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

FROM: **Ryan Howser, Planner II**
Gilbert LaForce, PE Engineer III
Craig Dossey, Executive Director

RE: **Project File #: SF-20-012**
Project Name: The Reserve at Corral Bluffs Filing No. 5
Parcel Nos.: 43310-00-026, 43310-00-027, and 43310-00-025

OWNER:	**REPRESENTATIVE:**
Howard Kustle Corral Ranches Development Company 1830 Coyote Point Drive Colorado Springs, CO 80904	David Jones Land Resource Associates 9736 Mountain Road Chipita Park, CO 80809

Commissioner District: 2

Planning Commission Hearing Date:	9/2/2021
Board of County Commissioners Hearing Date	9/28/2021

EXECUTIVE SUMMARY

A request by Corral Ranches Development Company for approval of a final plat to create eight (8) single-family residential lots and one (1) tract. The three (3) parcels, totaling 60.99-acres, are zoned RR-5 (Residential Rural) and are located on the south side of Solberg Court, approximately one-half (1/2) mile east of the Meridian Road and Blaney Road intersection, and is within Section 31, Township 13 South, Range 64 West of the 6th P.M. The parcels are included within the Highway 94 Comprehensive Plan (2003).

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Corral Ranches Development Company for approval of a final plat to create eight (8) single-family residential lots and one (1) tract.

Waiver(s)/Deviation(s): There are no waivers or deviations being requested with the final plat.

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, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2019):

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the approved preliminary plan;
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;

- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;
- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
- The subdivision meets other applicable sections of Chapter 6 and 8; and
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §34-1-302(1), et seq.]

D. LOCATION

North:	RR-5 (Residential Rural)	Single-Family Residential
South:	RR-5 (Residential Rural)	Vacant
East:	RR-5 (Residential Rural)	Vacant
West:	RR-5 (Residential Rural)	Vacant

E. BACKGROUND

The parcels were zoned A-2 (Agricultural) on April 13, 1983, when zoning was initially established for this portion of the County. Due to changes in the nomenclature of the Land Development Code, the A-2 zoning district was renamed as the A-5 (Agricultural) zoning district. The subject parcels were rezoned to RR-5 (Residential Rural) on July 26, 2012 (Resolution No. 12-253).

The Board of County Commissioners approved The Reserve at Corral Bluffs Preliminary Plan (SP-12-001) on July 26, 2012. The proposed final plat is consistent with the approved preliminary plan.

F. ANALYSIS

1. Land Development Code Compliance

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

2. Zoning Compliance

The parcels are zoned RR-5 (Residential Rural). The RR-5 zoning district is intended to accommodate low-density, rural, single-family residential development. The density and dimensional standards for the RR-5 zoning district are as follows:

- Minimum lot size – 5 acres
- Width at front setback line – 200 feet
- Setbacks – 25 feet from front, side, and rear lot lines
- Maximum building height – 30 feet
- Maximum lot coverage – 25 percent

The proposed final plat is in compliance with the RR-5 (Residential Rural) zoning district. Individual residential site plans will need to be submitted for review for each proposed single-family dwelling in order to ensure compliance with the applicable dimensional standards.

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. A finding of consistency with the Policy Plan was previously made by the Board of County Commissioners with approval of a map amendment (rezoning) from A-5 (Agricultural) to RR-5 (Residential Rural) (Resolution No. 12-253) and with approval of The Reserve at Corral Bluffs Preliminary Plan (PCD File No. SP-12-001). The proposed final plat application is consistent with the findings of the prior approvals.

4. Small Area Plan Analysis

The parcels are located within the Highway 94 Comprehensive Plan (2003). A finding of consistency with the Highway 94 Comprehensive Plan was previously

made by the Board of County Commissioners with approval of a map amendment (rezoning) from A-5 (Agricultural) to RR-5 (Residential Rural) (Resolution No. 12-253) and with approval of The Reserve at Corral Bluffs Preliminary Plan (PCD File No. SP-12-001). The proposed final plat application is consistent with the findings of the prior approvals.

5. Water Master Plan Analysis

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

> ***Goal 1.1 –*** *Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*
>
> ***Goal 1.2 –*** *Integrate water and land use planning.*
>
> ***Goal 5.4 –*** *Promote the long-term use of renewable water.*
>
> ***Policy 6.0.1 –*** *Continue to require documentation of the adequacy or sufficiency of water, as appropriate, for proposed development.*
>
> ***Policy 6.0.10 –*** *Encourage land use proposals to expressly declare water source(s), quality, quantity, and sustainability in terms of years and number of single-family equivalents.*

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The proposed development will not be served by a central water system but instead by individual onsite wells. The following has been included for informational purposes only as it pertains to water demands and supplies in Region 4c for central water providers:

> The property is located within Planning Region 4c of the Plan, which is an area anticipated to experience growth by 2040. The Region is identified as potentially having issues regarding long term sustainable draw from the Denver Basin aquifer. The Plan identifies the current demands for Region 4c to be 2,970 acre-feet per year (AFY) (Figure 5.1) with a current supply of 2,970 AFY (Figure 5.2). The projected demand in 2040 is at 3,967 AFY with a projected

supply of 3,027 AFY (Figure 5.2). The projected demand at build-out in 2060 is 4,826 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2060. This means that by 2060 a deficit of 1,799 AFY is anticipated for Region 4c.

The applicant estimates to use approximately 2.40 AFY for household use (0.30 AFY per lot), plus irrigation of lawns and gardens at 1.24 AFY and watering of four (4) domestic animals on each lot at 0.36 AFY for a total of 4.00 AFY for the eight (8) lots. The applicant proposes to draw from the Arapahoe aquifer, which has an availability of 18.4 AFY for 300 years.

The applicant's water resources information was reviewed by the Colorado State Engineer, El Paso County Planning and Community Development staff, El Paso County Public Health, and the County Attorney's Office. A conditional recommendation of sufficiency regarding water quantity and dependability was made by the County Attorney's Office on July 29, 2021. EPC Public Health has made a recommendation of sufficiency regarding water quality (to be provided at the hearing). The State Engineer made a recommendation of water sufficiency on July 6, 2021, reaffirming a previous finding of water sufficiency that was made on June 4, 2013 during the preliminary plan review process.

6. Other Master Plan Elements

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

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

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

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

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

A soils and geology report was prepared and reviewed with the final plat application. The report identified potentially unstable slopes and slopes exceeding 30 percent. These areas have been depicted as no-build areas on the final plat.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential.

3. Floodplain

The development is not impacted by any designated 100-year flood plain (Zone X) as indicated by FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0780G, and 08041C0564G, which has an effective date of December 7, 2018.

4. Drainage and Erosion

The property is located in the Curtis Ranch drainage basin (CHWS1000) and Jimmy Camp Creek drainage basin (FOFO2000). The Curtis Ranch drainage basin is an unstudied basin and has no applicable drainage or bridge fees. Jimmy Camp Creek drainage basin is an unstudied basin and is included in the El Paso County Drainage Basin Fee program. Drainage fees in the amount of $5,667.95 and bridge fees in the amount of $265.22, and surety fees in the amount of $2,163.65 for Jimmy Camp Creek drainage basin shall be paid at the time of final plat recordation.

Stormwater runoff within the Curtis Ranch drainage basin generally drains to the north. Stormwater runoff is conveyed by roadside ditch and continue to flow offsite. Stormwater runoff within the Jimmy Camp Creek drainage basin generally drains to the south consistent with the historic drainage pattern.

The lots within The Reserve at Corral Bluffs Filing No. 5 are excluded from permanent water quality per the Engineering Criteria Manual Appendix I Section I.7.1 since these are single family residential lots greater than 2.5 acres in size and are assumed to have a total lot impervious area of less than 10 percent. All the necessary drainage and erosion control measures were approved and are currently under construction as part of The Reserve at Coral Bluffs Filing No. 3.

The drainage letter concludes that “implementation and maintenance of proper drainage and erosion control measures will ensure that this development has no significant adverse drainage impact on downstream properties.”

5. Transportation

The El Paso County 2016 Major Transportation Corridors Plan Update does not depict any roadway improvement projects in the immediate vicinity of the development.

The subdivision is accessed via Solberg Court, which is currently under construction as part of The Reserve at Coral Bluffs Filing No. 3. No infrastructure improvements are proposed with this subdivision.

Lots within the subdivision are subject to the El Paso County Road Impact Fee Program (Resolution 19-471). Fees for each lot shall be paid in full at the time of building permit issuance.

H. SERVICES

1. Water

Water will be provided by individual onsite wells.

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney’s summary: The State Water Engineer’s Office has made a recommendation regarding a finding of adequacy and has stated 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. El Paso County Public Health has made a recommendation regarding a finding of sufficiency for water quality (to be provided at the hearing) and has no outstanding comments.

2. Sanitation

Individual onsite wastewater treatment systems (OWTS) are proposed to serve the residential lots.

3. Emergency Services

The property is within the Falcon Fire Protection District. The District was sent a referral and has no outstanding comments. The District is requiring installation of a 30,000-gallon cistern as a part of the public improvements for the recently

approved Reserve at Corral Bluffs Filing No. 3 (PCD File No. SF-20-007), to supply fire suppression for Filing No. 3 and all future filings, including this proposing filing, Filing No. 5.

4. **Utilities**
   Mountain View Electric Association will provide electrical service. The parcels are not located within the service area of a natural gas provider.

5. **Metropolitan Districts**
   The parcels are not located within a metropolitan district.

6. **Parks/Trails**
   The El Paso County Parks Master Plan (2013) does not depict any existing or planned parks or trails in vicinity of the parcels that would be directly impacted by the development. The City of Colorado Springs' Corral Bluffs Open Space borders the parcels to the south. Fees in lieu of park land dedication in the amount of $3,736.00 for regional fees (Area 4) will be due at the time of recording the final plat. Urban park fees are not applicable with this project.

7. **Schools**
   Fees in lieu of school land dedication in the amount of $1,920.00 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recordation.

I. APPLICABLE RESOLUTIONS

Approval Page 19
Disapproval Page 20

J. STATUS OF MAJOR ISSUES

There are no major issues at this time.

K. RECOMMENDED CONDITIONS AND NOTATIONS

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

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.

2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.

3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.

4. The applicant shall submit the Mylar to Enumerations for addressing.

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

6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.

7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the final plat.

8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.

9. The subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee

obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

10. Park fees in lieu of land dedication for regional parks (Area 4) in the amount of $3,736.00 shall be paid at the time of plat recordation. Urban park fees are not applicable with this project.

11. Fees in lieu of school land dedication in the amount of $1,920.00 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recording.

12. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

13. Drainage fees in the amount of $5,667.95, bridge fees in the amount of $265.22, and surety fees in the amount of $2,163.65 for Jimmy Camp Creek drainage basin (FOFO2000) shall be paid to El Paso County at the time of final plat recordation.

NOTATIONS

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

2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified six (6) adjoining property owners on August 18, 2021, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Plat Drawing
State Engineer's Letter (2013 & 2021)
County Attorney's Letter
El Paso County Public Health Recommendation Letter

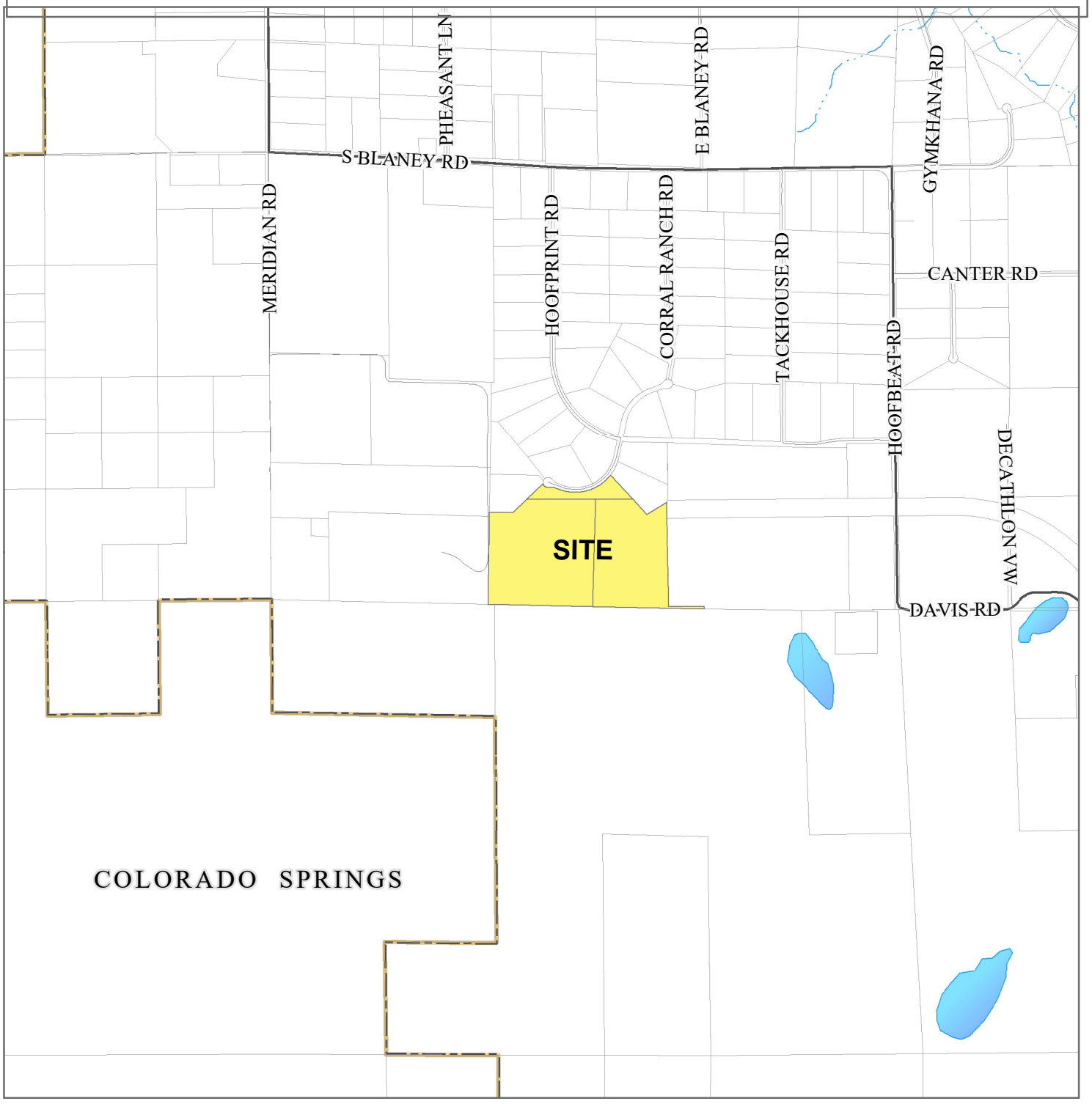
El Paso County Parcel Information

PARCEL	NAME
4331000027	
4331000028	
4331000026	CORRAL RANCHES DEV CO

File Name: SF-20-012

Zone Map No. --

Date: August 17, 2021



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

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LETTER OF INTENT

September 1, 2020
April 10, 2020

RE: THE RESERVE @ CORRAL BLUFFS FILING NO. 5, FINAL PLAT APPLICATION, EA19202

PARCEL NUMBERS: 4331000026, 4331000025, 4331000017

OWNER / DEVELOPER / APPLICANT

Corral Ranches Development Company
Howard J. Kunstle, President
1830 Coyote Point Dr.
Colorado Springs, CO. 80904-1000

CONSULTANTS

Land Resource Associates, c/o David Jones
9735 Mountain Road
Chipita Park, CO 80809
719.684.2298
chipita1@comcast.net

JPS Engineers, John Schwab, Principal Engineer
19 East Willamette Ave.
Colorado Springs, CO 80903
719.477.9429
john@jpsengr.com

LSC Transportation Consultants, Inc., Jeff Hodsdon, Principal Engineer
545 East Pikes Peak Ave., Suite 210
Colorado Springs, CO 80903
719.633.2868
jeff@lsctrans.com

LWA LAND SURVEYING, Inc., Kevin O'Leary Owner
953 E. Fillmore St.
Colorado Springs, CO 80907
719.636.5179
kevin@lwalandsurveying.com

ENTECH ENGINEERING, Inc., Kristen Andrew-Hoeser, P.G.
505 Elkton Drive
Colorado Springs, CO. 80907
719.531.5599
jgoode@entechengineers.com

ERO RESOURCES CORP.
1842 Clarkson St.
Denver, CO. 80218
303.830.1188

SITE INFORMATION

The proposed Reserve @ Corral Bluffs subdivision Filing No. 5 is located within portions of the SW14 of the NE1/4 and the NW1/4 of the SW1/4 of Sec 32, T13S, R64W, 6th PM. More specifically, the property is located south of the existing Reserve at Corral Bluffs Filing No. 2 subdivision, north of the City of Colorado Springs' Corral Bluffs open space and north and west of the Waste Management land fill site. Vehicular access to the site is provided from the north and east via Hoofprint Rd. and Solberg Ct. Both roadways are 60' ROW gravel County Rural Residential roadway. The 60.99 acre site is currently zoned RR-5.

DEVELOPMENT REQUEST

The applicant is requesting a Final Plat approval for the Reserve @ Corral Bluffs subdivision Filing No. 5. The 60.99 acre parcel will facilitate the development of 8 single family residential lots at a minimum lot size of 5.0 acres each and one 19.50 open space tract to be retained by the Owner.

JUSTIFICATION FOR REQUEST

The proposed final plat is consistent with both the approved Reserve @ Corral Bluffs Preliminary Plan and existing RR-5 zoning. The application is also consistent with the goals, objectives and recommendations of the governing comprehensive plan.

The proposed Reserve @ Corral Bluffs subdivision is located within and governed by the Highway 94 Comprehensive Plan. The proposed subdivision is located within the northwest corner of the North Central Subarea No. 2 boundaries. The Comprehensive Plan recommends future development within this area to be 5.0 acre minimum single family residential lots.

EXISTING AND PROPOSED IMPROVEMENTS

Existing improvements within this parcel are related to past agricultural activities: vehicular access trails and fencing.

No proposed public improvements (roadways and drainage) will be required with the development of Filing No. 5 as all required public improvements were constructed during the development of Filing No. 2.

Water will be provided via individual on site wells operating under a State approve Water Replacement Plan. Waste water will be treated via individual on site septic systems. A home owners association will be formed to administer State required well water extraction reporting and property covenants and restrictions. No HOA owned common areas are proposed.

The property is located within the service area of Mountain View Electric Association, Qwest Communications, Falcon Fire Protection District and the Falcon School District.

CRITERIA FOR APPROVAL

In approving a final plat, the BoCC/PCD Staff shall find that:

- *The proposed subdivision is in general conformance with the goals, objectives and policies of the Master Plan;* The Reserve @ Corral Bluffs Preliminary Plan has been found by the BoCC/ PCD Staff to be generally consistent with the goals, objectives and policies of the Highway 94 Comprehensive Plan. As the Filing 5 Final Plat is consistent with the approved Preliminary Plan, Filing 5 can be found to be in general conformance with the Master Plan.

- *The subdivision is in substantial conformance with the approved Preliminary Plan;* The Filing No. 5 Final Plat accurately reflects the previously approved amended 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;* Compliance with subdivision design standards, regulations and requirements is documented and ensured through the various State and County departmental and agency review responses.

- *A sufficient water supply has been acquired in terms of quantity, quality and dependability complying with all State and County water supply standards;* Water will be provided via individual on site wells. See applicant submitted Water Resource Report, water quality testing and Water Replacement Plan. Also see County Health Department letter regarding water quality testing, the County Attorney's letter regarding the proposed water supply and the State Engineer's letter regarding the proposed water supply.

- *A public sewage disposal system has been established complying with all State and County sewage disposal system standards;* Waste water treatment will be provided via individual on-site septic systems. See Entech Engineering's On-site Wastewater Treatment Report.

- *All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions.* No areas containing soil hazards or requiring special precautions, including areas in excess of 30% slope, are located of the proposed building sites or roadways. See Entech Engineering's Soils, Geology and Geologic Hazards Report on file.

- *Adequate drainage improvements complying with State law and the requirements of this Code and the ECM are provided by the design;* See JPS Engineering's Drainage Report as approved by PCD staff.

- *Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easements, acceptable to the County in compliance with this Code and the ECM;* All proposed lots have direct physical and legal vehicular access onto proposed dedicated public right-of-ways. See approved Preliminary Plan and Final Plat.

- *Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;* Police protection for the Reserve @ Corral Bluffs Filing No. 5 subdivision will be provided by the El Paso County Sheriff's Office. The subdivision is located within and will be serviced by the Falcon Fire Protection District (see service commitment letter). Electric service will be provided by Mountain View Electric Association (see utility service commitment letter). The public vehicular circulation network has been designed to provide safe and convenient vehicular circulation to and throughout the subdivision (see LSC's Traffic Impact Memorandum). Neighborhood recreational opportunities are provided via the individual 5.0 acre lot sizes. Regional recreational opportunities are provided by nearby County Regional Parks. Open space is provided by the nearby City of Colorado Springs Corral Bluffs Open Space.

- *The subdivision provides evidence to show that the proposed methods of fire protection comply with Chapter 6 of the Land Development Code;* Per Fire District regulations and County Code requirements, installation of a 30,000 gallon fire water cistern is included within Filing No. 3's public improvements. This cistern is sized and located to facilitate fire water protection needs of the entire Reserve @ Corral Bluffs community. The Corral Bluffs Property Owners Association has integrated wildfire hazards mitigation measures into their communities Covenants and Restrictions. In addition, the developer has provided a fire break system via the subdivision's

roadway system (see Fire Protection Report, District Service Commitment Letter and District application review response).

- *Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;* Off-site impacts generated by the development of Filing No. 5 are primarily related to traffic impacts including off-site roadway and intersection capacities and improvements required to mitigate any identified capacity deficiencies (see LSC's Traffic Memorandum).

- *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;* Construction of all Filing No. 5 required public improvements was accomplished in the development of Filing No. 2.

- *The proposed subdivision meets other applicable sections of Chapter 6 and 8 of the Land Development Code;* Chapter 6 of the LDC deals with general development standards while Chapter 8 deals with subdivision design, improvements and dedication standards. Compliance with these standards is documented and ensured through the various State and County departmental and agency review responses.

- *The extraction of any know commercial mining deposit shall not be impeded by this subdivision;* As documented within the Entech Engineering Soils, Geology and Geologic Hazards Report (on file), there are no know commercially viable mineral deposits within the subdivision.

SUPPLEMENTAL INFORMATION

The developer proposes to pay fees in lieu of land dedication for school and park dedication requirements.

There are no slopes exceeding 30% within the proposed building areas or road ROWs.

All lots within this subdivision are subject to transportation impact fees in accordance with the El Paso County Road Impact Fee Program (Resolution No. 19-471), as amended, at the time of building permit application. The Road Impact Fees will be paid on a per lot basis by each individual residential building contractor at the time of building permit application. Lot purchasers will be notified of the fee requirement via plat notes which will in turn be included within future property title commitments.

No waivers to the El Paso County Land Development Code or deviations to the El Paso County Engineering Criteria Manual are proposed within this application.

September 1, 2020

RESPONSE TO LOI REDLINE COMMENTS

In his Jun 2, 2020 review of the Apr 10, 2020 Reserve at Corral Bluffs Fil 5 Letter of Intent, the Project Manager provided two redline comments as follows:

Pg 2, DEVELOPMENT REQUEST – *Please include discussion as to why some lots are different than depicted on the approved Preliminary Plan.*

Pg 3, CRITERIA FOR APPROVAL (substantial conformance with approved Preliminary Plan) – *Does not accurately reflect, provide justification of the difference.*

APPLICANT RESPONSE

The applicant believes that the reviewer is incorrect in his evaluation of the Fil 5 Final Plat's consistency with the approved Preliminary Plan.

Final Plats, by their nature, are not intended to be exact copies of the Preliminary Plan as they are survey documents rather than land planning documents. Minor differences in property line lengths are not only common, they are expected. The only real question is the scope of the variation, not the variation itself.

Attached is an overlay drawing which includes the Final Plat (in black) superimposed over the Prel Plan (colored). As illustrated, there are no *substantial* variations between the lot geometrics, lot line lengths or lot areas which would indicate that the Final Plat is not in substantial compliance with the Preliminary Plan.

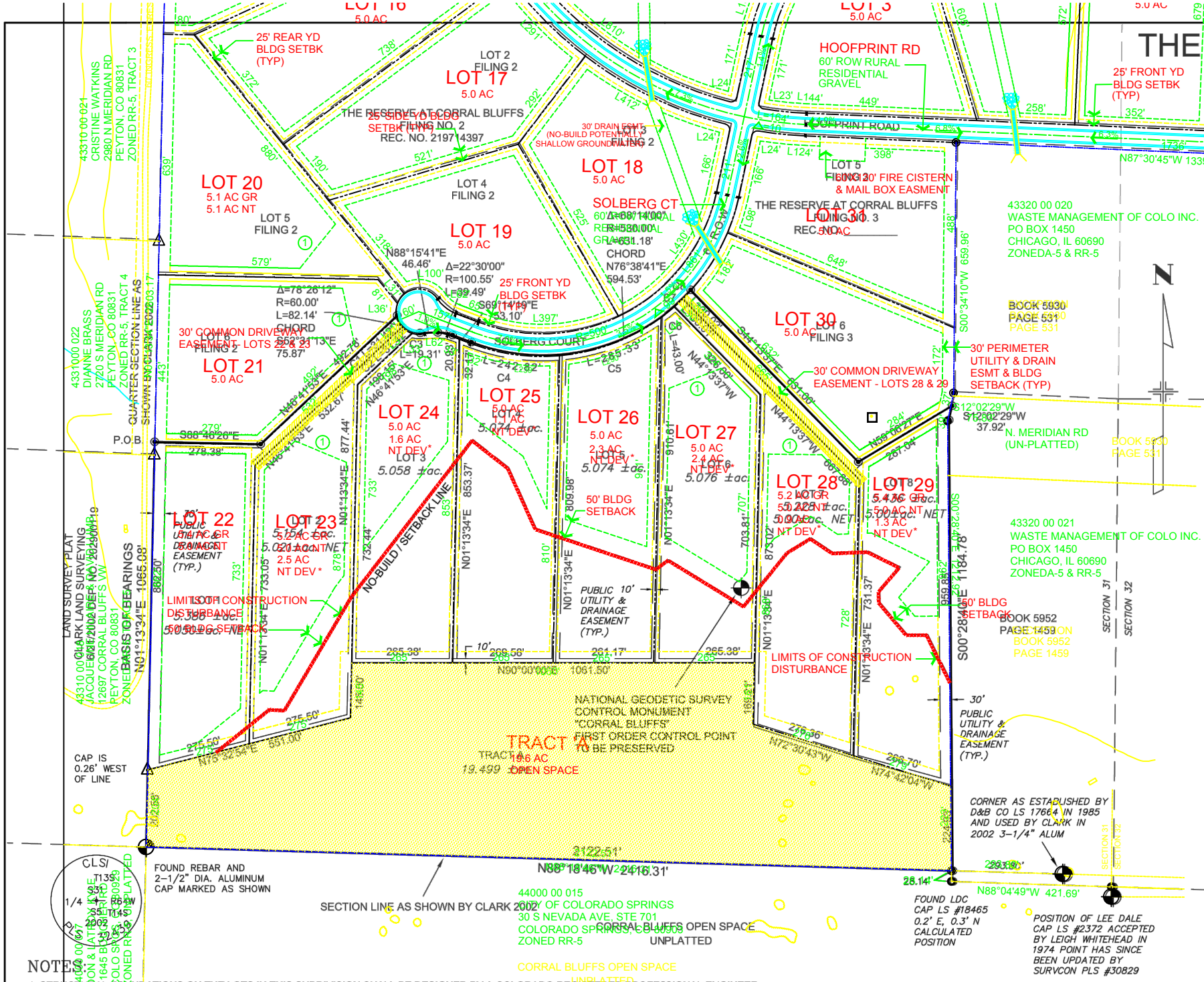
Also attached is a table which evaluates minor discrepancies in 7 lot line dimensions within Filing 5 which are not within normal dimensioning rounding variations. The average lot line discrepancy is only 1.3%, well within industry standards for variations between surveyed Final Plats and Preliminary Plans.

Note that one lot line (FP Lot 8 / PP Lot 29) has a variation of - 4.4%. This single large variation, with no corresponding drawing overlay variance, indicates a drafting error in the line dimension (Typo). Without this typo error, the average lot line discrepancy is actually 0.78%.

THE RESERVE AT CORRAL BLUFFS FIL 5
LOT LINE DIMENSION VARATION TABLE

PREL PLAN LOT NO.	FINAL PLAT LOT NO.	LOT LINE ORIENT.	PREL PLAN DIM	FINAL PLAT DIM	DIM VARIATION	PERCENT VARIATION	
4	25	south	265	269.58	-4.58	-1.73%	
5	26	south	265	261.71	3.29	1.24%	
8	29	south	279	266.70	12.3	4.41%	*
6	27	east	707	703.81	3.19	0.45%	
7	28	south	868	873.20	-5.2	-0.60%	
8	29	west	728	731.37	-3.37	-0.46%	
8	29	east	962	959.85	2.15	0.22%	
					Average	1.30%	

* Indicates Prel Plan dimension typo error



CLS/
T13S
S31
1/4 4 R64W
S5 T14S
2002
T2S R65W

NOTES:

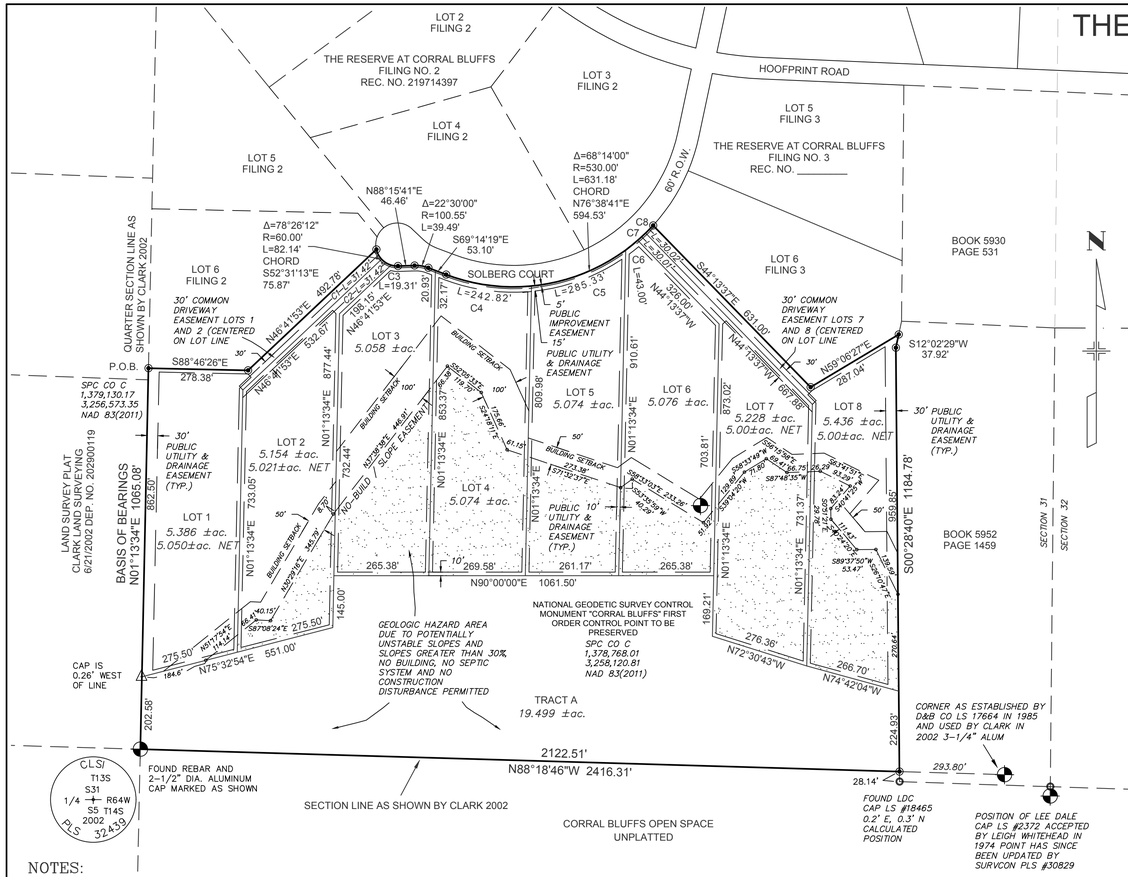
1. STRUCTURAL FOUNDATIONS ON THE LOTS IN THIS SUBDIVISION SHALL BE DESIGNED BY A COLORADO REGISTERED PROFESSIONAL ENGINEER.

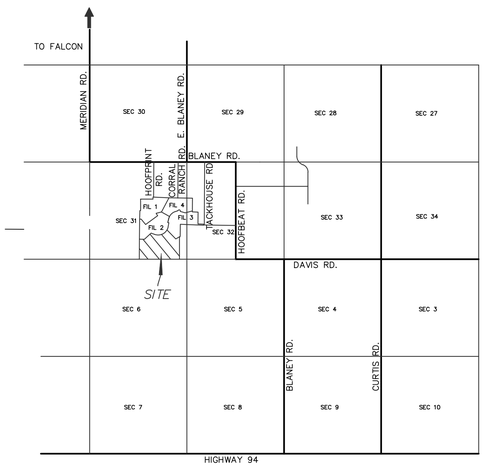
2. INDIVIDUAL WELLS ARE THE RESPONSIBILITY OF EACH PROPERTY OWNER. PERMITS FOR INDIVIDUAL WELLS MUST BE OBTAINED FROM THE STATE ENGINEER WHO BY LAW HAS THE AUTHORITY TO SET CONDITIONS FOR THE ISSUANCE OF THESE PERMITS.

3. SEWAGE TREATMENT IS THE RESPONSIBILITY OF EACH INDIVIDUAL PROPERTY OWNER. THE EL PASO COUNTY HEALTH DEPARTMENT MUST APPROVE EACH SYSTEM. DUE TO AREAS THAT MAY NOT BE SUITABLE FOR SEPTIC SYSTEMS AS IDENTIFIED IN THE WASTE WATER STUDY INCLUDED IN THE SOIL AND GEOLOGY REPORT, AN ENGINEERED SEPTIC SYSTEM MAY BE REQUIRED.

THE RESERVE AT CORRAL BLUFFS FILING NO. 5

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 31
TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M.
EL PASO COUNTY, COLORADO





GRAPHIC SCALE

200 0 100 200 400 800

(IN FEET)
1 inch = 200 ft.

NOTES:

1. STRUCTURAL FOUNDATIONS ON THE LOTS IN THIS SUBDIVISION SHALL BE DESIGNED BY A COLORADO REGISTERED PROFESSIONAL ENGINEER.

2. 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. WATER TO BE PROVIDED VIA INDIVIDUAL ONSITE WELLS OPERATED THROUGH A STATE APPROVED WATER REPLACEMENT PLAN.

3. SEWAGE TREATMENT IS THE RESPONSIBILITY OF EACH INDIVIDUAL PROPERTY OWNER. THE EL PASO COUNTY HEALTH DEPARTMENT MUST APPROVE EACH SYSTEM. DUE TO AREAS THAT MAY NOT BE SUITABLE FOR SEPTIC SYSTEMS AS IDENTIFIED IN THE WASTE WATER STUDY INCLUDED IN THE SOIL AND GEOLOGY REPORT, AN ENGINEERED SEPTIC SYSTEM MAY BE REQUIRED.

4. THE FOLLOWING REPORTS ARE ON FILE AT THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT: SOIL AND GEOLOGY STUDY, DRAINAGE REPORT, WATER RESOURCES REPORT, EROSION CONTROL, TRAFFIC IMPACT STUDY AND PRELIMINARY PLAN SP12-001.

5. ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGH THEIR PROPERTY. PUBLIC DRAINAGE EASMENTS 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 OR RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENTS. DRAINAGE EASEMENTS ARE "NO-BUILD" AREAS IN THEIR ENTIRETY.

6. MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY AND UNITED STATES POSTAL SERVICE REGULATIONS.

7. THE OWNER, ITS SUCCESSORS AND ASSIGNS SHALL ADVISE THE HOME OWNERS ASSOCIATION AND ALL FUTURE OWNERS OF THESE LOTS OF ALL APPLICABLE REQUIREMENTS OF THE DETERMINATION OF WATER RIGHT NO. 516-BD AND 517 BD.

8. 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, THE HOMEOWNERS 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.

9. THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE THE RESERVE AT CORRAL BLUFFS FILING NO. 5 IS RECORDED AT RECEPTION NO. 219104585 OF THE RECORDS OF THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDER.

10. INDIVIDUAL LOT PURCHASERS ARE RESPONSIBLE FOR CONSTRUCTING DRIVEWAYS, INCLUDING NECESSARY DRAINAGE CULVERTS FROM SOLBERG COURT 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 FALCON FIRE DISTRICT.

11. THE 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 DEPARTMENT OF WILDLIFE, COLORADO DEPARTMENT OF TRANSPORTATION, U.S. ARMY CORP. OF ENGINEERS, THE U.S. FISH AND WILDLIFE SERVICE REGARDING THE ENDANGERED SPECIES ACT.

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

13. INDIVIDUAL PROPERTY OWNERS WITHIN THIS SUBDIVISION ARE SUBJECT TO ROAD IMPACT FEES IN ACCORDANCE WITH THE EL PASO COUNTY IMPACT FEE PROGRAM RESOLUTION (RESOLUTION 19-471) AS AMENDED. FEES FOR EACH LOT WITHIN THIS SUBDIVISION SHALL BE PAID IN FULL AT THE TIME OF BUILDING PERMIT ISSUANCE.

14. ALL STREETS WITHIN THIS SUBDIVISION TO BE GRAVEL SURFACED. THE STREETS WILL REMAIN GRAVEL SURFACED AND WILL NOT BE PAVED AT COUNTY EXPENSE.

15. NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY. INDIVIDUAL LOT PURCHASERS ARE RESPONSIBLE FOR CONSTRUCTING DRIVEWAYS, INCLUDING THE NECESSARY CULVERTS.

16. THIS PROPERTY IS LOCATED WITHIN ZONE X "AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN" AS DETERMINED BY THE FLOOD INSURANCE RATE MAP NUMBER 08041C0780G AND 08041C0564G, DATED DECEMBER 7, 2018.

17. GEOLOGIC HAZARDS NOTE: LOTS 1 THROUGH 8 AND TRACT A HAVE BEEN FOUND TO BE PARTIALLY IMPACTED BY GEOLOGIC HAZARDS DUE TO POTENTIALLY UNSTABLE SLOPES AND SLOPES GREATER THAN 30%. NO BUILDING, NO SEPTIC SYSTEM AND NO CONSTRUCTION DISTURBANCE IS PERMITTED WITHIN THE AREAS OF IDENTIFIED GEOLOGIC HAZARDS. SEE FINAL PLAT DRAWING AND THE RESERVE AT CORRAL BLUFFS SOILS, GEOLOGY, GEOLOGIC HAZARDS STUDY PREPARED BY ENTECH ENGINEERS DATED DECEMBER 11, 2019 IN FILE SP209 AVAILABLE AT THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT.

18. SEPTIC SYSTEMS NOTE: NO SEPTIC SYSTEMS ARE PERMITTED WITHIN THE 50'/100' REAR BUILDING SETBACKS ON LOTS 1 THROUGH 8.

19. TRACT A IS DEDICATED AS OPEN SPACE WITH OWNERSHIP AND MAINTENANCE BEING RETAINED BY THE OWNER, CORRAL RANCHES DEVELOPMENT CO INC.

20. THE INCREASED BUILDING SETBACKS IDENTIFIED ON LOTS 1 THROUGH 8 ARE MITIGATION TECHNIQUE RECOMMENDATIONS FOUND IN THE ENTECH ENGINEERING SOILS, GEOLOGY, GEOLOGIC HAZARDS AND WASTE WATER REPORT DATED JANUARY 30, 2012 FOR UNSTABLE SLOPES AND ARE NOT ELIGIBLE FOR A BUILDING ENCROACHMENT OR DIMENSIONAL STANDARD RELIEF.

EASEMENTS:

UNLESS SHOWN GREATER IN WIDTH; SIDE AND REAR LOT LINES ARE HEREBY PLATTED WITH A TEN (10) FOOT EASEMENT FOR DRAINAGE AND PUBLIC UTILITIES ONLY; FRONT LOT LINES ARE HEREBY PLATTED WITH A FIFTEEN (15) FOOT EASEMENT FOR DRAINAGE AND PUBLIC UTILITIES AND A FIVE (5) FOOT EASEMENT FOR PUBLIC IMPROVEMENTS ONLY; THE PLAT BOUNDARY IS HEREBY PLATTED WITH A THIRTY (30) FOOT EASEMENT FOR DRAINAGE AND PUBLIC UTILITIES ONLY. THE SOLE RESPONSIBILITY FOR MAINTENANCE OF THE EASEMENT AREAS IS VESTED WITH THE PROPERTY OWNERS.

NOTES:

- ○ *FOUND A 5/8" DIAMETER REBAR AND A 1-1/2" DIAMETER ALUMINUM CAP "LW PE & LS 2692" OR AS NOTED*
- △ *FOUND A 1/2" DIAMETER REBAR AND PLASTIC CAP "CLSI LS 32439"*
- ◉ *SET A 5/8" DIAMETER REBAR, 18" IN LENGTH, WITH A 1-1/2" DIAMETER ALUMINUM CAP "LWA PLS 28658"*
- ⊕ *FOUND ALIQUOT CORNER AS SHOWN*

THE BASIS OF BEARINGS FOR THIS SUBDIVISION IS THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 31, N11°13'34"E – 1065.08', THE DIRECTION IS BASED ON THE RESERVE AT CORRAL BLUFFS FILING NO. 2 PLAT THE LINE IS MONUMENTED AS SHOWN.

RESEARCH FOR RECORDED RIGHTS OF WAY AND EASEMENTS WAS DONE BY LAND TITLE GUARANTEE COMPANY, ORDER NO. SC55034293-1, DATED AUGUST 4, 2011.

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	DIRECTION	CHORD
C1	Δ=30°00'00"	60.00'	31.42'	S28°18'07"E	31.06'
C2	Δ=30°00'00"	60.00'	31.42'	S58°18'07"E	31.06'
C3	Δ=18°26'12"	60.00'	19.31'	S82°31'13"E	19.22'
C4	Δ=26°15'00"	530.00'	242.82'	S82°21'49"E	240.70'
C5	Δ=30°50'44"	530.00'	285.33'	N69°05'19"E	281.90'
C6	Δ=4°38'53"	530.00'	43.00'	N51°20'31"E	42.98'
C7	Δ=3°14'41"	530.00'	30.01'	N47°23'44"E	30.01'
C8	Δ=3°14'42"	530.00'	30.02'	N44°09'02"E	30.01'

"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."

SURVEYOR'S CERTIFICATION:

I, KEVIN M. O'LEARY, 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 THE SURVEY, BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MOUNUMENTS EXIST AS SHOWN HEREON; THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:10,000; AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO DEALING WITH MONUMENTS, SUBDIVISION, OR SURVEYING OF LAND AND ALL APPLICABLE PROVISIONS OF THE EL PASO COUNTY LAND DEVELOPMENT CODE.

I ATTEST THE ABOVE ON THIS ___ DAY OF _____, 2020.

_____ _____
KEVIN M. O'LEARY DATE
COLORADO REGISTERED PLS #28658
FOR AND ON BEHALF OF
LWA LAND SURVEYING, INC.

BE IT KNOWN BY THESE PRESENTS:

THAT CORRAL RANCHES DEVELOPMENT CO INC, HOWARD J. KUNSTLE, PRESIDENT IS THE OWNER OF THE FOLLOWING DESCRIBED TRACT OF LAND, TO WIT:

A TRACT OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 31, T13S, R64W OF THE 6th P.M, EL PASO COUNTY, COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 6, THE RESERVE AT CORRAL BLUFFS SUBDIVISION FILING NO. 2 AS SHOWN ON THE SUBDIVISION PLAT THEREOF RECORDED AT RECEPTION NUMBER 219714397 OF THE EL PASO COUNTY RECORDS;
THENCE S88°46'26"E ON THE SOUTH LINE OF LOT 6 A DISTANCE OF 278.38 FEET;
THENCE N46°41'53"E ON THE EAST LINE OF LOT 6 A DISTANCE OF 492.78 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF SOLBERG COURT AS PLATTED BY SAID SUBDIVISION;
THE FOLLOWING FIVE (5) COURSES ARE ALONG THE SOUTHERLY RIGHT OF WAY OF SAID SOLBERG COURT;
1. THENCE SOUTHEASTERLY ON THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 60.00 FEET, THROUGH A CENTRAL ANGLE OF 78°26'12", AN ARC DISTANCE OF 82.14 FEET, THE LONG CHORD OF WHICH BEARS S52°31'13"E A DISTANCE OF 75.87 FEET;
2. THENCE N88°15'41"E A DISTANCE OF 46.46 FEET;
3. THENCE SOUTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.55 FEET, THROUGH A CENTRAL ANGLE OF 22°30'00", AN ARC DISTANCE OF 39.49 FEET;
4. THENCE S69°14'19"E A DISTANCE OF 53.10 FEET;
5. THENCE NORTHEASTERLY ON THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 530.00 FEET, THROUGH A CENTRAL ANGLE OF 68°14'00", AN ARC DISTANCE OF 631.18 FEET TO THE MOST WESTERLY CORNER OF LOT 6, THE RESERVE AT CORRAL BLUFFS SUBDIVISION FILING NO. 3;
THENCE S44°13'37"E ON THE SOUTHWESTERLY LINE OF SAID LOT 6 A DISTANCE OF 631.00 FEET;
THENCE N59°06'27"E ON THE SOUTHEASTERLY LINE OF SAID LOT 6 A DISTANCE OF 287.04 FEET TO A POINT ON THE NORTHWESTERLY LINE OF THE TRACT DESCRIBED IN BOOK 5952 AT PAGE 1459 OF SAID EL PASO COUNTY RECORDS;
THENCE S12°02'29"W ON THE WESTERLY LINE OF SAID TRACT A DISTANCE OF 37.92 FEET TO AN ANGLE POINT THEREON;
THENCE S00°28'40"E CONTINUING ON SAID WESTERLY LINE A DISTANCE OF 1184.78 FEET TO INTERSECT THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 31 AS SHOWN ON THE LAND SURVEY PLAT PREPARED BY CLARK LAND SURVEYING IN JUNE OF 2002 AND DEPOSITED IN THE RECORDS OF THE EL PASO COUNTY LAND SURVEY PLATS UNDER RECEPTION NO. 202900119;
THENCE N88°18'46"W ON SAID SOUTH LINE OF THE SOUTHEAST QUARTER A DISTANCE OF 2122.51 FEET TO THE SOUTHWEST CORNER THEREOF AS MONUMENTED BY A 2-1/2" DIAMETER ALUMINUM CAP LS #32439;
THENCE N01°13'34"E ON THE WEST LINE OF SAID SOUTHEAST QUARTER AS SHOWN ON SAID LAND SURVEY PLAT A DISTANCE OF 1065.08 FEET TO THE POINT OF BEGINNING OF THE TRACT DESCRIBED HEREIN.

THE DESCRIBED TRACT CONTAINS 60.986 ACRES, MORE OR LESS.

OWNERS CERTIFICATE

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS IN THE LAND DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LANDS INTO LOTS, STREETS AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF THE RESERVE AT CORRAL BLUFFS FILING NO. 5. ALL PUBLIC IMPROVEMENTS REQUIRED BY THIS LAND USE ACTION ARE HEREBY DEDICATED TO PUBLIC USE AND SAID OWNER DOES HEREBY COVENANT AND AGREE THAT THESE PUBLIC IMPROVEMENTS WILL BE CONSTRUCTED TO EL PASO COUNTY STANDARDS AND THAT PROPER DRAINAGE AND EROSION CONTROL FOR THE SAME WILL BE PROVIDED AT SAID OWNER'S EXPENSE, ALL TO THE SATISFACTION OF THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO. UPON ACCEPTANCE BY RESOLUTION, ALL PUBLIC IMPROVEMENTS SO DEDICATED WILL BECOME MATTERS OF MAINTENANCE BY EL PASO COUNTY, COLORADO. THE UTILITY EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES, 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.

IN WITNESS WHEREOF:

THE AFOREMENTIONED CORRAL RANCHES DEVELOPMENT CO. INC., HAS EXECUTED THIS INSTRUMENT THIS _____ DAY OF_____ 2020.

_____
CORRAL RANCHES DEVELOPMENT CO INC.
HOWARD J. KUNSTLE, PRESIDENT

NOTARIAL:

STATE OF COLORADO) SS
COUNTY OF EL PASO)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2020 BY HOWARD J. KUNSTLE, PRESIDENT CORRAL RANCHES DEVELOPMENT CO. INC.

MY COMMISSION EXPIRES: _____ _____
NOTARY PUBLIC

BOARD OF COUNTY COMMISSIONERS APPROVAL:

THIS PLAT FOR THE RESERVE AT CORRAL BLUFFS FILING NO. 5 WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS ON THIS ___ DAY OF _____, OF 2020, 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.

_____
CHAIR, BOARD OF COUNTY COMMISSIONERS DATE

_____
DIRECTOR PLANNING AND COMMUNITY DEVELOPMENT DATE

RECORDING:

STATE OF COLORADO) SS
COUNTY OF EL PASO)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT MY OFFICE AT _____ O'CLOCK ___ M., THIS ____ DAY OF _____, 2020, AND IS DULY RECORDED AT RECEPTION NO. _____ OF THE RECORDS OF EL PASO COUNTY, COLORADO.

CHUCK BROERMAN

BY: _____
COUNTY CLERK AND RECORDER

FEE: _____

SURCHARGE: _____

FEES:

DRAINAGE FEES: _____

BRIDGE FEES: _____

SCHOOL FEES: _____

PARK FEES: _____

REV. NOVEMBER 11, 2020
FILE NO. SF-20-012

PREPARED BY
LWA LAND SURVEYING, INC.
953 E. FILLMORE STREET
COLORADO SPRINGS, COLORADO 80907
Phone (719) 636-5179

RESERVE AT CB FIL 3.DWG
JULY 20, 2020
PROJECT 1103.2
SHEET__1__OF__1__

Subdivision #23247

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF WATER RESOURCES

John W. Hickenlooper
Governor

Mike King
Executive Director

Dick Wolfe, P.E.
Director/State Engineer

June 4, 2013

Kari Parsons
DSDcomments@elpasoco.com

RE: Reserve at Corrall Bluffs – Preliminary Plan; SP-12-001
Reserve at Corrall Bluffs – Filing 1, Final Plat; SF-13-006
Sections 31 & 32, T13S, R64W, 6th P.M.
Water Division 8, Water District 10

Dear Ms. Parsons:

This current March 9, 2013 submittal answers questions in our previous letter dated April 13, 2012 regarding which water rights are relied upon for on-lot wells, allowing this office to revise our opinion of the entire Preliminary Plan – SP-12-001. Your March 9, 2013 submittal is also for a final plat of the first filing within the Reserve at Corral Bluffs Preliminary Plan.

The March 12, 2012 Preliminary Plan submittal proposed to subdivide 186.38 acres into 31 residential lots comprised of 5+ acres. The March 9, 2013 submittal proposes the final plotting of 6 lots in Filing 1.

Water Supply Demand

According to the March 2012 submittal, the estimated water requirements are 0.50 acre-feet annually per lot, for in-house use in one single family dwelling, irrigation of 2,700 square feet of home lawn and garden, and the watering of four large domestic animals per lot. Water demand for 31 homes with 2,700 square-foot lawns and 4 horses each is calculated at 15.5 acre-feet per year according to the submitted Wm. Curtis Wells & Co. report dated November 28, 2011. This concurs with the submitted Water Supply Information Summary.

Source of Water Supply

The proposed source of water is individual on-lot wells producing from the not-nontributary (4% replacement) Arapahoe and Denver aquifers that will operate pursuant to Determination of Water Right nos. 516-BD and 517-BD, respectively.

The allowed average annual amount of withdrawal provided for in Determination of Water Right no. 516-BD is 55.1 acre-feet from the Arapahoe aquifer and for Determination of Water Right no. 517-BD is 31.5 acre-feet from the Denver aquifer. The allowed use of ground water for each well under this plan is domestic, livestock watering, irrigation, commercial and replacement supply.

The subdivision lies within the allowed place of use of Determination of Water Right nos. 516-BD and 517-BD, and the proposed uses are uses allowed by those Determinations.

According to the March 2013 submittal, in a letter dated April 9, 2013 from Land Resource Associates, Lots 1-21 will access either the Denver aquifer or the Arapahoe aquifer and Lots 22-31 will access only the Arapahoe aquifer.

The proposed source of water for this subdivision are bedrock aquifers in the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which this source will be a physically and economically viable source of water. According to 37-90-107(7)(a), C.R.S., "Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years." Based on this **allocation** approach, the annual amounts of water determined in 1940-BD are equal to one percent of the total amount, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

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

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

The State Engineer's Office does not have evidence regarding the length of time for which 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 allowed average annual amount of withdrawal of 55.1 acre-feet from the Arapahoe aquifer pursuant to 516-BD would be reduced to one third of that amount, or 18.4 acre-feet, and the allowed average annual amount of withdrawal of 31.5 acre-feet from the Denver aquifer pursuant to 517-BD would be reduced to one-third of that amount, or 10.5 acre-feet. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

The annual supply of 18.4 acre-feet from the Arapahoe aquifer is more than the annual demand of 15.5 acre-feet from the Arapahoe aquifer should all 31 lots utilize the Arapahoe aquifer. The annual supply of 10.5 acre-feet from the Denver aquifer would meet the annual demand of 10.5 acre-feet from the Denver aquifer should all of lots 1-21 utilize the Denver aquifer.

Applications for on lot well permits, submitted by an entity other than the current water right holder, must include evidence that the applicant has acquired the right to the portion of water being requested on the application.

State Engineer's Office Opinion

Based upon the above and pursuant to Sections 30-28-136(1)(h)(I) and 30-28-136(1)(h)(II), 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 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 on the subdivided land is greater than the annual amount of water required to supply existing water commitments and the demands of the proposed subdivision.

Our opinion is qualified by the following:

The Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the relevant determinations and well permits, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifer, 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 have any questions, please contact Justina P. Mickelson of this office.

Sincerely,

Keith Vander Horst

Keith Vander Horst, P.E.
Designated Basins Team Leader

cc: Division 2 Division Engineer
District 10 Water Commissioner
Upper Black Squirrel Creek GWMD

KVH/JPM: ReserveatCorralBluffs_2013April.doc

COLORADO
Division of Water Resources
Department of Natural Resources
Colorado Ground Water Commission

July 6, 2021

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

RE: The Reserves at Corral Bluffs (Filing 5)
Section 31 T13S, R64W, 6th P.M.
Water Division 2, Water District 10
Upper Black Squirrel Creek Designated Basin

Dear Ryan Howser:

We have reviewed the additional information submitted concerning the above referenced proposal for the subdivision of 60.99 acres into 8 single family lots and one open space tract as the fifth filing of the 31 lots of Reserves at Corral Bluffs Subdivision. This office previously responded to the above referral in letters dated May 28, 2020 and January 5, 2021, this letter supersedes the previous letters.

In a letter dated June 4, 2013 (copy attached) this office previously provided its opinion on the Preliminary Plan for all 31 lots of the entire Coral Bluffs Subdivision. Lots 1-8 of Filing 5 are lots 22-29 of the preliminary plan, based on the map submitted as part of the original Reserves at Corral Bluffs Subdivision water supply plan referral (copy attached).

As described in our June 4, 2013 letter and the Water Supply Information Summary submitted with the referral information, each lot has a water demand of 0.50 acre-foot per year to supply one single-family dwelling, irrigation of 2,700 square feet of home lawn and garden, and watering of four large domestic animals. As described in our June 4, 2013 letter, Lots 22-31 of the preliminary plan (of which Lots 1-8 of this Filing 5 are a part) were proposed to utilize individual on lot wells producing from the Arapahoe Aquifer (pursuant to Determination of Water Right no. 517-BD). According to the Water Supply Information Summary Sheet Submitted, the lots will be withdrawing groundwater from the Arapahoe aquifer.

Our opinions as conveyed in our June 4, 2013 letter remain in effect.

If you, or the applicant, have any questions please contact Ailis Thyne at 303-866-3581 x8216.

Sincerely,

Joanna Williams, P.E.
Water Resources Engineer

Ec: Subdivision File 27158

Reserve at Coral Bluffs_5_7-1-21.docx

EL PASO COUNTY

OFFICE OF THE COUNTY ATTORNEY
CIVIL DIVISION

Diana K. May, County Attorney

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

July 29, 2021

SF-20-12 Reserve at Corral Bluffs Filing No. 5 (Final Plat)

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

FINDINGS AND CONCLUSIONS:

1. This is a proposal by Corral Ranches Development Company ("Applicant") for a final plat to permit development of 8 single-family dwellings and 1 tract of open space on 60.99 acres of land within the Reserve at Corral Bluffs subdivision (the "Property"). This request reflects the fifth filing within the Reserve at Corral Bluffs Preliminary Plan. The preliminary plan was previously approved to subdivide 186.38 acres of land into 31 single-family lots plus an open space tract. The Property is zoned RR-5 (Rural Residential).

2. The Applicant has provided for the source of water to derive from individual on-lot wells withdrawing from the not-nontributary Arapahoe aquifer pursuant to Colorado Ground Water Commission Determination of Water Right No. 516-BD ("Determination"). Applicant estimates its annual water needs to serve household use at 2.40 acre-feet/year (0.30 acre-feet per lot), plus irrigation of lawn and gardens at 1.24 acre-feet/year and watering of 4 large domestic animals on each lot at 0.36 acre-feet/year for a total of 4.0 acre-feet annually for the subdivision (0.5 acre-feet/lot). Based on Applicant's demand, Applicant must be able to provide a supply of 1,200 acre-feet of water (4.0 acre-feet/year x 300 years) to meet the County's 300-year water supply requirement.

3. The State Engineer's Office provided a letter dated July 6, 2021 in which they reviewed the proposal for 8 single-family lots on 60.99 acres identified as Reserve at Corral Bluffs Filing No. 5. The letter referred to previous correspondence dated June 4, 2013, in which they reviewed the Reserve at Corral Bluffs Preliminary Plan and the 6-

lot final plat for Filing 1. As noted in their earlier review, the State Engineer stated that the allowed average annual withdrawal under Determination of Water Right No. 516-BD (Arapahoe aquifer) is 55.1 acre-feet for a period of 100 years. Applying the County's 300-year rule, the reduced annual withdrawals would be 18.4 acre-feet from the Arapahoe aquifer as detailed in the table below. In their 2013 letter, the State Engineer's Office also identified water rights in the Denver aquifer; however, that water supply will not be used in this Filing No. 5.

Aquifer	Determination No.	Total acre-feet available	Acre-Feet available (100 years)	Acre-Feet available (300 years)
Arapahoe (NNT)	No. 516-BD	5510	55.1	18.4
Denver (NNT)	No. 517-BD	3150	31.5	10.5
Total		8,660 A/F	86.6 A/F	**28.9 A/F**

The overall preliminary plan project for Corral Bluffs encompasses a total of 31 lots. Applicant identified that Lots 1-21 would access either the Denver or Arapahoe aquifers and Lots 22-31 would access only the Arapahoe aquifer. The current 8 lots of Filing No. 5 reflects lots 22 through 29 of the preliminary plan. In the 2013 State Engineer's Office letter, they stated that the 18.4 acre-feet annual supply from the Arapahoe aquifer is more than the 15.5 acre-feet annual demand for all 31 lots in the preliminary plan if all 31 lots used the Arapahoe aquifer. The water demand is described as 0.50 acre-feet/year/lot for household use, irrigation, and stock watering. The State Engineer indicated its previous findings dated June 4, 2013 remain in effect. Based on the letter dated June 4, 2013, and pursuant to C.R.S. § 30-28-136(1)(h)(I) and (II), "it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights."

4. Colorado Ground Water Commission Determination 516-BD. Determination No. 516-BD was issued to Robert Solberg, HJK Family Partners, Ltd, and Corral Ranches Development Co. on June 16, 2004. The Determination provided that the annual amount of ground water to be withdrawn from the Arapahoe aquifer shall not exceed 55.1 acre-feet for a period of 100 years which equals a total water supply of 5,510 acre-feet (18.4 acre-feet for a period of 300 years). As noted in the Water Resources Report dated November 29, 2011, by Wm. Curtis Wells, CPG, "[s]ince the property is more than one mile from the aquifer/alluvium contact, no formal replacement plan is required, only that four percent of the water pumped is released to shallow sandy soils." The Determination states that the "use of ground water from this allocation shall be limited to the following uses: domestic, livestock watering, irrigation commercial and replacement supply." Finally, the Determination states that the "total combined annual

withdrawal of the wells shall not exceed the allowed average annual amount described in this Order."

5. Analysis: The combined allowed average annual amount of withdrawal for the entire 31 lots of the Reserve at Corral Bluffs preliminary plan is 15.5 acre-feet or 4,650 acre-feet total. There is a total water supply of 18.4 acre-feet from the Arapahoe aquifer alone. This proposal identifies that Filing No. 5 (lots 22 – 29 of the preliminary plan) will be supplied by Arapahoe aquifer water pursuant to Determination No. 516-BD. Based on the State Engineer's analysis, there is sufficient water for this Filing No. 5 to be served by the Arapahoe aquifer.

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

7. Therefore, based upon the State Engineer's finding that the proposed water supply is adequate and will not cause material injury, pursuant to Determination of Water Right No. 516-BD and based on the requirements listed below, the County Attorney's Office recommends a finding of sufficiency as to quantity and dependability. The El Paso County Health Department shall provide an opinion as to water quality.

REQUIREMENTS:

A. The County requires that for subdivisions of 4 lots or more, the Applicant shall create a homeowners' association ("HOA"). Applicant and its successors and assigns shall create restrictive covenants upon and running with the Property. The covenants shall advise and obligate future lot owners and their successors and assigns regarding all applicable requirements of Colorado Ground Water Commission Determination of Water Right No. 516-BD, including the 4% replacement requirements to be met by returning to the uppermost aquifer in the vicinity of the permitted points of withdrawal. The covenants shall also include their obligations to comply with the Determination and their responsibility for any metering and data collecting that may be required regarding water withdrawals from wells.

B. Applicant shall submit Declaration of Covenants, Conditions, and Restrictions to the Planning and Community Development Department and the County Attorney's Office prior to recording the final plat. Said Declarations shall cross-reference Determination of Water Right No. 516-BD and shall recite the obligations of the individual lot owners, and shall reference the water conveyance requirements for each lot as described in paragraph B above.

C. Applicant and their successors and assigns shall record all applicable documents including, but not limited to, Determination of Water Right No. 516-BD, agreements, assignments, and warranty deeds regarding the water rights, and

Declaration of Covenants in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

The covenants shall address the following:

1) Identify the water rights associated with the Property. Applicant or its successors and assigns shall reserve in the covenants and in any deeds of the Property the decreed amount of at least 0.50 acre-feet per lot annually and shall reserve a total decreed amount of at least 4.0 acre-feet/year of Arapahoe aquifer water for the 8 lots in the subdivision for 300 years for a total of 1,200 acre-feet. Said reservation shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for primary and replacement requirements. Applicant shall convey by recorded warranty deed these reserved Arapahoe aquifer water rights to the individual lot owners pursuant to Colorado Ground Water Commission Determination 516-BD. Applicant or its successors and assigns shall, at the time of lot sales, convey by warranty deed to individual lot owners sufficient water rights in the Arapahoe aquifer underlying the lots to satisfy El Paso County's 300-year water supply requirement. Arapahoe aquifer requirements for each lot are as follows: 150 acre-feet for each lot (0.5 acre-feet/year x 300 years). Said conveyance instruments shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for the primary and replacement requirements during pumping for the respective lots. Applicant shall provide said covenants or other such reservation instrument and form deeds for such conveyances that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney's Office prior to recording of the subdivision plat.

2) The following or similar language shall be included in the covenants to address future conveyances of the lots subsequent to the initial conveyance made by Applicant/Declarant: "The water rights referenced herein shall be explicitly conveyed; however, if a successor lot owner fails to so explicitly convey the water rights, such water rights shall be intended to be conveyed pursuant to the appurtenance clause in any deed conveying said lot, whether or not Colorado Ground Water Commission Determination 516-BD and the water rights are specifically referenced in such deed. The water rights so conveyed shall be appurtenant to the lot with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title."

3) The covenants shall advise future lot owners of this subdivision and their successors and assigns of their responsibility for any metering and data

collecting that may be required regarding water withdrawals from Arapahoe aquifer wells.

4) The covenants shall address amendments using the following or similar language:

> "Notwithstanding any provisions herein to the contrary, no changes, amendments, alterations, or deletions to these covenants may be made which would alter, impair, or in any manner compromise the water supply for the Reserve at Corral Bluffs subdivision pursuant to Colorado Ground Water Commission Determination 516-BD. Further, written approval of the proposed amendments must first be obtained from the El Paso County Planning and Community Development Department, and as may be appropriate, by the Board of County Commissioners, after review by the County Attorney's Office. Any amendments must be pursuant to a Determination from the Colorado Ground Water Commission, with prior notice to the El Paso County Planning and Community Development for an opportunity for the County to participate in any such adjudication."

5) The covenants shall address termination using the following language:

> "These covenants shall not terminate unless the requirements of Colorado Ground Water Commission Determination 516-BD are also terminated by order of the Commission, and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County."

6) 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. Applicant 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 Applicant and 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."

D. Prior to recording the final plat, Applicant shall upload to eDARP an updated Water Supply Information Summary ("WSIS") indicating water supply for Filing No. 5 will be provided by the Arapahoe aquifer pursuant to Colorado Ground Water Commission Determination 516-BD. Applicant shall also remove all inaccurate WSIS's from eDARP, including the letter dated September 1, 2020 indicating the subdivision will be supplied by both the Arapahoe and Denver aquifers.

CC. Ryan Howser, Planner II