot, whether or not the plan for augmentation in District Court Water Division 2, Case No. 19CW3006, 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."

4) The Covenants shall advise future lot owners of this subdivision, their successors and assigns, of their responsibility for any metering and data collecting that may be required regarding water withdrawals from the existing or future wells in the Denver or Dawson aquifers and future wells which may be constructed in the Laramie-Fox Hills and Arapahoe aquifers.

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

> "Notwithstanding any provisions herein to the contrary, no changes, amendments, alterations, or deletions to these Covenants may be made which would alter, impair, or in any manner compromise the water supply for the Edgewood Minor Subdivision pursuant to the plan for augmentation in District Court Water Division 2, Case No. 19CW3006. Further, written approval of any such proposed amendments must first be obtained from the El Paso County Planning and Community Development Department, and as may be appropriate, by the Board of County Commissioners, after review by the County Attorney's Office. Any amendments must be pursuant to a Determination from the Division 2 Water Court approving such amendment, with prior notice to the El Paso County Planning and Community Development Department for an opportunity for the County to participate in any such adjudication."

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

"These Covenants shall not terminate unless the requirements of the plan for augmentation in District Court Water Division 2, Case No. 19CW3006, are also terminated by order of the Division 2 Water Court, and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County."

D. Applicant and its successors and assigns shall reserve in the Covenants and in any deeds of the Property the decreed amount of at least 1.17 acre-feet annually for the subdivision (0.78 acre-feet/year for the Denver aquifer and 0.39 acre-feet/year for the Dawson aquifer) for a period of 300 years for a total of 351 acre-feet for the 2-lot subdivision for 300 years. Said reservation shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for primary and replacement supply. Applicant shall convey by recorded warranty deed these reserved Dawson and Denver aquifer water rights to the individual lot owners. Applicant shall provide copies of said Covenants or other such reservation and conveyance instruments that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney's Office prior to recording the minor subdivision plat.

Any and all conveyance instruments shall recite as follows:

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

E. Applicant and its successors and assigns shall reserve in the Covenants and in any deeds of the Property at least 342 acre-feet of water in the Laramie-Fox Hills aquifer and 16 acre-feet of water in the Arapahoe aquifer for use in the augmentation plan to replace post-pumping depletions. Pursuant to the Decree and plan for augmentation, Applicant shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for augmentation supply. Applicant shall convey by recorded warranty deed these reserved Laramie-Fox Hills and Arapahoe aquifer water rights to the HOA or to the individual lot owners (with appropriate deed restrictions) for use in the augmentation plan. Applicant shall provide copies of such reservation and conveyance instruments that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney's Office prior to recording the minor subdivision plat.

F. Applicant and its successors and assigns at the time of lot sales, shall convey by warranty deed to individual lot owners sufficient water rights in the Denver and Dawson aquifers,

pursuant to District Court Water Division 2, Case No. 19CW3006, underlying the respective lots to satisfy El Paso County's 300 year water supply requirement. Denver aquifer requirements are 234 acre-feet (0.78 acre-feet/year x 300 years) and Dawson aquifer requirements are 117 acre-feet (0.39 acre-feet/year x 300 years). Said conveyance instruments shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for the primary supply and replacement during pumping for the respective lots. Applicant shall provide form deeds for such conveyances that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney's Office prior to recording the minor subdivision plat.

G. Applicant, its successors and assigns, shall submit a Declaration of Covenants, Conditions, and Restrictions and any plat notes required herein to the Planning and Community Development Department and the County Attorney's Office for review, and the same shall be approved by the Planning and Community Development Department and the County Attorney's Office prior to recording the final plat. Said Declaration shall cross-reference District Court Water Division 2, Case No. 19CW3006 (including plan for augmentation) and shall identify the obligations of the individual lot owners thereunder.

H. Applicant, its successors and assigns, shall record all applicable documents, including, but not limited to, the decree in District Court Water Division 2, Case No. 19CW3006 (including plan for augmentation) and 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. As noted by the State Engineer's Office, the Applicant must obtain well permits pursuant to C.R.S. § 37-90-137(4) and pursuant to the Decree and plan for augmentation in District Court Water Division 2, Case No. 19CW3006.

J. Prior to recording the minor subdivision plat, Applicant shall provide proof acceptable to both the Planning and Community Development Department and the County Attorney's Office that it has complied with the State Engineer's requirement that if Applicant intends to continue to use the existing well pursuant to the plan for augmentation, that it has obtained a new well permit issued pursuant to C.R.S. § 37-90-137(4), or that it has plugged and abandoned that well.

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

> "Water in the Denver Basin aquifers is allocated based on a 100 year aquifer life; however, for El Paso County planning purposes, water in the Denver Basin aquifers is evaluated based on a 300 year aquifer life. Applicants and all future owners in the subdivision should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than either the 100 years or 300 years used for allocation indicated due

to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply."

cc: Gabe Sevigny, Project Manager

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

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Edgewood, MS-19-009

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

- **The existing 12-acre developed lot is proposed to have an undeveloped portion of the lot made into a new 5-acre lot. The new lot will be served water from a new private well, and a new onsite wastewater treatment system (OWTS).**

- **A finding for sufficiency in terms of water quality can be made based upon the review of the required sample results from Colorado Analytical Laboratories, Inc., and Hazen Research, Inc.**

- **The 10Sept2019 (Updated 15December2019) Onsite Wastewater Treatment System Report prepared by Entech Engineering was reviewed for OWTS suitability on the new lot. The report supports the use and installation of an OWTS. The existing OWTS was permitted and installed in 1999.**

    - **The proposed new lot requires full compliance with the El Paso County Board of Health Regulations, Chapter 8, Onsite Wastewater Treatment Systems.**
    - **Adjacent property well locations were not shown; therefore, be aware of the specific 100'+ setback requirements to exterior wells.**

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