

# EL PASO COUNTY

COLORADO



**COMMISSIONERS:**  
**MARK WALLER (CHAIR)**  
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**STAN VANDERWERF**  
**CAMI BREMER**

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO:** El Paso County Planning Commission  
 Jim Egbert, Chair

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

**RE:** Project File #: SF-18-041  
 Project Name: Settlers View Subdivision  
 Parcel No.: 61000-00-463

OWNER:	REPRESENTATIVE:
Gary and Brenda Brinkman 4507 Silver Nell Drive Colorado Springs, CO. 80908	Jerome Hannigan and Associates, Inc. 19360 Spring Valley Road Monument, CO. 80132

**Commissioner District: 1**

Planning Commission Hearing Date:	3/19/2019
Board of County Commissioners Hearing Date	4/9/2019

## **EXECUTIVE SUMMARY**

A request by Gary and Brenda Brinkman for approval of a final plat for the Settlers View subdivision to authorize development of 14 single-family lots and 2.59 acres of right-of-way. The 40.61 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 Steppler Road and within Section 23, Township 11 South, Range 66 West of the 6<sup>th</sup> P.M. The subject property area is within the boundaries of the Black Forest Preservation Plan (1987) area.



2880 INTERNATIONAL CIRCLE, SUITE 110  
 PHONE: (719) 520-6300

COLORADO SPRINGS, CO 80910-3127  
 FAX: (719) 520-6695

The Settlers View subdivision final plat is consistent with the current RR-2.5 (Residential Rural) zoning and the approved Settlers View preliminary plan (SP-17-006). The final plat meets the submittal and review criteria for a final plat as well as the general development standards of Chapter 6, the final plat 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 final plat application.

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

**Request:** A request by Gary and Brenda Brinkman for approval of a final plat for the Settlers View subdivision to authorize the development of 14 single-family lots and 2.96 acres of right-of-way located on 40.61 acres. A finding for water sufficiency is requested with this plat application.

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

**Authorization to Sign:** Final Plat, Subdivision Improvements Agreement, Detention Pond Maintenance Agreement and any other documents necessary to carry out the intent of the Board of County Commissioners.

#### **B. Planning Commission Summary**

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

#### **C. APPROVAL CRITERIA**

In approving a final plat, Section 7.2.1.D.3 of the El Paso County Land Development Code (2019) states that the BoCC shall find that:

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the approved preliminary plan;

- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;
- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
- The subdivision meets other applicable sections of Chapter 6 and 8; and
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §34-1-302(1), et seq.]

#### **D. LOCATION**

North: PUD (Planned Unit Development)	Grandview Subdivision/single-family
South: PUD (Planned Unit Development)	Settlers Ranch Subdivision/single-family

East: RR-2.5 (Residential Rural)	Single-family residential /vacant
West: RR 5.0 (Residential Rural)	Unplatted /single-family residential

## E. BACKGROUND

The County initiated the 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 April 10, 2018. A preliminary plan was also approved on that date. 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 subject parcel in anticipation of development. The applicants will be required to construct an additional extension of Silver Nell Drive to the eastern boundary of the property and dedicate it as County right-of-way with this final plat.

## F. ANALYSIS

### 1. Land Development Code Compliance

The final plat 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 Settlers View final plat 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 and 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 applicants are proposing minimum lot sizes of 2.5 acres, including 3 acre lots at the northeastern boundary, as depicted on the approved preliminary plan and the proposed final plat. The platted single-family lots to the north of the subject property located in the Grandview Subdivision have an average lot size of 2.75 acres and the Settlers Ranch development located to the south of the subject property includes an average lot size of 2.5 acres. The Walden Preserve development located northwest of the subject property has an average lot size of one-half (1/2) acre. The lots to the west, which are also located within the Walden Preserve development, have an average lot size of 2.5 acres, which was intended to serve as a transition between the Walden Preserve development and the remaining RR-5 zoned land in the area, which would include this proposed development. The 2.5 acre average lot size of the proposed development is consistent with the transition provided within the Walden Preserve development to the west and the remaining RR-5 zoned properties in the area.

Access has been provided via dedicated right-of-way through the Grandview and Walden Preserve developments. Provision of access to this development through adjoining developments indicates anticipated development of the subject property, which, as proposed, continues the existing pattern of growth in the area. A finding of consistency has been previously made with the rezone and preliminary plan requests. Staff has no concerns with compatibility, density transitions, or patterns of growth with this final plat request.

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

The property is within the Black Forest Preservation Plan (1987) area and, more specifically, within Planning Unit 5, The Spruce Hill/Highway 83 Corridor Sub-Area and the northeastern corner of the property is within Planning Unit 6, Northern Grasslands Sub-Area. The Plan identifies the drainage basin boundary line between the East Cherry Creek Basin and the West Cherry Creek Basin as the dividing line between the two sub-areas. The Spruce Hill/Highway 83 Corridor Sub-Area is “characterized by undulating stair step topography which gradually rises in an easterly direction.” Much of the area is forested. The Plan includes policies applicable to the Planning Unit 5, The Spruce Hill / Highway 83 Corridor, that state as follows:

- “Emphasis in this unit should be on residential uses which preserve and compliment these unique landscape features by focusing on the forested rather than the open areas. To accomplish this clustering should be encouraged, and large scale tract houses should be avoided. Densities comparable to those in the Walden III Subdivision (one (1) dwelling unit / one (1) acre) would be appropriate if carefully sited and adequate services can be provided.”
- “Uses within this planning unit should be consistent with the non-urban development...”

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.” In contrast to Planning Unit 5, 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 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. The RR-2.5 zoning district requires a minimum lot size of 2.5 acres, which is less dense than the recommended density of one (1) dwelling unit/one (1) acre identified in The Spruce Hill/Highway 83 Corridor Sub-Area policy above.

The applicants propose individual well and onsite wastewater treatment systems (OWTS), which are permissible on 2.5 acre lots.

As mentioned above, a portion of the area proposed to be platted is within the Northern Grasslands Sub-Area. The boundary between the two Sub-Areas is defined by the meandering drainage basin line between the Cherry Creek and West Cherry Creek Drainage Basins (see basin map below), with The Spruce Hill/Highway 83 Sub-Area being west of the boundary and the Northern Grasslands Sub-Area being east of the boundary. The applicants are proposing to plat lots within the Northern Grasslands Sub-Area with a minimum lot size of three (3) acres, which is below the recommended lot size of 5 acres Plan. The proposed transition incorporated in this plan for development is consistent with the developed Grandview Subdivision to the north and with the Settlers Ranch development to the south. A finding of consistency has been previously made with the rezone and preliminary plan requests. Staff finds the final plat request to be generally consistent with the Plan.

## 5. Other Master Plan Elements

The proposed preliminary plan is consistent with or does not create negative impacts to elements depicted on the El Paso County Wildlife Habitat Descriptors Map (1996), the El Paso County Community Services Parks Master Plan (2014), the Master Plan for Mineral Extraction (1996), and the El Paso County 2016 Major Transportation Corridors Plan Update, which is further addressed below.

## 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 approved 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 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 applicants have identified the areas that will need to be mitigated on the final plat in the notes section, as well as depicting the areas of concern on the final plat map.

### 2. Wildlife

Potential impacts to wildlife are generally low as depicted in the El Paso County Wildlife Descriptors Map (1996).

### **3. Floodplain**

The site is not within or near a FEMA floodplain as designated on the FEMA Floodplain Insurance Rate Map (FIRM) panel number 08041C0305G for El Paso County.

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

The proposed subdivision is located partially within the West Cherry Creek drainage basin (CYCY0400) and partially within the East Cherry Creek drainage basin (CYCY0200). These basins have not been studied and no drainage or bridge fees have been adopted. Runoff from the portion of the property located within the West Cherry Creek Basin generally flows to the west and will utilize roadway ditches and existing natural swales to convey runoff into a proposed full spectrum detention pond which is anticipated to release at 90 percent of the predevelopment rate. The proposed detention pond is proposed to be privately owned and maintained by the subdivision homeowners association. Runoff from the portion of the property located within the East Cherry Creek Basin generally flows to the east onto the adjoining proposed Abert Ranch Subdivision and will utilize existing natural swales and downstream drainage ways. The development plans for the proposed Abert Ranch Subdivision include upgrades to an existing stock pond to meet stormwater detention requirements for the Abert Ranch development and the minimal developed drainage contribution from the proposed Settlers View development. The engineering consultant's drainage report concludes that this development will not adversely affect downstream or surrounding areas.

Grading and erosion control plans associated with the development identified permanent and temporary best management practices (BMPs) to prevent sediment and debris from affecting adjoining properties and the public drainage system before, during, and after construction. The applicants will need to obtain appropriate County permits, including an Erosion and Stormwater Quality Control Permit, for any proposed grading activity, along with any State-required permits, prior to construction. Pre-site development grading is not requested with this request. The drainage improvements to be constructed are proposed to be privately owned and maintained and are not eligible for reimbursement.

### **5. Transportation**

The applicants are not proposing to construct or include access to a road identified in the El Paso County Major Transportation Corridors Plan Update (2016), 2040 Major Transportation Corridors Plan (MTCP). The Grandview Subdivision to the north provided an extension of Silver Nell Drive, a County

owned and maintained road, to this property in anticipation of this development. This development will be required to further extend Silver Nell Drive to the eastern boundary of the subject property in accordance with Condition of Approval No. 6 of the preliminary plan (Resolution No. 18-144). Development of the Settlers View subdivision proposes to dedicate 0.337 lane miles of developer-constructed roadways to the County for ownership and maintenance.

The development of the property to the east, Abert Ranch, which is also currently in review, is anticipated to connect Silver Nell Drive to the future extension of Settlers Ranch Road which is a roadway located within the approved Settlers Ranch development. The Settlers Ranch development is anticipated to be completed within five (5) years. Settlers Ranch Road will connect to Hodgen Road to the south and Steppler Road to the east through the Settlers Ranch development.

Steppler Road north of Silver Nell Drive is currently a gravel road that has exceeded the designed capacity of the road (design is 200 daily trips, existing is 265 daily trips). With the addition of Settlers View, Abert Ranch, and Settlers Ranch, off-site improvements to Steppler Road would be needed. Per the traffic study, Settlers View traffic would constitute about 6.7 percent of the total short-term daily traffic on Steppler Road north of Silver Nell given a length of 2590 linear foot. Based on \$190 per linear foot to upgrade a road from gravel to pavement, the developer will be required to escrow \$32,970.

The Settlers View 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 water can be provided without causing injury to decreed water rights. The County Attorney's Office is anticipated to recommend a finding of sufficiency with regard to water quantity and dependability. Staff anticipates providing a letter at the time of the Planning Commission hearing. El

Paso County Public Health previously 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 and Other Special Districts**

The property is not within a metropolitan district.

The property is not anticipated to be included into a Public Improvement District. Traffic impact fees shall be paid in accordance with Resolution 18-471.

**6. Parks/Trails**

Regional park fees (Region 2) in lieu of land dedication in the amount of \$6,020.00 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 \$4,312.00 at the time of plat recordation.

**I. APPLICABLE RESOLUTIONS:**

Approval      Page 19

Disapproval      Page 20

**J. STATUS OF MAJOR ISSUES**

There are no outstanding issues with this request.

## **K. RECOMMENDED CONDITIONS AND NOTATION**

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

### **CONDITIONS**

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the applicants provide 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 applicants 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 applicants must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The applicants shall submit the Mylar to Enumerations for addressing.
5. The applicants 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 \$6,020.00 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 \$4,312.00 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 developer shall participate in a fair and equitable manner in the design and future paving of Steppler Road north of Silver Nell Drive and south of Walker Road. The fair share attributed to Settlers View subdivision shall be deposited as escrow in the amount of \$32,970, corresponding to a roughly six point seven percent (6.7%) proportionate impact. An escrow agreement shall be completed and deposited prior to recording the final plat.

#### **NOTATION**

1. Final plats not recorded within 12 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 17 adjoining property owners on February 27, 2019, for the Planning Commission and the Board of County Commissioners hearings. Any responses received will be provided at the hearing.

#### **M. ATTACHMENTS**

Vicinity Map  
Letter of Intent  
Final Plat Drawing  
State Engineers Letter  
County Attorneys Letter (To be provided at Planning Commission Hearing)

## El Paso County Parcel Information

File Name: SF-18-041

Zone Map No. --

Date: FEBRUARY 26, 2019

PARCEL	NAME
4300000561	ROI PROPERTY GROUP LLC
4300000562	ROI PROPERTY GROUP LLC
4300000556	ROI PROPERTY GROUP LLC
4300000554	ROI PROPERTY GROUP LLC
4300000555	OLD WEST RANCH CO PARTNERS LLC
4300000557	OLD WEST RANCH CO PARTNERS LLC
4300000543	ROI PROPERTY GROUP LLC
4300000541	ROI PROPERTY GROUP LLC
4300000542	ROI PROPERTY GROUP LLC



Please report any parcel discrepancies to:

El Paso County Assessor  
1675 W. Garden of the Gods Rd.  
Colorado Springs, CO 80907  
(719) 520-6600



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Jerome W.  
**HANNIGAN and ASSOCIATES, INC.**

Land Planning • Land Surveying • Land Development Consulting

June 05, 2018

Rev: 01-25-19

Job No. 16-025

**FINAL PLAT LETTER of INTENT  
SETTLERS VIEW SUBDIVISION**

Settlers View Subdivision (no relation to Settlers Ranch to the south) is a proposed 14 lot residential subdivision in Section 23, T11S, R66W of the 6th P.M., El Paso County, Colorado. More generally, the property lies east of Highway 83, south of Walker Road, west of Steppler Road and at the south end of Silver Nell Drive, which is the access road through Grandview Subdivision. This tract is one part of the earlier Hodgin Ranch property that has long been used as grazing land for cattle and is now being developed. The property is 40.61 acres in area, recently zoned (P17-004) RR-2.5 and includes the owners' home on what is to be Lot 2. The Preliminary Plan (SP17-006) was approved April 10, 2018 by the Board of County Commissioners at the same time as the zoning. Proposed lots vary in area from 2.52 acres to 3.14 acres with an overall density of 1 dwelling unit per 2.90 acres. The Applicant is requesting a finding of Water Sufficiency with this plat.

The road alignment as well as the lot layout and sizing remains as approved with the Preliminary Plat. 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 existing Silver Nell Drive. The cul-de-sac pavement at the current end of Silver Nell will be removed and that area restored by the developer of Settlers View.

In approving a Final Plat, the Board of County Commissioners makes several findings. Among those are conformance with the Goals, Objectives and Policies of the Master Plan; conformance with the LDC and ECM and other County requirements; conformance with the approved preliminary plan; identification of potential hazards and mitigation techniques therefore and, of course, a finding of sufficiency for water quality, quantity and dependability.

Because Silver Nell currently exceeds the standard permitted length and because connection to Steppler Road must occur through two additional properties, our extension will end in a temporary cul-de-sac which will ultimately be removed by the connecting developer. A Deviation from the Engineering Criteria Manual standard for dead end roadway length and a Waiver from the Land Development Code for the number of lots on a dead end street were approved with the Preliminary Plan. Both the Deviation and the Waiver are Temporary in that the road will be extended through Abert Ranch and Settlers Ranch to Steppler.

Two of the proposed lots will access with a short "flag" configuration. One occurs because of the geometry of the existing roadway and the owners house location and the second occurs because of an existing 30 foot wide perpetual ingress-egress easement that must be respected. That access easement serves a single residence on the adjoining Morehead property. The owner of that property and access easement concurs with this design and supports the proposed subdivision. As is normal, that 30 foot flag configuration requires a waiver to the usual 60 foot minimum road frontage which is also part of this request.

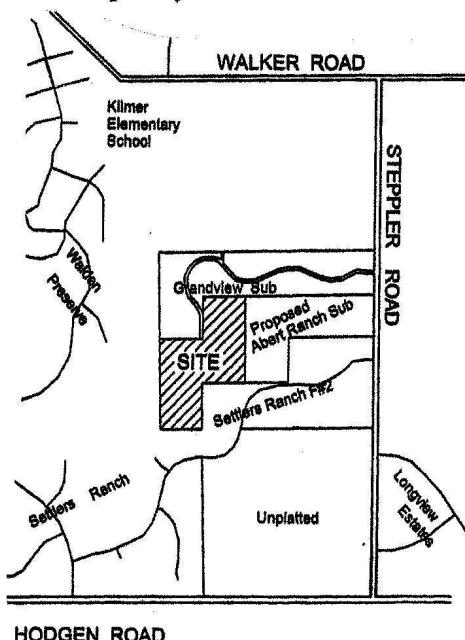
(2)

Water for 15 lots (one more than proposed) has been adjudicated and an augmentation plan has been approved by the Water Court. Specific laboratory testing has been done on samples of water withdrawn from the existing well at the Brinkman's home on Lot 2. The El Paso County Health Department has reviewed those results and made of finding of sufficiency for water quality. 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 that have been used in those designs.

Surface drainage is a consideration that is accounted for and the low density and gentle slopes combined with reasonable vegetative cover results in minimal developed flows. The southern portion of the property is subject to offsite flows that are carried in a swale to a detention pond. Other onsite flows are carried there through the use of roadside ditches and appropriate culverts. Water quality is enhanced before leaving the property at no more than historic flows. The pond and it's maintenance is the responsibility of the Homeowners Association.

Utilities are necessary to serve the planned homes and all are either adjoining or already onsite serving the existing Brinkman residence. Mountain View Electric supplies power and Black Hills Energy supplies natural gas. Extensions will occur as required by the individual utilities 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, perhaps 5 minutes away.

In summary, this proposed residential subdivision is both suitable and compatible with the surrounding neighborhood. Additionally, as the Board found at both the rezoning and preliminary plan application approvals, the proposal is in general conformance with the goals, objectives and policies of the Master Plan, which in this area includes the Black Forest Preservation Plan. It is zoned appropriately and the lot and road layout can meet all code requirements. Necessary infrastructure either exists or is planned for and will be provided. Natural hazards can be avoided or otherwise mitigated. Individual sewage disposal systems are appropriate and a sufficient and dependable quantity of excellent quality water will be available through individual onsite wells.







John W. Hickenlooper  
Governor

Robert Randall  
Executive Director

Kevin G. Rein, P.E.  
Director/State Engineer

March 15, 2018

Kari Parsons  
El Paso County Development Services Department  
Transmission via email: [kariparsons@elpasoco.com](mailto:kariparsons@elpasoco.com)

**RE: Settlers View Preliminary Plan  
Part of the NE1/4 of Section 23, T11S, R66W, 6<sup>th</sup> P.M.  
Water Division 1, Water District 8**

Dear Ms. Parsons:

We have reviewed the additional information received on March 13, 2018 concerning the above referenced proposal to subdivide an approximately 40-acre parcel into 14 residential single-family lots at a minimum lot size of 2.5 acres each. Residential lots will be served by individual on-lot wells producing from the nontributary Dawson aquifer in accordance with the augmentation plan decreed in consolidated case nos. 2011CW045 (Division 1) and 2011CW023 (Division 2). There is an existing home and an existing well operating under permit no. 75798-F located on the property. The home and the well will continue to be used on what will become Lot 2 of the Settlers View subdivision. We have previously provided comments on this proposal by our letter dated July 31, 2017.

In our previous letter we indicated that the Applicant dedicated up to 6.475 acre-feet/year for other specified or unspecified uses. Since, the unspecified uses were not specifically spell out, we recommended that Applicant provide information on the other specified or unspecified uses and ensure that those uses are allowed by the decree in consolidated case nos. 2011CW045 (Division 1) and 2011CW023 (Division 2).

According to the additional information provided from the Applicants' water attorney Mr. Henry D. Worley, the allowed uses which are not specified in the Water Supply Plan Summary submitted with the original referral are allowed by the decree and include: drinking and sanitary water for commercial uses, a stand-alone cottage or a guest house, and a hot tub/spa and or swimming pool. Lot owners may chose to use the Dawson aquifer well for none, one, or any combination of the above described uses allowed by the water decree in consolidated case nos. 2011CW045 (Division 1) and 2011CW023 (Division 2), so long as the well pumping does not exceed the allowed amount of 0.97 acre-feet/year or 1.0 acre foot/year for the existing well, permit no. 75798-F. If the existing well is expanded to be used for the above described uses the applicant must obtain a new well permit for this structure in accordance with Section 37-90-137(4) C.R.S. We note that the above described uses are allowed by the decree in consolidated case nos. 2011CW045 (Division 1) and 2011CW023 (Division 2).

#### **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 24079  
File for permit no. 75798-F