

**COMMISSIONERS:**  
**MARK WALLER (CHAIR)**  
**LONGINOS GONZALEZ, JR. (VICE-CHAIR)**

**HOLLY WILLIAMS**  
**STAN VANDERWERF**  
**CAMI BREMER**

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

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

**FROM: Gabe Sevigny, Planner II**  
**Gilbert LaForce, PE Engineer II**  
**Craig Dossey, Executive Director**

**RE: Project File #: VR-18-014**  
**Project Name: Hunsinger Subdivision Final Plat Amendment**  
**Parcel Nos.: 62280-04-010, 62280-04-011, and 62280-04-012**

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Hunsinger Development Corporation 4406 College Park Court Colorado Springs, CO 80918	Terra Nova Engineering, Inc. 721 S. 23 <sup>rd</sup> Street Colorado Springs, CO 80904

**Commissioner District: 1**

Planning Commission Hearing Date:	7/16/2019
Board of County Commissioners Hearing Date	7/30/2019

**EXECUTIVE SUMMARY**

A request by the Hunsinger Development Corporation for approval of a vacation and replat of three (3) residential lots to create two (2) additional residential lots, for a total of five (5) residential lots; with Lot 1 being 3.33 acres, Lot 2 being 2.67 acres, Lot 3 being 2.53 acres, Lot 4 being 3.12 acres, and Lot 5 being 3.52 acres. The 15.17 acre site is zoned RR-2.5 (Residential Rural) and is located approximately 0.4 miles east of the Voyager Parkway and Old Ranch Road intersection and is within Section 28, Township 12 South, Range 66 West of the 6<sup>th</sup> P.M., El Paso County, Colorado. The subject property is not within the boundaries of a comprehensive planning area.



## **A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION**

**Request:** A request by the Hunsinger Development Corporation for approval of a vacation and replat of three (3) residential lots to create two (2) additional residential lots, for a total of five (5) residential lots.

**Waiver(s)/Deviation(s):** The applicant is requesting a waiver from Section 8.4.3.C.2.e, Lot Design, Minimum Frontage, of the Land Development Code (2019). This section states that a division of land shall have a minimum of thirty (30) feet of frontage on and have access from a public road. Lot 2, as depicted on the vacation and replat, does not have frontage along a public road. Access is proposed via a thirty (30) foot wide private ingress and egress easement.

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

## **B. PLANNING COMMISSION SUMMARY**

**Request Heard:**

**Recommendation:**

**Waiver Recommendation:**

**Vote:**

**Vote Rationale:**

**Summary of Hearing:**

**Legal Notice:**

## **C. APPROVAL CRITERIA**

Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (2019) states that a replat, "involves two actions, the vacation of the portion of the subdivision plat where the change is proposed...and approval of a new subdivision plat." The Code goes on to define a replat as providing a replat of a subdivision or lots in a subdivision, in which the original subdivision is substantially modified or additional lots are created. In approving a replat, the following findings shall be made:

- The replat complies with this Code, and the original conditions of approval associated with the recorded plat;
- No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
- The replat is in keeping with the purpose and intent of this Code;
- The replat conforms to the required findings for a minor or major subdivision, whichever is applicable;

- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The approval will not adversely affect the public health, safety, and welfare; and
- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved

**D. LOCATION**

North: RR-2.5 (Residential Rural)	Residential
South: RR-2.5 (Residential Rural)	Vacant
East: RR-2.5 (Residential Rural)	Vacant
West: City of Colorado Springs	Residential

**E. BACKGROUND**

The parcel was created by the recorded plat Amended Filing of Spring Crest on September 21, 1963. The current single family dwelling was constructed on the property in 1914. A map amendment (rezone) (P-18-004) was approved January 10, 2019, by Resolution No. 19-13.

Section 8.4.8(E)(2)(d)(iii) of the Code requires any new subdivision within 400 feet of a public sewer line to connect to said sewer unless the district refuses service to the property. The proposed vacation and replat is within 400 feet of public sewer serviced by Colorado Springs Utilities (CSU). The public sewer is located within the boundary of the twenty (20) foot public utility easement on Lot Nos. 1, 4, and 5 of the proposed vacation and replat.

CSU requires properties within 400 feet of an existing wastewater collection line to be included within the electric service territory of CSU in order for services to be extended. As the subject property is not within the CSU electric service area CSU will not provide sewer service. El Paso County Health Department and CSU were each sent a referral and have no objections to not extending wastewater service to the subdivision.

The applicant is requesting a waiver from Section 8.4.3.C.2.e, Lot Design, Minimum Frontage, of the Land Development Code (2019). This section states that a division of land shall have a minimum of thirty (30) feet of frontage on and have access from a public road. Lot 2, as depicted on the vacation and replat, does not have frontage along a public road. Access is proposed via a thirty (30) foot wide private ingress and egress easement.

## F. ANALYSIS

### 1. Land Development Code Compliance

This application meets the requirements of Sections 7.2.3.A (Vacation) and 7.2.3.C (Replat), Actions Vacating or Altering a Recorded Plat, the vacation and replat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the Land Development Code (2019).

### 2. Zoning Compliance

The proposed replat will create two (2) additional lots. The resulting five (5) lots, as proposed, will conform to the standards of the RR-2.5 (Residential Rural) zoning district. The RR-2.5 (Residential Rural) zoning district density and dimensional standards are as follows:

- One (1) dwelling unit per 2.5 acres
- Minimum lot size – 2.5 acres
- Setbacks – 25 feet front and rear, 15 feet side
- Maximum lot coverage – none
- Maximum building height – 30 feet

The proposed vacation and replat has an existing structure on Lot 1. An approval of the application, as proposed, will not create a non-conformity. The structure will meet all the dimensional standards outline in the Land Development Code (2019). Any future development will require approval of individual site plans to verify compliance with the above standards.

### 3. Policy Plan Analysis

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

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

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

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

The applicant is proposing a vacation and replat of three (3) existing lots to create two (2) additional lots, for a total of five (5) residential lots. The adjacent properties are zoned RR-2.5 to the north, south, and east. The property to the west is located within the City of Colorado Springs. Most of the lots in the vicinity are developed with one (1) single family dwelling per 2.5 acre, or greater, lots. There are a few lots to the east that are not developed at this time. Staff recommends that the proposed vacation and replat could be found to be consistent with the Policy Plan.

#### **4. Small Area Plan Analysis**

The subject parcel is not within the boundaries of a small area plan.

#### **5. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Community Services Department, Environmental Division, and the U.S. Fish and Wildlife Service (USFWS) were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies potential Columbine Gravely Sandy Loam and Stapleton-Bernal Complex deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

### **G. PHYSICAL SITE CHARACTERISTICS**

#### **1. Hazards**

A soils and geology report was prepared by Rocky Mountain Group on January 7, 2019. No hazards were identified in the report that would preclude development.

Colorado Geological Survey (CGS) was sent a referral and has no objection to approval of the vacation and replat application as proposed.

#### **2. Wildlife**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Community Services Department, Environmental Division, was sent a referral, no comments were identified that would preclude development.

### **3. Floodplain**

FEMA Flood Insurance Rate Map No. 08041C0506G, which has an effective date of December 7, 2018, shows a portion of the Kettle Creek 100-year floodplain (Zone AE) is within the development at the southwest corner. No structures and no storage of materials are permitted within the floodplain area.

### **4. Drainage and Erosion**

The subdivision is located within the Kettle Creek basin (FOMO3000). Drainage fees in the amount of \$12,259.00 shall be paid at the time of plat recordation. There are no associated bridge fees in the Kettle Creek basin.

Drainage generally flows to the southwest. Runoff either sheet flows or is conveyed by the existing roadside ditch into Kettle Creek. Water quality capture volume was not provided and was not required per Appendix I of the Engineering Criteria Manual (2016) since the development is low density housing (2.5 acre or larger lots) and no internal roadways were proposed. On-site detention was not required since the increase in imperviousness by the two additional residential lots is negligible. The two existing on-site stock ponds are planned to be filled in or breached as part of this development. The drainage report concluded that the development will not adversely affect the surrounding development.

### **5. Transportation**

The proposed subdivision has minimal impact to the County's transportation network and is accessed from Otero Avenue. No internal roadways are proposed with this development. No direct lot access to Old Ranch Road is permitted. The subdivision is dedicating 20 feet of additional right-of-way to El Paso County along the Old Ranch Road frontage.

The subdivision is subject to the El Paso County Road Impact Fee Program (Resolution No. 18-471). The fee is based on the established rate at the time of building permit.

## **H. SERVICES**

### **1. Water**

The subdivision will be served by individual wells. The State Water Engineer's office has provided an opinion stating that the water supply for the proposed subdivision is adequate.

Sufficiency:

Quality:

Quantity:

Dependability:

Attorney's summary: Will be provided at hearing

**2. Sanitation**

Wastewater service will be provided via individual onsite wastewater treatment systems (OWTS). El Paso County Public Health was sent a referral and has no outstanding comments.

**3. Emergency Services**

The property is within the Donald Westcott Fire Protection District. The District was sent a referral and has no outstanding comments. The District supplied a letter of support for the design of the private ingress and egress easement that is depicted on the vacation and replat.

**4. Utilities**

Colorado Springs Utilities will provide natural gas service and Mountain View Electric Association will provide electrical service to the property.

**5. Metropolitan Districts**

The property is not located within a metropolitan district.

**6. Parks/Trails**

Fees in lieu of park land dedication in the amount of \$2,150.00 for regional fees will be due at the time of recording the replat.

**7. Schools**

Fees in lieu of school land dedication in the amount of \$612.00 will be due at the time of recording the replat.

**I. APPLICABLE RESOLUTIONS**

Approval Page 49

Disapproval Page 50

**J. STATUS OF MAJOR ISSUES**

There are no outstanding issues.

**K. CONDITIONS AND NOTATIONS**

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.3.C, Actions Vacating

or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (2019) staff recommends the following conditions and notations:

### **CONDITIONS**

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 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.

8. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$2,150.00 shall be paid at time of plat recordation.
9. Fees in lieu of school land dedication in the amount of \$612.00 shall be paid to El Paso County for the benefit of Academy School District No. 20 at time of plat recording.
10. Drainage fees in the amount of \$12,259.00 for the Kettle Creek drainage basin (FOMO3000) shall be paid to El Paso County at the time of plat recordation.
11. No direct lot access is permitted to Old Ranch Road.
12. The two existing ponds located on Lots 3 and 5 shall be filled in or breached prior to issuance of any new building permit.

#### **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 14 adjoining property owners on June 26, 2019, for the Planning Commission hearing. Responses will be provided at the hearing.

#### **M. ATTACHMENTS**

Vicinity Map  
Letter of Intent  
Plat Drawing  
State Engineer's Letter  
County Attorney's Letter-to be provided at hearing

# El Paso County Parcel Information

File Name: VR-18-014

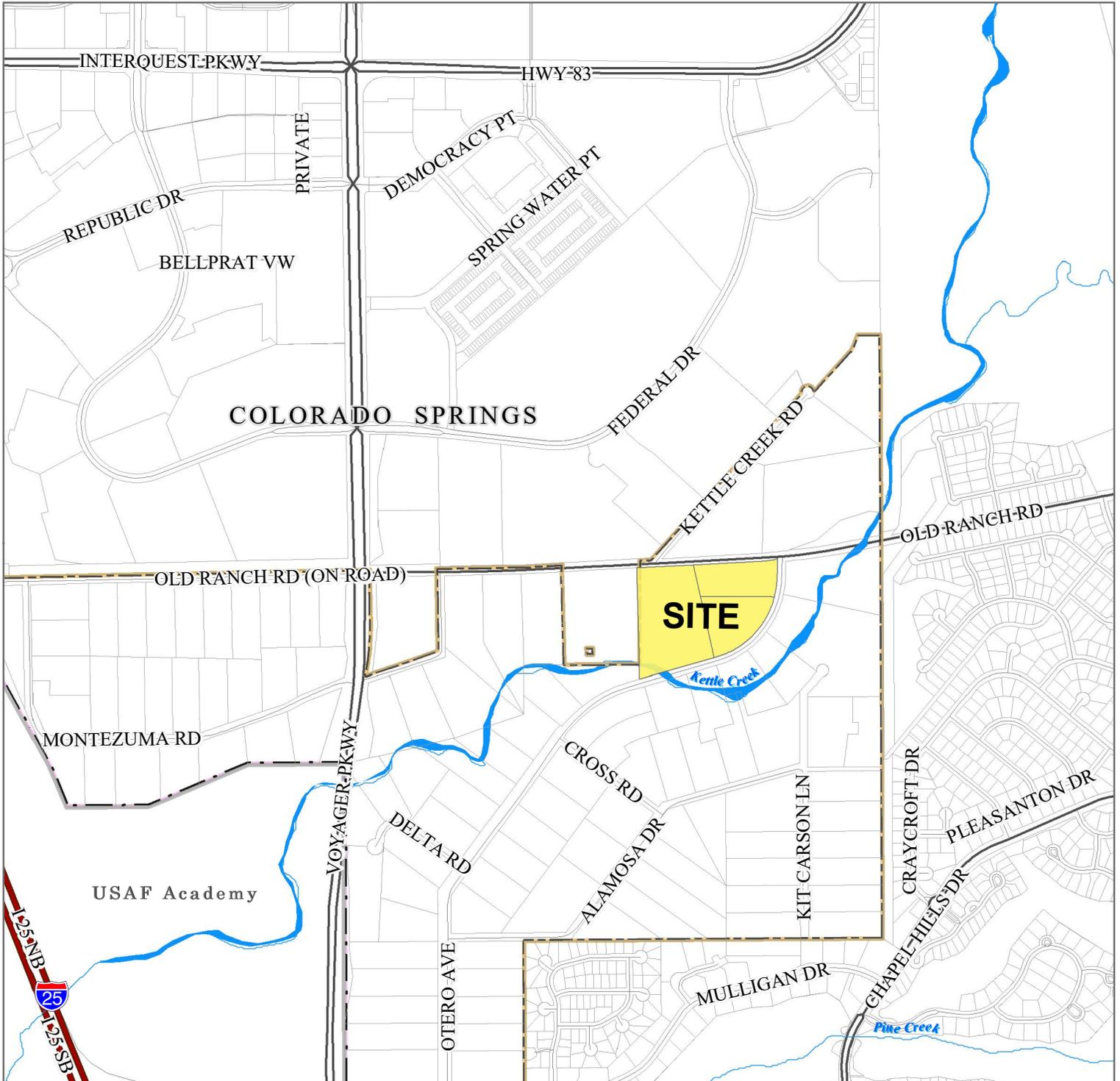
Zone Map No. --

PARCEL	NAME
6228004011	HUNSINGER DEVELOPMENT CORPORATIO
6228004010	HUNSINGER DEVELOPMENT CORPORATIO
6228004012	HUNSINGER DEVELOPMENT CORPORATIO

Date: June 20, 2019

ADDRESS	CITY	STATE
4406 COLLEGE PARK CT	COLORADO SPRINGS	CO
4406 COLLEGE PARK CT	COLORADO SPRINGS	CO
4406 COLLEGE PARK CT	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80918	7842
80918	7842
80918	7842



Please report any parcel discrepancies to:  
 El Paso County Assessor  
 1675 W. Garden of the Gods Rd.  
 Colorado Springs, CO 80907  
 910 520-6600



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# FINAL PLAT HUNSINGER SUBDIVISION

A VACATION AND REPLAT OF LOT 10, BLOCK B, AMENDED PLAT OF SPRING CREST AND OF  
LOTS L AND K, BLOCK B, FILING No. 2 OF SPRING CREST  
LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 28,  
TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE 6TH P.M.,  
EL PASO COUNTY, COLORADO

**KNOW ALL MEN BY THESE PRESENTS:**

That The Glenn W. Hunsinger and Mary V. Hunsinger Traust, dated August 14, 1997, being the owner of the following described tracts of land to wit:

Parcel A:

Lot 10, Block B, Amended Filing of Spring Crest, County of El Paso, State of Colorado. Together with that portion of vacated Otero Avenue adjoining subject property according to Resolution recorded February 15, 1972 in Book 2467 at Page 843.

Parcel B:

Lot K, Block B, Filing No. 2 of Spring Crest, County of El Paso, State of Colorado. Together with that portion of vacated Otero Avenue adjoining subject property according to Resolution recorded February 15, 1972 in Book 2467 at Page 843.

Parcel C:

Lot L, Block B, Filing No. 2 of Spring Crest, County of El Paso, State of Colorado. Together with that portion of vacated Otero Avenue adjoining subject property according to Resolution recorded February 15, 1972 in Book 2467 at Page 843.

Containing a calculated area of 681,415 square feet (15.643136 acres), more or less.

**OWNERS CERTIFICATION:**

The undersigned, being all the owners, mortgages, beneficiaries of deeds of trust and holders of other interests in the land described herein, have laid out, subdivided, and platted said lands into lots and easements as shown hereon under the name and subdivision of HUNSINGER SUBDIVISION. The utility easements shown hereon are hereby dedicated for public utilities and communication systems and other purposes as shown hereon. The entities responsible for providing the services for which the easements are established are hereby granted the perpetual right of ingress and egress from and to adjacent properties for installation, maintenance, and replacement of utility lines and related facilities.

\_\_\_\_\_ Date

STATE OF COLORADO }  
COUNTY OF EL PASO } SS

Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by

\_\_\_\_\_

My commission expires \_\_\_\_\_

Witness my hand and official seal \_\_\_\_\_  
Notary Public

**BOARD OF COUNTY COMMISSIONERS CERTIFICATE:**

This plat for HUNSINGER SUBDIVISION was approved for filing by the El Paso County, Colorado Board of County Commissioners on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, subject to any notes specified hereon and any conditions included in the resolution of approval. The dedications of land to the public (streets and easements) are accepted, but public improvements thereon will not become the maintenance responsibility of El Paso County until preliminary acceptance of the public improvements in accordance with the requirements of the Land Development Code and Engineering Criteria Manual, and the Subdivision Improvements Agreement.

\_\_\_\_\_  
President, Board of County Commissioners Date

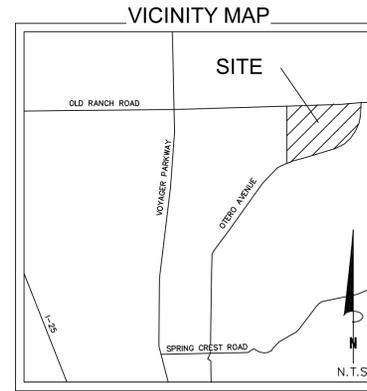
\_\_\_\_\_  
Executive Director, El Paso County Planning and Community Development Department Date

**SURVEYOR'S CERTIFICATION:**

I, Mark S. Johannes, a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that this plat truly and correctly represents the results of a survey made on the date of survey shown hereon, by me or under my direct supervision and that all monuments exist as shown hereon; that mathematical closure errors are less than 1:10,000; and that said plat has been prepared in full compliance with all applicable laws of the State of Colorado dealing with monuments, subdivision, or surveying of land and all applicable provisions of the El Paso County Land Development Code.

This certification is neither a warranty nor guarantee, either expressed or implied.

Mark S. Johannes  
Colorado Professional Land Surveyor No. 32439  
For and on behalf of Compass Surveying and Mapping, LLC



**NOTES:**

- 1) The reason for this vacation and replat is to create 5 lots out of 3 existing lots.
- 2)
  - - Denotes found monument, marked as noted
  - o - Denotes set #5 rebar and plastic cap marked "PLS 32439", unless otherwise noted.
  - (1149) - Denotes street address.
- 3) This survey does not constitute a title search by Compass Surveying & Mapping, LLC to determine ownership or easements of record. For all information regarding easements, rights of way and title of record, Compass Surveying & Mapping, LLC relied upon a Commitment for Title Insurance prepared by Land Title Guarantee Company, File No. SR55056593-2 with an effective date of 03-18-2016 at 05:00:00.
- 4) Basis of bearings is the west line of the property, monumented as shown and assumed to bear North 0 degrees 08 minutes 30 seconds West, 709.44 feet.
- 5) This property is located within Zone AE special flood hazard areas inundated by 100-year flood, base flood elevations determined and Zone X areas determined to be outside the 500-year floodplain) as established by FEMA per FIRM panel 08041C0506 G, effective date, December 7, 2018. The approximate flood zone boundary is shown hereon by map measure only.
- 6) Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.
- 7) The linear units used in this drawing are U.S. Survey feet.
- 8) The approval of this replat vacates all prior plats for the area described by this replat.
- 9) No driveway shall be established unless an access permit has been granted by El Paso County Planning and Community Development Department.
- 10) All structural foundations shall be located and designed by a Professional Engineer, currently registered in the State of Colorado.
- 11) The following reports have been submitted and are on file at the County Planning Department: Soils and Geological study; Water Availability study; Drainage Report; Wildlife Hazard Report; Natural Features Report; Erosion Control Report.
- 12) All property owners are responsible for maintaining proper stormwater drainage in and through their property. Public drainage easements as specifically noted on the plat shall be maintained by the individual lot owners unless otherwise indicated. Structures, fences, materials or landscaping that could impede the flow of runoff shall not be placed in drainage easements.
- 13) The addresses (1149) exhibited on this plat are for informational purposes only. They are not the legal description and are subject to change.

**NOTES (continued):**

- 14) There shall be no direct lot access to Old Ranch Road.
- 15) Unless otherwise indicated, all side, front and rear lot lines are hereby platted on each side with a 10 foot public utility and drainage easement. All exterior subdivision boundaries are hereby platted with a 20 foot public utility and drainage easement. The sole responsibility of maintenance is hereby vested in the individual property owners.
- 16) Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, US Army Corps of Engineers and the US Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the listed species (e.g. Prebles Meadow Jumping Mouse).
- 17) Mailboxes shall be installed in accordance with all El Paso County and United States Postal Service regulations.
- 18) The subdividers agree on behalf of him/herself and any developer or builder successors and assigns shall be required to pay traffic impact fees in accordance with the countywide transportation improvement fee (Resolution No. 16-454), as amended, 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 sale documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
- 19) Individual lot purchasers are responsible for constructing driveways including necessary drainage culverts from Otero Road per Land Development Code Section 6.3.3.c.2 and 6.3.3.c.3 due to their length, some of the driveways will need to be specifically approved by the Donald Prescott Fire Protection District.
- 20) Lots 2 and 3 will access Otero Road via a private shared access easement recorded at Reception No. \_\_\_\_\_.
- 21) All easements that are dedicated hereon for public utility purposes shall be subject to those terms and conditions as specified in the instrument recorded at Reception Number 21211254B of the records of El Paso County, Colorado. All other easements or interests of record affecting any of the platted property depicted hereon shall not be affected and shall remain in full force and effect.
- 22) Lots 4 and 5 are subject to a Road Impact Fee that will be paid by at or prior to time of building permit submittals. The fee is based on the established rate at the time of building permit.
- 23) Water Supply: Individual wells are the responsibility of each property owner. Permits for individual wells must be obtained from the State Engineer who by law has the authority to set conditions for the issuance of these permits.
- 24) 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.
- 25) Owner, its successors and assigns shall advise the Homeowners Association and all future owners of these lots of all applicable requirements of the decree entered in Case No. 16CW3088, Water Court, Water Division No. 2, and their costs of operating the plan for augmentation and responsibility for metering and collecting data regarding water withdrawals from wells. Owner shall convey 92.0 acre feet of water in the Denver aquifer to each of the initial purchasers of Lot 1 and Lot 4 and 104.4 acre feet of water in the Arapahoe aquifer to each of the initial purchasers of Lot 2, Lot 3, and Lot 5. Owner shall reserve in any deeds of the property and convey to the Homeowners' Association 449.0 acre feet of water rights in the Laramie- Fox Hills aquifer for use in the augmentation plan approved in Case No. 16CW3088, unless and until the obligation is terminated as provided by Case No. 16CW3088. Water withdrawals and wells are subject to limitations, restrictions, and augmentation requirements and responsibilities found within the Declaration of Restrictive Covenants for this subdivision recorded at Reception No. \_\_\_\_\_ of the Office of the El Paso County Clerk and Recorder and the terms of the water court approved water augmentation plan.

**FEES:**

Drainage Fee: \_\_\_\_\_ School Fee: \_\_\_\_\_

Bridge Fee: \_\_\_\_\_ Park Fee: \_\_\_\_\_

**RECORDING:**

STATE OF COLORADO }  
COUNTY OF EL PASO } SS

I hereby certify that this instrument was filed for record in my office at \_\_\_\_\_ o'clock  
\_\_\_\_M., this \_\_\_\_\_ day of \_\_\_\_\_, 2019, A.D., and is duly recorded  
under Reception No. \_\_\_\_\_ of the records of El Paso County,  
Colorado.

CHUCK BROERMAN, RECORDER

BY: \_\_\_\_\_  
Deputy

SURCHARGE: \_\_\_\_\_

FEES: \_\_\_\_\_

PCD FILE NO. VR-18-014



COMPASS SURVEYING & MAPPING, LLC  
721 SOUTH 23RD STREET, SUITE B  
COLORADO SPRINGS, CO 80904  
719-354-4120  
WWW.CSALLC.COM

REVISIONS:	
1	11/19/18 County comments.
2	3/12/19 County comments.

PROJECT No. 18029  
MAY 23, 2018  
SHEET 1 OF 2



September 27, 2018

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

RE: Hunsinger Subdivision  
Sec. 28, Twp. 12S, Rng. 66W, 6<sup>th</sup> P.M.  
Water Division 2, Water District 10  
CDWR Assigned Subdivision No. 25076

To Whom It May Concern,

We have received the submittal concerning the above referenced proposal to subdivide a 16.0± acres tract of land into five new lots. All of the lots will be approximately equal in size with the smallest being 2.53± acres and the largest being 3.06± acres. Our records indicate that there are a number of existing wells on located on the property with permit no's: 172650, 172651, 250314, and 250314-A. The proposed supply of water to the subdivision will be individual on-lot wells for each lot, with wastewater being disposed of through individual on-lot septic disposal systems.

**Water Supply Demand**

According to the Water Supply Information Summary received in the submittal, the estimated water demand for the development is 1.656 acre-feet/year. Based on the Division 2 Water Court case no. 2016CW3088 this amount breaks down to 0.306 acre-feet/year for two Denver aquifer wells each serving one-single family residence, and 0.348 acre-feet/year for three Arapahoe aquifer wells each serving one-single family residence. Additional uses such as lawn and garden irrigation or animal watering are not specifically called out in the plan for augmentation.

Please note that standard water use rates, as found in the Guide to Colorado Well Permits, Water Rights, and Water Administration, are 0.3 acre-foot/year for each ordinary household, 0.05 acre-foot/year for four large domestic animals, and 0.05 acre-foot/year for each 1,000 square feet of lawn and garden irrigation.

## Source of Water Supply

The anticipated source of water is to be provided by on-lot wells producing from the Denver or Arapahoe aquifer that will operate pursuant to the augmentation plan decreed by the Division 2 Water Court in case no. 2016CW3088. This case adjudicated water in the Denver, Arapahoe and Laramie-Fox Hills aquifers underlying the 16.62 acres of land which makes up the entire proposed Hunsinger Subdivision.

According to the decrees entered by the Division 2 Water Court in case no. 2016CW3088, the following amounts of water shown in Table 1, below, were determined to be available underlying the 16.62 acre property.

Table 1 - Denver Basin Ground Water Rights

Aquifer	Tributary Status	Volume (AF)	Annual Allocation 100 Year (AF/Year)	Annual Allocation 300 Year (AF/Year)
Denver	NNT	184	1.8	0.613
Arapahoe	NNT	678	6.8	2.26
Laramie-Fox	NT	449	4.5	1.5

The plan for augmentation decreed in Division 2 Water Court case no. 2016CW3088 allows for diversion of 0.612 acre-foot annually from Denver aquifer and 1.044 acre-feet annually from the Arapahoe aquifer, each for a maximum of 300 years.

Permit No's. 172650, 172651, 250314, and 250314-A were issued pursuant to CRS 37-92-602 for domestic uses and all permits are located in the NW ¼ of Section 28, Twp 12S, Rng 66W, 6<sup>th</sup> P.M. It appears that these wells are located on the property and the applicant has proposed to continue to utilize the existing wells pursuant to the decreed plan for augmentation. **This will require that the applicant apply for, and obtain a new well permits issued pursuant to Section 37-90-137(4) C.R.S., or plug and abandon these wells.**

The proposed source of water for this subdivision is a bedrock aquifer in the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which this source will be a physically and economically viable source of water. According to 37-90-137(4)(b)(I), C.R.S., "Permits issued pursuant to this subsection (4) shall allow withdrawals on the basis of an aquifer life of one hundred years." Based on this **allocation** approach, the annual amounts of water decreed is equal to one percent of the total amount available as determined by Rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Therefore, the water may be withdrawn in those amounts for a maximum of 100 years.

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

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

The State Engineer’s Office does not have evidence regarding the length of time for which this source will “meet the average annual demand of the proposed subdivision.” However, treating El Paso County’s requirement as an **allocation** approach based on three hundred years, the annual estimated demand, for the entire subdivision, is 1.656 acre-feet as allowed by the augmentation plan. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

### State Engineer’s Office Opinion

Based on the above, it is our opinion, pursuant to CRS 30-28-136(1)(h)(l), that the anticipated water supply can be provided without causing material injury to decreed water rights so long as the applicant obtains well permits issued pursuant to C.R.S. 37-90-137(2) and the plan for augmentation noted herein, for all wells in the subdivision and operates the wells in accordance with the terms and conditions of any future well permits.

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

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

Our opinion is qualified by the following:

The Division 2 Water Court has retained jurisdiction over the final amount of water available pursuant to the above-referenced decrees, pending actual geophysical data from the aquifer.

**The amounts of water in the Denver Basin aquifers, and identified in Division 2 Water Court case no. 2016CW3088, was calculated based on estimated current aquifer conditions. For planning purposes the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 300 years used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply. Furthermore, that applicant will need to apply for, and obtain a new well permits issued pursuant to Section 37-90-137(2) C.R.S.**

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

Sincerely,

A handwritten signature in black ink, appearing to read "Ivan Franco", enclosed in a thin black rectangular border.

Ivan Franco, P.E.  
Water Resource Engineer

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