

COMMISSIONERS: STAN VANDERWERF (CHAIR) CAMI BREMER (VICE-CHAIR) LONGINOS GONZALEZ, JR. HOLLY WILLIAMS CARRIE GEITNER

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Planning Commission

Brian Risley, Chair

FROM: Ryan Howser, Planner II

Lupe Packman, Engineer I

**Craig Dossey, Executive Director** 

RE: Project File #: MS-20-007

Project Name: Circle A Filing No. 1 Minor Subdivision

Parcel No.: 51230-00-015

OWNER: REPRESENTATIVE:			
Andres Daniel B Trust	M&S Civil Consultants, Inc.		
17110 Goshawk Road	102 Pikes Peak Ave, Suite 500		
Colorado Springs, CO, 80908	Colorado Springs, CO, 80903		

### Commissioner District: 1

Planning Commission Hearing Date:	8/19/2021	
Board of County Commissioners Hearing Date	8/24/2021	

#### **EXECUTIVE SUMMARY**

A request by Andres Daniel B Trust for approval of minor subdivision to create three (3) single-family residential lots. The 14.87-acre property is zoned RR-5 (Residential Rural) and is located on the west side of Goshawk Road, approximately one-half (1/2)mile north of Hodgen Road, and is within Section 23, Township 11 South, Range 65 West of the 6<sup>th</sup> P.M. The property is located within the boundaries of the Black Forest Preservation Plan (1987).



## A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

**Request:** A request by Andres Daniel B Trust for approval of a minor subdivision to create three (3) single-family residential lots.

**Waiver(s)/Deviation(s):** There are no waivers or deviations associated with this request.

**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 minor subdivision, the BoCC shall find that the request meets the preliminary plan and final plat criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2019):

Preliminary Plan Criteria for Approval:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of this Code;
- The subdivision is in conformance with the subdivision design standards and any approved sketch plan;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of this Code (this finding may not be deferred to final plat if the applicant intends to seek administrative final plat 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 this Code;

- All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions.
   [C.R.S. § 30-28-133(6)(c)];
- Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;
- The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;
- Legal and physical access is or will be provided to all parcels by public rightsof-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;
- Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and
- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

## Final Plat Criteria for Approval:

• 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)

South: RR-5 (Residential Rural)

East: RR-5 (Residential Rural)

West: RR-5 (Residential Rural)

Single Family Residential

Single Family Residential

Single Family Residential

Single Family Residential

#### E. BACKGROUND

The 14.87-acre subject property was created on October 1, 1963 by deed (El Paso County Public Records, Reception No. 309920). This date predates the adoption of the modern subdivision regulations by the Board of County Commissioners on July 17, 1972 and is, therefore, considered a legal division of land. The property was zoned A-4 (Agricultural) on September 21, 1965, when zoning was first initiated for this area of unincorporated El Paso County (BoCC Resolution No. 434870). Due to changes in the nomenclature of the El Paso County Land Development Code, the A-4 zoning district was renamed as the RR-5 (Residential Rural) zoning district. The applicant submitted a request for a dimensional variance to allow a 4.957-acre lot (Lot 1), a 4.960-acre lot (Lot 2), and a 4.950-acre lot (Lot 3) where five (5) acres is required on May 13, 2020. The Board of Adjustment approved the request on June 10, 2020.

The applicant is requesting approval of the Circle A Filing No. 1 Subdivision. If approved, the subdivision will result in the creation of a 4.957-acre lot (Lot 1), a 4.960-acre lot (Lot 2), and a 4.950-acre lot (Lot 3), which is consistent with prior approvals. There is an existing residence on the property which was constructed in 1978 and is expected to remain on Lot 1. The existing residence will meet all of the setback requirements of the RR-5 zoning district.

## F. ANALYSIS

## 1. Land Development Code Compliance

The minor subdivision application meets the preliminary plan and final plat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (2019).

## 2. Zoning Compliance

The 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 width at the front setback line: 200 feet
- Minimum setback requirement: front 25 feet, rear 25 feet, side 25 feet \*
- Maximum lot coverage: 25%
- Maximum height: 30 feet
  - \* In the event that the land to be partitioned, platted, sold or zoned abuts a section line County road, the minimum lot area for lots abutting the road shall be 4.75 acres and minimum lot width shall be 165 ft.
  - \*Agricultural stands shall be setback a minimum of 35 feet from all property lines.

The applicant is requesting approval of a minor subdivision to divide the parcel into three (3) lots. The lots will not meet the minimum lot size of five (5) acres, with the smallest proposed to be 4.95 acres (Lot 3). However, the proposed lots will meet the minimum lot size as established by Board of Adjustment approval. All lots are proposed to meet the minimum lot width of 200 feet, with each lot being 328 feet wide at the front property line. Individual site plans will need to be submitted for review for each proposed single-family dwelling in order to ensure compliance with the applicable dimensional standards. The existing residence on the property was constructed in 1978 and is expected to remain on Lot 1. The existing residence will meet all of the setback requirements of the RR-5 zoning district.

## 3. Policy Plan Analysis

The <u>El Paso County Policy Plan</u> (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.

**Policy 6.1.14** – Support development which complements the unique environmental conditions and established land use character of each subarea of the County.

**Policy 10.2.2** – Carefully consider the availability of water and wastewater services prior to approving new development.

**Policy 13.1.1** – Encourage a sufficient supply and choice of housing at varied price and rent levels through land development regulations.

The subject property is zoned RR-5 (Residential Rural) and is surrounded by other rural residential properties. Properties to the north of the subject property range in size from five (5) acres up to ten (10) acres. To the east are properties located within the Loudermilk subdivision, which consists of two lots: one of which is five (5) acres and the other is 14.87 acres. To the south is a 20-acre property and to the west is a 10-acre property. The majority of surrounding properties could be subdivided in the future into lots with a minimum lot size of five (5) acres pursuant to the current RR-5 zoning. The proposed subdivision is compatible with surrounding properties, which vary in size. The overall proposed density is roughly one (1) dwelling unit per five (5) acres, which is consistent with the allowed densities of the surrounding RR-5-zoned parcels as well as other developments in the Black Forest area.

The proposed use of the property is single-family residential development, which is consistent with the uses of the surrounding properties. The State Water Engineer and the County Attorney's Office have each provided a recommendation for sufficient water supply for the proposed subdivision. Therefore, staff recommends that a finding of general consistency with the <u>Plan</u> can be made.

## 4. Small Area Plan Analysis

The property is located within the Timbered Area of the <u>Black Forest</u> <u>Preservation Plan</u> (1987). Chapter III, Section 1 of the <u>Plan</u> identifies this area as "limited to low density residential or open space." Relevant goals and policies are as follows:

**Policy 1.1** – Retain the Black Forest Planning Area as primarily a rural-residential community with limited supporting commercial and industrial development.

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

**Policy 3.1** – Continue the promotion of residential subdivisions with an overall average minimum lot area of 5 acres in the Timbered Area and other designated portions of the planning area. The minimum lot size for five-acre overall density areas should be at least 2 ½ acres in most instances.

The overall density of the proposed development is approximately one (1) dwelling unit per five (5) acres, which is generally consistent with the policies of the <u>Plan</u>. The development promotes rural residential development and retains a density consistent with surrounding properties. Staff recommends that the proposed minor subdivision in general conformance with the <u>Black Forest</u> Preservation Plan.

## 5. Water Master Plan Analysis

The <u>El Paso County Water Master Plan</u> (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 6.0.11** Continue to limit urban level development to those areas served by centralized utilities.

The <u>Water Master Plan</u> includes demand and supply projections for central water providers in multiple regions throughout the County. The proposed development will not be served by a central water system. The following has been included for

informational purposes only as it pertains to water demands and supplies in Region 4a for central water providers:

The property is located within Planning Region 4a of the <u>Plan</u>, which is not an area anticipated to experience substantial growth. The <u>Plan</u> identifies the current demand for Region 4a to be 725 acre-feet per year (AFY) (Figure 5.1) with a current supply of 725 AFY (Figure 5.2). The projected demand in 2040 is at 958 AFY (Figure 5.1) with a projected supply of 725 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 is 1,170 AFY (Figure 5.1) with a projected supply of 725 AFY (Figure 5.2) in 2060. This means that by 2060 a deficit of 445 AFY is anticipated for Region 4a.

Water sufficiency has been analyzed with the review of the proposed minor subdivision. The augmentation decree for the property allows the subdivision to draw 4.05 acre-feet of water per year from the Dawson aquifer, which would result in the withdrawal of approximately 1.35 AFY per individual well for the three (3) proposed lots. The applicant's water resources report indicates an annual allocation of approximately 13.18 acre-feet available in the Dawson aquifer over a 300-year period.

The applicant's water resources report and augmentation plan include measures for recharging renewable water resources in the Dawson aquifer. 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. El Paso County Public Health has recommended that the proposed minor subdivision has an adequate water supply in terms of quality. Please see the Water section below for a summary of the water findings and recommendations for the proposed minor subdivision.

### 6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low to moderate wildlife impact potential. El Paso County Community Services Department, Environmental Division, El Paso County Conservation District, and Colorado Parks and Wildlife were each sent a referral and have no outstanding comments.

The <u>Master Plan for Mineral Extraction</u> (1996) identifies floodplain deposits in the area of the subject parcels. A mineral rights certification was prepared by the

applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

The El Paso County Parks Master Plan (2013) does not show any parks or trails within the vicinity of the project.

Please see the Transportation section below for information regarding the <u>El Paso County 2016 Major Transportation Corridors Plan Update</u> (MTCP).

## G. PHYSICAL SITE CHARACTERISTICS

## 1. Hazards

No hazards were identified during the review of the minor subdivision application that would impede development.

#### 2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low to moderate wildlife impact potential. El Paso County Community Services Department, Environmental Division, El Paso County Conservation District, and Colorado Parks and Wildlife were each sent a referral and have no outstanding comments.

## 3. Floodplain

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

## 4. Drainage and Erosion

The property is located within the West Kiowa Creek (KIKI0200) drainage basin, which is not included in the El Paso County Drainage Basin Fee program.

Per the submitted drainage letter, the site generally drains to the southeast. There are two drainage swales that run through the property and runoff ultimately flows towards a 12-inch culvert under Goshawk Road. Flows continue to run towards West Kiowa Creek.

No public improvements are required for this project. Water quality and detention facilities are not required due to the nature and size of the lots. The applicant is not proposing to change the natural direction of runoff on the property.

## 5. Transportation

The subdivision receives access off of Goshawk Road, which is privately owned and not maintained by El Paso County. There is a reciprocal easement for Goshawk Road under Book 2356, Page170. Access to Lot 2 will be provided via a 60-foot easement agreement off of Goshawk Road. The access easement is recorded under Book 6062, Page 535. Lot 3 will obtain access via a 24 foot ingress/egress easement that will be recorded with this subdivision. A traffic study was not required as the proposed subdivision is not expected to generate 100 daily vehicle trips.

The El Paso County 2016 Major Transportation Corridors Plan Update does not depict roadway improvements in the immediate vicinity.

The development is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471, as amended). Road impact fees shall be paid in full at the time of subsequent building permits if not paid at the time of final plat recordation.

#### H. SERVICES

#### 1. Water

Sufficiency:

Quality: Sufficient
Quantity: Sufficient
Dependability: Sufficient

Attorney's summary: Water will be provided by individual onsite wells. 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 is recommending a finding of sufficiency with regard to water quality.

## 2. Sanitation

Individual onsite wastewater treatment systems (OWTS) are proposed to serve the residential lots. The applicant submitted an OWTS report which indicated that the lots are suitable for the placement of these systems, however, an engineered septic system is recommended for Lot 2.

## 3. Emergency Services

The property is within the Falcon Fire Protection District. The District was sent a referral and has no outstanding comments. The District provided a commitment letter to provide fire protection services to the development.

## 4. Utilities

Electrical service is provided by Mountain View Electric Association, Inc., (MVEA) and natural gas service is provided by Black Hills Energy. MVEA and Black Hills Energy were both sent a referral; MVEA has no outstanding comments and Black Hills Energy did not provide a response.

## 5. Metropolitan Districts

The property is not located within the boundaries of a metropolitan district.

#### 6. Parks/Trails

Fees in lieu of park land dedication in the amount of \$1,401.00 for regional fees (Area 2) will be due at the time of recording the final plat. Urban fees are not applicable for this project.

## 7. Schools

Fees in lieu of school land dedication in the amount of \$720.00 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recording.

## I. APPLICABLE RESOLUTIONS

Approval Page 19 Disapproval Page 20

## J. STATUS OF MAJOR ISSUES

There are no major 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 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 recording the Final Plat.
- 8. 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.
- 9. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 18-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales

- documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
- 10. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$1,401.00 shall be paid at the time of plat recordation. Urban park fees are not applicable to this project.
- 11. Fees in lieu of school land dedication in the amount of \$720.00 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recording.
- 12. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

#### **NOTATIONS**

- 1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
- 2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

## L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified eleven (11) adjoining property owners on August 4, 2021, for the Planning Commission meeting. Responses will be provided at the hearing.

## M. ATTACHMENTS

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

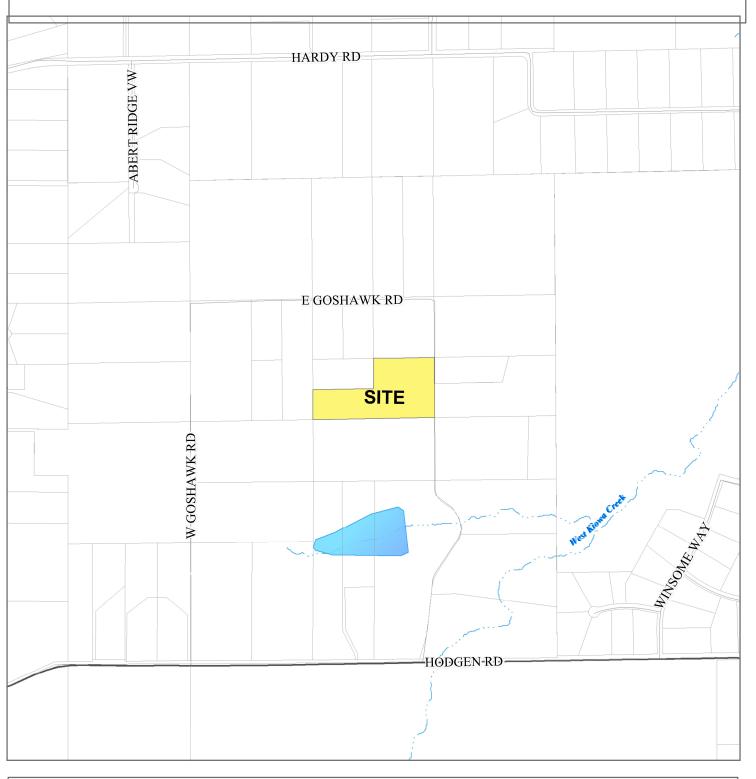
## **El Paso County Parcel Information**

PARCEL 5123000015 ANDRES DANIEL B TRUST

MS-20-007 File Name:

Zone Map No. \_\_-

Date: August 2, 2021







212 N. Wahsatch Ave., Ste 305 Colorado Springs, CO 80903 Mail to: PO Box 1360 Colorado Springs, CO 80901 719.955.5485

March 12, 2021

Ryan Howser Project Manager, Planner I El Paso County, Planning and Community Development 2880 International Circle, Suite 110 Colorado Springs, CO 80910

RE: Circle A Minor Subdivision -17110 Goshawk Rd. Owner: Daniel B Andres Trust

The Circle A Subdivision is located in the NE quarter of Section 23, Township 11 South, Range 65 West of the 6th P.M. in El Paso County, Colorado. The site is bound to the north, south, east and east by similar type single family residential lots land uses.

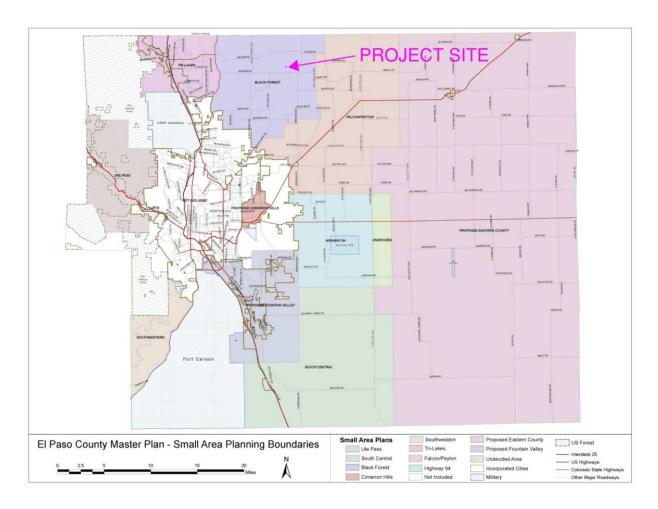
The parcel in its entirety consists of 14.867 AC and is currently zoned "RR-5" for Residential Rural under TSN: 51230-00-015. The proposal consists of subdivided the existing 14.867 AC into (3) separate approx. ~5 AC parcels and planned for (1) single family unit on each lot. Lot 1(existing residential home) shall consist of 4.957 AC, Lot 2 shall consist of 4.960 AC and Lot 3 shall consist of 4.950 AC. The existing residential home will be within Lot 1 of the newly subdivided lots, whereas Lots 2 and 3 are planned for two new residential units each.

The proposed (3) approx ~5 AC parcels proposes the use of wells, septic system development and service from MVEA for electric via overhead power poles with communication service lines. Natural gas and propane are available to service these lots. Goshawk Road is the legal access to the existing 14.867 AC and with the approval of this proposal Lot 1 and 2 shall have direct access to Goshawk Rd and Lot 3 shall be provided with a 24' wide access along the south property line of Lot 1. (See proposed plat map)

The purpose and request of this application are to subdivide the existing 14. 867 into three (3) separate approx. ~5 AC parcels and planned in the future for (1) single family dwelling unit on each of the three (3) lots. Approval of this proposal complies with the current zoning RR-5 with the approval of the Board of Adjustments BOA-20-002 dated 6-10-2020, approving the less than 5.0 AC parcels (Lot 1=4.957ac, Lot 2=4.960ac and Lot 3= 4.950ac) within the RR-5 Zoning. Therefore this proposal generally simulates the surrounding properties with (1) dwelling unit per 5 AC +/- and thereby shall not pose a negative impact to any of the surrounding properties.

## Site Suitability per LDC 7.2.1 (d) (2) & (3)

Conformance to County Planning Areas: The proposed Minor Subdivision application site for the Circle A Subdivision is located and identified in both the Black Forest Preservation Plan Small Area Master Plan areas. The site's proposed uses would be compatible with the long-standing goals and policies of the master planned area.

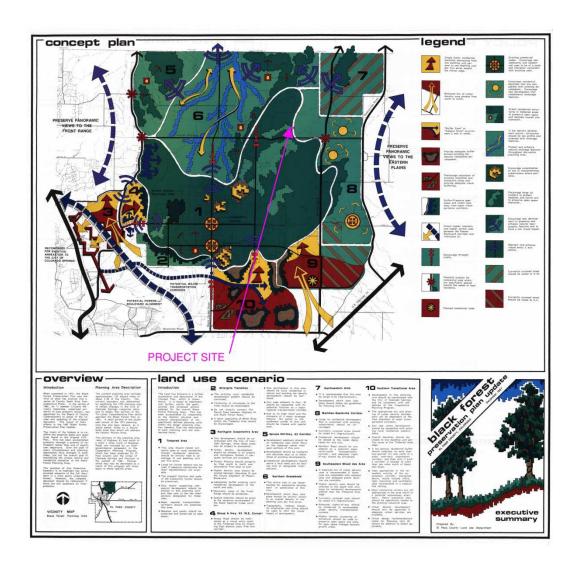


### **Black Forest Preservation Plan**

The goal for Residential proposals is to promote and preserve the rural-character to include 5-acre parcels in the timbered area and transition to a minimum of 2.5 acres in most other areas. The primary residential lots within the Black Forest Preservation Area are less than 10.0 acres in size. Per the Black Forest Land Use calculations, over 50% of residential dwelling parcels within the planning area are 5.0 to 9.99 acres, and almost 36% of dwelling parcels are 0 to 4.99 acres. The Proposed Minor Subdivision request of the 14,867 AC parcel into three (3) approx  $\sim$  5 AC parcels and the site lies in the northern portion of the

Black Forest Preservation Plan, known as Planning Unit 1, and aligns within the overall vision of the Black Forest Preservation Plan planning area.

The Black Forest Preservation Plan was adopted in 1987 and has several key planning unit areas based upon the unique features of Black Forest. The Black Forest Preservation Plan Unit 1 is known as the Timbered Area. The key elements of this planning area are restricting major transportation corridors and density transitions, supporting only local commercial development, and preserving the rural character and open spaces. This planning unit's Timbered Area portion recommends overall densities shall be (1) dwelling unit per 5 acres. The project site currently has (1) existing home within Lot 1 of the proposed site and proposes (1) new dwelling unit each on lots 2 and 3, therefore, complying with the preservation plan recommendations.



## El Paso County Water Master Plan:

This property lies within the Kiowa-Bijou Basin and is located in Region 4a of the El Paso Water Master Plan.

Current <u>Water Demand</u> for Region 4a is **725** AF per year. The anticipated demand for Region 4a in 2040 is 958 AF and in 2060 are 1,170.

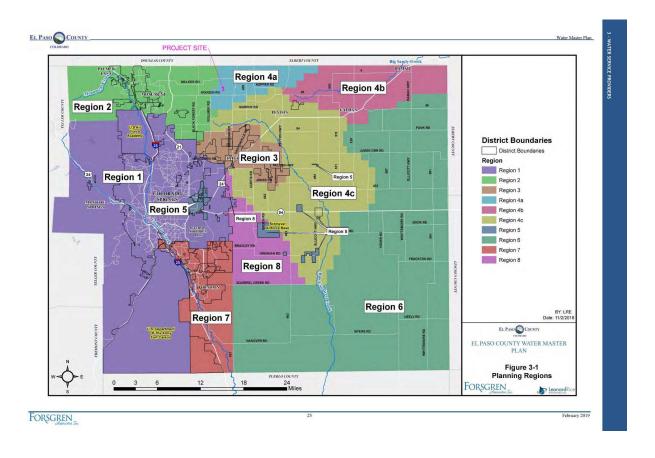
Current Water Supply for Region 4a is **725** AF per year. The anticipated supply for Region 4a in 2040 is 725 and in 2060 are 725.

**Goals and Policies:** The El Paso County Water Supply Master Plan identifies specific goals that promote water supply conservation, quality, and sustainability, which should be upheld and supported by the Circle A Subdivision development.

## Goal 4.2 - Support the efficient use of water supplies & Goal 6.1.2 - Promote water

conservation: Per the El Paso County Water Master Plan, the full 2060 build-out water supply is anticipated that the nonrenewable aquifer water supplies are not expected to be economically sustainable over the long term, and that water supplies in this region may need to be diversified in the future. It is recommended that with water conservation actions by all, users within the Region 4a area could help ensure extending the longevity life use of the water supply. Water conservation actions could be promoted via low water usage landscaping, such as xeriscape style landscaping with minimal grass lawn areas that require substantially more water to maintain.

**Utilities Providers**: Underground wells shall serve the Circle A Subdivision site. The applicant has been issued (2) new well permits and (1) re-permitted for the well existing on-site by the Colorado Division of Water Resources under Permits No's 85145-F, 85146-F, 85148-F.



**Topographical conditions presenting hazards or requiring special precautions**: No portion of this site is within a designated FEMA floodplain as determined by the Federal Emergency Management Agency (FEMA) Flood Insurance Map Rate Map (FIRM) Panel No. 08041C0310G, effective date of December 7, 2018. It is anticipated that the lot's general drainage patterns will not change, except for drainage protection of the future home structures.

**Drainage Improvements:** No drainage Improvements are proposed with the minor subdivision application of the Circle A Subdivision. The proposed development of two (2) new residential units shall be less than 1 AC of disturbance areas combined, and thereby complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM. A Drainage letter Report has been provided with this Minor Subdivision Application/Request.

**Public improvements:** Goshawk Road shall be the ingress/egress access point for the Circle A Subdivision. Goshawk Road is a private gravel roadway approximately 16' wide and maintained by the homeowners that utilize the private road to access the home sites contained in the Goshawk Road

Maintenance Agreement, recorded under Book 5145, Page 866. The private road is within a 40' wide and Non-Exclusive Easement for roadway purposes recorded under Book 2356, Page 170, and Book 2422, Page 44.

**Natural Features and Public Facilities:** The subject property generally slopes to the southeast. There are two natural drainage swales on the subject property, one on the northern portion of the project site (Lot 2) and one to the west on (Lot 3) that convey storm events towards West Kiowa creek. The natural drainage swales shall be left unaltered as to not change the natural drainage patterns. The surface topography across the site is predominantly flat, with gentle slopes of less than 5%. Ponderosa Pines and native grasses cover the property.

The property is relatively isolated from any significant corridors or thoroughfares; therefore, no design factors were incorporated regarding bike paths or public transportation. Therefore, it is not anticipated that the Circle A Subdivision minor subdivision development shall negatively impact the surrounding properties and or existing public facilities. The applicant agrees to pay traffic impacts fees with the minor subdivision under the El Paso County road impact fee program (resolution No. 16-454) of \$3,830 per new single-family dwelling unit, \$7,660 total (Lots 2 and 3) at the time of plat recording.

**Public Services:** The Circle A Subdivision site currently lies within the jurisdictions of all public services such as fire and police protection by the Falcon Fire Department and the City of Colorado Springs Police and or El Paso County Sheriff Departments. The El Paso County Park has recommended no new land dedication with the minor subdivision. However, staff recommends the applicant provide park fees instead of land dedication in the amount of \$1401.

**El Paso County Land Development Code Compliancy:** The Circle A Subdivision Minor subdivision complies with all standards and details outlined in Chapter 6 and Chapter 8 of the El Paso County Land Development Code.

Should you require any additional information, please contact me at 719-210-8125.

Sincerely, Georgianne Willard M&S Civil Consultants, Inc.

# CIRCLE A SUBDIVISION FILING NO. 1

A SUBDIVISION OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23 AND THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23. ALL IN TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO



## KNOW ALL MEN BY THESE PRESENTS:

THAT THE DANIEL B. ANDRES TRUST BEING THE OWNER OF THE FOLLOWING DESCRIBED TRACT OF LAND:

## TO WIT:

THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23 AND

THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23.

ALL IN TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO

CONTAINING 14.87 ACRES MORE OR LESS.

## **OWNERS CERTIFICATE:**

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS IN THE LAND DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED, AND PLATTED SAID LANDS INTO LOTS AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF "CIRCLE A SUBDIVISION FILING NO. 1", EL PASO COUNTY, COLORADO. THE UTILITY EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES AND COMMUNICATION SYSTEMS AND OTHER PURPOSES AS SHOWN HEREON. THE ENTITIES RESPONSIBLE FOR PROVIDING THE SERVICES FOR WHICH THE EASEMENTS ARE ESTABLISHED ARE HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO ADJACENT PROPERTIES FOR INSTALLATION, MAINTENANCE, AND REPLACEMENT OF UTILITY LINES AND RELATED FACILITIES.

BY: DANIEL B. ANDRES, TRUSTEE, DANIEL B. ANDRES TRUST	
NOTARIAL	
STATE OF COLORADO ) ss	
ACKNOWLEDGED BEFORE ME THIS DAY OF  DANIEL B. ANDRES, TRUSTEE, DANIEL B. ANDRES TRUST.	, 2021, A.D. B\

WITNESS MY HAND AND OFFICIAL SEAL:

MY COMMISSION EXPIRES: NOTARY PUBLIC: \_\_\_\_\_

1. THE BASIS OF BEARINGS USED FOR THIS SURVEY IS THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW 1/4, NE 1/4) OF SECTION 23, T11S, R65W OF THE SIXTH P.M., EL PASO COUNTY, COLORADO. THE EAST 1/16TH CORNER OF SAID SECTION IS MONUMENTED WITH A 3.25" ALUMINUM CAP STAMPED "CE 1/16TH, SEC 23, T11S, R65W, LS 28658", THE CENTER OF SAID SECTION IS MONUMENTED WITH A 0.75" IRON PIPE AND A 2.5" ALUMINUM CAP WITNESS CORNER STAMPED "LWA, C1/4, T11S, R65W, W.C., LS 25955", 1.00' WEST OF SAID PIPE, SAID LINE IS ASSUMED TO BEAR S89"10'29"W, 1315.00 US SURVEY FEET (GROUND) BASED ON STATIC GPS OBSERVATIONS.

2. THE FLOOD INSURANCE RATE MAP FOR EL PASO COUNTY, COLORADO PANEL NO. 08041CO310 G WITH AN EFFECTIVE DATE OF 12/7/2018 SHOWS THE PROPERTY TO BE LOCATED IN ZONE X (AREA OF MINIMAL FLOOD HAZARD).

3. A TITLE REPORT ISSUED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY TITLE REPORT NO. H0562780-710-CTO-SSC, WITH AN EFFECTIVE DATE OF JULY 22, 2019 HAS BEEN REVIEWED AS IT RELATES TO THE SUBJECT PROPERTY. THE FOLLOWING EXCEPTIONS IN SCHEDULE B ARE NOTED AND SHOWN IF APPLICABLE HEREON.

NON-EXCLUSIVE EASEMENT FOR ROADWAY PURPOSES OVER THE EASTERLY 20 FEET AS CONTAINED IN INSTRUMENTS RECORDED IN BOOK 2422 AT PAGE 44 AND IN BOOK 2356 AT PAGE 170. (GOSHAWK ROAD)

RIGHT OF WAY AND EASEMENT 20 FEET IN WIDTH FOR UTILITY PURPOSES GRANTED TO MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC. BY INSTRUMENT RECORDED IN BOOK 3150 AT PAGE 546, IN WHICH THE SPECIFIC LOCATION IS UNDEFINED. (ASSUMED TO BE CENTERED ON THE OVERHEAD LINES ALONG GOSHAWK ROAD, AS SHOWN)

· TERMS, CONDITIONS, PROVISIONS AND OBLIGATIONS AS CONTAINED IN GOSHAWK ROAD MAINTENANCE AGREEMENT RECORDED IN BOOK 5145 AT PAGE 866. (NOTHING TO SHOW) · TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS CONTAINED IN THE EASEMENT AGREEMENT RECORDED IN BOOK 6062 AT PAGE 535. (NON-EXCLUSIVE EASEMENT FOR ROADWAY PURPOSES AS SHOWN HEREON).

4. SEWAGE TREATMENT IS THE RESPONSIBILITY OF EACH PROPERTY OWNER. THE EL PASO COUNTY HEALTH DEPARTMENT MUST APPROVE EACH SYSTEM AND, IN SOME CASES, THE DEPARTMENT MAY REQUIRE A SPECIALLY DESIGNED SYSTEM PRIOR TO APPROVAL. 5. INDIVIDUAL WELLS ARE THE RESPONSIBILITY OF EACH PROPERTY OWNER. PERMITS FOR INDIVIDUAL WELLS MUST BE OBTAINED FROM THE STATE WATER ENGINEER WHO BY LAW HAS THE AUTHORITY TO SET CONDITIONS FOR THE ISSUANCE OF THESE PERMITS.

6. ALL STRUCTURAL FOUNDATIONS AND SEPTIC SYSTEMS SHALL BE LOCATED AND DESIGNED BY A PROFESSIONAL ENGINEER CURRENTLY REGISTERED IN THE STATE OF COLORADO. REFER

7. A.) ACCESS AND MAINTENANCE TO HODGEN ROAD, A PUBLIC RIGHT-OF-WAY, IS VIA GOSHAWK ROAD A 40 FOOT (40') WIDE PRIVATE ROADWAY IS SUBJECT TO A RECIPROCAL EASEMENT AGREEMENT AS RECORDED IN BOOK 2356 AT PAGE 170.

AN ADDITIONAL MAINTENANCE AGREEMENT IS RECORDED UNDER RECEPTION NO. \_\_\_\_\_\_ 8. THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THIS MINOR SUBDIVISION AND ARE ON FILE AT THE COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT: SOILS AND GEOLOGY AND WASTEWATER TREATMENT SYSTEM EVALUATION; THREATENED AND ENDANGERED SPECIES ANALYSIS REPORT; WATER RESOURCE; WILDLAND FIRE

ROADWAY, IS VIA A 24 FOOT INGRESS\EGRESS EASEMENT ALONG THE SOUTH LINE OF LOT 1.

B.) THE ACCESS AND MAINTENANCE FOR LOT 3 TO GOSHAWK ROAD, A 40 FOOT PRIVATE

AND MITIGATION PLAN; FIRE PROTECTION; AND DRAINAGE REPORT. 9. ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGH THEIR PROPERTY. PUBLIC DRAINAGE EASEMENTS AS SPECIFICALLY NOTED ON THE PLAT SHALL BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS UNLESS OTHERWISE INDICATED. STRUCTURES, FENCES, MATERIALS OR LANDSCAPING THAT COULD IMPEDE THE FLOW OF RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENTS.

10. 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.

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

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

13. MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY AND UNITED STATES POSTAL SERVICE REGULATIONS. MAILBOXES SHALL BE PLACED AT THE CENTRAL MAILBOX LOCATION AT THE SOUTH END OF GOSHAWK ROAD.

14. 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.

15. THE BOARD OF ADJUSTMENT HAS MADE AN ALLOWANCE FOR LESS THAN 5 ACRE LOTS. REFER TO PCD FILE NO. BOA-20-002, APPROVED PER BOA HEARING DATE 6-10-2020, FOR INFORMATION RELATING TO THIS ALLOWANCE.

## VICINITY MAP NOT TO SCALE

## BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

THIS PLAT FOR "CIRCLE A SUBDIVISION FILING NO. 1" WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS ON THE \_\_\_\_\_, 2021, A.D., SUBJECT TO ANY NOTES SPECIFIED HEREON AND ANY CONDITIONS INCLUDED IN THE RESOLUTION OF APPROVAL.

BOARD OF	COUNTY	COMMISSIONERS	_	DATE

## SURVEYORS CERTIFICATE

I VERNON P. TAYLOR, 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 NOVEMBER 02, 2017 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	, 20

## COLORADO PLS NO. 25966, FOR AND

## ON BEHALF OF M&S CIVIL CONSULTANTS, INC

## 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.

## 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.

A 60 FOOT DRAINAGE EASEMENT ACROSS LOTS 1 AND 2 FOR THE PURPOSE OF PRESERVING THE NATURAL DRAINAGE PATTERNS. NO ALTERATIONS TO THE NATURAL DRAINAGE PATTERNS OF THE EXISTING SWALE SHALL OCCUR WITHIN THE 60 FOOT EASEMENT DELINEATION. THE SOLE RESPONSIBILITY FOR MAINTENANCE OF THE EASEMENT IS HEREBY VESTED WITH THE INDIVIDUAL

## **COUNTY APPROVAL:**

THIS PLAT FOR "CIRCLE A SUBDIVISION FILING NO. 1" WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR ON THE \_\_\_\_\_ DAY OF \_ \_\_, 2021, A.D. SUBJECT TO ANY NOTES OR CONDITIONS SPECIFIED HEREON.

PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR

## EL PASO COUNTY ASSESSOR

RECORDING: STATE OF COLORADO )

COUNTY OF EL PASO )

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT MY OFFICE AT O'CLOCK .M., THIS DAY OF AND IS DULY RECORDED UNDER RECEPTION NUMBER

CHUCK BROERMAN, RECORDER

FEE:	BY:	
		DEPUTY

OF THE RECORDS OF EL PASO COUNTY, COLORADO.

14.87 ACRES 100% 14.87 ACRES 100.00%

DRAINAGE FEE: BRIDGE FEE:

# PARK FEE:

FINAL PLAT CIRCLE A SUBDIVISION FILING NO. 1

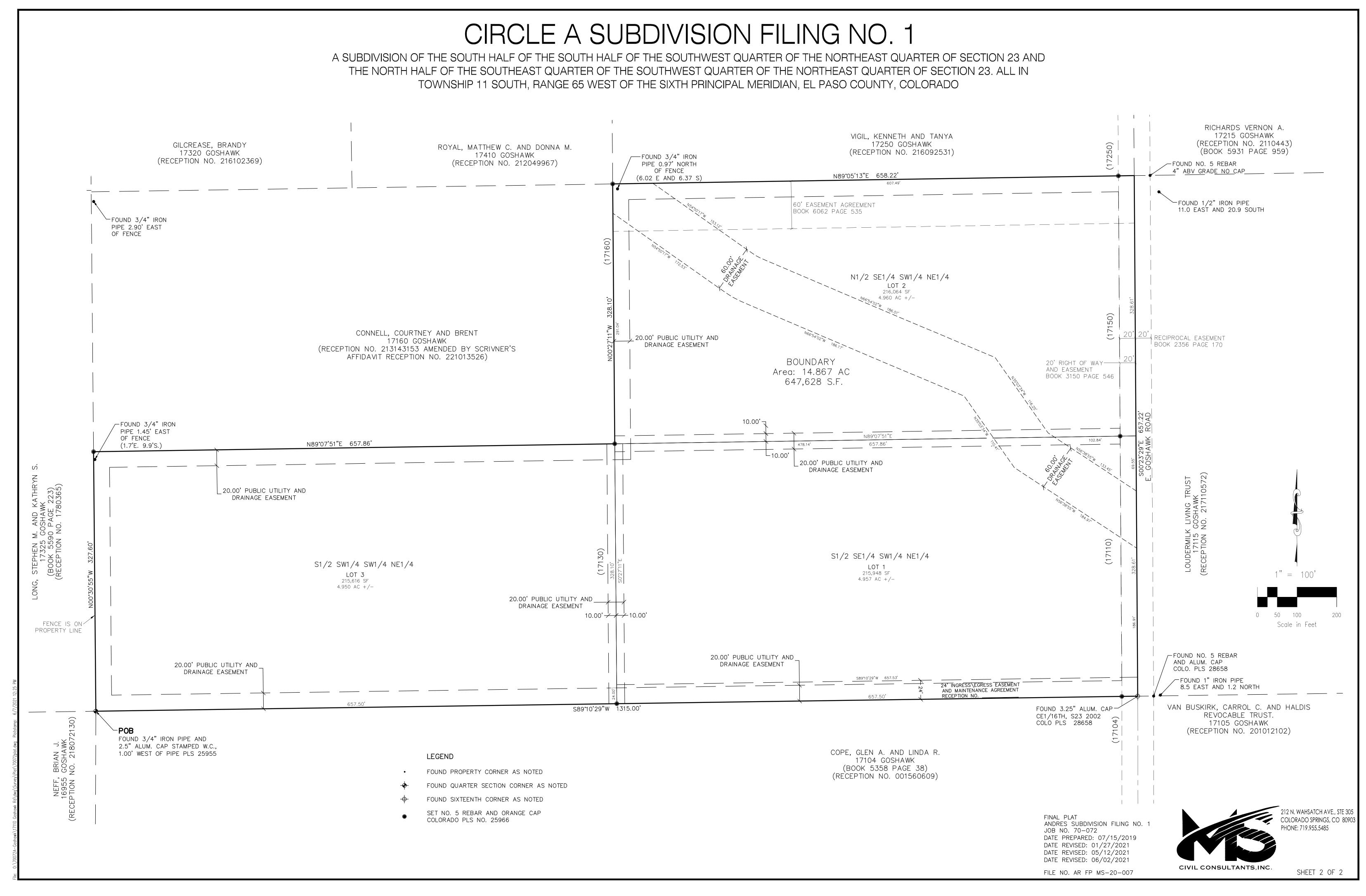
JOB NO. 70-072 DATE PREPARED: 07/15/2019 DATE REVISED: 01/27/2021 DATE REVISED: 05/12/2021 DATE REVISED: 06/02/2021

FILE NO. AR FP MS-20-007



CIVIL CONSULTANTS, INC.

SHEET 1 OF 2





April 29, 2021

Ryan Howser
El Paso County Development Services Department
DSDcomments@elpasoco.com

**RE:** Circle A Subdivision

Part of the SW ¼ of the NE ¼, Section 23, T11S, R65W, 6<sup>th</sup> P.M.

Kiowa Bijou Designated Ground Water Basin

Water Division 1, Water District 1

Dear Ryan Howser:

We have received the additional information submitted on April 13, 2021 concerning the above-referenced proposal to subdivide a 14.9-acre parcel of land into three lots. This office previously commented on the subject proposal in a letter dated December 29, 2020, this letter supersede the previous letter.

## Water Supply Demand

According to the submitted Water Supply Information Summary Sheet and report for Denver Basin Groundwater Assessment dated April 9, 2021 by Julia Murphy ("Water Resources Report") provided with the submittal, the estimated water requirements total 4.05 acrefeet annually (1.35 acre-feet/year per lot), for in-home purposes, outdoor irrigation of landscape, lawn and gardens, domestic animals and greenhouse use.

## Source of Water Supply

The proposed source of water supply is individual on-lot wells producing from the not-nontributary (actual replacement) Dawson aquifer, including well permit nos. 85145-F (Lot 2), 85146-F (Lot 3) and 85148-F (Lot 1), pursuant to the Replacement Plan for Determination of Water Right No. 4043-BD.

Determination of Water Right no. 4043-BD was issued by the Ground Water Commission ("Commission") on November 9, 2020 for an allowed average annual amount of withdrawal of ground water of 13.18 acre-feet from the Dawson Aquifer (based on an aquifer life of 100 years) to be used on the 14.9 acre parcel that is the subject of this referral.

On November 9, 2020 the Commission approved the Replacement Plan for Determination of Water Right no. 4043-BD. The Replacement Plan for Determination of Water Right no. 4043-BD allows for the withdrawal of 4.05 acre-feet per year of ground water from the Dawson aquifer for 300 years, through three wells, including the existing well operated under permit no. 85148-F, to be located on three residential lots on the 14.9 acres which is the subject property of this referral. Each well may withdraw 1.35 acre-feet per year of groundwater to be used for in-home use, irrigation of landscape and gardens, domestic animals, commercial, fire protection, recreational, greenhouse, replacement and the watering of stock animals, either directly or after storage. These allowed uses are consistent with the proposed uses specified in the Water Supply Report.



The proposed source of water for this development is a bedrock aquifer allocation from the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which the bedrock aquifer sources will be a physically and economically viable source of water. According to 37-90-107(7)(a), C.R.S., "Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years." Based on this allocation approach, the annual amounts of water determined in Determination of Water Right No. 4043-BD is equal to one percent of the total amount, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

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

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

The State Engineer's Office does not have evidence regarding the length of time for which the bedrock aquifer sources will "meet the average annual demand of the proposed subdivision." However, treating El Paso County's requirement as an allocation approach based on three hundred years, the allowed average annual amount of withdrawal of 4.05 acre-feet per year from the Dawson aquifer pursuant to the Replacement Plan for Determination of Water Right no. 4043-BD for a maximum of 300 years, is sufficient to supply the requirement of 4.05 acre-feet/year.

The Water Supply Information Summary Sheet submitted indicates the existing well under permit no. 85148-F and well permit nos. 85145-F and 85146-F will be used for the subdivision.

Well permit no. 85148-F was issued for the use of an existing well constructed under permit no. 101207 (canceled) pursuant to the Replacement Plan for Determination of Water Right no. 4043-BD for the withdrawal of 1.35 acre-feet/year of groundwater from the Dawson aquifer for domestic use including in-house use, irrigation of landscape and gardens, domestic animal watering, commercial, fire protection, recreational, greenhouse, replacement and the watering of stock animals either directly or after storage. The place of use is limited to the 4.95 acres parcel known as Lot 1, Circle A Subdivision. Since the uses, annual amount of withdrawal and water source of permit no. 85148-F, are those proposed for the subdivision, permit no. 85148-F may be used within subdivision.

Well permit no. 85145-F was issued pursuant to the Replacement Plan for Determination of Water Right no. 4043-BD for the withdrawal of 1.35 acre-feet/year of groundwater from the Dawson aquifer for domestic use including in-house use, irrigation of landscape and gardens, domestic animal watering, commercial, fire protection, recreational, greenhouse, replacement and the watering of stock animals either directly or after storage. The place of use is limited to the 4.96 acres parcel known as Lot 2, Circle A Subdivision. This office has not received information that a well under permit no. 85145-F has been constructed. Well permit no. 85145-F will expire on February 23, 2022 unless this office receives information that the well was constructed installed before the permit expired or the

applicant applies for a one time one year expiration extension. Since the uses, annual amount of withdrawal and water source of permit no. 85145-F, are those proposed for the subdivision, should a well be constructed under permit no. 85145-F, the well may be used within subdivision.

Well permit no. 85146-F was issued pursuant to the Replacement Plan for Determination of Water Right no. 4043-BD for the withdrawal of 1.35 acre-feet/year of groundwater from the Dawson aquifer for domestic use including in-house use, irrigation of landscape and gardens, domestic animal watering, commercial, fire protection, recreational, greenhouse, replacement and the watering of stock animals either directly or after storage. The place of use is limited to the 4.95 acres parcel known as Lot 3, Circle A Subdivision. This office has not received information that a well under permit no. 85146-F has been constructed. Well permit no. 85146-F will expire on February 23, 2022 unless this office receives information that the well was constructed installed before the permit expired or the applicant applies for a one time one year expiration extension. Since the uses, annual amount of withdrawal and water source of permit no. 85146-F, are those proposed for the subdivision, should a well be constructed under permit no. 85146-F, the well may be used within subdivision.

## State Engineer's Office Opinion

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

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

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

Our opinion is qualified by the following:

The Colorado Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the above-referenced Determination of Water Right(s), pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifers, 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 300 years used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.

If you, or the applicant, have any questions, please contact Ailis Thyne at ailis.thyne@state.co.us.

Sincerely,

Joanna Williams, P.E. Water Resources Engineer

Ec: Well permit nos. 85145-F, 85146-F & 85148-F SEO referral no. 27464

Circle A\_El Paso\_4-2021.docx

## OFFICE OF THE COUNTY ATTORNEY

**CIVIL DIVISION** 

Diana K. May, County Attorney

**Assistant County Attorneys** 

Lori L. Seago
Lisa A. Kirkman
Steven A. Klaffky
Mary Ritchie
Bryan E. Schmid
Nathan J. Whitney
Michael J. Desmond
Christopher M. Strider
Terry A. Sample

July 12, 2021

35/

Circle A Minor Subdivision MS-20-7

Reviewed by:

Lori L Seago, Senior Assistant County Attorney

Edi Anderson, Paralegal, ACP

## FINDINGS AND CONCLUSIONS:

- 1. This is a minor subdivision proposal by the Daniel B. Andres Trust ("Applicant") for a subdivision of 3 single-family lots on 14.867 +/- acres of land (the "Property"). An existing residence and existing well are currently present on the Property. The Property is zoned RR-5 (Rural Residential).
- 2. The Applicant has provided for the source of water to derive from individual on-lot wells as provided in the Findings and Order Determination No. 4043-BD and Replacement Plan No. 4043-RP, both approved by the Colorado Ground Water Commission on November 9, 2020 ("Determination" and "Replacement Plan"). Pursuant to the Water Supply Information Summary ("WSIS"), the water demand is 0.78 acre-feet for household use, 2.96 acre-feet for irrigation, 0.25 acre-feet for stock watering, and 0.0566 for greenhouse use for a total of 4.05 acre-feet per year for the subdivision (1.35 acre-feet/year/lot). Based on a total demand of 4.05 acre-feet per year for the subdivision, Applicant must provide a water supply of 1,215 acre-feet (4.05 acre-feet per year x 300 years) to meet the County's 300-year water supply requirement.
- 3. In a letter dated April 29, 2021, the State Engineer's Office reviewed the submittal to subdivide the 14.9 +/- acre parcel into 3 lots. The State Engineer stated that the "proposed source of water supply is individual on-lot wells producing from the not-nontributary (actual replacement) Dawson aquifer .... Determination of Water Right no. 4043-BD was issued by the Ground Water Commission ("Commission") on November 9, 2020 for an allowed average annual amount of withdrawal of ground water of 13.18 acre-feet from the Dawson Aquifer (based on an aquifer life of 100 years) ...." The Replacement Plan was also approved on November 9, 2020, and allows withdrawal of 4.05 acre-feet/year. The State Engineer stated that the water may be withdrawn through each of 3 wells on the 3 residential lots and that "[e]ach well may withdraw 1.35 acre-feet per year of groundwater to be used for in-home use, irrigation of landscape and gardens, domestic animals, commercial, fire protection, recreational, greenhouse, replacement

flows via a non-evaporative septic system before any irrigation or animal watering is allowed to be served by any of the wells."

- 6. <u>Analysis.</u> Applicant's water demand is 4.05 acre-feet/year for the entire subdivision using Dawson aquifer water which is allowed under the Replacement Plan for the 3-lot subdivision. The total water demand for the subdivision for 300 years is 1,215 acre-feet. The WSIS and the *Water Resources Report for Circle A* dated April 9, 2021, confirm the annual water supply for the subdivision is 4.05 acre-feet for 300 years (1.35 acre-feet/lot/year). With an annual demand of 4.05 acre-feet and a total available supply of 4.05 acre-feet/year, there appears to be a sufficient water supply to meet the water demands of the Circle A Minor Subdivision.
- 7. Section 8.4.7.B.10.g., of the <u>El Paso County Land Development Code</u> allows for the presumption of acceptable water quality for minor subdivision projects such as this.
- Therefore, based on the Water Supply Information Summary, based on the finding of sufficiency and no injury by the State Engineer, based on the Determination of Water Right 4043-BD and Replacement Plan No. 4043-RP, and based on the requirements below, the County Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability. There is a presumption of sufficient water quality.

## REQUIREMENTS:

- A. Applicant and its successors and assigns shall comply with all requirements of Determination of Water Right 4043-BD and Replacement Plan No. 4043-RP, specifically, that water use shall not exceed 1.35 acre-feet annually for each of 3 wells located on each of the 3 lots in the subdivision; and that all stream depletions will be replaced with non-evaporative septic system return flows for a period of 300 years.
- The County prefers that when there is a plan for replacement, Applicant create a homeowners' association ("HOA"); however, alternatively to establishing an HOA, especially for minor subdivisions such as this, Applicant shall create restrictive covenants upon and running with the property which shall advise and obligate future lot owners of this subdivision and their successors and assigns regarding all applicable requirements of Colorado Ground Water Commission Determination 4043-BD and Replacement Plan No. 4043-RP, as well as their obligations to comply with the plan for replacement, including, but not limited to, ensuring that return flows by the use of non-evaporative septic systems are made to the stream systems, and that such return flows shall only be used to replace depletions and shall not be sold, traded, or assigned in whole or in part for any other purpose. The Covenants more specifically shall require the Dawson aquifer wells to serve on each lot an occupied single-family dwelling that is generating return flows from a non-evaporative septic system before any irrigation or animal watering is allowed from the wells. In addition, the Covenants shall advise future lot owners of this subdivision and their successors and assigns of their obligations regarding costs of operating the plan for replacement. Such Covenants shall also address responsibility for any metering and data collecting that may be required regarding water withdrawals from wells pursuant to the plan for replacement, and shall protect the viability of the water supply by placing

limitations in the Covenants as to amendments and termination as applied to said water supply.

The covenants shall address the following:

- 1) Identify the water rights associated with the property. The Covenants shall reserve 1,215 acre-feet (405 acre-feet per lot) of not-nontributary Dawson aquifer water pursuant to Colorado Ground Water Commission Determination 4043-BD and Replacement Plan No. 4043-RP, to satisfy El Paso County's 300-year water supply requirement for the 3 lots of the Circle A Minor Subdivision.
- 2) Require evaporative septic systems and reserve return flows from the same. The Covenants shall require each lot owner to use non-evaporative septic systems during 300 years of pumping, shall reserve said return flows to replace depletions during pumping, and shall state that said return flows shall not be sold, traded or used for any other purpose. The Covenants more specifically shall require the Dawson aquifer well on each lot to be serving an occupied single-family dwelling that is generating return flows from a non-evaporative septic system before any irrigation or animal watering is allowed from the well. The Covenants shall also include the following or similar language to ensure that such return flows shall only be used for replacement purposes: "Return flows shall only be used for replacement purposes, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose."
- 3) The following or similar language shall be included in the Covenants to address future conveyances of the lots subsequent to the initial conveyance made by Applicant/Declarant: "The water rights referenced herein shall be explicitly conveyed; however, if a successor lot owner fails to so explicitly convey the water rights, such water rights shall be intended to be conveyed pursuant to the appurtenance clause in any deed conveying said lot, whether or not the plan for replacement in Colorado Ground Water Commission Determination 4043-BD and Replacement Plan No. 4043-RP and the water rights are specifically referenced in such deed. The water rights so conveyed shall be appurtenant to the lot with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title."
  - 4) The Covenants shall advise future lot owners of this subdivision and their successors and assigns of their responsibility for any metering and data collecting that may be required regarding water withdrawals from the existing Dawson aquifer wells.
  - 5) The Covenants shall address amendments using the following or similar language:

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

impair, or in any manner compromise the water supply for the Circle A Minor Subdivision pursuant to the plan for replacement in Colorado Ground Water Commission Determination 4043-BD and Replacement Plan No. 4043-RP. Further, written approval of the proposed amendments must first be obtained from the El Paso County Planning and Community Development Department, and as may be appropriate, by the Board of County Commissioners, after review by the County Attorney's Office. Any amendments must be pursuant to a Determination from the Colorado Ground Water Commission, with prior notice to the El Paso County Planning and Community Development for an opportunity for the County to participate in any such adjudication."

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

"These Covenants shall not terminate unless the requirements of Colorado Ground Water Commission Determination 4043-BD and Replacement Plan No. 4043-RP are also terminated by order of the Commission, and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County."

Applicant or its successors and assigns shall reserve in the Covenants and in any deeds of the Property the decreed amount of at least 1.35 acre-feet per lot annually and shall reserve a total decreed amount of at least 4.05 acre-feet/year of Dawson aquifer water for the 3 lots in the subdivision for 300 years for a total of 1,215 acre-feet for the 3-lot subdivision for 300 years. Said reservation shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for primary and replacement supply. Applicant shall convey by recorded warranty deed these reserved Dawson aquifer water rights to the individual lot owners pursuant to Colorado Ground Water Commission Determination 4043-BD and Replacement Plan No. 4043-RP. Applicant or its successors and assigns shall, at the time of lot sales, convey by warranty deed to individual lot owner(s) sufficient water rights in the Dawson aguifer underlying the lots to satisfy El Paso County's 300-year water supply requirement. Dawson aquifer requirements for each lot are as follows: 405 acre-feet for each lot (1.35 acrefeet/year x 300 yrs.). Said conveyance instruments shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for the primary supply and replacement during pumping for the respective lots. Applicant shall provide said Covenants or other such reservation instrument and form deeds for such conveyances that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney's Office prior to recording of the minor subdivision plat.

Any and all conveyance instruments shall recite as follows:

For the water rights and return flows conveyed for the primary supply (Dawson aquifer): "These water rights conveyed, and the return flows therefrom, are intended to provide a 300-year supply, and replacement during pumping, for each of the 3 lots of the Circle A 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."

- D. Applicant or its successors and assigns shall submit Declaration of Covenants, Conditions, and Restrictions and any plat notes required herein to the Planning and Community Development Department and the County Attorney's Office for review, and the same shall be approved by the Planning and Community Development Department and the County Attorney's Office before the final plat will be recorded. Said Declaration shall cross-reference Colorado Ground Water Commission Determination 4043-BD and Replacement Plan No. 4043-RP and shall identify the obligations of the individual lot owners thereunder.
- E. Applicant or its successors and assigns shall record all applicable documents, including, but not limited to, Colorado Ground Water Commission Determination 4043-BD and Replacement Plan No. 4043-RP, agreements, assignments, and warranty deeds regarding the water rights, and Declaration of Covenants in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.
- F. Applicant or its successors and assigns shall provide proof to the State Engineer's Office that wells have been constructed under Well Permit No. 85145-F and Well Permit No. 85146-F prior to February 23, 2022 or the permits will expire.
- G. As further noted by the State Engineer's Office, the following plat note shall be added that addresses the State Engineer's admonition to advise landowners of potential limited water supplies in the Denver Basin:

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

cc. Ryan Howser, Planner II

# Exhibit A Replacement Plan - Determination No.: XX-BD Page 1 of 3

	Designated Basin Summary Table for Daniel B. Andres Trust Pumping Rate of 4.05 acre-feet per year for 300 Years from the Dawson aquifer								
			ction(s): Section 23,7		V, 6th P.M.				
Year	Pumping (Q) (AF/YR)	Annual Depletion (q) (AF/YR)	Depletion as a % of Pumping (q/Q)	Year	Pumping (Q) (AF/YR)	Annual Depletion (q) (AF/YR)	Depletion as a % of Pumping (q/Q		
1	4.0	0.000	0.00	51	4.0	0.006	0.16		
2	4.0	0.000	0.00	52	4.0	0.007	0.17		
3	4.0	0.000	0.00	53	4.0	0.007	0.17		
4	4.0	0.000	0.00	54	4.0	0.007	0.18		
5	4.0	0.000	0.00	55	4.0	0.008	0.19		
6	4.0	0.000	0.00	56	4.0	0.008	0.20		
7	4.0	0.000	0.00	57	4.0	0.008	0.21		
8	4.0	0.000	0.00	58	4.0	0.009	0.21		
9	4.0	0.000	0.00	59	4.0	0.009	0.22		
10	4.0	0.000	0.00	60	4.0	0.009	0.23		
11	4.0	0.000	0.00	61	4.0	0.010	0.24		
12	4.0	0.000	0.00	62	4.0	0.010	0.25		
13	4.0	0.000	0.00	63	4.0	0.010	0.26		
14	4.0	0.000	0.00	64	4.0	0.011	0.27		
15	4.0	0.000	0.00	65	4.0	0.011	0.27		
16	4.0	0.000	0.01	66	4.0	0.011	0.28		
17	4.0	0.000	0.01	67	4.0	0.012	0.29		
18	4.0	0.000	0.01	68	4.0	0.012	0.30		
19	4.0	0.000	0.01	69	4.0	0.013	0.31		
20	4.0	0.000	0.01	70	4.0	0.013	0.32		
21	4.0	0.001	0.01	71	4.0	0.013	0.33		
22	4.0	0.001	0.02	72	4.0	0.014	0.34		
23	4.0	0.001	0.02	73	4.0	0.014	0.35		
24	4.0	0.001	0.02	74	4.0	0.015	0.36		
25	4.0	0.001	0.02	75	4.0	0.015	0.37		
26	4.0	0.001	0.03	76	4.0	0.015	0.38		
27	4.0	0.001	0.03	77	4.0	0.016	0.39		
28	4.0	0.001	0.03	78	4.0	0.016	0.40		
29	4.0	0.001	0.04	79	4.0	0.017	0.41		
30	4.0	0.002	0.04	80	4.0	0.017	0.42		
		0.002	0.04	81	4.0	0.017	0.43		
31	4.0	0.002	0.05	82	4.0	0.018	0.44		
32	4.0	0.002	0.05	83	4.0	0.018	0.45		
33	4.0	0.002	0.06	84	4.0	0.019	0.46		
	4.0	0.002	0.06	85	4.0	0.019	0.47		
35	4.0	0.002	0.07	86	4.0	0.020	0.48		
36 37	4.0	0.003	0.07	87	4.0	0.020	0.49		
	4.0	0.003	0.08	88	4.0	0.020	0.50		
38		0.003	0.08	89	4.0	0.021	0.52		
39	4.0	0.003	0.09	90	4.0	0.021	0.53		
40	4.0	0.004	0.09	91	4.0	0.022	0.54		
41	The state of the s	0.004	0.09	92	4.0	0.022	0.55		
42	4.0	0.004	0.10	93	4.0	0.023	0.56		
43	4.0		0.10	94	4.0	0.023	0.57		
44	4.0	0.005	0.11	95	4.0	0.024	0.58		
45	4.0	0.005	0.12	96	4.0	0.024	0.59		
46	4.0	0.005	0.12	97	4.0	0.024	0.60		
47	4.0	0.005		98	4.0	0.025	0.62		
48	4.0	0.006	0.14	THE RESERVE AND DESCRIPTION OF THE PERSON NAMED IN COLUMN TWO		0.025	0.63		
49	4.0	0.006	0.14	99 100	4.0	0.025	0.64		

Exhibit A

Replacement Plan - Determination No.: -BD

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			Page 2						
			Designated Basin Su						
		Pumping Ra	ate of acre-feet per y		ars from the aquit	er			
	Section(s):								
Year	Pumping (Q) (AF/YR)	Annual Depletion (q) (AF/YR)	Depletion as a % of Pumping (q/Q)	Year	Pumping (Q) (AF/YR)	Annual Depletion (q) (AF/YR)	Depletion as a % of Pumping (q/C		
105	4.0	0.028	0.70	155	4.0	0.053	1.31		
106	4.0	0.029	0.71	156	4.0	0.054	1.32		
107	4.0	0.029	0.72	157	4.0	0.054	1.34		
108	4.0	0.030	0.73	158	4.0	0.055	1.35		
109	4.0	0.030	0.74	159	4.0	0.055	1.36		
110	4.0	0.031	0.75	160	4.0	0.056	1.37		
111	4.0	0.031	0.77	161	4.0	0.056	1.39		
112	4.0	0.032	0.78	162	4.0	0.057	1.40		
113	4.0	0.032	0.79	163	4.0	0.057	1.41		
114	4.0	0.032	0.80	164	4.0	0.058	1.43		
115	4.0	0.033	0.81	165	4.0	0.058	1.44		
116	4.0	0.033	0.83	166	4.0	0.059	1,45		
117	4.0	0.034	0.84	167	4.0	0.059	1.46		
118	4.0	0.034	0.85	168	4.0	0.060	1.48		
119	4.0	0.035	0.86	169	4.0	0.060	1.49		
120	4.0	0.035	0.87	170	4.0	0.061	1.50		
121	4.0	0.036	0.89	171	4.0	0.061	1.51		
122	4.0	0.036	0.90	172	4.0	0.062	1.53		
123	4.0	0.037	0.91	173	4.0	0.062	1.54		
124	4.0	0.037	0.92	174	4.0	0.063	1.55		
125	4.0	0.038	0.94	175	4.0	0.063	1.57		
126	4.0	0.038	0.95	176	4.0	0.064	1.58		
127	4.0	0.039	0.96	177	4.0	0.064	1.59		
128	4.0	0.039	0.97	178	4.0	0.065	1.60		
129	4.0	0.040	0.98	179	4.0	0.066	1.62		
130	4.0	0.040	1.00	180	4.0	0.066	1.63		
131	4.0	0.041	1.01	181	4.0	0.067	1.64		
132	4.0	0.041	1.02	182	4.0	0.067	1.66		
133	4.0	0.042	1.03	183	4.0	0.068	1.67		
134	4.0	0.042	1.05	184	4.0	0.068	1.68		
135	4.0	0.043	1.06	185	4.0	0.069	1.69		
136	4.0	0.043	1.07	186	4.0	0.069	1.71		
137	4.0	0.044	1.08	187	4.0	0.070	1.72		
138	4.0	0.044	1.10	188	4.0	0.070	1.73		
139	4.0	0.045	1.11	189	4.0	0.071	1.75		
140	4.0	0.045	1.12	190	4.0	0.071	1.76		
141	4.0	0.046	1.13	191	4.0	0.072	1.77		
142	4.0	0.046	1.15	192	4.0	0.072	1.79		
143	4.0	0.047	1.16	193	4.0	0.073	1.80		
144	4.0	0.047	1.17	194	4.0	0.073	1.81		
145	4.0	0.048	1.18	195	4.0	0.074	1.82		
146	4.0	0.048	1.20	196	4.0	0.074	1.84		
147	4.0	0.049	1.21	197	4.0	0.075	1.85		
148	4.0	0.049	1.22	198	4.0	0.075	1.86		
149	4.0	0.050	1.23	199	4.0	0.076	1.88		
150	4.0	0.051	1.25	200	4.0	0.076	1.89		

Exhibit A
Replacement Plan - Determination No.: -BD

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	Pumping (Q)	Annual Depletion	Section Depletion as a %		Pumping (Q)	Annual Depletion	Depletion as a %
Year	(AF/YR)	(q) (AF/YR)	of Pumping (q/Q)	Year	(AF/YR)	(q) (AF/YR)	of Pumping (q/C
205	4.0	0.079	1.95	255	4.0	0.105	2.59
206	4.0	0.080	1.96	256	4.0	0.105	2.60
207	4.0	0.080	1.98	257	4.0	0.106	2.62
208	4.0	0.081	1.99	258	4.0	0.107	2.63
209	4.0	0.081	2.00	259	4.0	0.107	2.64
210	4.0	0.082	2.02	260	4.0	0.108	2.66
211	4.0	0.082	2.03	261	4.0	0.108	2.67
212	4.0	0.083	2.04	262	4.0	0.109	2.68
213	4.0	0.083	2.06	263	4.0	0.109	2.69
214	4.0	0.084	2.07	264	4.0	0.110	2.71
215	4.0	0.084	2.08	265	4.0	0.110	2.72
216	4.0	0.085	2.09	266	4.0	0.111	2.73
217	4.0	0.085	2.11	267	4.0	0.111	2.74
218	4.0	0.086	2.12	268	4.0	0.112	2.76
219	4.0	0.086	2.13	269	4.0	0.112	2.77
220	4.0	0.087	2.15	270	4.0	0.113	2.78
221	4,0	0.087	2.16	271	4.0	0.113	2.79
222	4.0	0.088	2.17	272	4.0	0.114	2.81
223	4.0	0.088	2.18	273	4.0	0.114	2.82
224	4.0	0.089	2.20	274	4.0	0.115	2.83
225	4.0	0.089	2.21	275	4.0	0.115	2.85
226	4.0	0.090	2.22	276	4.0	0.116	2.86
227	4.0	0.091	2.24	277	4.0	0.116	2.87
228	4.0	0.091	2.25	278	4.0	0.117	2.88
229	4.0	0.092	2.26	279	4.0	0.117	2.89
230	4.0	0.092	2.27	280	4.0	0.118	2.91
231	4.0	0.093	2.29	281	4.0	0.118	2.92
232	4.0	0.093	2.30	282	4.0	0.119	2.93
233	4.0	0.094	2.31	283	4.0	0.119	2.95
234	4.0	0.094	2.33	284	4.0	0.120	2.96
235	4.0	0.095	2.34	285	4.0	0.120	2.97
236	4.0	0.095	2.35	286	4.0	0.121	2.98
237	4.0	0.096	2.36	287	4.0	0.121	2.99
238	4.0	0.096	2.38	288	4.0	0.122	3.01
239	4.0	0.097	2.39	289	4.0	0.122	3.02
240	4.0	0.097	2.40	290	4.0	0.123	3.03
241	4.0	0.098	2.41	291	4.0	0.123	3.05
242	4.0	0.098	2.43	292	4.0	0.124	3.06
243	4.0	0.099	2.44	293	4.0	0.124	3.07
244	4.0	0.099	2.45	294	4.0	0.125	3.08
245	4.0	0.100	2.46	295	4.0	0.125	3.10
246	4.0	0.100	2.48	296	4.0	0.126	3.11
247	4.0	0.101	2.49	297	4.0	0.126	3.12
248	4.0	0.101	2.50	298	4.0	0.127	3.13
249	4.0	0.102	2.52	299	4.0	0.127	3.14

Created by jmw on September 23, 2019



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Environmental Health Division 1675 W. Garden of the Gods Road Suite 2044 Colorado Springs, CO 80907 (719) 578-3199 phone (719) 578-3188 fax www.elpasocountyhealth.org

## Circle A Subdivision, MS-20-7 (Revised 21July2021)

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

- The existing 15-acre developed lot is proposing 3 lots approved by the El Paso County Board of Adjustment (BOA) at just less than 5 acres each. Lot 1 is an existing developed lot, and lot 1 and 2 are undeveloped and proposed for residential use. All lots will be served water by individual private wells, and wastewater by onsite wastewater treatment systems (OWTS's).
- El Paso County Public Health agrees with the 21July2021, GWI, Ground Water Investigations, LLC, "Water Quality Report for the Circle A Subdivision", Section 5.0 Sources of Potential Contaminants section. Confined aquifer water sources are protected from most sources of surface contamination; therefore, sampling for the all the water quality parameters of an alluvial aquifer is not warranted. Results of the samples submitted to Colorado Analytical Laboratories, Inc., and to Hazen Research, Inc., on 14October2020, were acceptable under the Colorado Primary Drinking Water Regulations. Based on the sample results from both laboratories there is a finding for sufficiency in terms of water quality.
- The GWI, LLC., Engineering, Inc., 09April2021 revised OWTS Report and the 12June2019 PARR Engineering and Consulting, Inc., Soils Report were reviewed for OWTS suitability on the proposed new lots. The report supports the use of OWTS's on this site. There is a possibility for an engineer designed OWTS noted in a few areas of Lot 2; however, a suitable site was found in one of the soil profile hole excavations on the lot. Lot 3 soil profile test excavation sites were acceptable for a conventional OWTS installation.
  - The proposed undeveloped lots require 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.
  - The existing OWTS on Lot 1 was installed and approved in 1978; however, because the OWTS was installed prior to the modular being placed on the lot, the exact location of the OWTS in

## Page 2 | Circle A Subdivision, MS-20-7 (Revised 21July2021)

relationship to the house was not indicated on the EPCPH map. drawing.

Mike McCarthy El Paso County Public Health 719.575.8602 (O) mikemccarthy@elpasoco.com 21July2021