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PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Ashlyn Mathy, Planner I
Carlos Hernandez, Engineer I
Meggan Herington, AICP, Executive Director

RE: Project File Number: MS-22-006
Project Name: McDaniels Road Minor Subdivision
(AKA Zindorf Subdivision No. 3)
Parcel Number: 3400000295

OWNER:	REPRESENTATIVE:
Greg Zindorf Z Investments 731 North Weber Street Suite 10 Colorado Springs, CO 80903	William Guman & Associates, Ltd. Bill Guman bill@guman.net (719) 633-9700

Commissioner District: 4

Planning Commission Hearing Date:	9/7/2023
Board of County Commissioners Hearing Date:	9/28/2023

EXECUTIVE SUMMARY

A request by Greg Zindorf has been made for approval of a 40-acre Minor Subdivision illustrating four (4) single-family lots in the RR-5 zoning district. The property is zoned RR-5 (Residential Rural), and is located at 22755 McDaniels Road, which is at the corner of McDaniels Road and Log Road.

A. WAIVERS/DEVIATIONS/AUTHORIZATION

Waiver(s)/Deviation(s): None associated with this project.

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

B. 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 ("Code") (As Amended):

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
- The subdivision is consistent with the purposes of the Code.
- The subdivision is in conformance with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analysis, 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 the 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 the Code.
- All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)].
- Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM") are provided by the design.
- The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development.
- Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County and in compliance with the Code and the ECM.

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- The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.
- Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.
- The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the 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 of the Code.
- 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 extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. § 34-1-302(1), et seq.].

C. LOCATION

North:	A-35 (Agricultural)	Single Family Residential
South:	A-35 (Agricultural)	Single Family Residential
East:	A-35 (Agricultural)	Single Family Residential
West:	A-35 (Agricultural)	Single Family Residential

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D. BACKGROUND

The property was zoned A-35 (Agricultural) on March 24, 1999, when zoning was first initiated for this portion of the County. The property was approved for a rezone to the RR-5 (Residential Rural) zoning district at the Board of County Commissioners hearing on November 15, 2022. The applicant is currently proposing a minor subdivision of the parcel into four lots.

E. 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 (As Amended).

2. Zoning Compliance

The property being subdivided into four, 9.36-acre lots meets the minimum lots size requirements of RR-5, being 5 acres. Additionally, the current structures on lot being a residential home meet the property setbacks requirements, being 25 feet from all property lines. There are plans for proposed single family homes, they are intended to be at the front of each lot and will not be close to the floodplain areas. The floodplain runs throughout the four lots, however there are notes on the plat that depict no structures or fencing within the floodplain areas.

F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Rural

The Rural placetype comprises rangeland, farms, and other agricultural uses. The primary land use in this placetype is agriculture however residential uses such as farm homesteads and estate residential are allowed as support uses. Residential lot development within the Rural placetype typically cover 35 acres or more per two units with the minimum lot area consisting of 5-acres per unit. The Rural placetype covers most of the eastern half of the County.

Rural areas typically rely on well and septic and parcels for residential development tend to be substantial in size. Rural areas are remotely located and distant from high activity areas or dense suburban or urban places, making access to regional transportation routes, such as Highway 24 and Highway 94, vital to the quality of life for rural community residents.

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The agricultural lands that Rural areas contain represent a valuable economic resource and unique lifestyle that should be preserved. The Rural placetype includes agricultural lands which represent a valuable economic resource and allow for a unique lifestyle that should be preserved. As growth occurs, some Rural areas may develop and transition to another placetype, however leapfrog development should be discouraged, by pro-actively permitting changing areas contiguous to existing development to another placetype.

Recommended Land Uses:

Primary

- *Agriculture*
- *Parks/Open Space*
- *Farm/Homestead Residential*

Supporting

- *Estate Residential (Minimum 1 unit/5-acres)*
- *Institutional*

Analysis:

This proposal is supported by the Master Plan due to the lot sizes exceeding the minimum lot size of the supporting land use of 5-acres. These lots can be used for residential and agricultural uses. Additionally, development is to be expected in the Rural placetype, and these lots have the potential to be developed. In the surrounding area, there is Large-Lot Residential with smaller parcels. This subdivision is still within the character of the area. Lastly, these lots are large enough that more than exceeds the minimum setbacks for the zoning district and does not dramatically increase density to the area.

b. Area of Change Designation: Minimal Change: Undeveloped

The character of these areas is defined by a lack of development and presence of significant natural areas. These areas will experience some redevelopment of select underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale so as to not alter the essential character. New development may also occur in these areas on previously undeveloped land, but overall there will be no change to the prioritized rural and natural environments.



Analysis:

This area of change designation does state a lack of development with a presence of natural areas, the surrounding area of this subdivision falls within this area of change due to large lots. However, new development is expected to occur, and this proposal would be classified as new development, yet the lots are still large enough to not dramatically change the character. The proposed lots are large enough to match the “rural” area and provide opportunities for farming or agricultural uses, while exceeding the minimum lot size for the zoning district.

c. Key Area Influences: The property is not located within a key area.

d. Other Implications (Priority Development, Housing, etc.)

Not applicable to this project.

2. 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 3.1 – Promote cooperation among water providers to achieve increased efficiencies on infrastructure.

Goal 5.4 – Promote the long-term use of renewable water.

Goal 5.5 – Identify any water supply issues early on in the land development process.

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 4c of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 4c for central water providers:

The Plan identifies the current demand 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 for Region 4c is at 3,967 AFY (Figure



5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region 4c is at 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.

3. Other Master Plan Elements

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

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

Please see the Parks Section below for information regarding conformance with The El Paso County Parks Master Plan (2022).

Please see the Transportation Section below for information regarding conformance with the 2016 Major Transportation Corridor Plan (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards.

2. Floodplain

According to FEMA Flood Insurance Rate Maps, 08041C0810G and 08041C0807G, most of the property is in FEMA Floodplain Zone AE with a small corner section in Floodplain Zone A. There is a channel traversing the property from the northwest to the southeast. An analysis discussing the stability of the channel, current conditions, and water flows was included in the subdivision's final drainage report. The analysis concluded that the channel is currently stable, and no channel stabilization or drainageway improvements are required. The floodplain and channel are in a drainage easement identified as a no-build area on the plat.

3. Drainage and Erosion

The property is located within the Ellicott Consolidated Drainage Basin (CHBS1200). There are currently no basin or bridge fees assessed with development in this basin.

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According to the final drainage report the proposed subdivision is expected to have a total site imperviousness of 2.9% and increase flows by 0.4 cfs. Per the drainage report these increases are negligible and will not adversely affect downstream properties. Flows will follow historic patterns and drain towards the southeast corner of the property. A grading and erosion control plan was not required with this application.

4. Transportation

Access for the proposed subdivision will be provided off McDaniels Road. McDaniels Road is classified as a county maintained rural local gravel road. An existing driveway off McDaniels Road and 3 new driveways from McDaniels Road will provide access for the new lot(s). Lot owners shall apply for individual driveway access permits prior to the start of construction.

Per ECM Appendix B.1.2.D a traffic impact study was not required due to the low traffic generated. The expected average daily traffic is 40 trips.

The subdivision is adjacent to Log Road which is classified as county owned and maintained rural local gravel road. The 2016 Major Transportation Corridors Plan Update (MTCP) shows Log Road being improved to a 2-lane rural major collector. The subdivision is dedicating 30' of right-of-way for McDaniels Road and 45' of right-of-way for Log Road.

Road Impact Fees per (Resolution No. 19-471), as amended, is applicable to the subdivision. The fees shall be collected at the time of building permit approval.

H. SERVICES

1. Water

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State Engineer's Office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office has made a recommendation for a finding of sufficiency with regards to water quantity and dependability. El Paso County Public Health has made a favorable recommendation regarding water quality sufficiency.

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2. Sanitation

Wastewater is provided by an onsite water treatment system.

3. Emergency Services

The property is within the Ellicott Fire Protection District.

4. Utilities

Mountain View Electric Association, Inc.

5. Metropolitan Districts

Ellicott Metropolitan

6. Parks/Trails

Fees in lieu of park land dedication in the amount of \$1,840 for regional fees and \$0.00 for urban park fees will be due at the time of recording the final plat.

7. Schools

Fees in lieu of school land dedication in the amount of \$740.00 shall be paid to El Paso County for the benefit of Ellicott School District No. 22 at the time of plat recording.

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

No major issues.

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 (As Amended) 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

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

3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 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.
8. Park fees in lieu of land dedication for regional parks region 4 in the amount of \$1,840 and there are no urban park fees associated with this project. The regional park fees shall be paid at the time of plat recordation.
9. Fees in lieu of school land dedication in the amount of \$740.00 shall be paid to El Paso County for the benefit of Ellicott School District 22 at the time of plat recording.

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10. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated August 28, 2023, as provided by the County Attorney's Office.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioners 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 eight (8) adjoining property owners on August 18, 2023, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Map Series
Letter of Intent
Plat Drawing
State Engineer's Letter
County Attorney's Letter
El Paso County Public Health Recommendation Letter
Draft Resolution



Map Exhibit
MS-22-006

Placetype:



- Rural
- Large-Lot Residential
- Suburban Residential
- Urban Residential
- Rural Center
- Regional Center
- Employment Center
- Regional Open Space
- Mountain Interface
- Military
- Utility
- Incorporated Area

Area of Change:

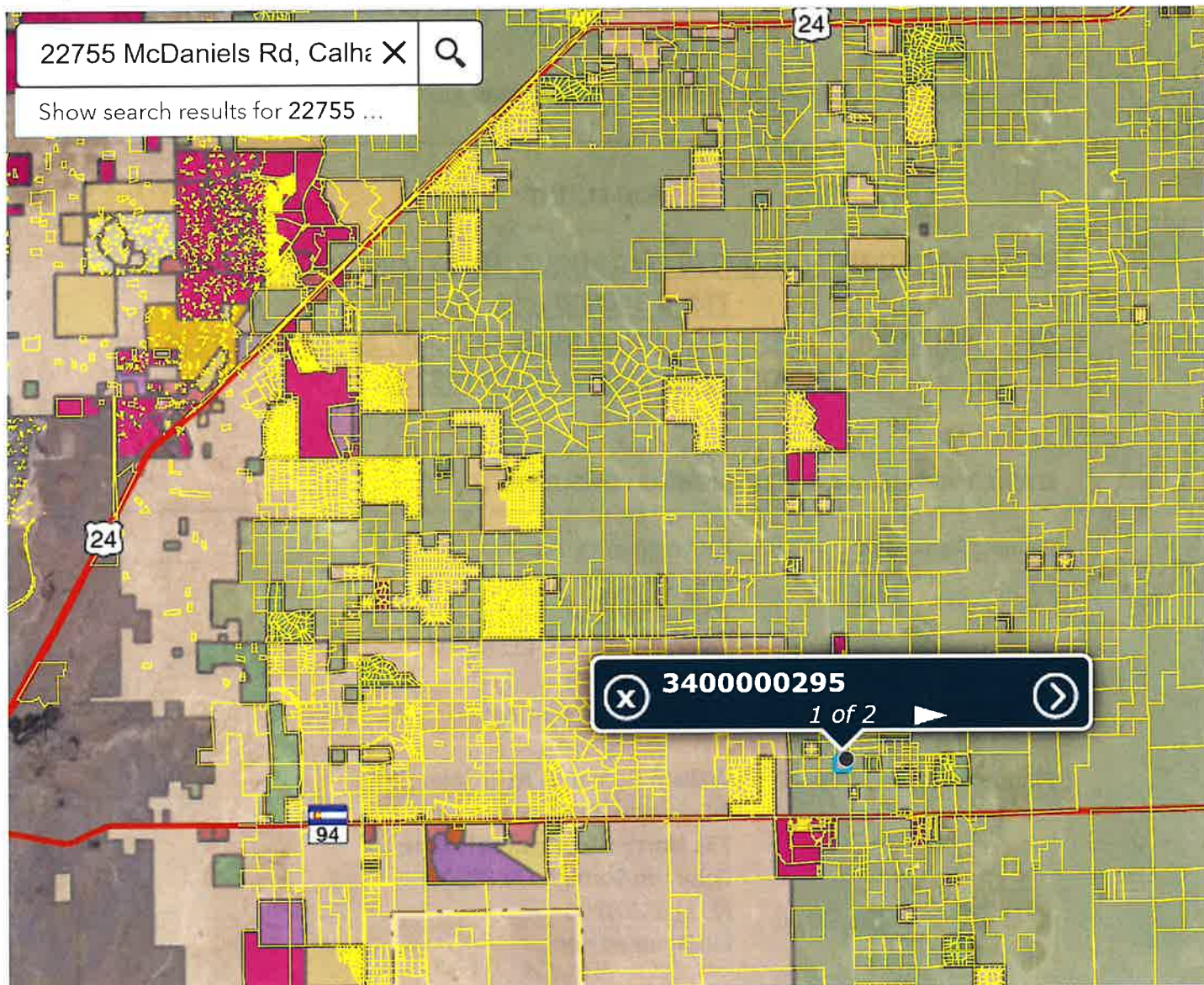


- Protected/Conservation Area
- Minimal Change: Undeveloped
- Minimal Change: Developed
- New Development
- Transition

Key Area:

The property is not located within a key area.

Aerial:





William Guman
& Associates, Ltd.

Bill Guman, RLA, ASLA | Principal
Colorado Springs City Councilman 1993-2001
Colorado Springs Planning Commissioner 1992-1993
Regional Building Commissioner 1997-2001

URBAN PLANNING | COMMUNITY DESIGN | LANDSCAPE ARCHITECTURE | ENTITLEMENT

731 North Weber Street, Suite 10 | Colorado Springs, CO 80903 | (719) 633-97

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EL PASO COUNTY

LETTER OF INTENT FOR: 22755 McDANIELS ROAD MINOR SUBDIVISION

TSN # 3400000295

ORIGINAL ZONE: A-35, REZONED TO RR-5, NOV. 16, 2022 FILE # P226

MINOR SUBDIVISION FILE # MS226

☐ OWNER/APPLICANT, AND PLANNING CONSULTANT:

Owner/Applicant:

Z Investments, LLC
Greg Zindorf
209 S 21 Street
Colorado Springs, CO 80904
(719) 332-0599
greg@zinvestment.net

Planner:

William Guman & Associates, Ltd.
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El Paso County Planner:

Matthew Fitzsimmons, AICP, Senior Planner
El Paso County Development Services
2880 International Circle
Colorado Springs, CO 80910
(719) 520-6442

PROJECT LOCATION/DESCRIPTION AND HISTORY OF PROPERTY:

The 22755 McDaniels Road property for this Final Plat application is located in El Paso County in Peyton, CO, approximately 22 miles east of downtown Colorado Springs, situated west of North Log Road and south of McDaniels Road. The site is bordered by McDaniels Road to the north. It is approximately 700 feet west of North Log Road, 1 mile west of North Ellicott Highway and 1 mile north of state highway 94.

According to the 2021 Your El Paso County Master Plan, the Placetype of this development is “Rural”. The primary land use in this Placetype is agriculture, however, residential uses such as farm homesteads and estate residential are allowed as support uses. Residential lot development, within the Rural Placetype, typically covers 35 acres or more per two units with the minimum lot area consisting of 5 acres per unit. This Rural Placetype covers most of the eastern half of the county.

A rezone of this property is being sought concurrently with the Minor Subdivision. The zoning would be changed from the current A-35 agricultural zoning to RR-5, residential rural. In accordance with County standards, the minimum lot size proposed within the property will exceed five (5) acres.

Pursuant to the rezone, the applicant proposes to develop the site as four (4) new lots. A single-family detached residential dwelling unit that recognizes and respects the character of the surrounding rural area will be provided on each. The total acreage of the proposed 22755 McDaniels Road development is approximately forty (40) acres.

Currently, there is an existing, single family residence with an accompanying shed on the property. This residence and shed are to remain in place as the easternmost of the four lots. With our proposed lot configuration, the existing shed is forty-two (42) feet outside of the proposed lot’s western setback, while the existing residence is sixty-nine (69) feet outside of the proposed lot’s western setback. The shed is one hundred and forty-two (142) feet from the front setback along McDaniels Road, and the residence is one hundred and fifty-two (152) feet from the front setback along McDaniels Road.

Infrastructure to serve the new lots, including driveways, drainage improvements, and utilities will all be constructed in compliance with applicable county standards, regulations and criteria in effect at the time of this application. This is in keeping with the rural character of the surrounding Calhan, Ellicott and Falcon communities.

Surrounding properties are rural, single family homesites and farm homesteads. Land use within these properties has traditionally been used as ranchland, with some farming. Two parcels one half mile to the east are A-5 zoning with single family homes on the property, an exception to the general A-35 zoning predominant in the area.

DEVELOPMENT REQUEST

The Owner and Applicant request approval of a Final Plat for the development of 4 rural residential single family residential lots on approximately 40 acres (e.g. .1 DU/Acre density).

TOTAL NUMBER OF ACRES IN THE PROJECT AREA: 40 acres single family residential.

TOTAL NUMBER OF ACRES WITHIN THIS APPLICATION: 40 acres.

JUSTIFICATION FOR REQUEST

This request is consistent with the purposes of the Your El Paso Master Plan. The Final Plat is in conformance with subdivision design standards and establishes an adequate level of compatibility with surrounding areas of the site already constructed and other known surrounding areas currently proposed for development.

EXISTING AND PROPOSED IMPROVEMENTS

Electric and telecommunication service points-of-connection will be extended from the roadway to all new lots. No extension of natural gas service from a utilities provider is sought. On site propane tanks will provide gas for the residences. Water will be provided via wells. Individual septic systems will be provided via an On Site Wastewater Treatment system (OSWT) prepared by the Owner in accordance with El Paso County Department of Health policy guidelines.

Grading and earthmoving activities will be limited to residential driveways, drainage and utility construction areas. Individual lot owners will assume responsibility for grading their respective lot; no 'overlot' grading is proposed to occur over most of the site.

As such, prior to construction of proposed residences, lot-specific subsurface soil investigations will be performed to determine whether or not shallow groundwater, hydro-compacted soils, and/or potentially expansive soils are present on the lot, and to determine an appropriate foundation design, basement or crawl-space suitability, and/or lot-specific recommendations are necessary to mitigate these conditions. Language requiring lot-specific subsurface soil investigation will appear as a Note on the Final Plat.

ADHERENCE WITH THE 2021 YOUR EL PASO MASTER PLAN, AND WATER MASTER PLAN

Land Use & Development, Core Principle: Manage growth to ensure a variety of compatible land uses that preserve all character areas of the County.

The 2021 Your El Paso Master Plan (the “Master Plan”) addresses issues directly related to the Final Plat and development of the 22755 *McDaniels Road* development. The policies specifically related to the Final Plat request include:

Goal 1.1 - *Ensure compatibility with established character and infrastructure capacity*

The Final Plat proposed for the new single family rural residential lots is compatible with the existing adjacent rural residential lots in the McDaniels Road corridor. New lots will be similar in character to existing lots and roads serving the new lots will be compatible with the types of rural roadways in nearby adjacent neighborhoods.

Goal 1.4 – *Continue to encourage policies that ensure “development pays for itself”.*

22755 McDaniels Road is proposed as a development of single family rural residences within a non-urban density area (Rural Placetype) of the Elbert community. Utilities and road infrastructure needed to serve the new lots, such as new roads, drainage and detention facilities, erosion control, etc. will be constructed as part of this development.

Housing & Communities, Core Principle: Preserve and develop neighborhoods with a mix of housing types.

Goal 2.2 – *Preserve the character of rural and environmentally sensitive areas.*

The subdivision design with RR-5 zoning for the site is harmonious and compatible with the rural character of adjacent and nearby neighborhoods that are zoned A-35, and A-5. The Applicant proposes to avoid overlot grading across the 40 acre site, and instead will limit grading to driveways and drainage infrastructure in keeping with the established land use character of surrounding sub-areas of the county. Low density will help to sustain the appearance and unique environmental conditions of adjacent properties.

Transportation & Mobility, Core Principle: Connect all areas of the County with a safe and efficient multimodal transportation system.

Goal 4.1-*Establish a transportation network that connects all areas to one another, emphasizing east-west routes, reducing traffic congestion, promoting safe and efficient travel.*

The design of this subdivision will relocate the existing home’s driveway to the east. This will allow the development of four equally sized lots for the residents. The three (3) proposed residences will have driveways off McDaniels Road for access. The increased traffic load from the additional three homes is minimal.

Community Facilities & Infrastructure, Core Principle: Continue to coordinate with local and regional agencies to provide well-managed, high-quality community facilities and services.

Goal 5.3 – *Ensure adequate provision of utilities to manage growth and development.*

Concerning utilities, 22755 McDaniels Road has been provided a commitment letter for delivery of electrical service by Mountain View Electrical Association. Individual propane tanks will provide natural gas to the homes. On-site wells will provide water. Wastewater will be accommodated by individual on-site wastewater treatment systems. Based upon evaluation by our environmental and geotechnical engineers, it has been determined that the site is suitable for individual on-site wastewater treatment systems without contamination of surface and subsurface water systems.

Goal 5.4-*Use best management practices to protect water quality, conserve water, minimize impacts of flooding, and beautify El Paso County.*

The submitted drainage report specifically details a four step process to minimize adverse impacts of development. The process includes reducing runoff volume, stabilizing drainageways, treating the water quality capture volume (WQCV), and consider the need for Industrial Commercial best management practices (BMPs). A grading and erosion control plan and a stormwater management report have been submitted with the FDR.

Environment & Natural Resources, Core Principle: Prioritize and protect the County's natural environment.

Goal 9.2- *Promote sustainable best practices with regard to development and infrastructure.*

The area surrounding the property has sufficient carrying capacity to support the new development with regard to roadway capacity, water supply, septic suitability, educational facilities, and organized structural fire protection. Commitment Letters from entities that would supply this development with essential services have been submitted with this Minor Subdivision application.

The subdivision design, which includes 9.7 acre home sites, ensures that development of this site will remain compatible and contiguous with existing rural residential areas. With a density of .1 DU/Ac, 22755 McDaniels Road is compatible with numerous other subdivisions adjacent to and within a 2 mile radius of the property.

GAS SERVICE

Gas service will be provided by individual propane tanks adjacent to residences.

WATER SERVICE

The following information was provided by request of El Paso County per the El Paso County Water Master Plan, Chapter 7, Implementation:

Water Quality, Quantity and Dependability:

A water resources report and water supply information summary have been provided to the County for this development.

The water resource report provides data for the Planning Commission and the Board of County Commissioners (BoCC) to determine whether the proposed water supply is sufficient in terms of quality, quantity and dependability for the proposed subdivision. The report includes adequate documentation that the proposed water supply is sufficient in terms of quantity, dependability and quality for the proposed subdivision.

Water Service:

Water shall be provided via four on-site wells.

The on-site existing well case number is 227502 Arapahoe (existing – serves existing residence). The designated basin is the Upper Black Squirrel within the Upper Black Squirrel Management District. The water source on-site originates from the Upper Arapahoe (NNT) and Laramie-Fox Hills (NNT).

- The Upper Arapahoe provides a total appropriated volume of 578 acre feet, with a 100 year annual appropriation of 5.78 acre feet per year. The 300 year annual appropriation is 1.93 acre feet per year.
- The Laramie-Fox Hills provides a total appropriated volume of 1176 acre feet, with a 100 year annual appropriation of 11.76 acre feet per year. The 300 year annual appropriation is 3.92 acre feet per year.

Based on the 300 year annual appropriation:

Water Supply and Demand Summary

LOTS	Total Supply (AF/Year)	Total Demand (AF/Year)
4	5.85	1.34

Water Quality:

The water quality in the Arapahoe aquifer in this area has been typically suitable for residential potable use. Water samples were obtained from the existing well (well permit #227502) constructed via an exterior water tap serving the existing residence (22755 McDaniels Road). Water samples were obtained from this tap on July 16th 2021, with the water quality testing performed by Colorado Analytical Laboratories and ACZ Laboratories, per the El Paso County Land Development Code section 8.4.7(B). Final

results from this water quality testing were received on August 26th, 2021. All results were found to be below primary and secondary Maximum Contaminant Limits (MCLs).

Because of the absence of any and all evidence of fecal contamination in the form of *E. Coli* or Total Coliform, or that all sampled and analyzed constituents were below all primary and secondary standards the proposed water source emanating from the Arapahoe Aquifer is deemed safe for public consumption.

TRANSPORTATION IMPACT STUDY GUIDELINES

No Transportation Impact Study (TIS) is required for this project based upon the El Paso County Engineering Criteria Manual (ECM). Per ECM appendix B.1.2.D, the following criteria are satisfied:

Vehicular Traffic:

(1) Daily vehicle trip-end generation is less than 100 or the peak hour trip generation is less than 10. Response: With the addition of three (3) single-family residences, this threshold will not be met, or exceeded.

(2) There are no additional proposed minor or major roadway intersections on major collectors, arterials, or State Highways. Response: No additional proposed minor or major roadway intersections are proposed from the property.

(3) The increase in the number of vehicular trips does not exceed the existing trip generation by more than 10 peak hour trips or 100 daily trip ends. Response: The addition of the three (3) single-family residences will neither meet nor exceed these thresholds.

(4) The change in the type of traffic to be generated (i.e., the addition of truck traffic) does not adversely affect the traffic currently planned for and accommodated within, and adjacent to, the property. Response: The limited development ensures there will be no change in traffic/vehicle type in comparison to the surrounding properties.

(5) Acceptable LOS on the adjacent public roadways, accesses, and intersections will be maintained. Response: The level of service will remain as is.

(6) No roadway or intersection in the immediate vicinity has a history of safety or accident problems. Response: The limited use (residential/ranchland/agricultural) has provided a safe roadway adjacent to the property.

(7) There is no change of land use with access to a State Highway. Response: There is no State Highway in the project vicinity.

- Pedestrian Traffic: Paved pedestrian facilities exist or will be constructed on, or adjacent to, the site; or, the proposed use will not generate any new pedestrian traffic. Response: The proposed use will not generate any new pedestrian traffic.
- Bicycle Traffic: Paved bicycle lanes or paths exist or will be constructed on, or adjacent to, the site; or, the proposed use will not generate any new bicycle traffic. Response: The proposed use will not generate any new bicycle traffic.

ROAD IMPACT FEES

Per resolution 19-471 Road Impact Fees are applicable and due for this project. The fee will be assessed on the three (3) proposed homes. The fee is due at the land use approval, which can be at the time of building permit for each house. Each lot owner / subdivider is responsible for paying the road impact fee. The fee type is PPRBD.

COMMUNITY OUTREACH EFFORTS

As part of the initial submittal, contact was made to the neighbors of the proposed subdivision:

- Rodney J. Fannin and Terri J. Fannin. Mailing address: 23155 McDaniels Road, Calhan, CO 80808-8875
- Dennis L. Hughes and Connie L. Hughes. Mailing address: 22545 McDaniels Road, Calhan, CO 80808-8834
- Lowell Lambrecht and Darla Lambrecht. Mailing address: 22550 McDaniels Road, Calhan, CO 80808-8834
- Wol Son Lee. Mailing address: 1857 N. Circle Drive, Colorado Springs, CO 80909-2410
- Jason Plumley and Jennifer A. Scalia-Plumley. Mailing address: 1210 Log Road, Calhan, CO 80808-8818
- Robinson Family Rev Living Trust, Leonard Dwaine Robinson, trustee and Carol Jo Robinson, trustee. Mailing address: 1550 North Log Road, Calhan, CO 80808-7831
- Bobbie Stull and Ron Stull. Mailing address: 19890 Book Drive, Colorado Springs, CO 80930-9509
- Ora Owen Wheeler, Jr., Cheryl Ann Burkett, Carol Lea Burnside. Mailing address: 16215 East McCara Court, Peyton, CO 80831

The letter advised the neighbors that the 40 acre site was being subdivided into four (4) lots, each being approximately ten (10) acres in size. We also mentioned that a rezone was sought for the property from A-35(Agricultural, 35 acre) to RR-5 (Rural residential district, 5 acre minimum).

The letter stated that the justification for the rezone was to provide much needed housing for the residents of El Paso County. The additional three homes, it stated, would have little impact on the existing infrastructure.

The letter also informed the neighbors that water would be provided via individual wells, and that individual septic systems would address wastewater generated.

A poster was placed in clear view along McDaniels Road informing passers-by of public hearings for the Planning Commission and the Board of County Commissioners, in compliance with County posting procedures.

At both presentations, there were neighbors in attendance who sought clarification and information regarding the proposed subdivision.

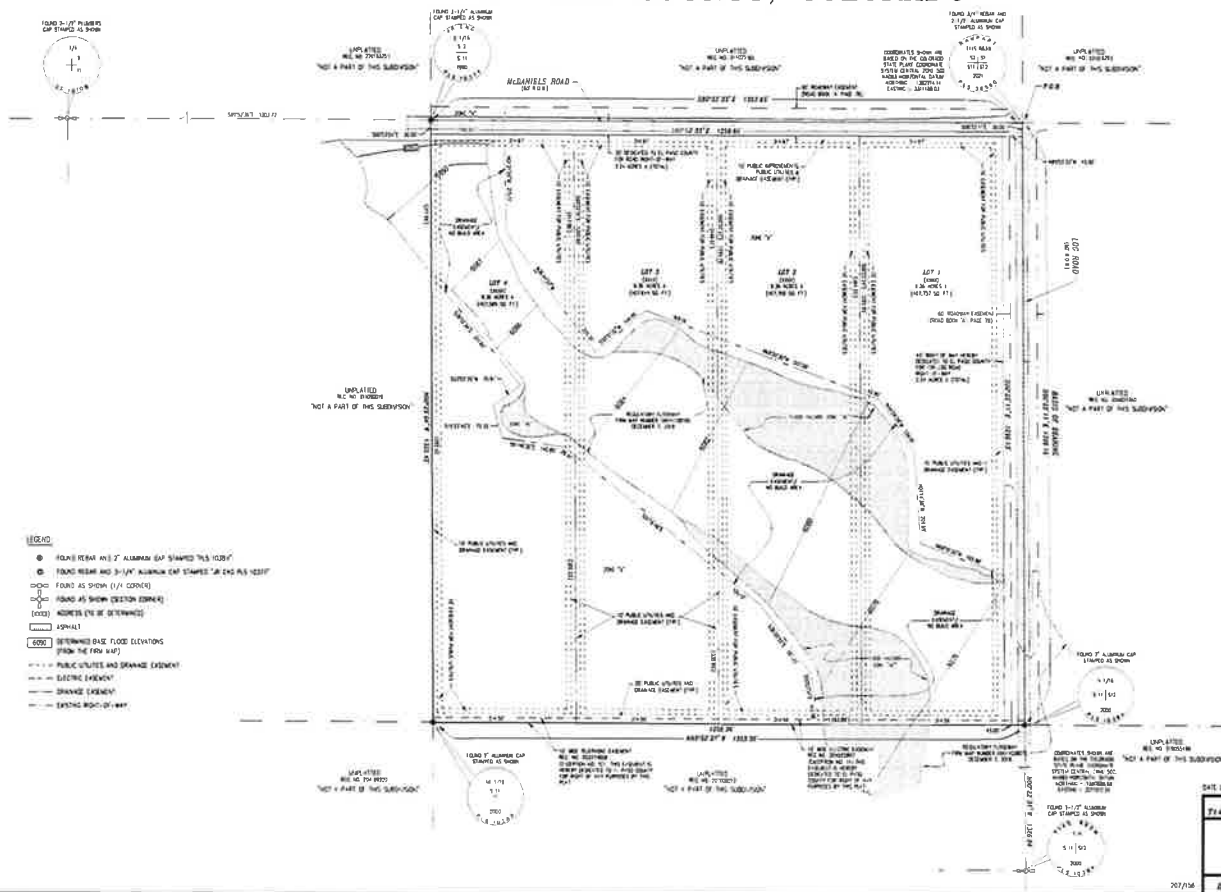
After the rezone approval by the Board of County Commissioners, we were approached by neighboring homeowners. We had a productive and genial discussion with them, informing them that there had been a thorough review process during our submittals to the County, and that we had complied with every aspect of the review. I believe that they left assured that the project would have minimal impact on their lives.

END

Page 31 of 31

ZINDORF SUBDIVISION NO. 3

THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 11, TOWNSHIP 14 SOUTH, RANGE 63 WEST OF THE 6th P.M. EL PASO COUNTY, COLORADO



DATE OF REVISION: FEBRUARY 28, 2021

ZINDORF SUB NO. 3 - REVIS/REVIS/SEC 11,
THE NE1/4 OF THE 6th P.M., EL PASO COUNTY, COLORADO

RAMPART
SURVEYS, LLC

P.E. No. 540 Registered Professional Engineer (P.E.) No. 1000

DRAWING: 21497.FPDW PAGE 2 OF 2



COLORADO

Division of Water Resources

Department of Natural Resources
1313 Sherman St., Suite 821
Denver, CO 80203

August 9, 2022

Matthew Fitzsimmons
El Paso County Planning and Community Development
2880 International Circle, Suite 110
Colorado Springs, SO 80910

Re: McDaniels Road Minor Subdivision
EA Number 21157, File Number MS225
NE1/4 of the NE1/4 of Sec. 11, T14S, R63W, 6th P.M.
Upper Black Squirrel Creek Designated Basin
Water Division 2, Water District 10
CDWR Reference No. 30426

Dear Mr. Fitzsimmons:

We have reviewed the above referenced proposal to replat and subdivide a 39.67-acre property described in the NE1/4 of the NE1/4 of Section 11, Township 14 South, Range 63 West, 6th P.M. located at 22755 McDaniels Road, into four single-family lots, one of which has an existing residence.

Water Supply Demand

According to the submittal the estimated water requirements total 1.34 acre-feet annually (0.335 acre-feet/lot), for: in-house use and irrigation of 1,325 square-feet of lawns and gardens.

Source of Water Supply

The proposed source of water is individual on-lot wells producing from the not-nontributary Arapahoe aquifer that will operate pursuant to the Determination of Water Right No. 4252-BD and Replacement Plan No. 4252-RP, including well permit no. 227502 for the lot with the existing well. The Replacement Plan No. 4252-RP allows for an average diversion of 0.335 acre-feet annually for a maximum of 300 years. The subdivision lies within the allowed place of use of Determination of Water Right no. 4252-BD, and the proposed uses are uses allowed by that Determination and Replacement Plan. Well permit no. 227502 was issued July 25, 2000 for the withdrawal of an average annual amount of 1.0 acre-feet for use in one single-family dwelling and livestock. This well should be repermited under C.R.S. 37-90-107(7) and 4252-BD.

The remaining three lots will be serviced by individual on-lot wells producing from the not-nontributary Arapahoe aquifer that will operate pursuant to the Determination of Water Right No. 4252-BD. These wells will have an average diversion of 0.335 acre-feet annually for a maximum of 300 years. The subdivision lies within the allowed place of use of Determination of water Right no. 4252-BD and the proposed uses are uses allowed under that Determination. The 4% replacement water will be replaced using return flows from the four residences and are estimated at 0.13 acre-feet per year, which will meet the 4% requirement of 0.013 acre-foot per year per residence.

The proposed source of water for this subdivision is a bedrock aquifer in the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which this source will be a physically and economically viable source of water. According to 37-90-107(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 4252-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.



The *El Paso County Land Development Code*, Section 8.4.7.(B)(7)(b) states:

“(7) Finding of Sufficient Quantity

(b) Required Water Supply. The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of 300 years.”

The State Engineer’s Office does not have evidence regarding the length of time for which these sources 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 5.78 acre-feet/year from the Arapahoe aquifer would be reduced to one third of that amount, or 1.93 acre-feet/year. As a result, the water may be withdrawn in those annual amounts for a maximum of 300 years.

Applications for on lot well permits, submitted by entities other than the Applicant of the change of Determination of Water Right must submit evidence that the Applicant has acquired the right to the portion of the water being requested in the application.

State Engineer’s Office Opinion

Based upon the above and pursuant to section 30-28-136(1)(h)(I), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.

Our 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 equal to 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 above-referenced decree, 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. The source of water is from a non-renewable aquifer, the allocations of which are based on a 100 year aquifer life. 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.

If you or the applicant have any questions, please contact me at (303) 866-3581 ext. 8208 or at Melissa.Vanderpoel@state.co.us

Sincerely,



Melissa A. van der Poel, P.E.
Water Resource Engineer

Ec: Referral No. 30426

County Attorney

Kenneth R. Hodges, County Attorney
719-520-6485
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Colorado Springs, CO 80903
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Board of County Commissioners
Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

August 28, 2023

MS-22-6 Zindorf Subdivision No. 3

Reviewed by: Lori L. Seago, Senior Assistant County Attorney
April Willie, Paralegal

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal for approval of the Zindorf Subdivision No. 3, a subdivision application by Greg Zindorf, Z investments ("Applicant") for a 4-lot subdivision on a parcel of 39.67 acres of land (the "property"). There is one existing home on the property. A rezone of this property is being sought concurrently with the minor subdivision. The property is currently zoned A-35 (Agriculture) and would be changed to RR-5 (Residential).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* ("WSIS"), the water demand for the subdivision of 39.67 acres into 4 residential lots is comprised of 0.26 acre-feet of indoor household use per home for a total of 1.04 acre feet for the four lots; .075 acre-feet per lot for irrigation for a total of .300 acre-feet for the 4 lots, for a total demand of .335 acre-feet per year per lot or 1.34 acre-feet per year total for the 4 lots. Based on this total demand, Applicant must be able to provide a supply of 402 acre-feet of water (1.34 acre-feet per year x 300 years) to meet the County's 300-year water supply requirement.

Proposed Water Supply

The Applicant has provided for the source of water to derive from one or more individual on-lot wells withdrawing from the not-nontributary Arapahoe aquifer as provided in Determination of Water Right No. 4252-BD ("Determination"). The Determination allocated 578 acre-feet of water in the Arapahoe aquifer to the property. Replacement Plan No. 4252-RP ("Replacement Plan") allows

ASSISTANT COUNTY ATTORNEYS

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DOREY L. SPOTTS
MERI GERINGER

the Applicant to withdraw from four wells on the property an annual amount of water from the Arapahoe aquifer of 1.34 acre-feet for a 300-year allocation. Each well may withdraw 0.335 acre-feet of water annually for domestic, irrigation, agricultural, livestock, replacement, commercial, industrial, and fish and wildlife purposes.

The Replacement Plan requires that return flows be provided from individual on-lot septic systems.

State Engineer's Office Opinion

4. In a letter dated August 9, 2022, the State Engineer stated that the lots will be serviced by individual on-lot wells producing from the not-nontributary Arapahoe aquifer that will operate pursuant to the Determination of Water Right No. 4252-BD and Replacement Plan No. 4252-RP. The allowed average annual amount of withdrawal per well for the subdivision shall not exceed 0.335 acre-feet for a maximum of 300 years. The well currently serving the existing residence must be re-permitted.

Finally, the State Engineer provided their opinion, “. . . pursuant to 30-28-136(1)(h)(I), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.”

Recommended Findings

5. Quantity and Dependability. Applicant's water demand for Zindorf Subdivision No. 3 is 1.34 (0.335 acre-feet per lot per year) acre-feet per year for a total demand of 402 acre-feet for the subdivision for 300 years. Under Determination of Water Right No. 4252-BD, Applicant has the right to use up to 578 acre-feet from the Arapahoe aquifer, and Replacement Plan No. 4252-RP allows the withdrawal of 1.34 acre-feet per year for a total of 4 lots based on a 300-year allocation for use within the subdivision.

Based on the water demand of 1.34 acre-feet/year (402 acre-feet total) for the Zindorf Subdivision No. 3 and the right to withdraw Arapahoe aquifer water in that amount, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for the Zindorf Subdivision No. 3.

6. The water quality requirements of Section 8.4.7.B.10.g. of the El Paso County Land Development Code must be satisfied. **El Paso County Public Health shall provide a recommendation as to the sufficiency of water quality.**

7. Basis. The County Attorney's Office reviewed the following documents in preparing this review: a *Water Resources Report* dated April 2022, the Water Supply Information Summary, the State Engineer's Office Opinion dated August 9, 2022, Determination of Water Right No. 4252-BD and Replacement Plan No. 4252-RP entered on November 3, 2021. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be***

found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.

REQUIREMENTS:

A. Applicant and its successors and assigns shall comply with all requirements of the Colorado Ground Water Commission Determination of Water Right No. 4252-BD and the Replacement Plan No. 4252-RP, including that water withdrawn from the Arapahoe aquifer shall not exceed 1.34 acre-feet total per year for up to 300 years. The allowed annual amount of groundwater to be withdrawn from each well is .335 acre-feet (1.34 acre-feet total).

B. The County prefers that when there is a replacement plan, Applicant create a homeowners' association ("HOA") for the purpose of enforcing covenants and assessing any necessary fees related to compliance with the water determinations for the property. For a four-lot subdivision such as this, however, in which the replacement of post-pumping depletions is not required, Applicant may elect to solely rely on the covenant provisions required below and forego creation of an HOA.

C. Applicant shall create restrictive covenants upon and running with the property which shall advise and obligate future lot owners of this subdivision and their successors and assigns regarding all applicable requirements of Determination of Water Right No. 4252-BD and the Replacement Plan No. 4252-RP.

Covenants shall specifically address the following:

1) Identify the water rights associated with the property. The Covenants shall reserve 402 acre-feet of not-nontributary Arapahoe aquifer water pursuant to Determination of Water Right No. 4252-BD to satisfy El Paso County's 300-year water supply requirement for the 4 lots of the Zindorf Subdivision Filing 3. The Covenants shall further identify that 100.5 acre-feet (0.335 acre-feet/year) of Arapahoe aquifer water is allocated to each residential lot.

2) Advise of responsibility for costs. The Covenants shall advise the lot owners and their successors and assigns of their obligations regarding the costs of operating the plan for replacement, which include the installation and/or maintenance of totalizing flow meters.

3) Require and reserve return flows. The Covenants shall require each lot owner to use a non-evaporative septic system to ensure that return flows from such systems are made to the stream system to replace actual depletions during pumping and shall state that said return flows shall not be separately sold, traded, assigned, or used for any other purpose. The Covenants shall also include the following or similar language to ensure that such return flows shall only be used for replacement purposes: "Return flows shall only be used for replacement purposes, 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. Lot owners must follow all applicable laws, rules, regulations, court orders, and permit conditions related to return flows.”

4) Address future lot conveyances. 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 Determination of Water Right No. 4252-BD and the Replacement Plan No. 4252-RP and the water rights therein 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.”

5) Advise of monitoring requirements. The Covenants shall advise the future lot owners of this subdivision and their successors and assigns of their responsibility for any metering, data collecting, and reporting that may be required regarding water withdrawals from existing and future wells in the Arapahoe aquifer.

6) Address amendments to the covenants. 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 Zindorf Subdivision No. 3 pursuant to Determination of Water Right No. 4252-BD and the Replacement Plan No. 4252-RP. Further, written approval of any such 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 the Colorado Ground Water Commission approving such amendment, with prior notice to the El Paso County Planning and Community Development Department for an opportunity for the County to participate in any such determination.”

7) Address termination of the covenants. The Covenants shall address termination using the following or similar language:

“These Covenants shall not terminate unless the requirements of Determination of Water Right No. 4252-BD and the Replacement Plan No. 4252-RP are also terminated by the Colorado Ground Water Commission and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County.”

D. Applicant and its successors and assigns shall reserve in any deeds of the Property Arapahoe aquifer water in the decreed amount of 100.5 acre-feet (0.335 acre-feet annually) per residential lot. 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 supply.

E. Applicant and its successors and assigns shall convey by recorded warranty deed these reserved Arapahoe aquifer water rights at the time of lot sales. Specifically, Applicant and future lot owners shall convey sufficient water rights in the Arapahoe aquifer underlying the respective lots to satisfy El Paso County’s 300-year water supply requirement. Sufficient water rights are 100.5 acre-feet (0.335 acre-feet/year x 300 years) from the Arapahoe aquifer for each residential lot.

Any and all conveyance instruments shall also recite as follows:

For the water rights and return flows conveyed for the primary supply (Arapahoe aquifer): “These water rights conveyed, and the return flows therefrom, are intended to provide a 300-year water supply, and replacement during pumping, for each of the lots of the Zindorf Subdivision No. 3. The water rights so conveyed and the return flows therefrom shall be appurtenant to each of the respective lots 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.”

F. Applicant and its successors and assigns shall submit a Declaration of Covenants, Conditions, and Restrictions, form deeds, and any plat notes required herein to the Planning and Community Development Department and the County Attorney’s Office for review, and the same shall be approved by the Planning and Community Development Department and the County Attorney’s Office prior to recording the final plat. Said Declaration shall cross-reference Determination of Water Right No. 4252-BD and the Replacement Plan No. 4252-RP and shall identify the obligations of the individual lot owners thereunder.

G. Applicant and its successors and assigns shall record all applicable documents, including but not limited to Determination of Water Right No. 4252-BD and the Replacement Plan No. 4252-RP, 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.

H. Applications for well permits submitted by persons other than the Applicant must include evidence that the permittee has acquired the right to the portion of the water being requested.

I. 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. 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 used for allocation indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply."

J. Prior to recording the final plat, Applicant shall upload a corrected Water Supply Information Summary to eDARP that identifies the water supply source in Section 10 as the Arapahoe aquifer, not the Upper Dawson, and adds the Determination and Replacement Plan case numbers.

cc: Ashlyn Mathy, Project Manager, Planner



Prevent • Promote • Protect

Environmental Health Division
1675 W. Garden of the Gods Road
Suite 2044
Colorado Springs, CO 80907
(719) 578-3199 *phone*
(719) 578-3188 *fax*
www.elpasocountyhealth.org

McDaniels Road Minor Subdivision, MS-22-6

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

- The existing 40-acre developed lot is proposed to have four total lots. All lots are approximately 9.7 acres in size. The 4 new lots will be served water from private wells, and new onsite wastewater treatment systems (OWTS) are proposed for wastewater service.
- There is a finding for sufficiency in terms of water quality based on the acceptable water sample results submitted by Colorado Analytical Laboratories dated 14July2021, and ACZ Laboratories, Inc. dated 26August2021.
- The 20December2021, Soil, Geology, and Wastewater Study completed by RMG Engineering, found the site suitable for the installation of onsite wastewater treatment systems (OWTS). In some cases, a professional engineer designed system may be required.
- Radon resistant construction building techniques/practices are encouraged in this area. The EPA has determined that Colorado, and specifically the El Paso County area, have higher radon levels than other areas of the country.

Mike McCarthy
El Paso County Public Health
719.332-5771
mikemccarthy@elpasoco.com
16September2022

FINAL PLAT (RECOMMEND APPROVAL)

_____ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. MS-22-006

MCDANIELS ROAD MINOR SUBDIVISION (AKA ZINDORF SUBDIVISION NO.3)

WHEREAS, Greg Zindorf did file an application with the El Paso County Planning and Community Development Department for approval of a final plat for the Zindorf Subdivision No. 3 for the property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on September 7, 2023; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;
6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and

7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a minor subdivision, the Planning Commission and Board of County Commissioners 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 (2022):

1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
2. The subdivision is consistent with the purposes of the Land Development Code ("Code");
3. The subdivision is in conformance with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analysis, studies, reports, plans, designs, documents, and other supporting materials.
4. 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 the Code.
5. 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 the Code.
6. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)].
7. Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM") are provided by the design.
8. The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development.
9. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County and in compliance with the Code and the ECM.
10. The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features

in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.

11. Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
12. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.
13. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Code.
14. 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 of the Code.
15. 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.
16. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.].

WHEREAS, 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 the Land Development Code.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Greg Zindorf for a minor subdivision final plat of the Zindorf Subdivision No.3 be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

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

3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 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.
8. Park fees in lieu of land dedication for regional parks region 4 in the amount of \$1,840 and there are no urban park fees associated with this project. The regional park fees shall be paid at the time of plat recordation.
9. Fees in lieu of school land dedication in the amount of \$740.00 shall be paid to El Paso County for the benefit of Ellicott School District 22 at the time of plat recording.
10. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated August 28, 2023, as provided by the County Attorney's Office.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioners 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.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

_____ seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	aye / no / non-voting / recused / absent
Sarah Brittain Jack	aye / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / absent
Jay Carlson	aye / no / non-voting / recused / absent
Becky Fuller	aye / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / absent
Kara Offner	aye / no / non-voting / recused / absent
Bryce Schuettpelz	aye / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / absent

The Resolution was adopted by a vote of to by the El Paso County Planning Commission, State of Colorado.

DONE THIS 7th day of September 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
Thomas Bailey, Chair

EXHIBIT A

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 14 SOUTH,
RANGE 63 WEST OF THE 6TH P.M., COUNTY EL PASO, STATE OF COLORADO.

SAID TRACT CONTAINS 39.67 ACRES OF LAND, MORE OR LESS.

