

# EL PASO COUNTY



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COLORADO

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## PLANNING & COMMUNITY DEVELOPMENT

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

**FROM:** Ryan Howser, AICP, Planner III  
Jeff Rice, PE Senior Engineer  
Meggan Herington, AICP, Executive Director

**RE:** Project File #: MS-21-010  
Project Name: MA Subdivision  
Parcel Nos.: 61000-00-535; 61000-00-536

OWNER:	REPRESENTATIVE:
Monument Academy Foundation 1150 Village Ridge Point Monument, CO, 80132	Land Resource Associates 9736 Mountain Road Chipita Park, CO, 80809
Walden Corporation PO Box 1870 Monument, CO, 80132	

**Commissioner District: 1**

Planning Commission Hearing Date:	3/2/2023
Board of County Commissioners Hearing Date	4/4/2023

### EXECUTIVE SUMMARY

A request by Land Resource Associates for approval of a minor subdivision to create one (1) lot and four (4) tracts. The 62.60-acre property is zoned RR-5 (Residential Rural), and is located at the southeast corner of the intersection of Walker Road and State Highway 83.

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

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## A. WAIVERS/DEVIATIONS/AUTHORIZATION

**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. 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 (2021):

- 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 the Land Development Code ("Code").
- The subdivision is in conformance with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analysis, 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 the 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 the Code.
- All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and 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 the Code and the Engineering Criteria Manual ("ECM") are provided by the design.



- The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development.
- Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County and in compliance with the 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 therefor, 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 the Code.
- The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Code.
- Off-site impacts were evaluated, and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Code.
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated.
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.].



### C. LOCATION

North: RR-5 (Residential Rural)	Residential
South: RR-5 (Residential Rural)	Residential
East: RR-5 (Residential Rural)	Residential
PUD (Planned Unit Development)	
West: RR-5 (Residential Rural)	Residential

### D. BACKGROUND

The Planning Commission approved an approval of location for the Monument Academy combined middle/high school on May 7, 2019 (PCD File No. U-19-001). The Planning and Community Development Director administratively approved the site development plan for Monument Academy on June 1, 2020 (PCD File No. PPR-19-009). Site development plan approval was contingent upon satisfying all items included within the Monument Academy Development Agreement (PCD File No. DA-20-001).

The development agreement is intended to memorialize the requirements for the permitting, financial assurance, and construction of public improvements for Monument Academy. The agreement was entered into on May 20, 2020. The following improvements are identified in the agreement:

- a. Jane Lundeen Drive and Pinehurst Circle, including sidewalks, curb and gutter;
- b. Improvements to Walker Road, including a roundabout at the intersection with Jane Lundeen Drive;
- c. Improvements to the intersection of State Highway 83 and Walker Road; and
- d. The right-in only intersection of State Highway 83 and Pinehurst Circle.

The above improvements have been constructed and the applicant now wishes to plat the property in order to dedicate the constructed infrastructure to El Paso County and to plat the school site. Tracts A and B are intended to accommodate future development and will be required to be replatted as lots prior to construction occurring on those portions of the property.

### E. 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 Land Development Code.



## 2. Zoning Compliance

The subject property is zoned RR-5 (Residential Rural). According to the Code, *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 percent*
- *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 proposed lot and tracts will exceed the minimum lot size of five (5) acres. The existing school meets the required 25-foot setback from all property lines and is under 30 feet in height. The approved site development plan meets all the dimensional standards for the RR-5 zoning district.

## F. MASTER PLAN ANALYSIS

### 1. Your El Paso Master Plan

#### a. Placetype Character: Suburban Residential

*Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally supports accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern.*

*Although primarily a residential area, this placetype includes limited retail and service uses, typically located at major intersections or along perimeter streets. Utilities, such as water and wastewater services are consolidated*





and shared by clusters of developments, dependent on the subdivision or area of the County.

Some County suburban areas may be difficult to distinguish from suburban development within city limits. Examples of the Suburban Residential placetype in El Paso County are Security, Widefield, Woodmen Hills, and similar areas in Falcon.

### **Recommended Land Uses:**

#### Primary

- Single-Family Detached Residential with lots sizes smaller than 2.5 acres per lot, up to 5 units per acre.

#### Supporting

- Single-family Attached
- Multi-family Residential
- Parks/Open Space
- Commercial Retail
- Commercial Service
- Institutional

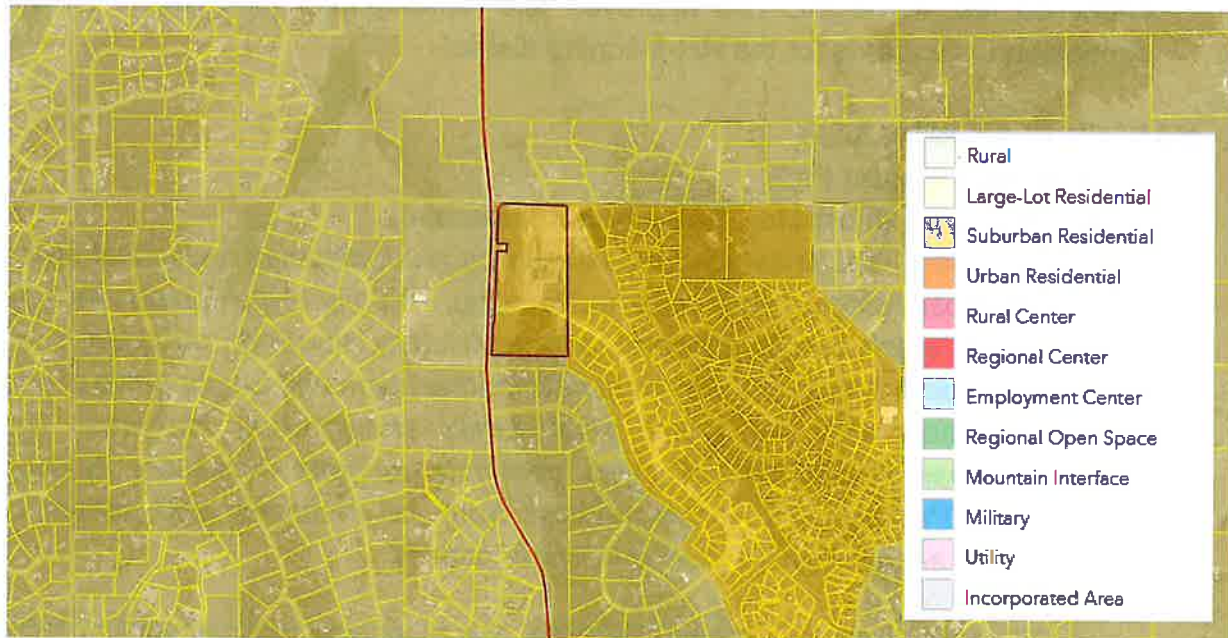


Figure G.1: Placetype Map

**Analysis:**

The property is located within the Suburban Residential placetype. According to the Master Plan, *the Suburban Residential placetype comprises the County's traditional residential neighborhoods with supporting commercial uses at key intersections*. The institutional use of the property is consistent with the recommended land uses within the Suburban Residential placetype. Relevant goals and objectives are as follows:

**Goal LU3** – *Encourage a range of development types to support a variety of land uses.*

**Objective LU3-1** – *Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.*

**Goal LU4** – *Continue to encourage policies that ensure "development pays for itself."*

**Objective HC2-6** – *Continue to carefully analyze each development proposal for their location, compatibility with the natural environment, and cohesion with the existing character.*

**Objective TM2-1** – *Transportation improvements should prioritize active modes of transportation and connections to local destinations over vehicular travel and regional trips.*

**Objective TM1-4** – *Encourage sidewalks and other multimodal facilities in all new development in placetypes, as appropriate, and upgrade existing infrastructure to these types of facilities when maintenance is needed.*

**Goal CFI1 Specific Strategy** – *In addition, new construction of any educational facility should be strategic and planned out to meet the continued needs of the community, this means utilizing designs that have support structures that allow for expansion out or up in the way of additional stories in the future.*

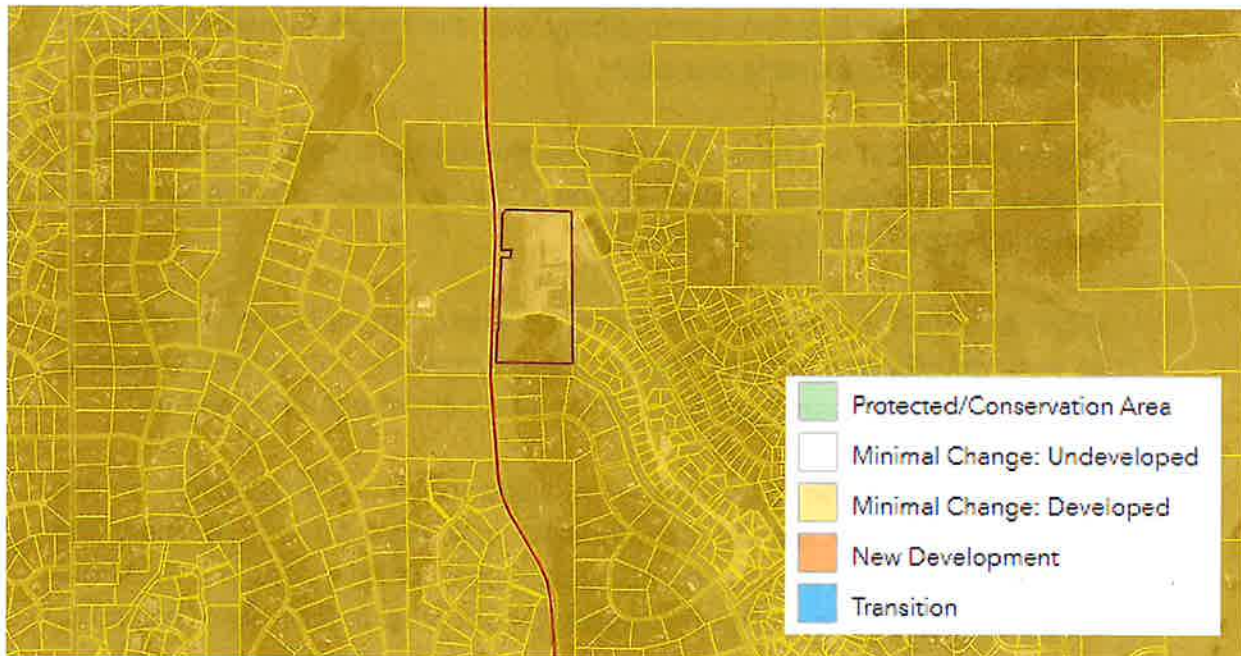
The MA Subdivision, as well as the associated approved site development plan and development agreement, are consistent with the identified goals, objectives, and specific strategies of the Master Plan and are consistent with the Suburban



Residential Placetype. The public improvements were required in order to ensure the functional compatibility of the school site with the surrounding area, which is primarily residential in nature and to ensure safety to those residents and students accessing the school site.

**b. Area of Change Designation: Minimal Change: Developed**

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



**Figure G.2: Area of Change Map**



**Analysis:**

The subject area is located in an area which is not expected to significantly change in character. However, the Master Plan acknowledges the presence of pockets of underutilized land that may impact the character of the area upon development of these sites. A relevant specific strategy is as follows:

***Goal LU3 Specific Strategy – The Minimal Change: Developed areas are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character should be maintained.***

**c. Key Area Influences:**

*El Paso County represents a vast area composed of many distinct areas. These “Key Areas” have their own unique identities and are generally localized into smaller geographic areas with distinct characteristics that distinguish them from other areas of the County. The subject property is located within the Tri-Lakes Key Area.*

**Tri-Lakes Area**

*Tri-Lakes is the northern gateway into the County along Interstate 25 and Highway 83. It is situated between Pike National Forest, the United States Air Force Academy, and Black Forest. With significant suburban development and some mixed-use development, this Key Area supports the commercial needs of many of the residents in northern El Paso County. Tri-Lakes also serves as a place of residence for many who commute to work in the Denver Metropolitan Area. It is also an activity and entertainment center with the three lakes (Monument Lake, Woodmoor Lake, and Palmer Lake) that comprise its namesake and direct access to the national forest. Tri-Lakes is the most well-established community in the northern part of the County with a mixture of housing options, easy access to necessary commercial goods and services, and a variety of entertainment opportunities. Future development in this area should align with the existing character and strengthen the residential, commercial, employment, and entertainment opportunities in the adjacent communities of Monument, Palmer Lake, and Woodmoor.*



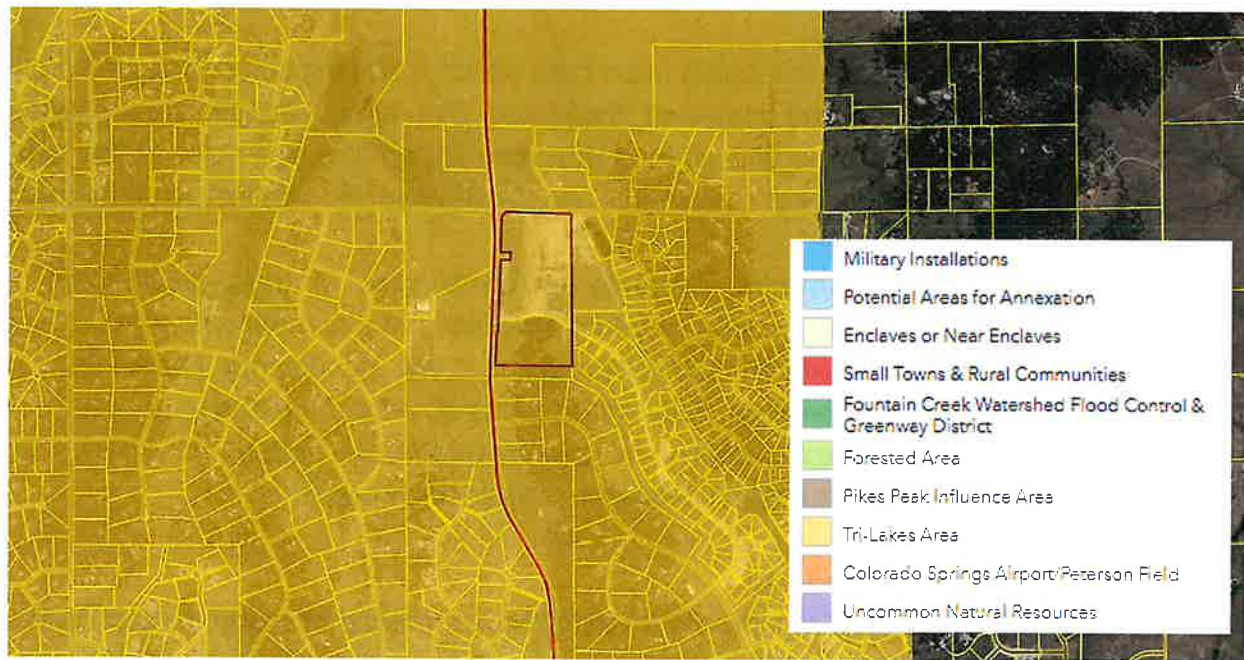


Figure G.3: Key Area Map

#### **Analysis:**

The approved institutional use of the property may help to strengthen the residential, commercial, employment, and entertainment opportunities in the adjacent communities of Monument, Palmer Lake, and Woodmoor. The use of the property is generally consistent with the key area.

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

The subject property is located within the Black Forest/North Central Area Large-Lot Residential Priority Development Area. The Master Plan identifies the following strategies regarding development in this area:

- *Careful planning is required to **promote health of natural areas, especially the forest**, while accommodating new development for future residents.*
- *The County should **maintain existing and expand the Large-Lot Residential placetype in this area** in a development pattern that matches the existing character of the developed Black Forest community.*
- ***Commercial nodes should be considered where appropriately served by the transportation network** in the northern area to provide commercial goods and services within*

*closer proximity to the population in this area. This would reduce unnecessary travel to other parts of the County and establish key commercial areas within the communities that need them.*

The property is located within the Black Forest/North Central Area Large-Lot Residential Priority Development Area. However, the property is located within the Suburban Residential placetype. The proposed subdivision may be compatible with the existing character of the surrounding area and is consistent with the placetype, area of change, and key area.

## **2. Water Master Plan Analysis**

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

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

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

***Goal 1.2 – Integrate water and land use planning.***

***Policy 5.2.4 – Encourage the locating of new development where it can take advantage of existing or proposed water supply projects that would allow shared infrastructure costs.***

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

***Policy 6.0.1 – Continue to require documentation of the adequacy or sufficiency of water, as appropriate, for proposed development.***



The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The proposed development is proposed to be served by Walden Corporation, a central water provider. The property is located within Planning Region 2 of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 2 for central water providers:

The Plan identifies the current demand for Region 2 to be 7,532 acre-feet per year (AFY) (Figure 5.1) with a current supply of 13,607 AFY (Figure 5.2). The projected demand in 2040 is at 11,713 AFY (Figure 5.1) with a projected supply of 20,516 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 is 13,254 AFY (Figure 5.1) with a projected supply of 20,756 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 7,502 AFY is anticipated for Region 2.

Water sufficiency has been analyzed with the review of the proposed minor subdivision. The applicant has shown a sufficient water supply for the required 300-year period. The State Engineer and the County Attorney's Office have recommended that the proposed minor subdivision has an adequate water supply in terms of quantity and dependability. El Paso County Public Health has recommended that there is an adequate water supply in terms of quality. Please see the Water section below for a summary of the water findings and recommendations for the proposed minor subdivision.

### **3. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential. El Paso County Environmental Services, Colorado Parks and Wildlife, and Colorado State Forest Service were each sent referrals and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies no significant resources 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 Park Advisory Board makes recommendations which include an analysis regarding conformance with The El Paso County Parks Master Plan (2013), including the following:





"The El Paso County Parks Master Plan (2013) identifies three master-planned trails adjacent to the development. The proposed Highway 83 Bicycle Route alignment runs north and south along Highway 83 on the west side of the development. The proposed Highway 105 / Walker Road Bicycle Route runs east and west along the north side of the development. These two proposed bicycle routes will be accommodated within the public right of way and will not impact the development. The master plan identifies the Cherry Creek Secondary Regional Trail immediately to the south and east of the development.

The Cherry Creek Trail is planned to connect to Hwy 105 just east of the Monument Academy development within Walden Preserve as shown on the attached exhibit. To date, a large portion of this trail has been constructed and is already being used. This trail is also proposed to facilitate a non-motorized connection to the school site within the Monument Academy development at the southern end of the property. Staff has reviewed the final plat drawings and notes that sidewalks are planned, with several already constructed, to facilitate a connection from the Monument Academy development to the Cherry Creek Trail. Staff would appreciate that at the culmination of this project the sidewalks along Pinehurst Circle are constructed and connected to the Cherry Creek Trail."

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

A geotechnical engineering study prepared by Kumar & Associates, Inc., dated February 25, 2019, was submitted in support of the previously approved site development plan request. The Planning and Community Development Director has authorized the use of a previously approved soils & geology report for the minor subdivision application. The Colorado Geological Survey (CGS) stated (in part):

"As noted on page 4 of Kumar's geotechnical engineering study, "the clay soils in the area exhibited low to high swell potential when wetted. Shallow foundations and slabs placed directly on or near the expansive materials can experience differential movement causing distress if the materials are subjected to changes in moisture content." CGS agrees with Kumar that "expansive clay soils be overexcavated and replaced with a nonexpansive structural fill." CGS recommends that site-specific geotechnical studies be performed for future improvements within the four tracts."



## **2. Floodplain**

Per FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0285G, the proposed MA Subdivision is not located within a regulatory floodplain.

## **3. Drainage and Erosion**

The proposed MA Subdivision is located within the West Cherry Creek drainage basin, which is not included in the El Paso County drainage basin fee program; therefore, drainage and bridge fees do not apply.

The site sits on a ridgeline and flows generally drain northeast to offsite Walden Corporation property and Walker Road, northwest to Walker Road, and west to State Highway 83. Per the Master Development Drainage Plan & Final Drainage Report approved in 2019 (PCD project number CDR191), the subdivision's developed stormwater will be conveyed to one onsite and one offsite full spectrum detention and water quality facilities that will discharge to existing roadside ditches and culverts along Walker Road and Highway 83. Drainage flowing to Highway 83 was also reviewed by CDOT for any impacts to CDOT facilities. The Master Development Drainage Plan & Final Drainage Report for Monument Academy concludes that, "Construction and proper maintenance of the proposed stormwater facilities and detention basins, in conjunction with proper erosion control practices, will ensure that this developed site has no significant adverse drainage impact on downstream or surrounding areas."

Grading and erosion control plans and construction plans were previously approved with previously approved construction drawing and plot plan reviews CDR-19-001, PPR-19-009 and CDR-20-001, along with the previously mentioned development agreement addressing timing of road and site construction and the subdivision to follow, the subject of this staff report. Since the public improvements have already been constructed, acceptance of the improvements and rights-of-way will proceed under this subdivision once it is approved and recorded.





Figure G.1: Transportation and Drainage Overview

#### 4. Transportation

The proposed MA Subdivision is located at the southeast corner of the intersection of State Highway 83 and Walker Road (Highway 105 west of Highway 83). Walker Road is classified as a Minor Arterial and State Highway 83 is classified as a Principal Arterial in the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP).

The traffic impact study (TIS) provided with the site development plan for Monument Academy estimates the overall MA Subdivision will generate approximately 3,400 average daily trips upon full build-out. Primary access to the subdivision is via Jane Lundeen Drive, a new public collector road connecting to Walker Road at a new roundabout, and the extension of Pinehurst Circle to State Highway 83 through the site, including a new mini-roundabout at its intersection with Jane Lundeen Drive. Pinehurst Circle is designed as a modified (one-way)

public collector from Highway 83 to Jane Lundeen Drive and a public local road continuing through the Walden development southeast of the proposed subdivision.

Upon development build-out, additional improvements to the Walker Road/Highway 83 intersection and the Pinehurst Circle access to Highway 83 may be warranted. Said intersections will be monitored as development progresses to determine if and when additional improvements are appropriate. The developer constructed the Walker Road roundabout and initial Highway 83 intersection improvements with approvals of the Monument Academy Site Development Plan in accordance with the development agreement and CDOT access permit. The improvements addressed in the TIS and provided with the approved Site Development Plan are consistent with the MTCP.

The public urban roads necessary for the MA Subdivision development have been constructed within this subdivision area in accordance with the TIS and development agreement, as shown on Figure 17 of the TIS. Approximately 1,620 linear feet of non-residential collector, 570 linear feet of modified (one-way only from Highway 83) collector, and 715 linear feet of local roads have been constructed. A full-size roundabout has been constructed at the Jane Lundeen Drive/Walker Road intersection and a mini roundabout has been constructed at the Jane Lundeen Drive/Pinehurst Circle intersection. These roads will continue through the County acceptance process once the subdivision plat is approved and recorded.

The MA Subdivision development is subject to the El Paso County Road Impact Fee program (Resolution No. 19-471), as amended. Road impact fees for the Monument Academy school were addressed in the development agreement.





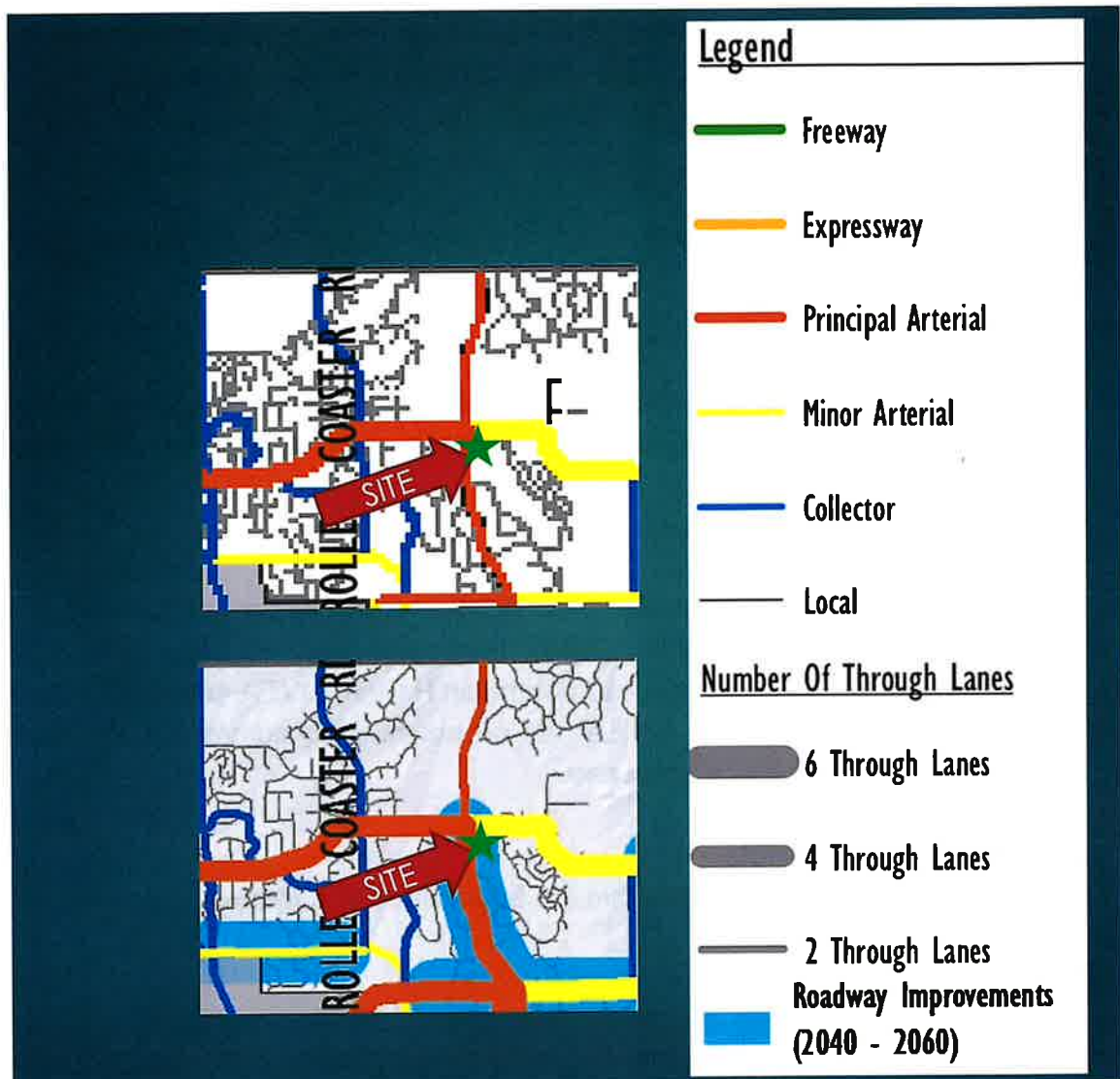


Figure G.2: Major Transportation Corridors Plan (2040 and 2060)

## H. SERVICES

### 1. Water

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: Water will be provided by the Walden Corporation. 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**

Walden Corporation has committed to provide wastewater services to the property.

**3. Emergency Services**

Fire protection and emergency services are provided by Black Forest Fire Protection District. The District was sent a referral and has no outstanding comments.

**4. Utilities**

Mountain View Electrical Association (MVEA) currently provides electrical service to properties in the Meridian Ranch development. Black Hills Energy provides natural gas service to properties in Meridian Ranch. MVEA and Black Hills Energy were each sent referrals; 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**

No regional park fees are required for the application, as the Board of County Commissioners has elected to not require park fees for commercial subdivisions. However, required park fees may be assessed in the future for Tracts A and B at time of platting depending on land use.

**7. Schools**

Fees in lieu of school land dedication are not applicable to this application, as this is an existing school site. However, required school fees may be assessed in the future for Tracts A and B at time of platting depending on land use.

**I. APPLICABLE RESOLUTIONS**

See attached resolution.



## **J. STATUS OF MAJOR ISSUES**

There are no major issues at this time.

## **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 (2021), 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. 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. A new access permit application(s) shall be submitted to the County in accordance with the Development Agreement recorded at Reception No. 220076541 upon plat recordation.
5. Collateral sufficient to ensure construction of the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
6. 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.

7. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
8. Tracts A and B are future development tracts and shall be replatted prior to any land use or development.
9. The Monument Academy Foundation shall provide written confirmation from CDOT that the Highway 83 improvements have been completed and are acceptable to CDOT prior to recording the plat.

#### **NOTATIONS**

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 twenty-three (23) adjoining property owners on February 10, 2023, for the Planning Commission and Board of County Commissioners meetings. 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's Letter  
Parks Advisory Board Comments  
Draft PC Resolution



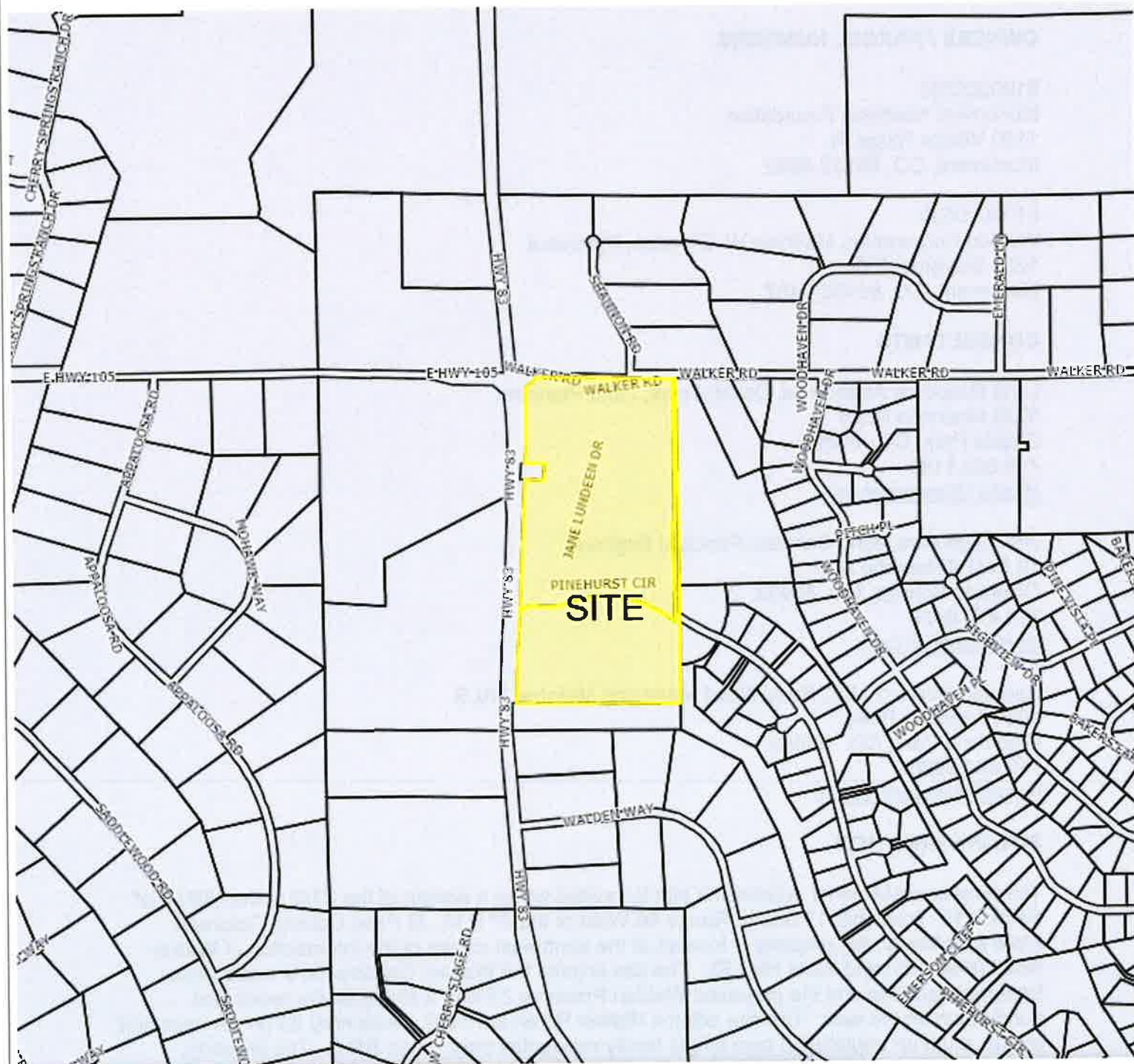


# El Paso County Parcel Information

File Name: MS2110

Date: 2/10/2023

PARCEL	NAME	ADDRESS
6100000535	MONUMENT ACADEMY FOUNDATION	HIGHWAY 83, COLORADO SPRINGS, CO 80908
6100000536	WALDEN CORPORATION	HIGHWAY 83, COLORADO SPRINGS, CO 80908



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



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LETTER OF INTENT  
MA MINOR LAND SUBDIVISION APPLICATION

April 7, 2022

**OWNERS / PARCEL NUMBERS**

6100000535  
Monument Academy Foundation  
1150 Village Ridge Pt.  
Monument, CO. 80132-8992

6100000536  
Walden Corporation, Matthew W. Dunston, President  
1230 Scarsbrook Ct.  
Monument, CO. 80132-8487

**CONSULTANTS**

Land Resource Associates, David Jones, Land Planner  
9736 Mountain Road  
Chipita Park, CO. 80809  
719.660.1184  
[chipita1@comcast.net](mailto:chipita1@comcast.net)

JPS Engineers, John Schwab, Principal Engineer  
19 East Willamette Ave.  
Colorado Springs, CO. 80903  
719.477.9429  
[john@jpsengr.com](mailto:john@jpsengr.com)

Rampart Surveys LLC, Russ Wood Managing Member / RLS  
1050 Tamarac Pkwy  
Woodland Park, CO. 80863  
719.687.0920  
[Russ@RampartLS.com](mailto:Russ@RampartLS.com)

**SITE INFORMATION**

The proposed MA minor subdivision plat is located within a portion of the E1/2 of the NW1/4 of Section 15, Township 11 South, Range 66 West of the 6<sup>th</sup> P.M., El Paso County, Colorado. More specifically, the property is located at the southeast corner of the intersection of Walker Road (Hwy 105) and State Hwy 83. The site adjoins the Walden Corporation's waste water treatment facilities and the proposed Walden Preserve 2 Filing 5 single family residential subdivision on the east. The site adjoins Walker Rd on the north, State Hwy 83 on the west and on the south an unplatted 6 acre single family residential tract zoned RR-5. The property, including both parcels, totals 62.60 acres and is currently zoned RR-5. Vehicular access to the site is currently facilitated from Walker Road to the north and a right-in access only from Hwy

83. Recent upgrades to both roadways occurred during the high school construction process (see Existing Improvements discussed below).

## **DEVELOPMENT REQUEST**

The applicants are requesting a Final Plat approval for the MA minor land subdivision. The minor land subdivision plat is proposed to include;

- 19.38 acre Lot 1 is intended to facilitate the existing Monument Academy High School structure, recreational fields and associated parking. A Site Location Permit and Site Development Plans for the High School facilities have previously been approved by El Paso County (PCD Project Number PPR-19-009). Approval of Lot 1's final plat will complete the necessary County entitlements for the High School site.
- 80 foot wide interior road right-of-way dedications to facilitate the existing Jane Lundeen Drive and the extension of Pinehurst Circle from the easterly property line to the intersection of Jane Lundeen Drive and Pinehurst Circle. Also included is the 60' ROW, one way, extension of Pinehurst Circle from Hwy 83 to the intersection of Jane Lundeen Drive and Pinehurst Circle. Also included are additional perimeter ROW dedications to both Walker Road and Highway 83 needed to facilitate existing required roadway improvements. All public improvements associated with the proposed ROW dedications were previously reviewed and approved by El Paso County through a Construction Document Review application. Construction of the public improvements was governed by a Development Agreement, Financial Assurance Forms and a Letter of Credit providing surety for construction and warranty (PCD Project Number CDR-20-001).
- 4 individual Tracts. 15.35 acre Tract A and 19.90 ac Tract B to be held for future development. The 1.03 ac Tract C and 0.17 ac Tract D are intended to be transferred to adjoining property owners as part of a property line survey adjustment. No development will be allowed on Tract A and/or B until appropriate zoning, platting and development plans have been approved by El Paso County.

## **JUSTIFICATION FOR REQUEST**

This minor land subdivision final plat approval request is consistent with the previously approved Monument Academy High School development entitlements including; Site Location Permit, Monument Academy Site Development Plan request and Monument Academy Construction Document Review application with supporting documents. Approval of this request will allow for platting of the Monument Academy High School lot and the dedication of previously constructed roadways while legally platting the remaining parcels into Tracts to be held for future development.

## **EXISTING AND PROPOSED IMPROVEMENTS**

Existing improvements within Lot 1 are related to the development of the Monument Academy High School and include; the school structure / building, sports fields, parking spaces, interior driveways. Existing utility services include water, wastewater, natural gas, electric and communications are also existing. No additional improvements to Lot 1 are included within this application.

Interior roadways, including Jane Lundeen Drive and the extension of Pinehurst Circle, are existing. Improvements to surrounding roadways, including Walker Road and State Highway 83, are also existing. No additional improvements within the public road ROW are included

within this application. See County approved Monument Academy Traffic Impact Study PCD File No. U-19-002 / PPR 19-009.

Existing drainage structures and facilities off site, on site (Lot 1) and within the existing road ROW are included within this application. No future proposed drainage structures or facilities are included within this application. See County approved Master Development Drainage Plan & Final Drainage Report for Monument Academy PCD File No. PPR-19-009, CDR-19-001 and CDR-20-20-001.

No additional public or private improvements related to any of the Tracts are included within this application.

No property owner associations and no common ownership land or facilities are included within this application.

### **CRITERIA FOR APPROVAL & MASTER PLAN CONSISTENCY**

In approving a Final Plat application, the El Paso County Land Development Code requires that the BoCC shall find that the proposed subdivision is, amongst other issues, in general conformance with the goals, objectives and policies of the El Paso County Master Plan, Water Master Plan and Parks Master Plan.

### **COMPLIANCE WITH THE EL PASO COUNTY MASTER PLAN**

Lot 1 of the MA Subdivision facilitates the existing Monument Academy High School. The El Paso County Master Plan, adopted May 26, 2021, discusses educational facilities in Chapter 7 – Public Facilities including the character, growth and safety of educational facilities. The Community Facilities Core Principle states: CONTINUE TO COORDINATE WITH LOCAL AND REGIONAL AGENCIES TO PROVIDE WELL-MANAGED, HIGH-QUALITY COMMUNITY FACILITIES AND SERVICES and goes on to present four Community Facilities goals.

*Goal CF11 – Coordinate with agencies to provide high-quality community facilities, services and infrastructure to enhance quality of life.* The Monument Academy High School is a result of combined work efforts with the Monument Academy Foundation, the Foundation's engineers and architects, the developer of the Walden community, the Walden community utility providers, the local school district, the local fire protection district, the Colorado Department of Transportation, El Paso County Parks and Recreation, the El Paso County Transportation Department, the and El Paso County Planning and Community Development Department all working toward a common goal of providing the safest and highest quality educational experience for the young citizens of El Paso County.

*Goal CF12 – Improve the effectiveness of public safety through coordination, funding and planning.* The safety of the general public, as well as school students, faculty and administrators, has been insured through the combined work efforts and code compliance reviews of the school's building contractors, architects, engineers and planners in close coordination/cooperation with the Pikes Peak Regional Building Department, Monument Tri-Lakes Fire Protection Department, the City of Colorado Springs Fire Department, the El Paso County Sheriffs Department, the Colorado Department of Transportation, the El Paso County Transportation Department and the El Paso County Planning and Community Department.



Goal CF13 – *Ensure adequate provision of utilities to manage growth and development.* Water and wastewater services to the high school are currently being provided by the Walden Corporation pursuant to State permits and as described in the Watts Engineering Water Resource and Wastewater Treatment Reports. Electric service is being provided by the Mountain View Electric Association and natural gas service is being provided by the Black Hills Energy Corp. See Service Commitment Letters submitted by all utility providers evidencing their willingness to serve and their capacity/capability to provide service.

Goal CF14 – *Use best management practices to protect water quality, conserve water, minimize impacts of flooding, and beautify El Paso County.* The high school's runoff water quality and site drainage/flood impact controls have been designed by a professional engineer in accordance with numerous County, State and Federal regulations intended to protect the physical environment. In addition, the high school's drainage and erosion control has been constructed and inspected in accordance with numerous County, State and Federal requirements and regulations.

Key Areas - The Monument Academy Highschool (Lot 1) is located within the Tri-lakes Key Area. The Master Plan Tri-lakes Key Area recommends that "Future development in this area should align with the existing character and strengthen the residential, commercial, employment, and entertainment opportunities of Monument, Palmer Lake, and Woodmoor". The Highschool land use aligns with the existing character and strengthens the residential development component of the Key Area.

Areas of Change – The Master Plan Areas of Change identifies Lot 1 to be in a Minimal Change: Developed area. The Master Plan indicates that because the area is primarily built-out, new development will not have a substantial impact upon the existing community and that the character of the community will be maintained.

Placetypes – The Master Plan indicates that the Monument Academy Highschool (Lot 1) is located within a Suburban Residential Placetype and that this Placetype aligns with and supports an Institutional (school) land use.

Priority Development Areas – The Master Plan indicates that the Monument Academy Highschool (Lot 1) is located within a Priority Development Area supporting Suburban Residential land uses. The Highschool land use aligns with the Suburban Residential land use with the Priority Development overlay.

## COMPLIANCE WITH THE EL PASO COUNTY LAND DEVELOPMENT CODE

As discussed in *Master Plan Chapter 14 Implementation – Land Use Applications and Master Plan Consistency* - previous approvals of the Monument Academy High School 's Site Location Permit, Development Plan and Public Improvement Plans (road and drainage) established Master Plan consistency related to land use goals and objectives and a good portion of the Master Plans technical subdivision goals and objectives. The Master Plan's technical subdivision goals and objects and Code compliance requirements are discussed in further detail below and are intended to evidence this application's further consistency with the Master Plan as well as the technical requirements of the Land Development Code.

- *The subdivision is in substantial conformance with the approved Preliminary Plan;* Preliminary Plans are not required for Minor Land Subdivisions. However, the proposed

plat does accurately reflect the previously approved Site Location Permit, Site Development Plans and Construction Document Review application.

- *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;* Previous County approvals associated with the Site Location Permit application, the Site Development Plan application and the Construction Document Review application evidence consistency with County planning and engineering regulations.
- *A sufficient water supply has been acquired in terms of quantity, quality and dependability complying with all State and County water supply standards;* Water service including; treatment, storage, fire suppression and distribution is currently being provided to Lot 1's high school by a central water system owned and operated by the Walden Corporation. Water quality, quantity and dependability were established during Lot 1's Site Development Plan approval process and are further detailed in the Watts Engineering Water Resource Report.
- *A public sewage disposal system has been established complying with all State and County sewage disposal system standards;* Waste water collection and treatment will be provided via a central wastewater system owned and operated by the Walden Corporation. Compliance with State and County code requirements was established during Lot 1's Site Development Plan approval process and are further detailed in the Watts Engineering Waste Water Service Report.
- *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;* Soils, geologic and topographic hazards were evaluated during the Lot 1's Site Development Plan review process and found to be suitable for the development of a high school facility.
- *Adequate drainage improvements complying with State law and the requirements of this Code and the ECM are provided by the design;* Site drainage was evaluated during both the Site Development Plan process for Lot 1 and the Construction Document Review application process for the associated roadways. Required drainage facilities and improvements were identified and constructed as part of the high school and roadway construction process.
- *Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easements, acceptable to the County in compliance with this Code and the ECM;* Legal and physical access has been provided to Lot 1 and Tracts A and B via the construction of Jane Lundeen Drive and the extension of Pinehurst Circle both designed and construction to County ECM standards and both intended to be dedicated to El Paso County for ownership and maintenance.
- *Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;* Police protection to the Monument Academy High School (Lot 1) is currently being provided by the El Paso County Sheriff's Office in cooperation with the high school's

internal security staff. Fire protection is being provided by the Tri-lakes Monument Fire Protection District. A transportation network has been constructed to provide safe and adequate vehicular access to and from the school site parking lots. Water and wastewater services are currently being provided by the Walden Corporation. Electric service is being provided by Mountain View Electric Association and natural gas service is being provided by Black Hills Energy. The Monument Academy High School provides the surrounding community with recreational opportunities.

- *The subdivision provides evidence to show that the proposed methods of fire protection comply with Chapter 6 of the Land Development Code;* The Tri-lakes Monument Fire Protection District was extensively involved in the review and approval of the Site Development Plans and the buildings architectural plans evidencing compliance with Chapter 6 of the Land Development 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;* Off-site impacts generated by the high school development on Lot 1 were generally related to traffic impacts and site drainage impacts. Detailed engineering reports identifying the impacts and required mitigations measures were reviewed and approved during the Site Development Planning process and the Construction Document Review application process. Roadway improvements and drainage improvements were constructed to mitigate impacts.
- *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;* A Development Agreement between the school and the County (SIA) was prepared and executed during the Construction Document Review application process. The Development agreement included financial assurance forms and a letter of credit to guarantee construction.
- *The proposed subdivision meets other applicable sections of Chapter 6 and 8 of the Land Development Code;* Chapter 6 of the LDC deals with general development standards while Chapter 8 deals with subdivision design, improvements and dedication standards. Compliance with these standards is evidenced and ensured by the approval of the Site Development Plan application and the Construction Document Review applications.
- *The extraction of any known commercial mining deposit shall not be impeded by this subdivision;* A review of the El Paso County Master Plan for Mineral Extraction and the Monument Academy High Schools Soils and Geology Report indicates no known commercial mining deposits on the site.

#### COMPLIANCE WITH THE EL PASO COUNTY WATER MASTER PLAN

The Monument Academy Highschool (Lot 1) water service requirements are being facilitated by the Walden Corporation, a private water supplier, located within Planning Region 2 of the El Paso County Water Master Plan. The Highschool will consume 3.1 AF per year of the Corporation's water resources.

Submitted under separate cover is the Water Resource Report for Monument Academy Subdivision and Walden Preserve 2, Filing No. 5 Subdivision prepared by Oliver E. Watts,

Consulting Engineer. This report details the Walden Corporation's ability and willingness to provide the Highschool's water service for the next 300 years as required by El Paso County Code and the Colorado Division of Water Resources and as recommended by the El Paso County Water Master Plan.

Water Master Plan Planning Region 2 is comprised of 16 individual water providers. Ninety percent of the Planning Region is underlain by the all five formations of the Denver Basin Aquifer. The Denver Basin Aquifer provides for 100% of the Walden Corporations Water Resources.

According to the Water Master Plan, Planning Region 2's current water demand is 7,532 AF per year with a 2060 build-out demand of 13,254 AF per year. Region 2's current supplies are 13,607 AF per year with a 2060 build-out supply of 20,756 AF per year. The current water needs indicate a surplus 6,075 AF per year and a 2060 surplus of 353 AF per year. The 3.1 AF per year water Lot 1 demand is consistent with the Water Master Plan's projected demands, supplies and needs.

Following is a discussion of Water Master Plan goals and policies that relate specifically to the end water users (Highschool).

*Goal 1.1 – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.* – See Walden Corporation Water Resource report, Colorado Division of Water Resource application review, and El Paso County Attorney's Office application review for discussions related to water quantity and dependability. See Walden Corporation's annual water quality reporting to El Paso County Health Dept and State Dept of Public Health.

*Goal 4.1 – Develop an understanding of the differences in water supply sources and any water quality issues within the County.* – The sole source of water for the Walden Corporation and the Monument Academy Highschool are wells into the various formations of the Denver Basin aquifer. Denver Basin aquifer water quality in Planning Region 2 has consistently been shown to meet and/or exceed County and State water quality standards.

*Goal 4.2 – Support the efficient use of water supplies.* – The Monument Academy Highschool's (Lot 1) building architecture supports and complies with Regional and State building codes related to water conservation. The structure's landscape design and site planning has been designed and constructed in accordance with El Paso County's landscape ordinances and standards which emphasize water conservation.

*Goal 5.1 – Identify the potential water supply gap at the projected full development build-out (2060).* – The Water Master Plan indicates a Planning Region 2 surplus of 353 AF per year at full 2060 build-out. The Watts Water Resource Report indicates 37% of the Walden Corporation's available water resources will have been committed following the development of the Walden Preserve 2, Filing 5 subdivision and the Monument Academy Highschool (Lot 1).

*Goal 6.0 – Require adequate water availability for proposed development.* – Subdivision development within El Paso County requires that a finding of water quality, quantity and dependability be made by the Board of County Commissioners. The BoCC makes its determination based upon a recommendation by the County Attorney's Office. The CAO in turn bases its recommendation on a recommendation by the Colorado Division of Water Resources. The applicant is currently in the process of obtaining the various required recommendations / findings.



*Goal 6.1.2 - Promote water conservation.* – The Monument Academy Highschool (Lot 1) has promoted water efficiency measures and best management practices for reducing water demand in their building architecture, site development and landscape design consistent with Regional and State building codes and the County landscape design manual.

*Goal 6.2.1 – Increase regional water reuse and conservation to better optimize available water supplies and Goal 6.2.2 – Fully reuse all water that can be economically reused.* – The Walden Corporation provides a central waste water collection and treatment facility as well as a water provider facility. Waste water generated by the Monument Academy Highschool (Lot 1) will be collected, treated and returned into the Denver Basin aquifer system pursuant to State Health Department and State Division of Water Resources permits and code requirements.

#### COMPLIANCE WITH THE EL PASO COUNTY PARKS 2013 MASTER PLAN & TRAIL MASTER PLAN

The 19.38 acre Monument Academy Highschool site (Lot 1) is located within the NE Subarea of the 2013 El Paso County Parks Master Plan. No publicly owned regional parks, open space, recreational areas or nature/conservation facilities are shown as existing or proposed within the proximity of Lot 1. The Open Space component of the Master Plan shows the area as “not a candidate for public open space lands”.

As illustrated on the Trails Vision Map, a section of the Cherry Creek Regional Trail within the NE Subarea is planned between Hodgen Road and Walker Road. In fact, a good deal of the easement necessary for the trail segment’s construction has been secured and a good deal of the trail within the Walden Preserve 2 subdivision open space system has been constructed. The trail currently terminates at the southeast corner of Lot 1 where it integrates into the Highschool’s public and private sidewalk systems which in turn accesses the regional trail at Walker Road.

#### ADMINISTRATIVE DETERMINATION

On April 1, 2022 an administrative determination was requested in regards to the adequacy of the K&A Geotechnical Engineering Study submitted with this application. Attached is a copy of that request and an email response as to the administrative determination by the PCD Director.

April 1, 2022

Mr. Craig Dossey, PCD Director  
El Paso County Planning & Community Development  
2880 International Circle, Suite 110  
Colorado Springs, CO. 80910

RE: Monument Academy Minor Subdivision MS2110

Dear Craig,

On Jan 28, 2022 PCD staff reviewed the K&A Geotechnical Engineering Study for the Monument Academy School in support of the proposed MA Minor Land Subdivision Final Plat application MS2110. The PCD review required that the Geotechnical Engineering Study be updated to include; 1) a map depicting geologic hazards and constraints, 2) a map identifying soils types, 3) discussions of geologic hazards and constraints pursuant to LDC definitions.

I am writing to request that PCD recognize the adequacy of the previously submitted and approved K&A Geotechnical Engineering Study consistent with *LCD Sec. 8.4.9.A.2 Previously Submitted. Where a geology and soils report has been completed and reviewed at an earlier stage of the subdivision review process, a new report may not be required if in the determination of the PCD Director the existing report provides the level of site-specific detail necessary to review the subdivision application, and the recommendations of the report and the Colorado Geological Survey (CGS) have been followed in the preparation of the preliminary plan.*

The following statements are offered in support of this application;

- Lot 1 is the sole developable lot being platted in this subdivision request.
- The Monument Academy Highschool facilities currently exist on Lot 1. Public improvements (streets and drainage) also exist adjoining the Highschool. No other facilities are planned on Lot 1 at this time.
- The K&A Geotechnical Engineering Study was utilized in obtaining Site Development Plan approval PPR199, Public Improvements Construction Document approval and Regional Building Department approval.
- Amy Crandall, Engineering Geologist, Colorado Geological Survey, stated in her 1/21/2022 application review;
  - “CGS has no objection to the approval of the minor land subdivision.”
  - She went on to state that she agreed with K&A’s recommendations regarding over excavation and replacement of expansive clays. The recommendations were implemented during the construction of the Highschool facilities.
  - She recommended that site specific geotechnical studies be performed for the future improvements within the four tracts. The applicant has agreed that future development applications related to the Tracts held for future

development will require full LDC compliant site/use specific geotechnical studies.

Your time in consideration of this request is greatly appreciated. Should you have any questions or require additional documentation, please contact my office.

Respectfully submitted,

David F. Jones  
LAND RESOURCE ASSOCIATES  
9736 Mountain Rd  
Chipita Park, CO 80809  
719 660 1184  
[chipita1@comcast.net](mailto:chipita1@comcast.net)

**From:** Ryan Howser <RyanHowser@elpasoco.com>  
**Subject:** RE: MA Minor Subdivision MS2110  
**Date:** April 1, 2022 at 2:29 PM  
**To:** David Jones <chipita1@comcast.net>  
**Cc:** Matthew Dunston <mattdunston@hotmail.com>, John Schwab <john@jpsengr.com>

---

Dave,

Craig is agreeable to your proposal. Please include the information in your letter of intent on the next submittal. You could provide just a copy of the write up you sent over attached to the LOI and that will be fine.

Thanks,

Ryan

**From:** David Jones <chipita1@comcast.net>  
**Sent:** Friday, April 1, 2022 1:07 PM  
**To:** Ryan Howser <RyanHowser@elpasoco.com>  
**Cc:** Matthew Dunston <mattdunston@hotmail.com>; John Schwab <john@jpsengr.com>  
**Subject:** Re: MA Minor Subdivision MS2110

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Hi Ryan,

Attached is this request for administrative determination.

Please call or email with any questions or comments.

Dave J

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**From:** Ryan Howser <[RyanHowser@elpasoco.com](mailto:RyanHowser@elpasoco.com)>  
**Date:** Friday, April 1, 2022 at 11:28 AM  
**To:** David Jones <[chipita1@comcast.net](mailto:chipita1@comcast.net)>  
**Cc:** Matthew Dunston <[mattdunston@hotmail.com](mailto:mattdunston@hotmail.com)>, John Schwab <[john@jpsengr.com](mailto:john@jpsengr.com)>  
**Subject:** RE: MA Minor Subdivision MS2110

Please put it into a written request and send it to me rather than contacting Craig directly.

---

**From:** David Jones <[chipita1@comcast.net](mailto:chipita1@comcast.net)>  
**Sent:** Friday, April 1, 2022 10:37 AM  
**To:** Ryan Howser <[RyanHowser@elpasoco.com](mailto:RyanHowser@elpasoco.com)>  
**Cc:** Matthew Dunston <[mattdunston@hotmail.com](mailto:mattdunston@hotmail.com)>; John Schwab <[john@jpsengr.com](mailto:john@jpsengr.com)>  
**Subject:** Re: MA Minor Subdivision MS2110



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Ryan,

Thanks for the help and direction. I will contact Craig yet today.

Dave J

---

**From:** Ryan Howser <[RyanHowser@elpasoco.com](mailto:RyanHowser@elpasoco.com)>  
**Date:** Friday, April 1, 2022 at 7:14 AM  
**To:** David Jones <[chipita1@comcast.net](mailto:chipita1@comcast.net)>  
**Cc:** Matthew Dunston <[mattdunston@hotmail.com](mailto:mattdunston@hotmail.com)>, John Schwab <[john@jpsengr.com](mailto:john@jpsengr.com)>  
**Subject:** RE: MA Minor Subdivision MS2110

Dave,

If you want to use a previous report that was approved with a previous phase in development, the following Code applies:

*Sec. 8.4.9.A.2 Previously Submitted. Where a geology and soils report has been completed and reviewed at an earlier stage of the subdivision review process, a new report may not be required if in the determination of the PCD Director the existing report provides the level of site-specific detail necessary to review the subdivision application, and the recommendations of the report and the Colorado Geological Survey (CGS) have been followed in the preparation of the preliminary plan.*

So you would need to provide this justification in your letter of intent and it would be Craig's determination on whether it is acceptable.

Let me know if you have any questions.

Thanks,

Ryan

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**From:** David Jones <[chipita1@comcast.net](mailto:chipita1@comcast.net)>  
**Sent:** Thursday, March 31, 2022 2:57 PM  
**To:** Ryan Howser <[RyanHowser@elpasoco.com](mailto:RyanHowser@elpasoco.com)>  
**Cc:** Matthew Dunston <[mattdunston@hotmail.com](mailto:mattdunston@hotmail.com)>; John Schwab <[john@jpsengr.com](mailto:john@jpsengr.com)>  
**Subject:** MA Minor Subdivision MS2110

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Hi Ryan,

Attached is a letter requesting that you modify your review requirements relative to the MA Minor Subdivision's Geologic Engineering Report.

I believe that the letter is self-explanatory but please do not hesitate to call or email with any questions.

Thanks,

Dave Jones  
LAND RESOURCE ASSOCIATES  
719 660 1184  
[chipita1@comcast.net](mailto:chipita1@comcast.net)

**ROBERT ALLAN BENTLEY, PRESIDENT**  
 THAT BUILDING CORPORATION, MATTHEW B. DICKSON, PRESIDENT OF BUILDING CORPORATION, AND ADOLENT ACADEMY FOUNDATION, A CALIFORNIA NON-PROFIT CORPORATION, WERE INMATELY PRESENTED BY THE OWNERS OF THE FOLLOWING OCCUPANCY LIMITED TRACT:

ROCK HOPPED 27% ABOVE THE ENERGY LINE OF 560 1/2 MW/L. SUD WAS ALSO ROPE  
THE LATTER PART OF THE LINE. AS PROBABLY THE FIRST OF THE LINE, THE LINE WAS  
THE LINE WAS 1/2 MILE LONG. THE LINE WAS 1/2 MILE LONG. THE LINE WAS 1/2 MILE LONG.

[illegible]

- 1) TRUCK MOTORIST, A TRUCKER OF HEAVY TRUCK TO A POINT OF CRASHING.
- 2) TRUCK: ALONG THE PATH OF A TRUCKER FROM ALABAMA CAME TO THE LEFT THROUGH A CRASHING, MADE OF 05/07/57, AN AC CLOTH OF 54/11/11 (THE CLOTH OF WHICH CLOTH WAS NOT SET), A LONG CLOTH DESTROYED OF 54/11/11 TO THE TRUCKER'S FRONT OF 54/11/11, NO. 1, CLOTH ALSO BEING A POINT ON THE EASTERN SIDE OF THE LINE OF CRASHING, HEAVY NO. 13 AS DESCRIBED IN BOOK 1001 AT PAGE 106 - 107 OF SAME CLOTH RETURN.

PHONE 50725179. ALONG THE CISTERNY OF SAO TRACT, SAO LUC. ALSO BRING THE EXTRACT LINE OF SAO D/2. NEM/A. OBJECT OF 241641 TITL TO THE PRINL OF MEDICINE.

[illegible]

DATE OF BIRTH \_\_\_\_\_ SEX \_\_\_\_\_  
CITY OF BIRTH \_\_\_\_\_  
COUNTY OF LA PAS \_\_\_\_\_  
APPROXIMATE BIRTH DATE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001 BY \_\_\_\_\_

---

FACTORS AND ANY CONDITIONS INCLUDED IN THE RESOLUTION OF APPROVAL, THE REGULATIONS OF LAND TO THE PUBLIC (STREETS, PLACES AND PLAZAS), AND ACCEPTED BY PUBLIC REPRESENTATIVES BEFORE AND AFTER THE READING, THE MAINTAINING RESPONSIBILITY OF IT, ALSO CLARITY WITH PRESUMABLE ACCEPTANCE OF THE PUBLIC REPRESENTATIVES IN ACCORDANCE WITH THE REGULATIONS OF THE URBAN DEVELOPMENT CODE AND ORDERING DESIGN MANUALLY, AND THE SUBMISSION IMPROVED TO APPROVAL.

PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR

719-326-2498  
MORRISON HOCKEY EQUIPMENT  
WOMEN'S HOCKEY, PUCKER &  
1150 VALLEY ROAD, FORT  
STEWART, CO 80712

**FLOOD FARM COVERAGE**  
ACCORDING TO NATIONAL FLOOD INSURANCE PROGRAM (NFIP) INSURANCE RATE MAP (HABERS DEMONSTRATING, JULY 19, 2004) (DECEMBER 3, 2004), THE SUBJECT PROPERTY IS LOCATED IN OPEN AREA ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE 1,000-YEAR

[illegible]

STREET OR ADDRESS }  
CITY }  
COUNTY OF (L. FILL) }  
STATE OF \_\_\_\_\_ }  
DATE OF \_\_\_\_\_ }  
1911-1911

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[illegible][illegible][illegible][illegible]

12 JONES, CHARLES, PIONEER, ASSAULTS AND DEFECTIONS CONTINUED IN RE LYNN AND SIDORIN KAZHUKOV AS SET FORTH ABOVE  
RECORDING DATE: MAY 11, 2018 RECORDING NO.: 20180421

3) ALL PROPERTY OWNERS SHALL MAINTAIN THE PRIORITY OF EXISTING AND ADJACENT PROPERTIES. THERE WILL BE NO LOSS OF PRIORITY OF EXISTING AND ADJACENT PROPERTIES. THE FLOW OF EXISTING SHALL NOT BE PLACED IN DANGER AND STAFF DOCUMENTS.

---

AND NO. 2. ALL RESPONSIBILITY FOR THESE FACTS, INCLUDING OTHER FACTS (WHICH WOULD NOT COUNT TOWARDS THE PROPORTION OF OTHER FACTS), IS ASSIGNED TO THE PROPORTION OF OTHER FACTS.

[illegible]

23) ALL SITE-SPECIFIC GEOLOGICAL STUDIES IN ACCORDANCE WITH THE G. PLAIN COUNTY DEVELOPMENT CODE SHALL BE REQUIRED AT THE TIME OF PLATING PLATS A 600 A.

[illegible]

ARTIFICIAL CROPPED FORESTS ARE LESS THAN 10,000 : AND THAT SAID THAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF CALIFORNIA REGARDING SUBSIDIES OR SUBSIDIES OF LAND AND ALL APPLICABLE PROVISIONS OF THE FEDERAL INCOME TAX DEVELOPMENT CODE.

I ATTEST THE ABOVE ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

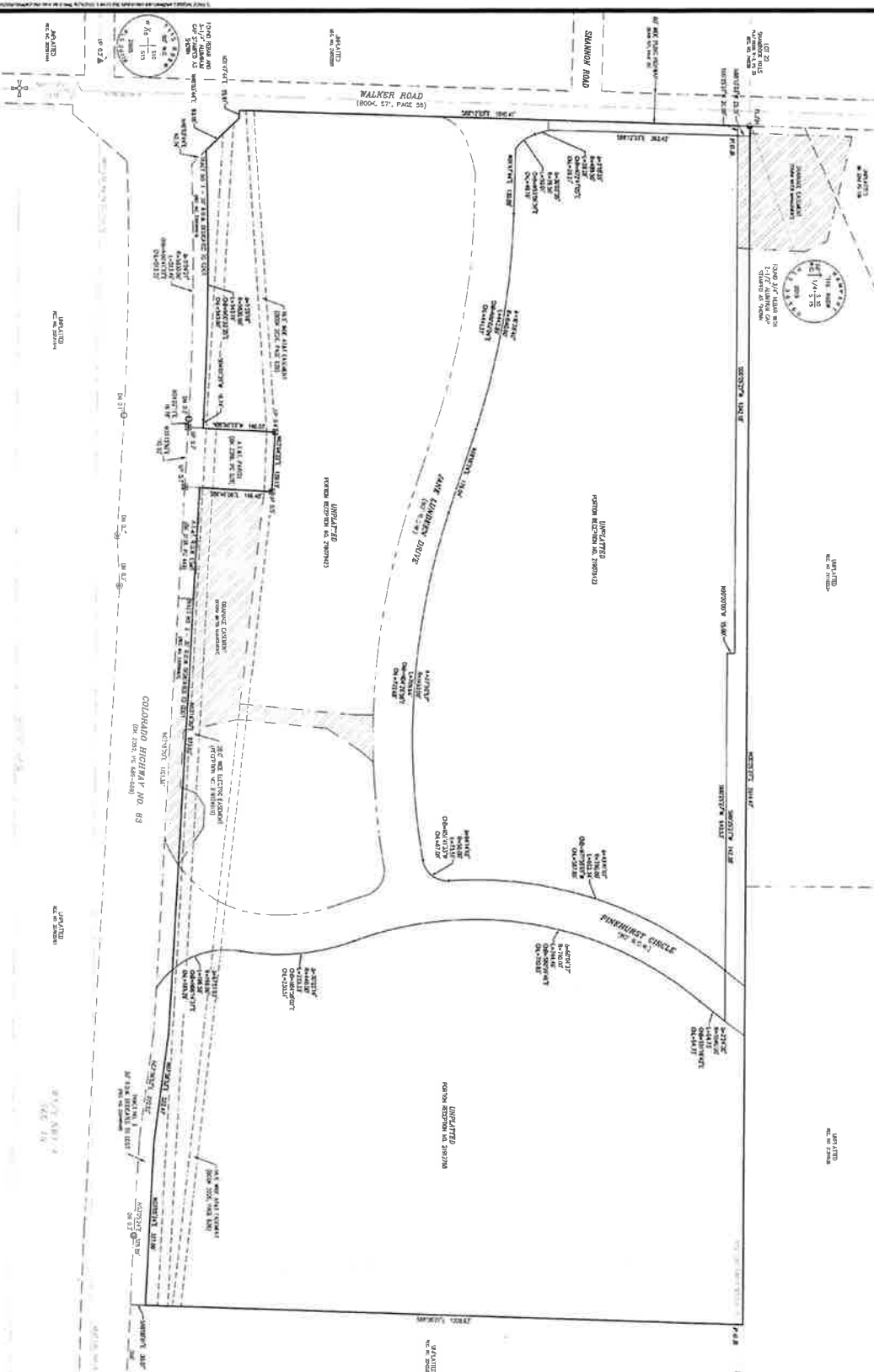
**NOTICE:**  
ACCORDING TO DOBONADO YOU MUST CHALLENGE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURETY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, BUT ANY ACTION BASED UPON ANY DEFECT IN THIS SURETY IS CONSIDERED WAIVED FROM THE CLASS FROM BE PART OF ANY DISPUTATION PROCEEDING.

DATE \_\_\_\_\_

DRAWING: 20597HRP.DWG PAGE 1 OF 3

**RAMPART**  
SURVEYS, LLC

# MA SUBDIVISION A PORTION OF THE E1/2 OF THE NW1/4 OF SECTION 15, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO



NOTE: ONLY DEEDED BEARINGS AND DISTANCES SHOWN

AS DEEDED

ASSUMED BASIS OF BEARINGS

- LEGEND:
- ① SET STAKE AND GRAVE CAP STAMPED
  - ② FOUND ALUMINUM CAP STAMPED
  - ③ FOUND IRON AND GRAVE CAP
  - ④ STAMPED "WALKER PLS 14565"
  - ⑤ FOUND 2-1/2" COOT R.O.W. GRASS CAP
  - ⑥ FOUND 4" X 4" CONCRETE POST
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SCALE: 1" = 100'  
JOB NO. 20597  
OCTOBER 4, 2021

MA SUBDIVISION - PT. E1/2 NW1/4 SEC. 15, T11S, R66W OF THE 6th P.M., EL PASO COUNTY, COLORADO

**RAMBART SURVEYS, LLC**

P.O. Box 5081 Wooded Park, CO 80666 (781) 581-0550

DRAWING: 20597MBP.DWG PAGE: 2 OF 3



**LEGEND:**

- 1 SET REBAR AND ORANGE CAP STAMPED
- 2 SET REBAR AND ORANGE CAP STAMPED - 1" WAGON FL 14665"
- 3 FOUND 2 1/2" COT R.O.W. BRASS C
- 4 FOUND 4" X 4" CONCRETE POST (PROPERTY CORNER)
- 5 FOUND 3" RINGS CAP STAMPED "COLLEGE OF HAWAII'S R.O.W. MARKER 5/14, 1953-54"
- 6 FOUND 2 1/2" ALUMINUM CIG STAMPED 7/14/54 (60 WHEEL CORNER)
- 7 FOUND 2 1/2" ALUMINUM CIG STAMPED "HAWAIIAN CORNER (50 WHEEL CORNER)"
- 8 FOUND 1/4" CORNER, STAMPED AS
- 9 FOUND 1/4" CORNER, STAMPED AS
- 10 FOUND SECTION CORNER, STAMPED AS SHOWN



**RAMPART**  
MA SUBDIVISION - PT. E1/2 NW1/4 SEC. 15, T11S,  
R66W OF THE 61A P.W., EL PASO COUNTY, COLORADO

FILE: E:\P\5101	Woodland Park, CO, 80866	(715) 687-0970
DRAWING: 20507REP.DWG		PAGE 3 OF 3



**COLORADO**  
**Division of Water Resources**  
Department of Natural Resources

June 13, 2022

Ryan Howser  
El Paso County Development Services Department  
Transmission via email: [ryanhowser@elpasoco.com](mailto:ryanhowser@elpasoco.com)

Re: Monument Academy Minor Subdivision - Final Plat  
File No. MS2110  
E1/2 NW1/4, Section 15, T11S, R66W, 6<sup>th</sup> P.M.  
Water Division 1, Water District 8

Dear Ryan Howser:

We have reviewed your referral dated June 7, 2022 regarding the above-referenced request for approval of a subdivision final plat, to allow for the development of 62.60 acres to include one lot totaling 19.38 acres to facilitate the existing Monument Academy high school, 2 individual tracts of 15.35 acres (Tract A), 19.90 acres (Tract B), to be held for future development; 2 individual tracts of 1.03 acres (Tract C) and 0.17 acres (Tract D), to be transferred to adjoining property owners as part of a property lot line adjustment; and a road Right-of-Way totaling 6.77 acres. We have previously provided comments to this project by our letter dated January 18, 2022.

**Water Supply Demand**

The estimated water requirements for the subdivision are still listed at 3.10 acre-feet annually. This amount breaks down to 2.29 acre-feet/year for the high school and 0.81 acre-feet/year for irrigation use of 0.5 acres. No estimates of water requirement were provided for the two lots to be held for future development or the two lots to be transferred to adjoining property owners.

**Source of Water Supply**

The proposed water supplier for the Monument Academy Minor Subdivision is the Walden Corporation ("Corporation"), a private water company. As requested in our previous comment letter, a letter of commitment from the Corporation dated August 30, 2021 was included in this second referral material.

According to the August 30, 2021 letter the Corporation will provide water and sewer service to the Development in accordance with the Corporation's Rules and Regulations. In addition it is indicated that the Corporation is committed to provide central water and sewer to Lot 1 for Monument Academy High School with an estimated annual demand of 3.10 acre-feet/year.

The Corporation operates seven Denver Basin ground water wells. Six of the wells withdraw ground water from the Dawson aquifer and were decreed as nontributary in Division 1 Water Court case nos. W-7843-74 and W-6220. The seventh well, permit no. 32697-F, withdraws ground water from the nontributary portion of the Denver aquifer.



Based on our records the Corporation wells are not currently fully developed to pump the total decreed amount. Therefore, the State Engineer's Office ("SEO") determined that the current withdrawal capacity of the seven wells is approximately 413.4 acre-feet/year, consisting of approximately 173.4 acre-feet/year from the Dawson aquifer and 240 acre-feet/year from the Denver aquifer. We have previously noted that the Dawson Well No. 6 is currently capable of producing 26 gallons per minute or 41 acre-feet/year. The Corporation re-drilled the Dawson Well No. 6, however the well is currently capable of producing 30 gallons per minute or 48 acre-feet/year. In addition, the Denver aquifer well is currently capable of producing 105 acre-feet per year. The Corporation has the ability to seek permits to construct additional wells into the Denver aquifer to withdraw the full allowed annual amount permitted to be withdrawn of 240 acre-feet per year.

In addition to the Dawson and Denver aquifers wells decreed in Cases W-7843-74 and W-6220), the Corporation obtained supplemental not nontributary Dawson aquifer water from the decree in consolidated Case Nos. 2002CW187 (Division 1) and 2002CW117 (Division 2). In the decree in consolidated Case Nos. 2002CW187 (Division 1) and 2002CW117 (Division 2), an augmentation plan was approved for the use of 93 individual wells in the not nontributary Dawson aquifer for the annual withdrawal of 0.47 acre-feet per well and 43.71 acre-feet total for 300 years (13,113 acre-feet total over 300 years). In Case No. 2015CW3007 the original augmentation plan was revised to reduce the number of Dawson aquifer wells which will operate pursuant to the plan from 93 to 22 lots. The balance of water previously allocated for individual on lot wells from the original augmentation plan was transferred to the Corporation for use in the central water system. An augmentation plan for the Dawson aquifer water decreed in consolidated Case Nos. 2002CW187 (Division 1) and 2002CW117 (Division 2) transferred to the Corporation was approved on August 8, 2017 under consolidated Case Nos. 2016CW3103 (Division 1) and 2016CW3048 (Division 2) for the withdrawal of up to 155 acre-feet/year for 100 years. The augmentation plan allows for the ground water to be used for in-house, irrigation, commercial, fire protection, and stock watering purposes, including storage, through a central water supply system.

The Corporation current water supply commitment status was presented in a Revised Water Resource Report ("Report") dated April 7, 2022 prepared by Oliver E. Watts, Consulting Engineer, Inc., ("Report"). According to the Report, the Corporation's central water system currently has total commitments of approximately 8,336 acre-feet of water committed to serve 245.2 single-family equivalents ("SFE") units and an elementary school (9.1 SFE), based on a 100-year water supply. An additional 20,094 acre-feet of water are committed to serving 197 single-family equivalents in the Walden Pines, Walden Preserve Filing 1 and the Walden Preserve 2 PUD, based on a 300-year water supply. Therefore, the Corporation has approximately 28,410 acre-feet (based on the actual amount determined by SEO) of Denver Basin ground water available for additional commitments.

The proposed source of water for this development is bedrock aquifers 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 allowed annual amount of water permitted to be withdrawn from the Denver aquifer under permit no. 32697-F and the Dawson aquifer under consolidated Case Nos. 2002CW187 (Division 1) and 2002CW117 (Division 2) are equal to one percent of the total amount, as determined by

rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Therefore, the water may be withdrawn in those annual amount for a maximum of 100 years.

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

“(7) Finding of Sufficient Quantity

(b) Required Water Supply. The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of 300 years.”

The State Engineer’s Office does not have evidence regarding the length of time for which this source will “meet the average annual demand of the proposed subdivision.” The amount of water that would be available from the above described supplies based on a 100-year and 300 year allocation approach is as follows:

Summary of the Available Supplies

Well Nos/Permit Nos/Case No.	Aquifer	Decreed Annual amount (100 yr. allocation approach (acre-feet)	Annual amount determined by SEO (acre-feet)	Annual amount available (300 yr. allocation approach) (acre-feet)
1-51749-FR	Dawson	45.0	45.0	45.0
2-51751-FR	Dawson	19.0	19.0	19.0
3-25998-FR	Dawson	13.0	12.9	12.9
4-51750-FR	Dawson	26.0	26.0	26.0
5-63866-FR	Dawson	23.0	22.5	22.5
6-16389-FR	Dawson	238.0	48.0	48.0
7-32697-F	Denver	240.0	240	80.0
Case Nos. 2016CW3103 (Div 1) and 2016CW3048 (Div 2)	Dawson	155.0		
Total		759.0	413.4	253.4

**State Engineer’s Office Opinion**

Pursuant to Section 30-28-136(1)(h)(I), C.R.S. and Section 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply for Monument Academy Minor Subdivision is adequate and can be provided without causing injury to decreed water rights. Our previous comments regarding any proposed detention pond for this development still apply.

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

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



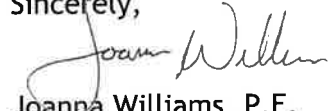
of water required to supply existing water commitments and the demands of the proposed development.

Our opinion is qualified by the following:

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.

Should you or the applicant have any questions, please contact Ioana Comaniciu at (303) 866-3581 x8246.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joanna Williams", written in dark ink.

Joanna Williams, P.E.  
Water Resource Engineer

Ec: Subdivision File: 29051

JMW/idc: Monument Academy Minor (El Paso)

# EL PASO COUNTY

## OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

**Steven A. Klaffky, Interim County Attorney**

### Assistant County Attorneys

Lori L. Seago  
Mary Ritchie  
Bryan E. Schmid  
Nathan J. Whitney  
Christopher M. Strider  
Terry A. Sample  
Dorey L. Spotts  
Steven Martyn

July 6, 2022

MS-21-10      MA Subdivision (Monument Academy)  
Minor Subdivision

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



## WATER SUPPLY REVIEW AND RECOMMENDATIONS

### Project Description

1. This is a proposal by the Monument Academy Foundation and Walden Corporation ("Applicant") for a minor subdivision on 62.6 acres, including the existing Monument Academy High School on 19.38 acres; plus 2 tracts for future development, which include Tract A (15.35 acres) and Tract B (19.90 acres), 2 tracts of 1.03 acres (Tract C) and 0.17 acres (Tract D) to be transferred to adjoining property owners for a lot-line adjustment, and right-of-way totaling 6.77 acres (the "property"). The final plat will facilitate the existing Monument Academy High School structure. No development is currently allowed on the remaining tracts and the future development tracts must be submitted for full subdivision review, including a request for water sufficiency. The property is currently zoned RR-5 (Rural Residential).

### Estimated Water Demand

2. Pursuant to the Water Supply Information Summary ("WSIS"), the minor subdivision demand is 3.10 acre-feet/lot, which reflects 2.29 acre-feet for the school and 0.81 acre-feet for 0.5 acres of irrigation. Based on the total demand, Applicant must be able to provide a supply of 930 acre-feet of water (3.10 acre-feet per year x 300 years) to meet the County's 300-year water supply requirement.

### Proposed Water Supply

3. The Applicant has provided for the source of water to derive from Walden Corporation ("Corporation"), a private central water supplier. The Applicant provided a *Water Resources Report for Monument Academy Subdivision and Walden Preserve 2, Filing No. 5,*

dated December 8, 2021 and as revised April 7, 2022 ("*Report*"). The Corporation operates a central water supply system utilizing 7 Denver Basin wells. 6 wells are completed into the Dawson aquifer as decreed in Case Nos. W-7843-74 and W-6220 and 1 well (Permit No. 32697-F) is completed into the Denver aquifer. The *Report* states that "[t]he total annual appropriation of the Walden Corporation wells is 604 af/yr, providing a total decreed 100-year supply of 60,400 acre-feet" [201.33 acre-feet/year for 300 years]. The *Report* states that the water demand for Monument Academy would be "3.1 acre-feet per year, which correlates to 9.1 SFE". The *Report* further states that Walden Corporation has total available resources of 75,900 acre-feet and the previous commitments require a total commitment of 28,431 acre-feet. These figures result in available water resources in the amount of 47,469 acre-feet (158.23 acre-feet/year for 300 years).

4. Matthew Dunston, on behalf of Walden Corporation, provided a letter of commitment for the MA Subdivision dated August 30, 2021 in which the Corporation committed to providing water service to the 1 lot encompassing the Monument Academy High School with an annual water demand of 3.10 acre-feet/year, including water supply for the school and landscape irrigation.

#### State Engineer's Office Opinion

5. In a letter dated June 13, 2022, the State Engineer reviewed the proposal to subdivide the 62.6-acre parcel into 1 lot, plus right-of-way, and tracts for future development. The State Engineer provided a detailed review of the Corporation's water rights which include decrees in Case Nos. 2016CW3103 (Division 1) and 2016CW3048 (Division 2), and the well permits granted to the Corporation in the Dawson and Denver aquifers pursuant to Case Nos. W-7843-74 and W-6220.

The State Engineer noted that some of the Corporation wells are not fully developed to pump decreed amounts; but also noted that the Corporation has "supplemental not nontributary Dawson aquifer water from the decree in consolidated Case Nos. 2002CW187 (Division 1) and 2002 CW117 (Division 2)." Based on their review and pursuant to the *Report*, the State Engineer identified that the Corporation has "approximately 28,410 acre-feet (based on the actual amount determined by SEO) of Denver Basin ground water available for additional commitments." The State Engineer confirmed that the "proposed water supplier for the Monument Academy Minor Subdivision is the Walden Corporation ("Corporation"), a private water company." Further, the "Corporation is committed to provide central water and sewer to Lot 1 for Monument Academy High School with an estimated annual demand of 3.10 acre-feet/year." Finally, "[p]ursuant to Section 30-28-136(1)(h)(I), C.R.S. and Section 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply for Monument Academy Minor Subdivision is adequate and can be provided without causing injury to decreed water rights."

#### Recommended Findings

6. Quantity and Dependability. Applicant's water demand for the MA Subdivision is 3.10 acre-feet/year, for a total of 930 acre-feet for 300 years, to be supplied by the Walden Corporation.

**Based on the water demand of 3.10 acre-feet/year for the minor subdivision and the Corporation's availability of water sources, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for the MA Subdivision.**

7. Quality. The water quality requirements of Section 8.4.7.B.10 of the Code must be satisfied. Section 8.4.7.B.10.g. of the Code allows for the presumption of acceptable water quality for projects such as this where water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary.

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the Water Supply Information Summary provided October 1, 2021, the *Water Resources Report* dated April 7, 2022, the Walden Corporation letter dated August 30, 2021, and the State Engineer Office's Opinion dated June 13, 2022. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

#### **REQUIREMENTS:**

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the Corporation.
- B. Applicant shall upload water decree Case Nos. W-7843-74 and W-6220 to eDARP prior to filing the final plat.
- C. 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 200 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





Prevent • Promote • Protect

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](http://www.elpasocountyhealth.org)

### MA Subdivision, MS-21-10

Please accept the following comments from El Paso County Public Health:

- The proposed 69-acre site with a 1-lot school site and 4 Tract development project will be served water and wastewater by the Walden Corporation Metropolitan District.
- There is a finding for sufficiency in terms of water quality for Walden Corporation Metropolitan District, which is a Colorado Department of Public Health and Environment (CDPHE) regulated water provider with the assigned PWSID number CO121850. The district is currently not under any CDPHE enforcement action. There is a Letter of Commitment to provide water from the Walden Corporation dated December 21, 2021. A Water Resources Report submitted by Oliver Watts, Consulting Engineer, was reviewed and supports Walden Corporation as an approved water provider.
- Wastewater service to the project is provided by Walden Corporation Metropolitan District. The district is a CDPHE approved wastewater treatment facility. There is a Letter of Commitment to provide wastewater service from the Walden Corporation dated December 8, 2021. A Wastewater Resources Report submitted by Oliver Watts, Consulting Engineer, was reviewed and supports Walden Corporation as the water provider.
- The school building and supporting structures will require the construction plans to be reviewed and approved by El Paso County Public Health prior to commencement of construction.
- Radon resistant construction building techniques/practices are encouraged in this area. The EPA has determined that Colorado, and specifically the El Paso County area, have higher radon levels than other areas of the country.
- Earthmoving activities greater than 25 acres require a Construction Activity Permit from the Colorado Department of Public Health and Environment, Air Pollution Control Division. Go to:  
<https://www.colorado.gov/pacific/cdphe/general-air-permits>

**Mike McCarthy**  
**El Paso County Public Health**  
**719-332-5771**  
**[mikemccarthy@elpasoco.com](mailto:mikemccarthy@elpasoco.com)**  
**22February2023**

**COMMUNITY SERVICES DEPARTMENT**  
PARK OPERATIONS ~ ENVIRONMENTAL SERVICES ~ RECREATION/CULTURAL SERVICES

February 2, 2022

Ryan Howser  
Project Manager  
El Paso County Development Services Department

**Subject: Monument Academy Minor Subdivision (MS-2110)**

Ryan,

The Community Services Department has reviewed the Monument Academy Minor Subdivision application and is providing the following comments on behalf of El Paso County Parks.

This is a request by Land Resource Associates on behalf of Monument Academy Foundation. The applicants are requesting a final plat approval for the Monument Academy Minor Subdivision. The site adjoins Walker Rd on the north, State Hwy 83 on the west and on the south an unplatted 6 acre single family residential tract zoned RR-5. The property, including both parcels, totals 62.60 acres and is currently zoned RR-5. Vehicular access to the site is currently facilitated from Walker Road to the north and a right-in / right-out access onto Hwy 83.

The minor land subdivision plat is proposed to include a 19.38-acre Lot 1 to facilitate the existing Monument Academy High School, recreational fields, and associated parking. Two individual Tracts (A and B) are included for future development and two tracts (C and D) are allocated for property line adjustment. Of note, no development will be allowed on Tract A and/or B until appropriate zoning, platting and development plans have been approved by El Paso County. The plat will also include right-of-way dedications for Jane Lundeen Drive and the extension of Pinehurst Circle.

The El Paso County Parks Master Plan (2013) identifies three master-planned trails adjacent to the development. The proposed Highway 83 Bicycle Route alignment runs north and south along Highway 83 on the west side of the development. The proposed Highway 105 / Walker Road Bicycle Route runs east and west along the north side of the development. These two proposed bicycle routes will be accommodated within the public right of way and will not impact the development. The master plan identifies the Cherry Creek Secondary Regional Trail immediately to the south and east of the development.

The Cherry Creek Trail is planned to connect to Hwy 105 just east of the Monument Academy development within Walden Preserve as shown on the attached exhibit. To date, a large portion of this trail has been



constructed and is already being used. This trail is also proposed to facilitate a non-motorized connection to the school site within the Monument Academy development at the southern end of the property. Staff has reviewed the final plat drawings and notes that sidewalks are planned, with several already constructed, to facilitate a connection from the Monument Academy development to the Cherry Creek Trail. Staff would appreciate that at the culmination of this project the sidewalks along Pinehurst Circle are constructed and connected to the Cherry Creek Trail.

No regional park fees are required for the application, as the Board of County Commissioners has elected to not require park fees for commercial subdivisions. However, required park fees may be assessed in the future for Tracts A and B at time of platting depending on land use. Staff would also like to see the sidewalks along Pinehurst Circle be constructed to the Cherry Creek Trail. These comments are being provided administratively, as this application does not require Park Advisory Board consideration. Please let me know if you have any questions or concerns.

Sincerely,  
Jason Meyer  
Planning Supervisor  
Community Services Department  
[JasonMeyer@elpasoco.com](mailto:JasonMeyer@elpasoco.com)

# Development Application Permit Review



## COMMUNITY SERVICES DEPARTMENT

Park Operations - Community Outreach - Environmental Services  
Veterans Services - Recreation / Cultural Services

February 2, 2022

Subdivision requirements referenced in Section 8.5.2 of the El Paso County Land Development Code. Fees are based on average land values within designated areas. See El Paso County Board of County Commissioners (BoCC) Resolution for fees established on an annual basis. The Park Advisory Board meets the second Wednesday of each month, 1:30 p.m., BoCC Auditorium, second floor of Centennial Hall, 200 South Cascade Avenue, Colorado Springs.

Name: Monument Academy Minor Subdivision  
PCD Reference #: MS-2110

Application Type: Minor Sub

Total Acreage: 62.60

Total # of Dwelling Units: 0

Applicant / Owner: Walden Corporation  
Matt Dunsten  
1230 Scarsbrook Ct  
Monument, CO 80132

Owner's Representative: Land Resource Associates  
David Jones  
9736 Mountain Rd  
Chipita Park, CO 80809

Dwelling Units Per 2.5 Acres: 0.00

Regional Park Area: 2

Urban Park Area: 2

Existing Zoning Code: RR-5

Proposed Zoning Code: RR-5

### REGIONAL AND URBAN PARK DEDICATION AND FEE REQUIREMENTS

Regional Park land dedication shall be 7.76 acres of park land per 1,000 projected residents, while Urban Park land dedication shall be 4 acres of park land per 1,000 projected residents. The number of projected residents shall be based on 2.5 residents per dwelling unit.

The EPC Land Development Code defines urban density as land development of higher density and intensity which is characteristically provided with services of an urban nature. This category of development includes residential uses with densities of more than one dwelling unit per 2.5 acres.

#### LAND REQUIREMENTS

Regional Park Area: 2

0.0194 Acres x 0 Dwelling Units = 0.000  
Total Regional Park Acres: 0.000

Urban Density ( $\geq 1$  Dwelling Unit Per 2.5 Acres): NO

Urban Park Area: 2

Neighborhood: 0.00375 Acres x 0 Dwelling Units = 0.00  
Community: 0.00625 Acres x 0 Dwelling Units = 0.00  
Total Urban Park Acres: 0.00

#### FEE REQUIREMENTS

Regional Park Area: 2

\$460 / Dwelling Unit x 0 Dwelling Units = \$0  
Total Regional Park Fees: \$0

Urban Park Area: 2

Neighborhood: \$114 / Dwelling Unit x 0 Dwelling Units = \$0  
Community: \$176 / Dwelling Unit x 0 Dwelling Units = \$0  
Total Urban Park Fees: \$0

### ADDITIONAL RECOMMENDATIONS

Staff Recommendation:

No regional park fees are required for the application, as the Board of County Commissioners has elected to not require park fees for commercial subdivisions. However, required park fees may be assessed in the future for Tracts A and B at time of platting depending on land use. Staff would also like to see the sidewalks along Pinehurst Circle be constructed to the Cherry Creek Trail. These comments are being provided administratively, as this application does not require Park Advisory Board consideration. Please let me know if you have any questions or concerns.

Park Advisory Board Recommendation:

N/A



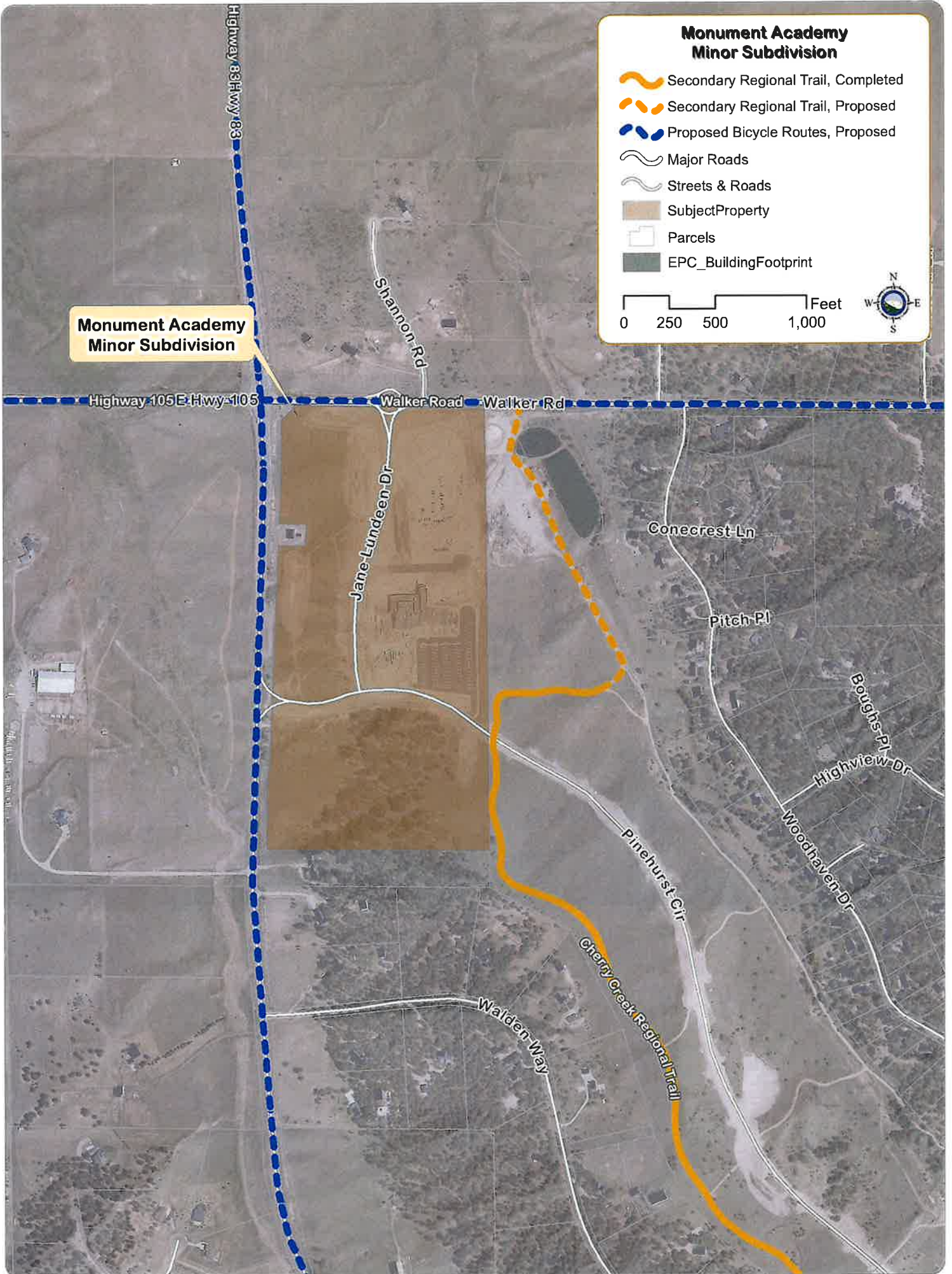
# Monument Academy Minor Subdivision

- Secondary Regional Trail, Completed
- Secondary Regional Trail, Proposed
- Proposed Bicycle Routes, Proposed
- Major Roads
- Streets & Roads
- SubjectProperty
- Parcels
- EPC\_BuildingFootprint

0 250 500 1,000 Feet



Monument Academy  
Minor Subdivision





FINAL PLAT (RECOMMEND APPROVAL)

\_\_\_\_\_ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. MS-21-010  
MA SUBDIVISION

WHEREAS, Monument Academy Foundation did file an application with the El Paso County Planning and Community Development Department for approval of a final plat for the MA Subdivision for the property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on March 2, 2023; and

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

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;
6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all



sound planning and engineering requirements of the El Paso County Subdivision Regulations; and

7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a minor subdivision, the Planning Commission and Board of County Commissioners 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 (2021):

1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
2. The subdivision is consistent with the purposes of the Land Development Code ("Code");
3. The subdivision is in conformance with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analysis, studies, reports, plans, designs, documents, and other supporting materials;
4. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code;
5. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. § 30-28-133(6) (b)] and the requirements of Chapter 8 of the Code;
6. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)];
7. Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM") are provided by the design;
8. 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;
9. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County and in compliance with the Code and the ECM;

10. 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 therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;
11. Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
12. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code;
13. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Code;
14. Off-site impacts were evaluated, and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Code;
15. 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; and
16. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.].

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

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Monument Academy Foundation for a minor subdivision final plat of the MA subdivision be approved by the Board of County Commissioners with the following conditions and notations:



## CONDITIONS:

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department. A new access permit application(s) shall be submitted to the County in accordance with the Development Agreement recorded at Reception No. 220076541 upon plat recordation.
5. Collateral sufficient to ensure construction of the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
6. 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.
7. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
8. Tracts A and B are future development tracts and shall be replatted prior to any land use or development.
9. The Monument Academy Foundation shall provide written confirmation from CDOT that the Highway 83 improvements have been completed and are acceptable to CDOT prior to recording the plat.

## NOTATIONS

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

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

\_\_\_\_\_ seconded the adoption of the foregoing Resolution.

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

Brian Risley	aye / no / abstain / absent
Thomas Bailey	aye / no / abstain / absent
Tim Trowbridge	aye / no / abstain / absent
Becky Fuller	aye / no / abstain / absent
Sarah Brittain Jack	aye / no / abstain / absent
Jay Carlson	aye / no / abstain / absent
Eric Moraes	aye / no / abstain / absent
Joshua Patterson	aye / no / abstain / absent
Bryce Schuettpelz	aye / no / abstain / absent
Christopher Whitney	aye / no / abstain / absent
Brandy Merriam	aye / no / abstain / absent

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

DONE THIS 2<sup>nd</sup> day of March 2023, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: \_\_\_\_\_  
Brian Risley, Chair

DATED: March 2, 2023

## EXHIBIT A

A TRACT OF LAND BEING A PORTION OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED UNDER RECEPTION NO. 218134619 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, LOCATED IN THE EAST ONE-HALF OF THE NORTHWEST ONE-QUARTER (E1/2 NW1/4) OF SECTION 15, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID E1/2 NW1/4, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE NORTHEAST ONE-QUARTER (NE1/4) OF SAID SECTION 15, AS MONUMENTED BY A 3/4" REBAR AND 2-1/2" ALUMINUM CAP STAMPED "RAMPART PLS 38560" FROM WHICH THE SOUTHWEST CORNER OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SAID SECTION 15, AS MONUMENTED BY A REBAR AND 3-1/4" ALUMINUM CAP STAMPED "BERGE-BREWER LS 9646" BEARS N88°08'01"W, A DISTANCE OF 2636.22 FEET AND IS THE BASIS OF BEARINGS USED HEREIN;

THENCE N00°25'27"E ALONG THE EASTERLY LINE OF SAID E1/2 NW1/4, SAID LINE ALSO BEING THE EASTERLY LINE OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED UNDER RECEPTION NO. 201058229 OF SAID COUNTY RECORDS, A DISTANCE OF 200.06 FEET TO THE NORTHEAST CORNER THEREOF AND THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE N88°08'01"W ALONG THAT LINE COMMON TO SAID RECEPTION NO. 218134619 AND SAID RECEPTION NO. 201058229, A DISTANCE OF 1208.66 FEET TO THE SOUTHEAST CORNER OF TRACT NO. 3 AS DESCRIBED IN DEED RECORDED UNDER RECEPTION NO. 220099418 OF SAID COUNTY RECORDS;

THENCE ALONG THE EASTERLY LINE OF SAID TRACT NO. 3 THE FOLLOWING THREE (3) COURSES:

- 1.) THENCE N03°05'24"E, A DISTANCE OF 327.06 FEET;
- 2.) THENCE N07°38'52"E, A DISTANCE OF 222.47 FEET;
- 3.) THENCE N03°16'20"E, A DISTANCE OF 128.70 FEET TO THE NORTHEAST CORNER OF SAID TRACT NO. 3, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF TRACT NO. 2, AS DESCRIBED IN DEED RECORDED UNDER RECEPTION NO. 220099403 OF SAID COUNTY RECORDS;

THENCE N03°16'20"E ALONG THE EASTERLY LINE OF SAID TRACT NO. 2, A DISTANCE OF 973.82 FEET TO THE NORTHEAST CORNER THEREOF, SAID POINT ALSO BEING A POINT ON THE SOUTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN BOOK 2086 AT PAGE 528 OF SAID COUNTY RECORDS;

THENCE ALONG THE SOUTHERLY, EASTERLY AND NORTHERLY LINES OF SAID TRACT THE FOLLOWING THREE (3) COURSES:

- 1.) THENCE S86°46'06"E, A DISTANCE OF 146.40 FEET;
- 2.) THENCE N03°04'22"E, A DISTANCE OF 120.13 FEET;
- 3.) THENCE N86°50'03"W, A DISTANCE OF 146.07 FEET TO THE SOUTHEAST CORNER OF TRACT NO. 1 AS DESCRIBED IN DEED RECORDED UNDER SAID RECEPTION NO. 220099403;

THENCE ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID TRACT NO. 1 THE FOLLOWING TWO (2) COURSES:

- 1.) THENCE N04°02'11"E, A DISTANCE OF 16.74 FEET TO A POINT OF CURVATURE;

2.) THENCE ALONG THE ARC OF A 5,830.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 05°20'18", AN ARC LENGTH OF 543.19 FEET (THE LONG CHORD OF WHICH BEARS N00°33'35"E, A LONG CHORD DISTANCE OF 543.00 FEET) TO THE NORTHEAST CORNER OF SAID TRACT NO. 1, SAID POINT ALSO BEING A POINT ON THE EASTERLY RIGHT OF WAY LINE OF COLORADO HIGHWAY NO. 83 AS DESCRIBED IN BOOK 2052 AT PAGE 686 - 689 OF SAID COUNTY RECORDS;

THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES:

1.) THENCE N46°03'44"E, A DISTANCE OF 93.16 FEET;

2.) THENCE N01°47'44"E, A DISTANCE OF 15.61 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF WALKER ROAD AS DESCRIBED IN DEED RECORDED IN BOOK 571 AT PAGE 55 OF SAID COUNTY RECORDS;

THENCE S88°12'03"E ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 1035.42 FEET TO THE NORTHEAST CORNER OF THAT TRACT AS DESCRIBED UNDER SAID RECEPTION NO. 218134619, SAID POINT ALSO BEING A POINT ON THE EASTERLY LINE OF SAID E1/2 NW1/4, AS MONUMENTED BY A 3/4" REBAR WITH 2-1/2" ALUMINUM CAP STAMPED "RAMPART 30' W.C. PLS 38560";

THENCE S00°25'27"W ALONG THE EASTERLY OF SAID TRACT, SAID LINE ALSO BEING THE EASTERLY LINE OF SAID E1/2 NW1/4, A DISTANCE OF 2414.41 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 62.60 ACRES OF LAND, MORE OR LESS.

