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

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

RE: **Project File #: VR-18-010**
Project Name: Largent Subdivision Vacation and Replat
Parcel No.: 53124-01-008

OWNER:	**REPRESENTATIVE:**
D and D Management LLC 6485 Alibi Circle Colorado Springs, CO 80923	Hammers Construction, Inc. Lisa Peterson 1411 Woosley Heights Colorado Springs, CO 80915

Commissioner District: 2

Planning Commission Hearing Date:	7/17/2018
Board of County Commissioners Hearing Date	7/31/2018

EXECUTIVE SUMMARY

Hammers Construction, Inc., on behalf of D and D Management, LLC, property owner, requests approval of a vacation and replat for the Largent Subdivision to vacate a portion of the Falcon Plat and replat the property as a 1.17 acre commercial lot and a 0.05 acre tract to be dedicated to the County for future North Meridian Road right-of-way. The 1.22 acre property is zoned CC (Commercial Community) and is located at the southeast corner of the Highway 24 and North Meridian Road intersection and is within Section 7 Township 13, South, Range 64 and Section 12, Township 13 South, Range 65 West of the 6th P.M. and is within the boundaries of the Falcon Peyton Small

Area Plan (2008). The proposed final plat, if approved, will vacate and replat Lots 10 through 24, Block 23; and Lots 1 through 4, and 28 through 32, Block 24 of the Falcon plat.

The Largent Subdivision replat is consistent with the dimensional standards of the CC (Commercial Community) zoning district. The vacation and replat meets the submittal and review criteria well as the general development standards of Chapter 6, the vacation and replat review criteria of Chapter 7, and the subdivision design requirements of Chapter 8 of the El Paso County Land Development Code (2017).

Water and wastewater services will be provided by Woodmen Hills Metropolitan District. A finding of water sufficiency is requested with this request.

A. REQUEST/WAIVERS/AUTHORIZATION

Request: Hammers Construction, Inc., on behalf of D and D Management, LLC, property owner, requests approval of a vacation and replat for the Largent Subdivision to vacate a portion of the Falcon Plat and replat the property as a 1.17 acre commercial lot and a 0.05 acre tract to be dedicated to the County for future North Meridian Road right-of-way

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

Authorization to Sign: Final Plat (replat map), 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 replat, Section 7.2.3.C of the Code, the BOCC shall find that:

- The replat complies with this Code, and the original conditions of approval associated with the recorded plat;

- No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
- The replat is in keeping with the purpose and intent of this Code;
- The replat conforms to the required findings for a minor or major subdivision, whichever is applicable;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The approval will not adversely affect the public health, safety, and welfare; and
- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved.

D. LOCATION

North: CC (Commercial Community)	Bank and library
South: CC (Commercial Community)	Vacant
East: RR-5 (Residential Rural)	Vacant
West: C-2 (Commercial Obsolete)	Gas station and convenience store

E. BACKGROUND

The subject property was platted in September, 1888, as a portion of the original Falcon Plat. Multiple vacation of rights-of-way and alleys have occurred resulting in the current parcel configuration. The property was zoned (map amendment) A-4 (Agricultural) on September 2, 1965. The A-4 zoning district was renamed as the RR-3 (Residential Rural) zoning district in 1991 and then, in 2007, it was again renamed to the current name known as the RR-5 (Residential Rural) zoning district. The majority of the property was rezoned from the RR-5 to the C-4 (Commercial Neighborhood) zoning district on February, 1969. Nomenclature changes in the Code have renamed the C-4 zoning district to the PBP (Planned Business Park) zoning district and then to the CC (Commercial Community) zoning district. The property remained split zoned RR-5 and CC from 1969 to 2000. The southwestern portion of the subject property was then rezoned from RR-5 to CC (PBP-00-001) on March 9, 2000.

The staff report for the 2000 rezoning noted that Woodmen Hills Metropolitan District was anticipated to serve the development. The District has committed to provide water and wastewater services to the requested development. A finding of water sufficiency is requested with this request.

F. ANALYSIS

1. Land Development Code Compliance

This vacation and replat 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 (2017).

2. Zoning Compliance

The Largent Subdivision replat is consistent with the dimensional standards of the CC (Commercial Community) zoning district. A vehicle repair garage for Big O Tires will require a special use submittal and approval. It is anticipated at this time that the special use for the vehicle repair garage may be approved administratively. If the special use is approved, then approval of a site development plan will be required prior to initiating the use.

3. Policy Plan Analysis

A finding of consistency with the El Paso County Policy Plan (1998) was made with the most recently approved commercial rezoning in 2000 (PBP-00-001). For that reason, staff recommends this application for a vacation and replat is in conformance with the Policy Plan.

4. Small Area Plan Analysis

The property included within the proposed Largent Subdivision vacation and replat is located within the boundaries of the Falcon Peyton Small Area Plan (2008); more specifically the site is located within the Falcon Town Site Area. The concept map and textual description in the Plan depict and describe this area as a commercial node as discussed below:

> "The Falcon town site is the primary center of commercial business and service activities in the planning area. This area generally includes the non-residential mix of land uses around the historic center of Falcon and the Highway 24/Meridian Road Intersection as well as the adjacent residential development near the non-residential core."

Staff recommends this application for a vacation and replat of a commercial subdivision is in conformance with the Plan.

5. Other Master Plan Elements

The proposed Largent Subdivision vacation and replat 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). The Major Transportation Corridors Plan (2016) is discussed in Section G.5 below.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

A geology, soils, and hazards report prepared by Entech Engineering dated March 28, 2018, was submitted and reviewed with this request. The report did not identify hazards that will preclude development. The report recommended a plat note be placed on the face of the plat identifying the potential for shallow ground water. In an effort to comply with the recommendation of the report, the applicant has placed a note on the plat requiring all foundations to be located and designed by a professional engineer licensed in the State of Colorado.

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 located in Zone X (area determined to be out of the 500-year floodplain) as determined by the FEMA Flood Insurance rate Map (FIRM) Panel No. 08041C0575F dated March 17, 1997, and as amended by the Letter of Map Revision (LOMR) Case No. 01-08-226P dated May 14, 2002.

4. Drainage and Erosion

The proposed development is located within the Falcon Drainage Basin, which is a studied basin with drainage and bridge fees. Drainage and bridge fees shall be due at the time of plat recordation. The site generally drains to the south. A private full spectrum detention facility will be provided on-site.

A grading and erosion control plan has been submitted with this application. The plan calls for permanent and construction best management practices (BMPs) to prevent sediment and debris from affecting adjoining properties and the public stormwater system before, during, and after grading activities.

5. Transportation

The site is located at the southeast corner of the US Highway 24 and North Meridian Road intersection. Access to the development is via a proposed driveway from North Meridian Road.

In accordance with the 2016 Major Transportation Corridors Plan Update (MTCP), the applicant is dedicating 10 feet of additional right-of-way (ROW) along North Meridian Road. The County Engineer anticipates future improvements to North Meridian Road to upgrade the roadway to an urban cross section with sidewalk, curb and gutter. The developer will provide escrow for these future improvements in lieu of constructing said improvements along the North Meridian Road frontage.

The subdivision is subject to the El Paso County Road Impact Fee Program (Resolution 16-454). Fees for the lot shall be paid in full at the time of building permit issuance.

H. SERVICES

1. Water

The Woodmen Hills Metropolitan District has committed to serve committed to serve the property.

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State Engineer's Office has made a determination that the water allocation is adequate and can be provided without causing injury. 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 favorable recommendation regarding water quality.

2. Sanitation

The Woodmen Hills Metropolitan District has committed to serve the property. El Paso County Public Health has made a favorable recommendation regarding wastewater disposal.

3. Emergency Services

The subject property is within the boundaries of the Falcon Fire Protection District. The Fire Protection District was provided a referral by the Planning and Community Development Department, and the District has no objection 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 plat.

5. **Metropolitan and Other Special Districts**
   The property is not within the boundaries of a metropolitan district. The property does lie within the WoodImen Hills Metropolitan District's service area. Properties within a district's service area are able to attain services from a district without annexing into a district subject to a service agreement with the district. The developer will enter into an agreement for service with the Woodmen Hills Metropolitan District for central services (water and wastewater); however the property will not be annexing into the District.

6. **Parks/Trails**
   Commercial properties are not required to pay regional park fees or urban park fees in lieu of land dedication at the time of final plat recordation.

7. **Schools**
   The property within the replat is located within the boundaries of Falcon School District No. 49. Commercial properties are not required to pay fees in lieu of land dedication at the time of final plat recordation.

I. APPLICABLE RESOLUTIONS:

Approved Page 49
Denial Page 50

J. STATUS OF MAJOR ISSUES

No issues remain.

K. RECOMMENDED CONDITIONS AND NOTATION

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.3 of the El Paso County Land Development Code (2017) staff recommends the following conditions and notation:

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. 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 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 ECM Administrator or designee, shall be filed at the time of recording the Final Plat.

8. Collateral sufficient to ensure that the public improvements are constructed as listed in the approved Financial Assurance Estimate shall be provided when the vacation and replat 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. 16-454), 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. The applicant shall complete an escrow agreement with El Paso County to be applied towards the construction of sidewalk, curb and gutter along the North Meridian Road frontage prior to plat recordation.

11. Drainage for the Falcon Drainage Basin (CHWS1400) shall be paid to El Paso County at the time of vacation and replat recordation.

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 eight (8) adjoining property owners on June 26, 2018, for the Planning Commission and Board of County Commissioners hearings. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Plat Drawing
State Engineers Letter
County Attorneys Letter

El Paso County Parcel Information

File Name:

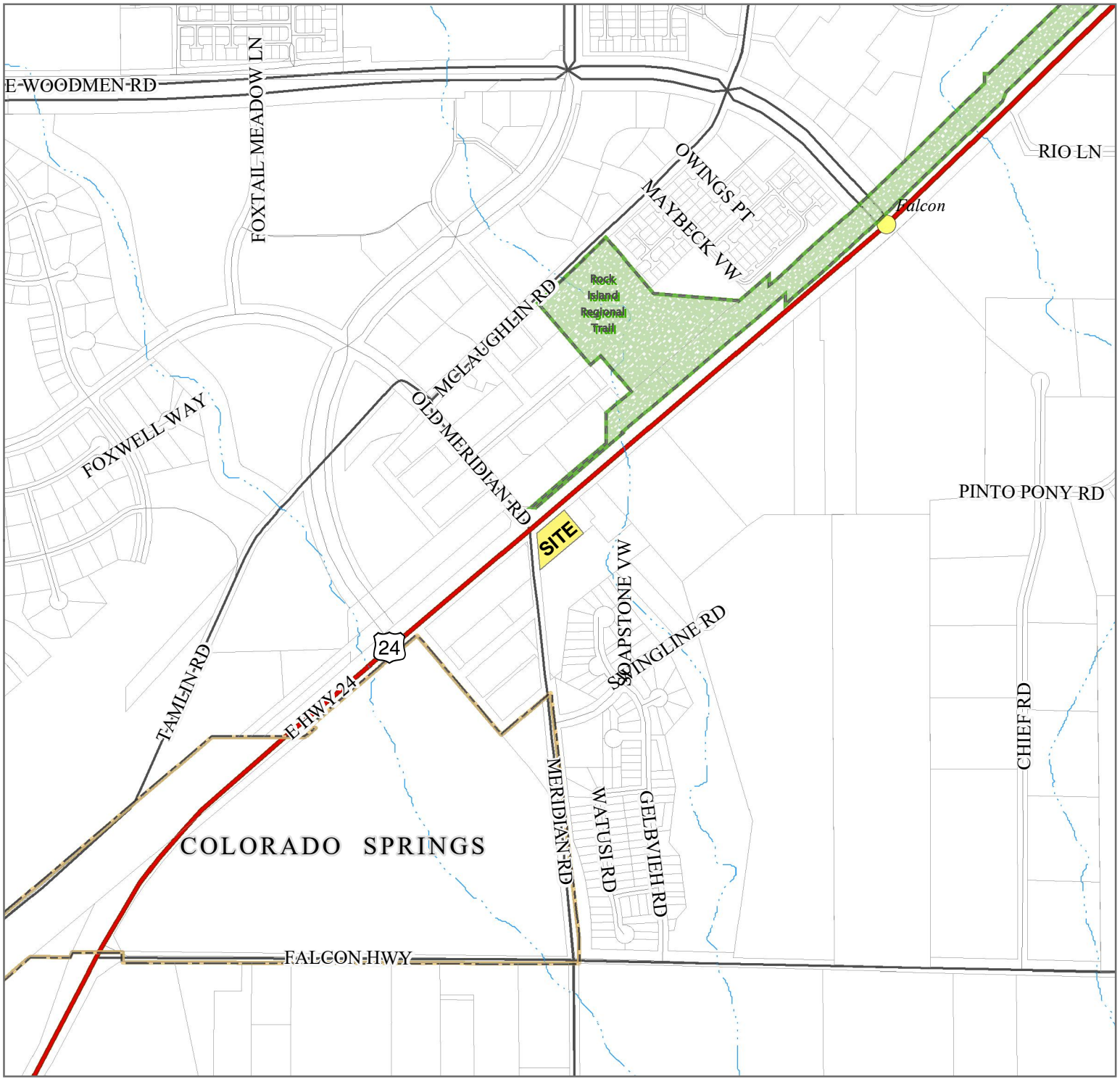
Zone Map No.: --

PARCEL	NAME
5312401008	D AND D MANAGEMENT LLC

ADDRESS	CITY	STATE
6485 ALIBI CIR	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80923	

Date: June 25, 2018



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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VR1810

HAMMERS CONSTRUCTION, INC.

1411 Woolsey Heights I Colorado Springs, Colorado 80915-5400
(719) 570-1599 I FAX (719) 570-7008
I SPECIALIZING IN DESIGN / BUILD I

Steve Hammers, President

Date: May 18, 2018

Letter of Intent

Replat

Owner Information
Sam Thomas & Associates
975 Tercel Dr.
Peyton, CO 80831
Project Name: Big O Tires

Owner Representatives:
Zack Crabtree – Project Manager
Lisa Peterson – Design (Applicant)
1411 Woolsey Heights
Colorado Springs, CO 80915
(719) 570-1599

Contractor Information:
Hammers Construction
1411 Woolsey Heights
Colorado Springs, CO 80915
(719) 570-1599

Site:
6985 N. Meridian Rd.
Peyton, CO 80831
Lot Size: 1.22 acres
Zoned – CC
Parcel number: 53124-01-008

Request and Justification
Requesting to create a legal parcel (currently metes and bounds) to make a legal lot.

Existing and proposed facilities, structures and roads.
The proposed lot is entered from Meridian Road. The proposed lot is currently vacant. A 6,474 s.f. building for Big O Tires is being proposed on the property indicated above, complete with parking and drive aisles to be submitted at a later date.

Criteria for Approval
In approving a replat, the BoCC shall find that:

- The replat complies with the Land Development Code. This lot is already formed by metes and bounds. Our plan is to build a Big O Tires business and it is an approved allowed use.
- This will not create any nonconforming lots. We are proposing a single user and will meet all the requirements of the Land Development Code.
- The replat is keeping the purposed and intent of the code. As stated, the replat is proposed to create a lot for the business of Big O Tires and it is an approved use under the CC zone.
- The replat conforms to a minor subdivision as we are only platting one lot.

- Our access is proposed off of Meridian Rd. El Paso County has already reviewed our grading plans showing this access and has not had any issues with the location of the proposed driveway.
- This approval will not adversely affect public health, safety, and welfare of the community. We feel this proposal will enhance the surrounding area and be an asset to the neighborhood as our proposal is to provide a service to the community. In addition, we have not had any objection from the neighboring lots on our proposal.

Additional Information

Woodmen Hills Metro District:

- We will remain out of WHMD and pay the additional fees.
- We plan to use the well for irrigation and are investigating how much water can be used for irrigation per the well permit.

40 Year Restriction:

- The deed in question restricts the property being used for the following:
  - Prohibit the sale or storage of hydrocarbon motor fuels
  - Convenience store
  - Car wash
  - Video store
  - Sale of liquor, beer and/or wine
- Since this plat proposal is to build a Big O Tires, we do not have any issues with the restrictions as mentioned. The owner will do oil changes, but that does not fall under the hydrocarbon motor fuels as that is just gasoline and diesel fuels. Therefore, this is not an issue.

Traffic Impact Fees:

- The owner is not going to be going into a Public Improvement District
- The owner will be paying the traffic impact fees at time of building permit

LARGENT SUBDIVISION

A VACATION AND REPLAT OF A PORTION OF BLOCKS 23 AND 24, TOWN OF FALCON PLAT LOCATED IN A PORTION OF SECTION 7, TOWNSHIP 13 SOUTH, RANCE 64 WEST, AND A PORTION OF SECTION 12, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO

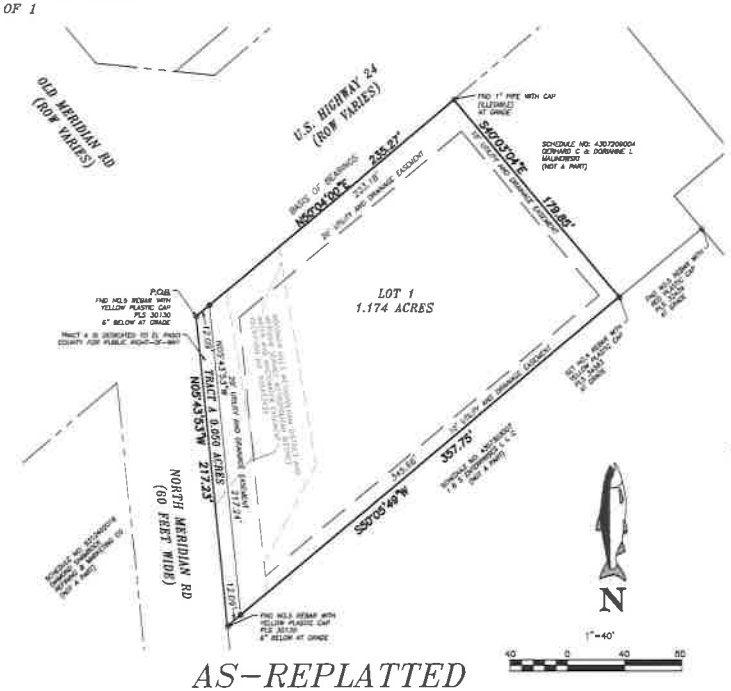
SHEET 1 OF 1

LEGEND

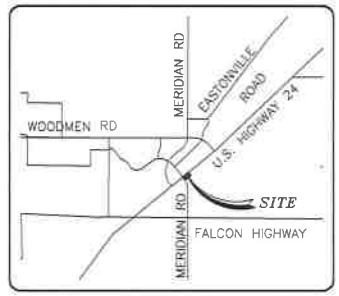
- FOUND MONUMENT AS SHOWN
- SET NO.5 REBAR WITH 1" PLASTIC CAP PLS 34583, FLUSH WITH GROUND
- (D) DEED DIMENSION
- (M) MEASURED DIMENSION
- (12345) ADDRESS



AS-PLATTED



AS-REPLATTED



VICINITY MAP
n.t.s.

THIS PLAT FOR "LARGENT SUBDIVISION" WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS ON THE _____ DAY OF _____, 2018, SUBJECT TO ANY NOTES SPECIFIED HEREON AND ANY CONDITIONS INCLUDED IN THE RESOLUTION OF APPROVAL. THE DEDICATIONS OF LAND TO THE PUBLIC TRACTS AND EASEMENTS ARE ACCEPTED, BUT THE 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.

THE TOWN OF FALCON PLAT IN ENTIRETY IS VACATED AND AMENDED FOR THE AREAS DESCRIBED BY THIS REPLAT SUBJECT TO ALL COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED AGAINST AND APPURTENANT TO THE ORIGINAL PLAT RECORDED IN THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDER, PLAT BOOK B, PAGE 37.

_____
PRESIDENT, BOARD OF COUNTY COMMISSIONERS DATE

_____
PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR DATE

LEGAL DESCRIPTION:

KNOW ALL MEN BY THESE PRESENTS:
THAT D & D MANAGEMENT LLC, A COLORADO LIMITED LIABILITY COMPANY; BEING THE OWNER OF THE FOLLOWING DESCRIBED TRACT OF LAND:

THAT PART OF BLOCK 23 AND 24, TOWN OF FALCON,
COUNTY OF EL PASO, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF MERIDIAN ROAD, A 60 FOOT RIGHT-OF-WAY AND THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF US HIGHWAY 24, A 100 FOOT RIGHT-OF-WAY; THENCE NORTH 50 DEGREES 04 MINUTES 00 SECONDS EAST, ALONG ADJOINING AND ADJACENT TO SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 235.27 FEET TO A POINT ON THE EASTERLY LINE OF LOT 10 OF SAID BLOCK 23, TOWN OF FALCON; THENCE SOUTH 40 DEGREES 03 MINUTES 04 SECONDS EAST, ALONG SAID EASTERLY LINE AND SAID EASTERLY LINE EXTENDED SOUTHERLY, A DISTANCE OF 179.85 FEET; THENCE SOUTH 50 DEGREES 05 MINUTES 49 SECONDS WEST, A DISTANCE OF 357.75 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF MERIDIAN ROAD; THENCE NORTH 05 DEGREES 43 MINUTES 53 SECONDS WEST, ALONG ADJOINING AND ADJACENT TO SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 217.23 FEET TO THE POINT OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO.

PARCEL CONTAINS 53,305 SQUARE FEET OR 1.224 ACRES.

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 A LOT, A TRACT, AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF LARGENT'S SUBDIVISION. ALL PUBLIC IMPROVEMENTS SO PLATTED ARE HEREBY DEDICATED TO PUBLIC USE AND SAID OWNER DOES HEREBY COVENANT AND AGREE THAT THE PUBLIC IMPROVEMENTS WILL BE CONSTRUCTED TO EL PASO COUNTY STANDARDS AND THAT PROPER DRAINAGE AND EROSION CONTROL FOR 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 AND COMMUNICATION SYSTEMS AND OTHER PURPOSES AS SHOWN HEREON. THE ENTITIES RESPONSIBLE FOR PROVIDING THE SERVICES FOR WHICH THE EASEMENTS ARE ESTABLISHED ARE HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO ADJACENT PROPERTIES FOR INSTALLATION, MAINTENANCE, AND REPLACEMENT OF UTILITY LINES AND RELATED FACILITIES.

_____
BY: DAVID LARGENT
TITLE: MANAGER, D & D MANAGEMENT LLC, A COLORADO LIMITED LIABILITY COMPANY

SECRETARY/TREASURER

STATE OF COLORADO)
) SS.
COUNTY OF EL PASO)

ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2018 BY
DAVID LARGENT, MANAGER, D & D MANAGEMENT LLC, A COLORADO LIMITED LIABILITY COMPANY

MY COMMISSION EXPIRES: _____

WITNESS MY HAND AND OFFICIAL SEAL _____

NOTES:

1) BEARINGS ARE BASED ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF US HIGHWAY 24 AS REFERENCED IN PARCEL DESCRIPTION RECORDED AT RECEPTION NO. 205138563, SAID LINE ASSUMED TO BEAR N50°04'00"E FROM THE NORTHWESTERLY CORNER OF SAID PARCEL (A NO.5 REBAR WITH YELLOW PLASTIC CAP STAMPED PLS 30130) TO THE NORTHEASTERLY CORNER OF SAID PARCEL (1" O.D. PIPE WITH CAP, STAMPING ILLEGIBLE).

2) WATER AND SEWER SERVICES SHALL BE PROVIDED BY WOODMEN HILLS METROPOLITAN DISTRICT. ELECTRIC SERVICE TO BE PROVIDE BY MOUNTAIN VIEW ELECTRIC ASSOCIATION, NATURAL GAS PROVIDED BY COLORADO SPRINGS UTILITIES.

3) THE FOLLOWING REPORTS HAVE BEEN SUBMITTED AND ARE ON FILE AT THE COUNTY PLANNING DEPARTMENT: WATER AND WASTEWATER REPORTS; NATURAL FEATURES REPORT, SOILS AND GEOLOGICAL REPORT, FINAL DRAINAGE REPORT AND TRAFFIC IMPACT STUDY.

4) ALL STRUCTURAL FOUNDATIONS SHALL BE LOCATED AND DESIGNED BY A PROFESSIONAL ENGINEER CURRENTLY REGISTERED IN THE STATE OF COLORADO.

5) NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT.

6) EASEMENTS AND RIGHT-OF-WAYS WERE BASED ON TITLE COMMITMENT NO. 52233BUTC, PROVIDED BY UNIFIED TITLE COMPANY LLC. AMENDMENT NO.3, DATED FEBRUARY 28, 2018

7) ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGH THEIR PROPERTY.

8) TRACT OF LAND LIES IN ZONE X, WHICH IS AN AREA DETERMINED TO BE OUTSIDE THE 500-YR. FLOODPLAIN PER FLOOD INSURANCE RATE MAP NO. 08041C0575 F, DATED EFFECTIVE MARCH 17, 1997 AND AS AMENDED BY FEMA APPROVED LETTER OF MAP REVISION (LOMR) CASE NUMBER 01-08-228P DATED MAY 14, 2002.

9) ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGH THEIR PROPERTY. PUBLIC DRAINAGE EASEMENTS AS SPECIFICALLY NOTED ON THE PLAT SHALL BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS UNLESS OTHERWISE INDICATED. STRUCTURES, FENCES, MATERIALS OR LANDSCAPING THAT COULD IMPEDE THE FLOW OF RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENTS.

10) 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 LISTED SPECIES (E.G., PREBLE'S MEADOW JUMPING MOUSE).

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

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

ADD THE FOLLOWING NOTE: (UNRESOLVED)

13) THE SUBDIVIDER(S) AGREES ON BEHALF OF HIM/HERSELF AND ANY DEVELOPER OR BUILDER SUCCESSORS AND ASSIGNS THAT SUBDIVIDER AND/OR SAID SUCCESSORS AND ASSIGNS SHALL BE REQUIRED TO PAY TRAFFIC IMPACT FEES IN ACCORDANCE WITH THE COUNTYWIDE TRANSPORTATION IMPROVEMENT FEE RESOLUTION (RESOLUTION 16-454), AS AMENDED, AT OR PRIOR TO THE TIME OF BUILDING PERMIT SUBMITTALS. THE FEE OBLIGATION, IF NOT PAID IN FULL AT FINAL PLAT RECORDING, SHALL BE ON ALL SALES DOCUMENTS AND ON PLAT NOTES TO ENSURE THAT A TITLE SEARCH WOULD FIND THE FEE OBLIGATION BEFORE SALE OF THE PROPERTY.

14) THERE WILL BE NO DIRECT ACCESS TO U.S. HIGHWAY 24.

15) ALL DIMENSIONS SHOWN HEREON ARE MEASURED AND ARE EXPRESSED IN TERMS OF U.S. SURVEY FEET.

16) EASEMENTS: UTILITY AND DRAINAGE EASEMENTS ARE AS SHOWN.

17) TRACT A IS HEREBY DEDICATED TO EL PASO COUNTY FOR PUBLIC RIGHT-OF-WAY.

18)		
	LOT 1	1.174 ACRES
	TRACT A	0.000 ACRES
	TOTAL ACREAGE:	1.224 ACRES

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 CERTIFICATION SHOWN HEREON.

SURVEYOR'S CERTIFICATION:

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

I ATTEST THE ABOVE ON THIS _____ DAY OF _____, 2018.

JAMES F. LENZ
PROFESSIONAL LAND SURVEYOR IN THE
STATE OF COLORADO, PLS NO. 34583
FOR AND ON BEHALF OF
RIDGELINE LAND SURVEYING LLC.

ADDRESS

8985 MERIDIAN ROAD NORTH
PEYTON, CO 80831

DATE OF PREPARATION

OCTOBER 25, 2017
APRIL 20, 2018

CLERK AND RECORDER CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAT WAS FILED IN MY OFFICE ON THIS _____ DAY OF _____, 2018, AT _____ O'CLOCK A.M./P.M. AND WAS RECORDED AT RECEPTION NUMBER _____ OF THE RECORDS OF EL PASO COUNTY.

STEVE SCHLEIKER, EL PASO COUNTY CLERK AND RECORDER

BY: _____ _____ FEE: _____
DEPUTY

FEES:

BRIDGE: _____
DRAINAGE: _____

Ridgeline Land Surveying
31 E. PLATTE AVE, SUITE 206
COLORADO SPRINGS, CO 80903
TEL: 719.238.5917

PCD FILE NO. ~~SF-18-003~~ YR1810

1/R1810

COLORADO
Division of Water Resources
Department of Natural Resources
1313 Street, Room 821
Denver, CO 80203

February 22, 2018

Kari Parsons
El Paso County, Planning and Community Development
Transmitted via email:
kariparsons@elpasoco.com

RE: Largent Subdivision Final Plat
Part of NW1/4 of SW1/4 of Sec. 7, T13S, R64W, 6th P.M., and
part of NE1/4 of SE1/4 of Sec. 12, T13S, R65W, 6th P.M.
Water Division 2, Water District 10
Upper Black Squirrel Creek Designated Basin

Dear Ms. Parsons:

We have received your January 30, 2018 submittal concerning the above-referenced proposal to create a one-lot subdivision of 1.22 acres.

Water Supply Demand

The estimated water requirement for this proposed subdivision for a future commercial building is 0.525 acre-feet per year for sanitary and irrigation purposes.

Source of Water Supply

The proposed water supplier is the Woodmen Hills Metropolitan District (WHMD or District). The District has provided a letter dated January 9, 2018 commiting to provide a total of 0.73 acre-feet of water per year (2 single family equivalents at 0.365 acre-feet/year per SFE).

Permit no. 115022 was issued July 14, 1980 as a small capacity well permit on what was claimed by the applicant at that time as a 1/2-acre parcel. Available information now indicates there was not a 1/2-acre parcel in existence at the location of the well in 1980, but rather the parcel on which the well permit was issued was the currently existing parcel.

Permit no. 115022 was issued without consideration of material injury to other water rights for in-house use. Because the parcel on which well permit no. 115022 would be located would be within a post-June 1, 1972 subdivision, material injury to other water rights is now a consideration. The Denver aquifer at this location is not-nontributary, within one mile of a contact with the alluvial aquifer with an actual impact replacement requirement, the diversion from which would injure other water rights absent a replacement plan approved by the Ground Water Commission. Therefore, the well could not continue to operate under permit no. 115022. The well could continue to operate only if it is re-permitted as a large capacity well pursuant to a Determination of Water right and Replacement Plan approved by the Colorado Ground Water Commission.

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."

Approximately 2,963 acre-feet/year of WHMD water supply comes from Denver Basin bedrock aquifers, based on a 100 year aquifer life. 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 2,963 acre-feet/year would be reduced to one third of that amount, or 988 acre-feet/year. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

Approximately 439 acre-feet of the WHMD's supply is water produced from alluvial sources, which are currently considered to be renewable. Therefore, based on a 300-year aquifer life allocation, the WHMD has a potential annual water supply of approximately 1,427 acre-feet.

Records in our office indicate that WHMD's current commitments total 964.18 acre-feet per year, based on a 300-year aquifer life allocation.

The uncommitted annual water supply of 462.37 acre-feet is more than the estimated annual demand of 0.73 acre-feet for Largent Subdivision.

State Engineer's Office Opinion

Based upon the above and pursuant to Section 30-28-136(1)(h)(II) C.R.S., it is our opinion that the proposed water supply is adequate and 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, 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.

Any applications for a Determination of Water Right, Replacement Plan or large capacity well permit would be evaluated pursuant to the applicable statutes and rules at the time they are submitted to this office.

Should you have any questions, please contact Neelha Mudigonda at neelha.mudigonda@state.co.us.

Sincerely,

Keith Vander Horst

Keith Vander Horst, P.E.
Chief of Water Supply, Basins

cc: Upper Black Squirrel Creek Ground Water Management District
Well Permit no. 115022

EL PASO COUNTY

OFFICE OF THE COUNTY ATTORNEY
CIVIL DIVISION

Amy R. Folsom, County Attorney

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Diana K. May

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Lori L. Seago
Kenneth R. Hodges
Lisa A. Kirkman
Steven A. Klaffky
Peter A. Lichtman

May 25, 2018

VR-18-10
~~SF-18-003~~ Largent Subdivision (Big O Tires)

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

FINDINGS AND CONCLUSIONS:

1. This is a proposal by Hammers Construction ("Applicant") for a Final Plat to plat an existing 1.22 acre parcel into a legal commercial parcel. The property is zoned CC (Commercial Community).

2. The Applicant has provided that the source of water for the subdivision will be a central water system—Woodmen Hills Metropolitan District ("District" or "WHMD") – which is supplied by the Denver Basin. The Applicant submitted a Water Supply Information Summary estimating the annual water requirement to serve the 1-lot commercial subdivision at 0.525 acre-feet per year. Based on these numbers, the Applicant will need to provide a supply of 157.5 acre-feet of water (0.525 acre-feet per year x 300 years) to meet El Paso County's 300 year requirement.

3. In a letter dated January 9, 2018, the Board President for the District provided a commitment to serve the Big O Tire Store commercial subdivision. The District stated "Woodmen Hills is committing to providing water ... for the proposed Big O Tire Store to be located at 6985 N. Meridian Road. Water usage is estimated to be -0.73 acre feet of water per year ...." The Board President further stated that the "property is not within Woodmen Hills Metropolitan District's boundaries." Therefore, arrangements would need to be made to include the property in the District, otherwise, the property would need to pay "out of District" monthly tap fees instead of "in District" fees. In the *Water Resources & Wastewater Report* provided by JDS-Hydro dated January 2018, the report noted that the "facility will be served by the District and annexed into its service area boundary."

200 S. CASCADE AVENUE
OFFICE: (719) 520-6485
COLORADO SPRINGS, CO 80903
FAX: (719) 520-6487

4. In a letter dated February 22, 2018, the State Engineer's Office stated the proposed water supplier for the proposal is Woodmen Hills Metropolitan District and that the estimated water requirement is 0.525 acre-feet per year for sanitary and irrigation purposes. The State Engineer acknowledged receipt of the January 9, 2018 letter from the District committing to provide a total of 0.73 acre-feet of water per year. The State Engineer noted that "2,963 acre-feet/year of WHMD water supply comes from Denver Basin bedrock aquifers, based on a 100 year aquifer life." This amount is reduced to one third to encompass El Paso County's 300-year rule and results in an available supply of 988 acre-feet/year for a maximum of 300 years. The State Engineer also notes that "439 acre-feet of the WHMD's supply is water produced from alluvial sources, which are currently considered to be renewable. Therefore, based on a 300-year aquifer life allocation, the WHMD has a potential annual water supply of approximately 1,427 acre-feet." Based on the District's current commitments of 964.18 acre-feet – the "uncommitted annual water supply of 462.37 acre-feet is more than the estimated annual demand of 0.73 acre-feet for Largent Subdivision."[1] As a result of the foregoing, the State Engineer declared that "pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and [sic] be provided without causing injury to decreed water rights."

NOTE: The Water Supply Information Summary and the *Water Resources & Wastewater Report* both cite the water demand for the Largent Subdivision as 0.525 acre-feet per year. The District letter commits to providing a water supply of 0.73 acre-feet per year to the subdivision and the State Engineer used those calculations in their analysis. The remainder of this review will utilize the 0.73 acre-feet water supply amount.

The State Engineer's Office also referred to an existing well on the property (Well Permit No. 115022). The State Engineer noted that because the well was originally issued without consideration of material injury to other water rights, the well cannot continue to operate under its current permit number. The Engineer states that the "well could continue to operate only if it is re-permitted as a large capacity well pursunat to a Determination of Water right and Replacement Plan approved by the Colorado Ground Water Commission."

5. Section 8.4.7(B)(10)(g), of the El Paso County Land Development Code allows for the presumption of acceptable water quality for projects such as this where water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary.

[1] In the District letter dated January 9, 2018, the District cites an uncommitted water supply of 472.96. For purposes of this review, we will utilize the 462.37 uncommitted water supply figure pursuant to the analysis of the State Engineer's Office.

6. Analysis: Based on the State Engineer's analysis, the District's available water supply is 1,427 acre-feet annually, including the water from alluvial sources, which the State Engineer states is an annually renewable and permanent source of water. The District currently has annual commitments of 964.18 acre-feet and an uncommitted annual supply of 462.37 acre-feet. The 0.73 acre-feet necessary for the Largent commercial subdivision would be deducted from the uncommitted water supply, leaving a balance of approximately 461.64 acre-feet for the District. Therefore, based on the foregoing, it appears the proposed water supply will be sufficient to meet the demands of the Largent commercial subdivision.

7. Based upon the finding of sufficiency and no injury to existing water rights by the State Engineer's Office, and based upon the commitment letter from the Woodmen Hills Metropolitan District committing a water supply of 0.73 acre-feet per year to the commercial subdivision, the County Attorney's Office recommends a finding that the proposed water supply is sufficient in terms of quantity and dependability, subject to the conditions set forth below. The El Paso County Health Department may wish to confirm that the District is in compliance with the water quality regulations.

CONDITIONS OF COMPLIANCE:

A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, and specifications set by the District.

B. Prior to recording the final plat, Applicant shall provide written proof to the Planning and Community Services Department and the County Attorney's Office as to whether the Largent Subdivision has been annexed into the Woodmen Hills Metropolitan District for purposes of water and wastewater services.

cc: Kari Parsons, Planner II, Project Manager