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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Planning Commission
Brian Risley, Chair

FROM: Kari Parsons, Planner III
Gilbert LaForce, PE Engineer II
Craig Dossey, Executive Director

RE: Project File #: SP-17-007
Project Name: Abert Ranch Preliminary Plan
Parcel No.: 61000-00-464

OWNER:	REPRESENTATIVE:
BF Ranch Trust 2015 4510 Ford Drive Colorado Springs, CO 80908	Jerome Hannigan and Associates, Inc. 19360 Spring Valley Road Monument, CO 80132

Commissioner District: 1

Planning Commission Hearing Date:	9/17/2019
Board of County Commissioners Hearing Date	10/8/2019

EXECUTIVE SUMMARY

A request by BF RanchTrust 2015 for approval of a preliminary plan for the Abert Ranch subdivision to authorize development of 10 single-family lots and 3.85 acres of right-of-way. The 40.40 acres parcel is zoned RR-2.5 (Residential Rural) and is located north of Hodgen Road, south of Silver Nell Drive, east of the Walden development and west of Stepler Road and within Sections 23 and 24, Township 11 and 15 South, Range 66 West of the 6th P.M. The subject property is within the boundaries of the Black Forest Preservation Plan (1987) area.



The proposed Abert Ranch subdivision is consistent with the current RR-2.5 (Residential Rural) zoning. The preliminary plan meets the submittal and review criteria for a preliminary plan as well as the general development standards of Chapter 6, the preliminary plan review criteria of Chapter 7, and the subdivision design requirements of Chapter 8 of the El Paso County Land Development Code (2019).

Water is proposed to be provided via individual wells. Individual onsite wastewater treatment systems (OWTS) are proposed to serve the development. A finding of water sufficiency is requested with this preliminary plan application.

A. REQUEST/WAIVERS/AUTHORIZATION

Request: A request by BF Ranch Trust 2015 for approval of a preliminary plan for the Abert Ranch subdivision to authorize the development of 10 single-family lots and 3.85 acres of right-of-way located on 40.40 acres. A finding for water sufficiency is requested with this preliminary plan application.

Waiver(s): No waivers are requested with this application.

Authorization to Sign: Approval by the Board of the preliminary plan with a finding of sufficiency for water quality, quantity, and dependability would authorize the Planning and Community Development Department Director to approve all subsequent final plat(s) consistent with the preliminary plan as well as the associated Subdivision Improvements Agreements, Detention Pond Maintenance Agreements and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

In approving a preliminary plan, Section 7.2.1.D.2 of the El Paso County Land Development Code (2019) the BoCC shall find that:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of this Code;

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

D. LOCATION

North: PUD (Planned Unit Development)	Grandview Subdivision/single-family
South: PUD (Planned Unit Development)	Settlers Ranch Subdivision/single-family
East: RR-5 (Residential Rural)	Single-family residential /vacant
West: RR-2.5 (Residential Rural)	Settlers View Subdivision /vacant

E. BACKGROUND

The County initiated zoning of this area from unzoned to A-5 (Rural) in 1965. Subsequent nomenclature changes renamed the A-5 zoning district to RR-3 (Residential Rural) in 1991 and then to RR-5 (Residential Rural) in 2007. The property was rezoned from RR-5 to RR-2.5 (Residential Rural) on May 22, 2018. The property has remained undeveloped and unplatted.

The developers of the Grandview Subdivision to the north constructed an extension of Silver Nell Drive, a County owned and maintained right-of-way to the northern boundary of the adjacent parcel in anticipation of development. The developer of the adjacent subdivision, Settlers View, is constructing Silver Nell Drive to the western boundary of the subject property to be known as Abert Ranch. The applicants will be required to construct an additional extension of Silver Nell Drive from the western boundary of the subject property and dedicate it as County right-of-way with this final plat. The applicant is also required to provide an emergency access through the Settlers Ranch development to the south and east to Stepler Road. A tract of land has been designated for the emergency access through the Settlers Ranch development on the Settlers Ranch Filing No. 2C unrecorded plat. This tract of land is anticipated to become County owned and maintained right-of-way upon complete build-out of the Settlers Ranch development (Settlers Ranch Filing No. 2 D). The developer of Settlers Ranch Filing No. 2D will be required to bring the emergency road up to County road standards upon completion of a Settlers Ranch Filing No. 2D final plat within the emergency access tract. The Settlers Ranch 2D plat will require the completed road to handle the Settlers Ranch Filing No. 2D traffic. If the Settlers Ranch Filing No. 2D plat is not completed, said plat would not be recorded and the access will remain emergency only. The Settlers Ranch Filing No. 2C plat is anticipated to be recorded within a year.

F. ANALYSIS

1. Land Development Code Compliance

The preliminary plan application meets the final plat submittal requirements, the General Development Standards of Chapter 6, the Standards for Divisions of Land in Chapter 7, and the Standards for Subdivision in Chapter 8 of the Code.

2. Zoning Compliance

The Abert Ranch preliminary plan is consistent with the density and dimensional standards of the RR-2.5 zoning district as identified in Chapter 5, Table 5-4 of the Code, which are summarized as follows:

- Minimum lot size – 2.5 acres

- Setbacks – 25 feet front and rear, 15 feet side
- Maximum building height – 30 feet
- Maximum lot coverage – none
- Minimum width at front setback- 200 feet

3. Policy Plan Analysis

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

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

Policy 6.1.8- Encourage incorporation of buffers or transitions between areas of varying use or density where possible.

Policy 6.1.14- Support development which complements the unique environmental conditions and established land use character of each sub-area of the County.

Goal 6.1 A- Encourage patterns of growth and development which complement the regions' unique natural environments and which reinforce community character.

The applicant is proposing a minimum of two and one-half (2.5) acre lots, including a minimum of five (5) acre lots at the eastern boundary adjacent to Stepler Road, as depicted on the preliminary plan. The platted single-family lots to the north in the Grandview Subdivision, and to the west in the Settlers View Subdivision, have a minimum lot size of two and one-half (2.5) acres. The Settlers Ranch development to the south includes a minimum lot size of two and one-half (2.5) acres. Both the Grandview and Settlers Ranch Subdivisions have a minimum of five (5) acre lot sizes adjacent to Stepler Road and taper the lot sizes to 2.5 acres to the west.

Access has been provided via dedicated right-of-way through the Grandview and Settlers View developments. An emergency access to the south through the Settlers Ranch development is proposed. The emergency access is anticipated to become County owned and maintained right-of-way in the future. Provision of access to the subject property via adjoining developments indicates that this property was anticipated for development. For that reason, and based upon recent adjoining approvals for development, staff recommends that the proposed development continues the existing pattern of growth in the area. Staff has no concerns with regard to compatibility or whether the proposed development fits

into the current pattern of growth in this area. Staff recommends that a finding of consistency with the Policy Plan can be made.

4. Small Area Plan Analysis

The property is within the Black Forest Preservation Plan (1987) area and, more specifically, within Planning Unit 6, Northern Grasslands Sub-Area. Planning Unit 6, Northern Grasslands Sub-Area is “characterized as open undulating grasslands. The southern half of the area is more open and views in this portion tend to be longer.” The Plan includes a policy applicable to the Planning Unit 6, Northern Grasslands Sub-Area, that state as follows:

“The entire area is not recommended for development or subdivision at this time. If low density residential development does take place overall density should be strictly held to one (1) dwelling unit / per five (5) acres.”

The applicant is proposing minimum lot sizes of two and one-half (2.5) acres as required by the Land Development Code (2019) pursuant to the Density and Dimensional Standards of the RR-2.5 zoning district as listed above in Section F.2 of this report. A minimum lot size of two and one-half (2.5) acres is more dense than the recommended density of one (1) dwelling unit/five (5) acres as identified in the Northern Grasslands Sub-Area policy above. The applicant proposes individual wells and onsite wastewater treatment systems (OWTS), which are permissible on two and one-half (2.5) acre lots.

The applicant is proposing to plat lots with a minimum lot size of five (5) acres adjacent to Stepler Road as depicted on the requested preliminary plan, which is consistent with the recommended lot size of five (5) acres in the Northern Grasslands Sub Area. The plan proposes to taper the lot sizes from a five (5) acre minimum to two and one-half (2.5) acre lot sizes as the plan for development extends west towards the recently platted RR-2.5 zoned Settlers View development, which has a minimum lots size of two and one-half (2.5) acres. The proposed transition incorporated in this plan is more drastic than the transition incorporated with the Grandview subdivision to the north and with the Settlers Ranch development to the south.

Recommended Condition of Approval No. 3 caps the number of lots allowed in the future development to ten (10) lots to limit the number of lots that could be developed. The Black Forest Land Use Committee did not object to this application or to the previously approved map amendment (rezone) to RR-2.5.

Recommended Condition of Approval No. 4 requires that the two (2) lots nearest to Stepler Road be a minimum of five (5) acres in size. The third lot nearest to Stepler Road is required to be a minimum of four and one-half (4.5) acres, which provides a more robust transition than the approved developments to the north and south which are also within the Northern Grasslands Sub-Area. There is one (1) two and one-half (2.5) acre lot in the development to the north which

abuts the subject property and one (1) three and one-quarter (3.25) acre lot in the development to the south that abuts the subject property. The remaining adjacent lots to the north and south are all at least five (5) acres in size.

The Plan, which is an advisory document, states:

“When in administrative use these components should be applied holistically. This means that the consistency or inconsistency of an application with a single policy or recommendation should be of less importance than its relationship to the overall spirit and intent of the elements when taken together.”

Staff recommends that the proposed preliminary plan is consistent with the RR-2.5 zoning district. A finding of consistency with the Plan was made by the Board of County Commissioners at the time of the map amendment (rezoning).

5. Other Master Plan Elements

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

The Master Plan for Mineral Extraction (1996) identifies stream terrace deposits (sand, silt and gravel) in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

A geology and soils report, dated February 2, 2017, was submitted by Entech Engineering, Inc., in support of the requested preliminary plan application. The report provides a geologic hazards evaluation and preliminary geotechnical investigation of the plan area. The report identified shallow groundwater, seasonally shallow groundwater, perched groundwater, drainage ways and erosion in some areas. The report concludes that mitigation measures identified in the report can be completed so as to not preclude development. The applicant has identified the areas that will need to be mitigated on the preliminary plan in the notes section, as well as depicting the areas of concern on the preliminary plan map.

2. Wildlife

Colorado Parks and Wildlife was sent a referral and provided comment. Colorado Parks and Wildlife (CPW) identified sustainable habitat for deer, elk, pronghorn, turkey, black bear, mountain lion, coyote, foxes, raptors and numerous small mammals. Colorado Parks and Wildlife (CPW) recommends preconstruction surveys of the project area to identify raptor nest and implement the appropriate buffer distances and timing stipulations. CPW provided recommendations to limit the potential for conflicts between homeowners and wildlife. CPW recommends

they should be incorporated into the development's covenants with all subsequent final plat(s).

3. Floodplain

The site is not impacted by any designated floodplain as indicated by FEMA's Flood Insurance Rate Map Number 08041C0305G, which has an effective date of December 7, 2018.

4. Drainage and Erosion

The subdivision is located in the East Cherry Creek drainage basin (CYCY0200). East Cherry Creek drainage basin is an unstudied basin with no drainage basin fee or bridge fee requirements.

Stormwater runoff generally flows to the east. Runoff will be conveyed along roadside ditches, culverts and existing natural swales into an existing on-site private stock pond. The stock pond will be upgraded to serve as a full spectrum detention pond with this development. The proposed detention facility will be privately owned and maintained by the subdivision HOA. The engineering consultant's drainage report concludes that this development will not adversely affect downstream or surrounding areas. Pre-site development grading is not requested with this request.

5. Transportation

There are no Major Transportation Corridor Plan Update (2016) roadway improvement projects in the immediate vicinity of the development. Access to the subdivision is via an extension of Silver Nell Drive within the adjacent Settlers View subdivision to the west. Two possibilities are available for the second access to the subdivision. The preferred alternative will be via an access tract within the Settlers Ranch development to the south. This alternative anticipates the plat recording of Settlers Ranch Filing 2C, which has received a construction permit from Planning and Community Development to construct the public improvements prior to plat recordation. The second alternative is via an emergency access road from Stepler Road to the east. Ultimately the permanent secondary access will be via Settlers Ranch Road within the Settlers Ranch Filing No 2D development. The Settlers Ranch development is anticipated to be completed within five (5) years.

Stepler Road north of Silver Nell Drive is currently a gravel road that has exceeded the designed capacity of the road (design capacity = 200 daily trips, existing is equal to 265 daily trips). With the addition of Abert Ranch, Settlers View, and Settlers Ranch, off-site improvements to Stepler Road would be needed. Per the traffic study, Abert Ranch traffic would constitute about five (5) percent of the total short-range horizon daily traffic on Stepler Road north of Silver Nell given a length of 2,590 linear feet. Based on \$190 per linear foot to upgrade a road from gravel to pavement, the developer will be required to escrow \$24,605.00.

The Abert Ranch subdivision is subject to the El Paso County Road Impact Fee Program (Resolution 18-471), as amended.

H. SERVICES

1. Water

Individual wells are proposed to serve the subdivision.

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

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

2. Sanitation

Individual onsite wastewater treatment systems are proposed to serve the development. El Paso County Public Health has made a favorable recommendation regarding wastewater disposal.

3. Emergency Services

The subject property is within the boundaries of Tri-Lakes Monument Fire Protection District. The District has committed to serve the development. The District was provided a referral by the Planning and Community Development Department and did not object to the request.

4. Utilities

Mountain View Electric Association will provide electrical service and Black Hills Energy will provide natural gas service to the development. Public utility easements have been depicted on the final plat.

5. Metropolitan Districts

The property is not within a metropolitan district.

6. Parks/Trails

Regional park fees (Region 2) in lieu of land dedication in the amount of \$4,070.00 shall be paid at the time of final plat recordation.

7. Schools

The final plat is located within the boundaries of Lewis Palmer School District No. 38. The developer is required to pay fees in lieu of land dedication in the amount of \$3,080.00 at the time of plat recordation.

I. APPLICABLE RESOLUTIONS

Approval Page 25
Disapproval Page 26

J. STATUS OF MAJOR ISSUES

There are no outstanding issues with this request.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2019) staff recommends the following conditions and notations:

CONDITIONS

1. Applicable traffic, drainage and bridge fees shall be paid with each final plat.
2. The property as described in the legal description for this preliminary plan (SP 17-007) shall be limited to the future development of ten (10) lots.
3. The two (2) lots nearest to Stepler Road shall be a minimum lot size of five (5) acres as depicted in the preliminary plan (SP 17-007). The lot third nearest to Stepler Road shall be a minimum lot size of four and one-half (4.5) acres.
4. The County Attorney’s Conditions of Compliance shall be adhered to at the appropriate time.
5. The applicant shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. Collateral sufficient to ensure that the public and private improvements are constructed as listed in the approved financial assurance estimate shall be provided when the final plat is recorded.

8. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 18-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
9. Park fees in the amount of \$4,070.00 in lieu of land dedication for regional parks (Area 2) fees shall be paid at the time of plat recordation.
10. School fees in the amount of \$3,080.00 in lieu of school land dedication shall be paid to El Paso County for the benefit of Lewis Palmer School District No. 38 at the time of plat recordation.
11. The applicant shall participate in a fair and equitable manner in the design and future paving of Stepler Road north of Silver Nell Drive and south of Walker Road. The fair share attributed to Abert Ranch subdivision shall be deposited as escrow in the amount of \$24,605, corresponding to a roughly five percent (5%) proportionate impact. An escrow agreement shall be completed and deposited prior to recording the final plat.

NOTATIONS

1. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a final plat has been approved and recorded or a time extension has been granted.
2. Preliminary Plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified six (6) adjoining property owners on August 29, 2019, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Plat Drawing
State Engineer's Letter
County Attorney's Letter

El Paso County Parcel Information

File Name: SP-17-007

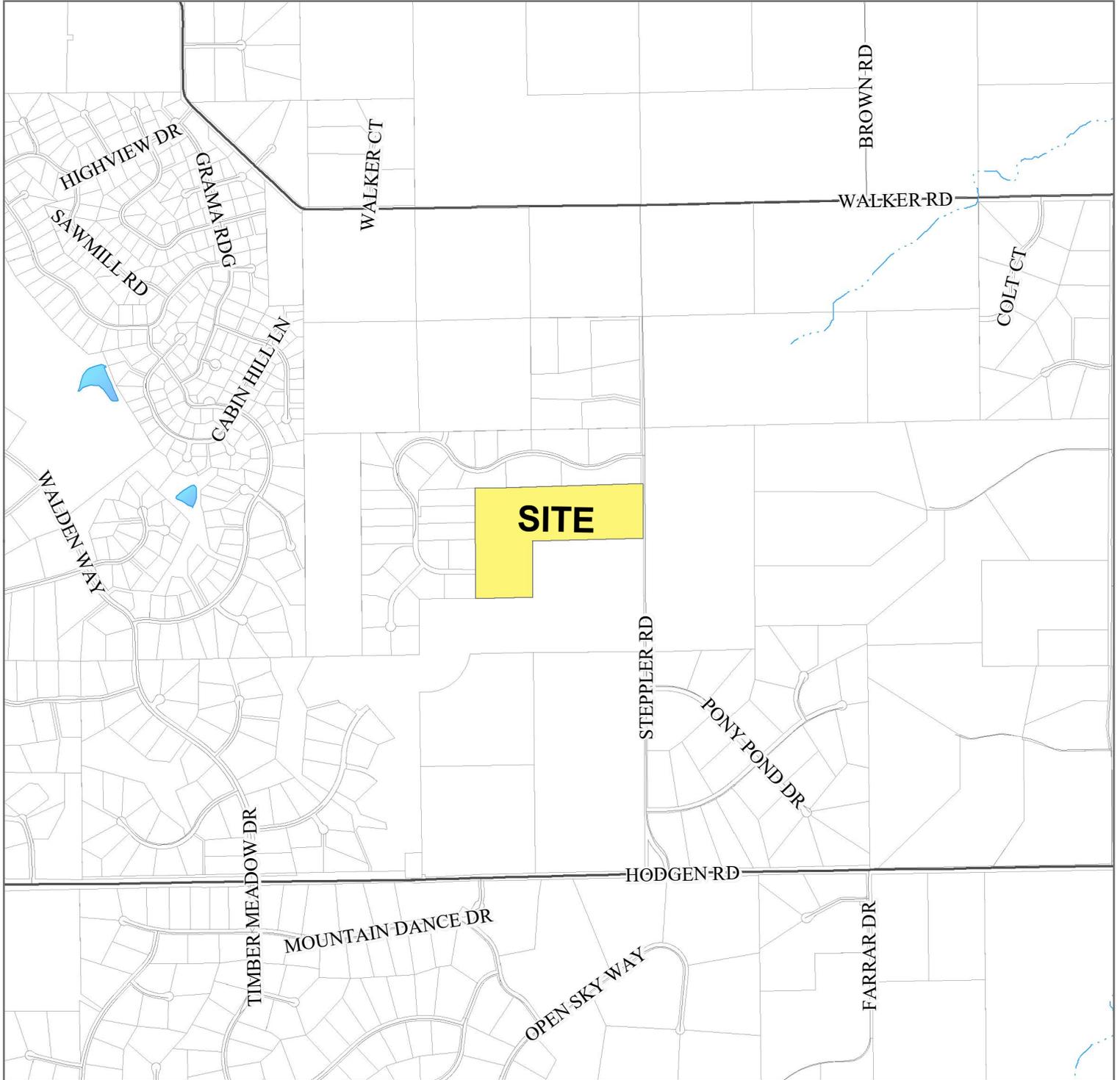
PARCEL	NAME
6100000464	BF RANCH TRUST 2015

Zone Map No. --

ADDRESS	CITY	STATE
11730 TIMBERLANE CT	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80908	3718

Date: August 28, 2019



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



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Jerome W.

HANNIGAN and ASSOCIATES, INC.

Land Planning • Land Surveying • Land Development Consulting

July 17, 2017; Rev: 12/30/17
10/10/18; 7-08-19; 8-04-19
Job No. 16-009

**PRELIMINARY PLAN LETTER of INTENT
ABERT RANCH SUBDIVISION**

Abert Ranch Subdivision (No relation to Abert Estates along Shoup Road) is a proposed subdivision in Section 23 and 24, T11S, R66W of the 6th P.M., El Paso County, Colorado. More generally, the property lies east of Highway 83, south of Walker Road and adjoining the west side of Stepler Road. The property is 40.40 acres in area, zoned RR-2.5 and is vacant grazing land. This tract is one part of the Hodgin Ranch property that has been divided among family heirs and has since resold.

The property is bounded on the north by Grandview Subdivision which was platted in 2007 and which is zoned PUD with 17 residential lots ranging from 2.5 to 5.08 acres. Adjoining the property to the south is Settlers Ranch with 57 platted lots and Settlers Ranch Filing No 2, also zoned PUD with 29, 2.5 to 5.22 acre lots planned, though not yet final platted. Filing Number 2-C has been approved and it creates the right of way for Settlers Ranch Road which connects Abert Ranch Drive to Stepler Road. Adjoining to the west is another 40 acre part of the original Hodgin Ranch called Settlers View Subdivision consisting of fourteen 2.5 to 3.14 acre lots. This plat extends Silver Nell Drive through Settlers View connecting into Abert Ranch Drive.

Abert Ranch Subdivision proposes 10 lots varying from 2.63 to 5.24 acres which complies with the minimum lot size required in RR-2.5. Lots have been planned and sited just as has been done in both Grandview and Settlers Ranch, with lot sizes that taper in area from 2.63 acres at the southwest boundary to 5.24 acres along Stepler Road. The resulting overall density for the proposed subdivision is 1 dwelling unit per 4.04 acres. A Condition of zoning approval is the requirement that the total number of lots may not exceed 10. In accordance with staff and BoCC suggestions, lot sizes have shifted somewhat providing more equal areas with those adjoining to the west.

In reviewing any Preliminary Plan, consideration focuses on the more technical items necessary to establish that the subdivision can be completed as proposed. Water, sufficient in quality and quantity to satisfy the County's 300 year rule must be available. In this case, water for the lots has been adjudicated and an augmentation plan has been approved by the Water Court. A Finding of Water Sufficiency is requested with this Preliminary Plan. Individual Sewage Disposal Systems (ISDS) are proposed for each of the lots and preliminary on site testing has determined that soils are suitable for those systems. As with all systems permitted by the Health Department, individual testing is required at the specific leach field location on each lot to determine field sizing and design. Further soils studies have been done to evaluate their other characteristics with respect to this residential use including roadway construction and homes. Specific engineering criteria result and are used in those designs.

(2)

Topography is rolling and slopes generally down to the center of the parcel and toward the east. Surface drainage (both onsite and offsite) flows through the property into a shallow stock pond near Stepler Road that will be used for detention. The low density and gentle slopes combined with reasonable vegetative cover results in minimal developed flows. Other on and offsite flows are carried to the pond through the use of roadside ditches and appropriate culverts. Water quality is enhanced before leaving the property at no more than historic rates.

Access is necessary for each proposed lot and it must be suitable. The proposed roadway design is both efficient and considerate of the topography while providing good lot design and roads that provide a logical extension of the entering Silver Nell Drive as well as the connection to Settlers Ranch Road on the south. This connection will provide direct access to Stepler Road and complete the loop along Silver Nell Drive back to Stepler. Expected levels of service through these connections are all excellent through year 2040. Both Silver Nell Drive and Abert Ranch Drive will be dedicated to the County for ownership and maintenance. The dollar amount for the escrow to be collected at plat recording for improvements to Stepler Road is \$24,605.00.

A waiver for the maximum length of a cul-de-sac is requested as Abert Ranch Drive is just over 1900 feet in length from Settlers Ranch Road to the Cul-de-sac. In addition, a deviation request for the required minimum centerline radius is made for the curve located in the middle of the property, which, due to topographic constraints, is slightly less (30') than that normally required. These changes are acceptable to the Fire District.

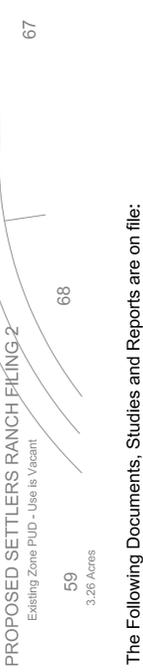
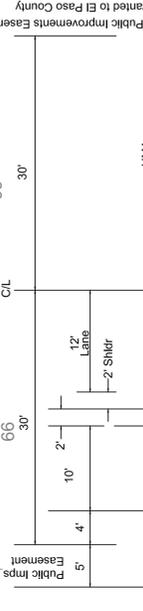
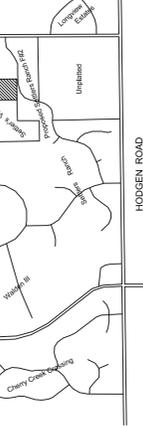
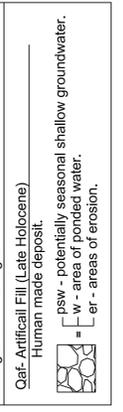
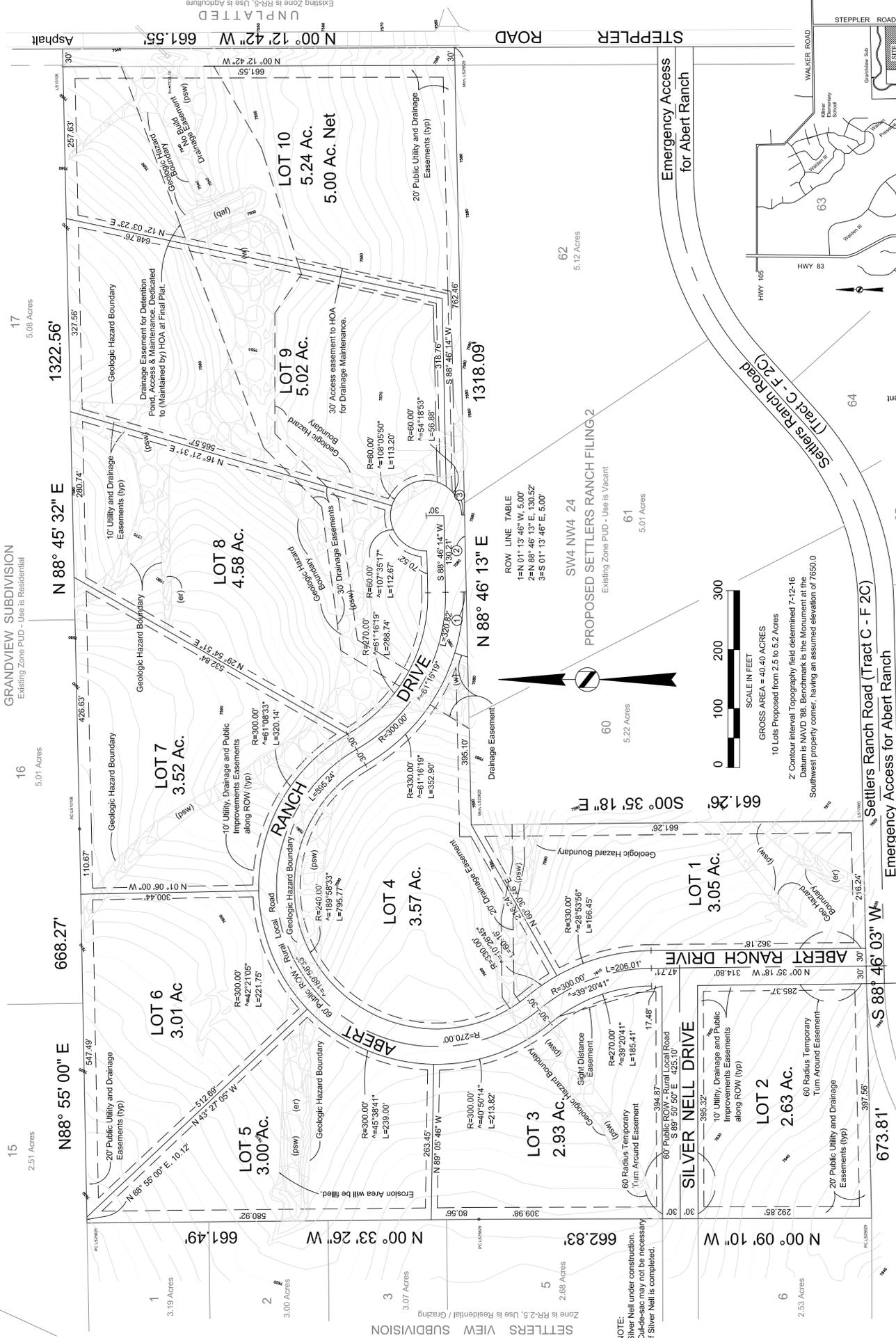
Utilities are necessary to serve the planned homes and all exist in the adjoining properties. Extensions will occur as required by the individual utility and easements are provided to accommodate them. Police services are available from the El Paso County Sheriffs office. Fire protection and emergency medical services are provided by the Tri Lakes Fire Protection District who has agreed to continue to serve the property. Their Station Number 2 is the closest at Highway 105 and Roller Coaster Road, approximately 5 minutes away.

In summary, Preliminary Plan review includes a more detailed evaluation through various studies, reports and plans. We have on file a Drainage Study, Preliminary Grading and Erosion Control Plan, Soil, Geology, Geologic Hazard and Wastewater Study, Natural Features Report including wetlands and wildlife impacts, a Wildfire Risk Assessment and Mitigation Plan, and of course, the Traffic Impact Study. All indicate that this property is suitable for development into residential lots as planned and proposed. All proposed lots can and will comply with the requirements of the Land Development Code.

Preliminary Plan for

ABERT RANCH SUBDIVISION

A Rural Residential Subdivision in the NE Quarter of Section 23 and in the NW Quarter of Section 24, Township 11 South, Range 66 West of the 6th P.M., El Paso County, Colorado.



PROPERTY DESCRIPTION:
The Northeast quarter of the Southeast quarter and the Southeast quarter of the Northeast quarter of the Northeast quarter of Section 23, Township 11 South, Range 66 West of the 6th Principal Meridian and the South half of the Northwest quarter of Section 24, Township 11 South, Range 66 West of the 6th Principal Meridian, El Paso County, Colorado.

NOTE:
There are 10 Lots in this subdivision with the following areas:
Lot 1 is 3.05 acres Lot 2 is 2.63 acres Lot 3 is 2.93 acres Lot 4 is 3.57 acres Lot 5 is 3.00 acres
Lot 6 is 3.01 acres Lot 7 is 3.52 acres Lot 8 is 4.58 acres Lot 9 is 5.02 acres
Overall Density is 1 dwelling Unit per 4.04 acres.

ZONING IS RR-2.5
All lots meet the RR-2.5 Standards. Building setbacks are 25' Front, 15' Side and 25' Rear. Maximum permitted building height is 30 feet. No Build areas or easements are shown and reserved for the purposes stated. Restrictive & protective covenants will be recorded with the Final Plat. The proposed covenants, as well as a note on the final plat and a requested Condition of Zoning Approval will prevent the future subdivision of either Lot 9 or 10, as will the unavailability of an additional well permit from the State Engineer.

Individual wells are the responsibility of each property owner. Permits for individual wells must be obtained from the State Engineer who, by law, has the authority to set conditions for the issuance of those permits. Water in the Denver Basin Aquifers is allocated based on a 100 year aquifer life; however, for El Paso County planning purposes, water in the Denver Basin Aquifers is evaluated based on a 300 year aquifer life. Applicants and all future owners in the subdivision should be aware that the economic life of a water supply based on wells in a given Denver Basin Aquifer may be less than either the 100 years or 300 years indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply.

Sewage Treatment is the responsibility of each individual property owner. The El Paso County Department of Health and Environment must approve each system and, in some cases the Department may require an engineer designed system prior to permit approval. These systems may cost more to design, install, and maintain.

Electricity is provided by Mountain View Electric. Gas is provided by Black Hills Energy. Telephone service is provided by Century Link. Water and sewage treatment is provided by the individual lot owners.

Geologic Hazards Note: The following lots have been found to be impacted by geologic hazards. Mitigation measures and a map of the hazard area can be found in the report "Soil, Geology, Geologic Hazard, and Wastewater Study, Abert Ranch, Steppler Road and Hodgen Road, El Paso County, Colorado" by Entech Engineering, Inc., dated February 02, 2017 in PCD File No. SP-17-007, available at the El Paso County Planning and Community Development Department:
Artificial Fill: (qaf) Earthen Dam on Lot 10
Expansive & Collapsible Soils: Not Mapped. Any lot may be impacted.
Seasonal Shallow Groundwater: (sw) Not Mapped. Could occur in drainages.
Areas of Erosion & Gullying: (er) Lots 1, 5 & 8.
Areas of Ponded Water: (w) Lot 4, 9 & 10.
In areas of high groundwater, all foundations shall incorporate an underground drainage system.

The Temporary Turn Around Easements shown hereon are intended for turn around and emergency response purposes. At such time as Silver Nell Drive or Abert Ranch Drive are extended by the adjacent property owner/developer and accepted by the County, the non-revocable public improvement easement for the cul-de-sac will be vacated, leaving a standard street ROW and the cul-de-sac improvements will be removed and replaced with a standard street section. The easement vacation, cul-de-sac removal and standard street section construction and site restoration is the responsibility of the owner/developer extending Silver Nell Drive or Abert Ranch Drive.

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

Lots 1 shall not have direct access from Settlers Ranch Road. Lot 10 shall not have direct access from Steppler Road.
Any object within a sight distance easement more than 30 inches above the edge of the asphalt of the adjacent roadway shall constitute a sight obstruction and shall be removed or lowered.
Emergency Access will be provided through either Settlers Ranch Road or the ER Access Easement from Abert Ranch Drive to Steppler Road. The roadway cross section will be that of a County Gravel Roadway. Once Settlers Ranch Rd. is completed, the Abert Ranch ER road (if constructed) will be removed by the HOA.

REVISIONS
9-19-17: Staff Letter
8-01-18: New Lot Layout
4-29-19: Temp. Emergency Access Easement Removed
7-08-19: Staff comments
8-04-19: Staff comments

SCALE
1" = 100'

DRAWN BY
JWH

SHEET 1 of 1

JOB NUMBER 16-009

PREPARED BY
HANNIGAN AND ASSOCIATES, INC.
LAND SURVEYING & LAND PLANNING
LAND DEVELOPMENT CONSULTING
15960 SPRING VALLEY ROAD
MONUMENT, COLORADO 80132-9613
719-481-8232 FAX: 719-481-9071

THE FOLLOWING DOCUMENTS, STUDIES AND REPORTS ARE ON FILE:
1.) Findings, Conclusions, Judgement and Decree in Water Rights Case Nos 15CW3153 and 15CW3062.
2.) Wastewater Study & Report by Entech Engineering.
3.) Soil, Geology & Geologic Hazard Report by Entech Engineering.
4.) Preliminary Drainage Study and Report by JPS Engineering.
5.) Preliminary Grading and Erosion Control Plan by JPS Engineering.
6.) Traffic Impact Study and Report by LSC Transportation Consultants, Inc.
7.) Natural Feature Site Assessment & Report by ERO Resources Corporation.
8.) Wildlife Hazard Assessment & Mitigation Report by Hannigan and Associates, Inc.

NOTE:
Silver Nell under construction. Cul-de-sac may not be necessary if Silver Nell is completed.

Zone is RR-2.5, Use is Residential / Grazing

Zone is RR-2.5, Use is Agriculture

UNPLATTED

PCD Project No. SP 17-007



March 27, 2018

Kari Parsons
El Paso County Development Services Department
Transmission via email: kariparsons@elpasoco.com

**RE: Abert Ranch Preliminary Plan
Part of the NE1/4 of Section 23 and part of the NW1/4 of Section 24, all in T11S, R66W, 6th P.M.
Water Division 1, Water District 8**

Dear Ms. Parsons:

We have reviewed the additional information received on March 22, 2018 concerning the above referenced proposal to subdivide a 39.83-acre parcel into 10 residential single-family lots ranging in size from 2.5 acres to 6.0 acres. Residential lots will be served by individual on-lot wells and septic systems. The Applicant obtained a decree for underground water rights and an augmentation plan for Dawson aquifer wells in Water Court in consolidated case nos. 2015CW3153 (Division 1) and 2015CW3062 (Division 2). We have previously provided comments on this proposal by our letter dated September 5, 2017.

In our previous letter we indicated that the Applicant dedicated up to 0.29 acre-feet/year/lot for other unspecified uses. Since, the unspecified uses were not specifically spell out, we recommended that Applicant provide information on the other unspecified uses and ensure that those uses are allowed by the decree in consolidated case nos. 2015CW3153 (Division 1) and 2015CW3062 (Division 2).

According to the additional information provided from the Applicants' water attorney Mr. Henry D. Worley, the allowed uses which are not specified submitted with the original referral are allowed by the decree. Mr. Worley indicated that the presumed landscape irrigation return flow of no less than 0.18 acre-feet/year/lot would be sufficient to replace depletions during the entire 300 year pumping period. We note that the presumed return flow of 0.18 acre-feet/year/lot is from indoor uses using the nonevaporative septic system and so long as there is an occupied residence on any lot using a Dawson aquifer well the replacement requirement will be satisfied during the pumping period.

According to paragraph 14 of the decree in consolidated case nos. 2015CW3153 (Division 1) and 2015CW3062 (Division 2), uses of water on the proposed lots are expected to be, but shall not be limited to, some or all of the following uses: for indoor uses for drinking and sanitary purposes in the principal houses and in stand-alone home offices or guest cottages, for livestock watering, for landscape and garden irrigation, hot tubs, swimming pools, and decorative uses such as decorative ponds and fountains, and augmentation through septic system return flows. Thus, Mr. Worley indicated in the March 22, 2018 letter that the other uses to which a lot owner may put such water are not limited to those listed in the decree but they may be for any use, provided that such uses are both non-speculative and beneficial.

Based on the above, we note that an applicant must demonstrate the uses applied for are non-speculative and water can be put to beneficial use and each Dawson aquifer well would not exceed an annual amount of withdrawn of 0.8 acre-feet/year.



State Engineer's Office Opinion

Based upon the above we reiterate that pursuant to Section 30-28-136(1)(h)(I), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights. Our previous comments regarding any storm water detention structure proposed for this subdivision 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 subdivision.

Our opinion is qualified by the following:

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

The amounts of water in the Denver Basin aquifers, and identified in this letter, are calculated based on estimated current aquifer conditions. For planning purposes the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 100 years (or 300 years) used for **allocation** due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.

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

Sincerely,



Joanna Williams, P.E.
Water Resource Engineer

Ec: Subdivision File 24099

EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY
CIVIL DIVISION

First Assistant County Attorney
Diana K. May

Amy R. Folsom, County Attorney

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Steven A. Klaffky
Peter A. Lichtman

July 25, 2018

SP-17-007 Abert Ranch
(Preliminary Plan)

Reviewed by: M. Cole Emmons, Senior Assistant County Attorney
Edi Anderson, Paralegal

FINDINGS AND CONCLUSIONS:

1. This is a proposal by BF Ranch Trust 2015 (Applicant) for approval of a Preliminary Plan to subdivide approximately 40 acres of land into 10 single-family residential lots. The property is currently zoned RR-2.5 (Rural Residential).

2. The Applicant has provided for the source of water to derive from individual on-lot wells withdrawing from the not nontributary Dawson aquifer. Applicant estimates its annual water requirements for 10 lots as follows: household use at 2.6 acre-feet, irrigation of lawn and gardens at 2.25 acre-feet, stock watering for 20 head of livestock at 0.25 acre-feet, and other uses at 2.90 acre-feet for a total of 8.0 acre-feet for the subdivision or 0.80 acre-feet per lot. Applicant will need to provide a supply of 2,400 acre-feet of water (8.0 acre-feet /year x 300 years) to meet the County's 300-year water supply requirement.

3. In letters dated September 5, 2017 and March 27, 2018, the State Engineer's Office reviewed the proposed water supply for this 10 lot preliminary plan. In its September 2017 letter, the Engineer stated the Applicant must ensure that "other unspecified uses" were allowed by the augmentation Decree and provide clarification to the County prior to subdivision approval.

In a letter dated March 22, 2018, Applicant's water attorney, Henry Worley, advised that "other unspecified uses" were not limited to the listed examples in the Decree. He advised that return flows of no less than 0.18 acre-feet annually would replace depletions

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during the entire 300 year pumping period no matter what use is made of the 0.8 acre-foot per lot allowed to be withdrawn annually, and that the State Engineer would determine whether the uses identified in a well permit were non-speculative and beneficial, and if so, the uses should be permitted.

The State Engineer’s March 2018 letter considered the additional information provided by Mr. Worley. The State Engineer’s Office indicates that the water supply withdrawing from the Dawson aquifer operates pursuant to the plan for augmentation decreed in Consolidated Water Court Case Nos. 2015CW3153 (Division No. 1) and 2015CW3062 (Division No. 2) (“Decree”). The following chart delineates the available water supply pursuant to the Decree.

Aquifer	Annual amount available for the 39.83 acre parcel	
	<i>100 year allocation</i>	<i>300 year allocation</i>
Dawson	37.8 a/f	12.6 a/f
Denver	36.2 a/f	12.0 a/f
Arapahoe	16.6 a/f	5.5 a/f
Laramie–Fox Hills	12.3 a/f	4.1 a/f

The Engineer noted that the “plan for augmentation decreed in consolidated case nos. 2015CW3153 (Division 1) and 2015CW3062 (Division 2) allows for an average diversion of 12.0 acre-feet annually and 3,600 acre feet total over a 300-year period.” Further, the “decree allows the withdrawal from up to 15 wells in the Dawson aquifer pursuant to the decreed augmentation plan. According to the decree, the allowed withdrawal from each Dawson aquifer well will be limited to 0.8 acre-feet/year/lot regardless of the number of lots ultimately platted.”

In the letter dated March 27, 2018, the State Engineer addressed the 2.90 acre-feet of water identified as “other uses” by the Applicant. The State Engineer noted that the “other/unspecified uses” must be uses permitted by the Decree. The Engineer noted that pursuant to the Decree, the “uses of water on the proposed lots are expected to be, but shall not be limited to, some or all of the following uses: for indoor uses for drinking and sanitary purposes, in the principal houses and in stand-alone home offices or guest cottages, for livestock watering, for landscape and garden irrigation, hot tubs, swimming pools, and decorative uses such as decorative ponds and fountains, and augmentation through septic system return flows.” In summary, the State Engineer stated, “an applicant must demonstrate the uses applied for are non-speculative and water can be put to beneficial use and each Dawson aquifer well would not exceed and [sic] annual amount of withdrawn [sic] of 0.8 acre-feet/year.”

The State Engineer’s Office also provided an advisory to the Applicant related to any onsite drainage/water quality pond that may be part of the project. The Engineer advised the Applicant that “. . . unless the structure can meet the requirements of a ‘storm

water detention and infiltration facility' as defined in section 37-92-602(8), Colorado Revised States, the structure may be subject to administration by this office. The applicant should review the *DWR's Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado* to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements."

Finally, pursuant to C.R.S. § 30-28-136(1)(h)(l), the Engineer is of the opinion that the water supply is adequate and can be provided without causing injury to decreed water rights.

4. The water quality requirements of Section 8.4.7.B.10 of the Land Development Code must be satisfied.

5. Plan for Augmentation. The Decree in Consolidated Water Court Case Nos. 2015CW3153 (Division No. 1) and 2015CW3062 (Division No. 2) provides for a plan for augmentation permitting up to 15 wells to be used in the subdivision. Based on 15 wells withdrawing at 0.8 acre-feet annually, the augmentation plan states that 12.0 acre-feet per year over 300 years (3,600 acre-feet total) of not nontributary Dawson aquifer groundwater is required to be augmented pursuant to the Decree.

Return flows from septic systems will be used to replace depletions caused by pumping the not nontributary Dawson aquifer during 300 years for a total of 3,600 acre-feet. The Decree states: "it is assumed that each well constructed pursuant to this plan for augmentation will be used in at least one single family dwelling, and will cause septic system return flows of at least 0.18 acre foot annually, or at least 2.7 acre foot annually if 15 wells are constructed."

The Decree further states: "in order to generate required return flows to replace depletions during pumping, each Dawson aquifer well must be used to provide water to one or more single family dwellings on the Property, and annual withdrawals shall be limited to withdrawal of 0.8 acre foot per well. Because this augmentation plan is dependent on return flows from indoor residential uses, no Dawson aquifer well approved pursuant to this plan for augmentation shall be allowed to pump water for any purpose unless it is also used in a residence on the lot on which such well is located. Total post-pumping depletions from Applicant's withdrawals shall in no instance exceed the 3,265 acre feet of water reserved and available for replacement from the Denver aquifer."

The Decree requires the Applicant, its successors and assigns, to dedicate to the plan for augmentation, 3,625 acre-feet of nontributary Denver aquifer groundwater to replace post-pumping depletions resulting from pumping 15 wells for 300 years.

The Court ruled that withdrawal of up to 12.0 acre-feet per year and no more than 3,600 acre-feet total from the Dawson aquifer will not result in material injury to vested water rights pursuant to the provisions of the decreed plan for augmentation.

6. Analysis. The Water Court decreed withdrawal of 0.8 acre-feet of water per lot annually for 300 years for a total of 3,600 acre-feet from the Dawson aquifer that can be withdrawn from up to 15 individual wells. The 10 wells in this subdivision will use 8.0 acre-feet/year total annually (2,400 acre-feet total for 300 years) from an available supply of 12.0 acre-feet annually (3,600 total for 300 years), which will leave a surplus of 4.0 acre-feet annually (1,200 acre-feet total for 300 years). Based on the foregoing, there should be sufficient supply to meet the County's 300-year water supply rule.

7. Therefore, at this time, based on the finding of no injury and sufficiency by the State Engineer, the decreed water rights and plan for augmentation in Consolidated Water Court Case Nos. 2015CW3153 (Division No. 1) and 2015CW3062 (Division No. 2), and based on the requirements listed below, the County Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability. The El Paso County Health Department shall make a finding as to water quality.

REQUIREMENTS:

Plat Notes and Documentation are required to address the following:

A. Applicant, its successors and assigns, shall create an HOA and advise the HOA and all future owners of these lots of all applicable requirements of the Decree entered in Consolidated Water Court Case Nos. 2015CW3153 (Division No. 1) and 2015CW3062 (Division No. 2), as well as their obligations to comply with the Decree and plan for augmentation, including, but not limited to, costs of operating the plan for augmentation, which will include the costs for constructing and pumping a nontributary Denver well(s) to replace post-pumping depletions, and the responsibility for metering and collecting data regarding water withdrawals from said well(s).

B. Applicant shall assign or convey to the HOA, Applicant's interests, rights, and obligations in the plan for augmentation, and shall create restrictive covenants upon and running with the property which shall obligate individual lot owners and the HOA to carry out the requirements of the plan for augmentation. Such assignment or conveyance shall be accomplished by an appropriate agreement and assignment or conveyance instrument that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney's Office prior to recording the final plat.

C. Depletions During Pumping. The Decree requires non-evaporative septic systems to replace depletions during 300 years of pumping from the not nontributary

Dawson aquifer. Specifically, the Decree states: “[a]ll septic system return flows are dedicated to this plan for augmentation, and shall not be sold, leased or otherwise used for any other purpose.” Therefore, deeds of the property and lots shall specifically state that all return flows shall be dedicated by Grantee to replacing depletions during pumping of the Dawson aquifer pursuant to the plan for augmentation, and said return flows shall not be sold, leased or otherwise used for any other purpose, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, bartered, or encumbered. In addition, the Covenants shall recite that return flows from non-evaporative septic systems shall comply with the requirements of the plan for augmentation, that such return flows shall only be used to replace depletions, shall not be sold, leased or otherwise used for any other purpose, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, bartered, or encumbered. Finally, the Covenants also shall state: “to generate required return flows to replace depletions during pumping, each Dawson aquifer well must be used to provide water to one or more single family dwellings on the Property, and annual withdrawals shall be limited to withdrawal of 0.8 acre foot per well. Because this augmentation plan is dependent on return flows from indoor residential uses, no Dawson aquifer well approved pursuant to this plan for augmentation shall be allowed to pump water for any purpose unless it is also used in a residence on the lot on which such well is located.”

D. Post-Pumping Depletions. Applicant shall reserve in any deeds of the property at least 2,400 acre-feet of nontributary Denver aquifer water as decreed in Consolidated Water Court Case Nos. 2015CW3153 (Division No. 1) and 2015CW3062 (Division No. 2) for use in the augmentation plan to replace post-pumping depletions. This 2,400 acre-feet amount is from the 3,625 acre-feet that the Decree requires to be reserved; however, because only 10 wells instead of 15 will be drilled in this subdivision, the entire 3,625 acre-feet of Denver aquifer water does not have to be conveyed to the HOA. Applicant shall convey by recorded warranty deed these reserved water rights to the HOA for use in the augmentation plan. Said deed shall provide that the water rights shall be appurtenant to the subdivision, to be used for the benefit of all of the lot owners to provide a source of augmentation water to replace post-pumping stream depletions caused by pumping wells in the not nontributary Dawson aquifer underlying the subdivision, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, bartered or encumbered. Applicant shall provide copies of such reservation and conveyance instruments that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney’s Office prior to recording the final plat.

E. Applicant, its successors and assigns, at the time of lot sales, shall convey by warranty deed to individual lot owners, sufficient water rights in the Dawson aquifer underlying each lot to satisfy El Paso County’s 300 year water supply requirement: 240 acre-feet (0.80 acre-feet/lot x 300 yrs.). Said Deed shall provide that the water right shall be appurtenant to the land, to be used for the benefit of the lot owner, shall not be separated from the transfer of title to the land, and shall not be separately conveyed,

bartered, or encumbered. It is anticipated that these conveyances will satisfy the State Engineer's evidentiary requirement that an applicant for an individual on-lot well has acquired the right to the portion of water being requested on the application. Applicant shall provide a form deed for such conveyance that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney's Office prior to recording the final plat.

F. Applicant shall submit Declaration of Covenants, Conditions, and Restrictions as well as Bylaws and Articles of Incorporation of the HOA to the Planning and Community Development Department and the County Attorney's Office for review, and the same shall be approved by the Planning and Community Development Department and the County Attorney's Office prior to recording the final plat. Said Declaration shall cross-reference the decreed plan for augmentation, the related water rights decrees, and shall recite the obligations of the individual lot owners and the HOA under each of these documents. Applicant shall provide a copy of the Certificate of Incorporation of the HOA by the Secretary of State to the Planning and Community Development Department and the County Attorney's Office prior to recording the final plat.

G. Applicant, its successors and assigns, shall record all applicable documents including, but not limited to, the Decree and plan for augmentation in Consolidated Water Court Case Nos. 2015CW3153 (Division No. 1) and 2015CW3062 (Division No. 2), agreements, assignments, and warranty deeds regarding the water rights, Declaration of Covenants, By-laws, and Articles of Incorporation in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

H. 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, which is based on an allocation approach. Applicants, the Home Owners Association, and all future owners in the subdivision should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than either the 100 years or 300 years indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers, and Applicants, their successors and assigns, including individual lot owners in the subdivision and the HOA may be required to acquire, develop, and incorporate alternative renewable water resources in a permanent water supply plan that provides future generations with a water supply."

cc: Kari Parsons, Project Manager, Planner II



Prevent • Promote • Protect

Environmental Health Division
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Suite 2044
Colorado Springs, CO 80907
(719) 578-3199 phone
(719) 578-3188 fax
www.elpasocountyhealth.org

Abert Ranch, SF-19-011 *and SPAD*

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

- There is a finding for sufficiency in terms of water quality based on the sample results of Colorado Analytical Laboratories, Inc., dated 18October2018.
- On-site wastewater treatment systems (OWTS) are planned for wastewater service for the development of the 10 residential lots. The Entech Engineering, Inc., Soil, Geology, Geologic Hazard, and Wastewater Study Report dated 2Feb2017, was reviewed for OWTS suitability for the proposed development. The soils in the area historically support the use of both conventional and in some cases professionally designed OWTS's. Areas with shallow bedrock and soil types that will require OWTS designs were encountered with the 2 percolation tests and 2 soil profile test pit excavations covered in the report. Each individual lot owner is required to comply with all El Paso County Public Health OWTS regulations and OWTS permit requirements prior to commencement of lot development. The regulations require soil tests to be performed in the area of the proposed OWTS.
- Radon resistant construction and building techniques/practices are encouraged to be used in this area. The EPA has determined that Colorado, and the El Paso County area have potentially higher radon levels than other areas of the country.
- El Paso County Public Health encourages planned walk-ability of residential communities. Please consider appropriate connections to other areas through the use of sidewalks, and/or other established trails in the surrounding area. Walk-ability features help in the effort to reduce obesity and associated heart diseases.

Mike McCarthy, R.E.H.S.
El Paso County Public Health
Environmental Health Division
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11July2019