Fulmer
RZ-14-0022 & MD-14-0021

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SECTION 1

STAFF REPORT
Date: May 4, 2017
For the Elbert County Planning Commission meeting of
Date: May 16, 2017

TO:      ELBERT COUNTY PLANNING COMMISSION

FROM:    ETHAN WATEL, AICP (BASELINE CORPORATION)
APPROVED: KYLE FENNER, DIRECTOR OF CDS

RE:      RZ-14-0022 FULMER REZONE AND MD-14-0021 FULMER MINOR
DEVELOPMENT IN THE EAST HALF OF SECTION 34, TOWNSHIP 10, RANGE 60 WEST OF THE 6TH P.M. IN ELBERT COUNTY.

APPLICANTS: James and Carolyn Fulmer

REPRESENTATIVE: Steve Wilson, Superintendent, Big Sandy School District 100-J

SUMMARY OF REQUEST
The applicants, James and Carolyn Fulmer, request approval of a Rezoning to the Agriculture 2 (A-2) Zone District and a Minor Residential Development for the purpose of creating a single legal lot.

PERTINENT DATA
Site Description: The 22.6 acre site is located at 18061 County Road 125 in Simla south of Big Sandy Schools. The site contains a single residence and agricultural uses.

The parcel was created when the Fulmers sold approximately 14 acres of a 39 acre parcel to the Big Sandy School District for a new school and expansion of the campus. This division of land was technically illegal because it was done so without going through the County’s subdivision process. The resulting parcels were therefore illegal. The 14 acres became part of the School District’s property within the Town of Simla. A part of the sale agreement was that the School district would assist the Fulmers in the appropriate rezoning and subdivision of the remaining parcel. The school property was subsequently annexed into the Town of Simla. The remaining Fulmer property was not annexed and still remains in unincorporated Elbert County.

Topography: The site is mostly flat.
**Floodplain:** There are no designated flood hazard areas on the parcel.

**Existing Zoning:** XX. Historically when an illegal subdivision occurs, the zoning map and assessor records are updated to indicate that the illegally created parcels are zoned “XX.” In this case, the assessor records and zoning map incorrectly state that the subject parcel is zoned “S” indicating that the parcel is within the Town of Simla. At one point, early in this negotiation annexation was considered and nearly complete. It is unclear to staff why that did not happen, but it didn’t. As the mapper was a part of that process it may be that the change was made thinking it was going to happen. The parcel is not within the Town of Simla. The parcel was created from a parcel zoned Agriculture (A).

**Proposed Zoning:** Agricultural 2 (A-2)

**Surrounding Zoning / Land Use**
- West: Agriculture (A) / Pasture-Ag
- South: Agriculture (A) / Pasture and Agricultural Structure
- East: Residential Agriculture (RA) / Outdoor Equipment Storage (Can-America Drilling)
- East: Simla zoning and Agriculture (A) / Pasture-Ag
- North: Simla zoning / School

Site Vicinity Map
BACKGROUND
The Pre-application meeting for this case was held on May 20, 2014. The land acquisition by the School district from the Fulmers, the construction of the new school for Simla, and the resulting XX zoned 21.683 acre parcel has been part of community discussion and an agreement between the Fulmers and the school district for a number of years. The school construction is complete and the school is operating.

The formal application was received by Community & Development Services on November 4, 2014. The application was then sent on the standard referral. A response
from the Division of Water Resources caused the application to be put on hold. Between 2014 and February 2017 the application sat in limbo while the applicants worked with the Division of Water Resources to resolve the water well issue identified in the letter dated January 15, 2015. In late February 2017 Steve Wilson submitted a new well permit to satisfy DWR concerns. In this case staff was able to “pick up where we left off” as this application is primarily a technicality to legalize an already existing parcel. Other than the comments from the DNR there were no objections in 2014.

Staff agreed that that the case was now ready to move forward. New and updated referrals comments were sought from the Division of Water Resources.

Public hearing dates were set for
• Planning Commission: May 16, 2017
• Board of County Commissioners: June 14, 2017

REFERRAL
Part II, Section 17, C, 3 of Elbert County Zoning Regulations requires that Community & Development Services receive comments from the appropriate referral agencies to evaluate requests for a land use approvals. Failure of a referral agency to submit comments in writing shall constitute approval by that agency. Following is a summary of comments received. Copies of each comment are attached.

Colorado Division of Water Resources: On January 5, 2015 the DWR stated that it could not comment favorably on using the existing well for the project. The applicant was directed to apply for a Determination of Water Right and Replacement Plan before obtaining a new well permit. The applicants obtained a new well permit and provided the required information regarding water supply and demand. In an email to Steve Wilson from Neelha Mudigonda at the DWR on April 26, 2017, Ms. Mudigonda indicated that the DWR has everything required to permit the well and a new favorable comment letter would be drafted and sent to CDS. CDS received the letter on May 5, 2017. The letter is included in the referral comment section of this packet.

Big Sandy School District 100-J: Comments in favor of the application.

Elbert County Dept. of Health and Human Services: No objections.

Elbert County Mapper: No objections.

El Paso County Planning: The development does not appear to have any potential zoning impact on El Paso County.

El Paso County Engineering: No issues.

Colorado Parks and Wildlife: CPW believes impacts to the wildlife resources to be negligible.
Comments received by the Applicant from neighboring property owners within a quarter mile: The property was posted with a sign advertising the hearing dates and brief explanation of the application, the notice was placed in the paper, and area property owners were sent a mailing. As of the date of this staff report, CDS Director Fenner received two phone calls from County residents who saw the notice sign inquiring into the application. When the nature of the application was explained to them, they had no concerns or further comments.

MASTER PLAN EVALUATION
Approval of this proposal requires compliance with the Elbert County Master Plan. The proposal was not found conflict with any of the guidelines of the Master Plan.

THE REMAINDER OF THIS REPORT IS DIVIDED INTO TWO SECTIONS, ONE FOR THE REZONING REVIEW AND ONE FOR THE MINOR DEVELOPMENT REVIEW.

REZONING EVALUATION (RZ-14-0022)
Below is Staff’s evaluation of the proposals compliance with the Elbert County Zoning Regulations. *Code sections are in italics* to differentiate the comments from the Staff comments in regular text.

ELBERT COUNTY ZONING REGULATIONS

Compliance with Zoning Regulations
The applicant has submitted the required documentation detailed in Part I, Section 6. B. Rezoning Procedures. The following criteria shall be considered by the Planning Commission and the Board of County Commissioners in reviewing all rezoning applications:

General Considerations for Every Application.

1. *Is the application suitable for the community / area in which it is proposed?*

   The rezoning to A-2 on a 22.6 acre parcel is suitable for the area in which the parcel is situated.

2. *Does the community / area in which the application is proposed have the resources to support it?*

   The property is adjacent to the Town of Simla. A residence exists and no new residences (no change in density) are proposed nor will they be allowed after they rezone to A-2. An A-2 parcel however is permitted a 2\textsuperscript{nd} residence following an approved Special Use by Review. As a 39 acre parcel it was allowed a 2\textsuperscript{nd} residence by right. The property has all the services it needs today.

General Rezoning Approval Standards
The following criteria shall be considered by the Planning Commission and the Board of County Commissioners in reviewing all rezoning applications, [Part I, Section 6, B] and can be used as the Findings in a Resolution of Approval for the application:

1. *Whether the proposed rezoning complies with the requirements of the Elbert County Master Plan.*

   **Housing Section Policies:**
   1.) New residential development shall conform to each of the following:
      a.) Complement the “rural character” of the County by incorporating large, contiguous areas of open space, as described elsewhere in the Master Plan.

      The proposal is for a single 22.6 acre parcel. The A-2 zone district’s minimum 20 acre lot size will encourage open areas and provides for land that can be used for both residential and agricultural purposes.

      b.) Respect the natural contours and existing vegetation found on the proposed development site (minimize over-lot grading);

      The applicant does not propose any new grading. The existing home is to remain.

      c.) Processed as a Planned Unit Development;

      Not applicable – The General Standards for All Residential Developments require developments which create eight or more lots to be zoned PUD. Rezoning to A-2 would only allow one lot on the 22.6 acre property.

      d.) Comply with the appropriate Elbert County Site Design Standards for Residential Developments and the recommendations found in the other sections of this Master Plan;

      The Elbert County Site Design for Residential Developments shall apply to residential developments which create eight lots or more; this application does not create new lots but makes one lot smaller and the school property larger.

      e.) Accommodate the wildlife found on the site by protecting movement corridors; designate “no disturbance areas” or open space for sensitive wildlife areas; preserve “high-quality wildlife areas” such as riparian areas, land along the banks of drainages, streams, and other bodies of water by providing substantial buffers between such areas and the developed portions of the site.

      Not applicable. This is a one-lot, minor development of 22.6 acres. Colorado Parks & Wildlife responded that it did not believe there would be
impacts to wildlife.

2.) The clustering of housing should be encouraged as an acceptable design solution to maintain the “rural character” or to solve other site constraints.

This is a minor development of a single lot on 22.6 acres and there are no site constraints. The existing layout compliments the rural character of the County.

3.) Developments of 320 dwelling units or more should provide more than one housing type (i.e. single-family, townhouses, patio homes, duplex, etc.) with opportunities for people of all ages, and for a variety of incomes.

Not applicable for this rezoning to A-2, only one lot would be possible on the site.

4.) Established subdivisions with lot sizes less than 35 acres that have been properly subdivided and zoned should be discouraged from further subdivision.

Not applicable, this land is not part of an existing subdivision.

2. Whether the proposed rezoning is compatible with surrounding land uses.

The proposed A-2 zone district allows similar by-right uses as those allowed in the A district, and would actually further restrict some uses. Similarly, the A district allows more uses to be considered as a Use by Special Review, while the A-2 district specifies 21 specific uses that may be considered as Uses by Special Review. No land use that would be more impactful than what is currently allowed would be permitted by the rezoning.

3. Whether the proposed rezoning would adversely impact the provision of public services.

The proposal will not adversely impact the provision of public services. The existing home is served by well and septic.

4. Whether the proposed rezoning would adversely impact the environment

The property does not contain any land within the 100 year floodplain, or any slopes 20% or greater. Elbert County restricts development within floodplains and on steep slopes in order to prevent damage to riparian habitat and to reduce soil erosion. The rezoning would not allow more environmentally impactful land uses than what is currently allowed. Existing drainage patterns will be maintained.

5. Whether the proposed rezoning would create traffic congestion or burden the
existing road system.

No land use that would be more impactful than what is currently allowed would be permitted by the rezoning and no increase in density is being considered. The existing land use will not change under the rezoning.

6. **Whether the proposed rezoning will not otherwise be detrimental to the health, safety or welfare of present or future inhabitants of Elbert County.**

This proposal is occurring in an area that already has adequate access to public services. No issues were identified as being detrimental to the health, safety, and welfare of County residents.

**REZONING FINDINGS & RECOMMENDATION**

Staff recommends that the Planning Commission find that:

1. The proposal in general conformance with the Elbert County Master Plan; and
2. The proposal meets the criteria for approval in the Elbert County Zoning Regulations; and
3. The Elbert County Subdivision Regulations are not applicable to this project; and
4. The proposed land use is compatible with existing and allowable land uses in the surrounding area; and
5. The proposed land uses will not result in significant impact to the health, safety, and welfare of the residents and landowners of the surrounding area.

AND

Because this application has met the criteria set forth in the Elbert County Regulations and as we understand it that there are no objections from other governing bodies, the recommendation of Community & Development Services is to approve **RZ-14-0022 FULMER REZONE – A REQUEST TO REZONE A 22.6 ACRE PARCEL TO THE AGRICULTURE 2 (A-2) ZONE DISTRICT IN THE EAST HALF OF SECTION 34, TOWNSHIP 10, RANGE 60 WEST OF THE 6TH P.M. IN ELBERT COUNTY.**

1. The applicant will be required to remove the Public Hearing sign within seven (7) days of a decision by the Board of County Commissioners. A letter to that effect will be placed in the Community & Development Services project file prior to recordation

2. The rezoning will not become effective until all fees are paid, conditions of approval are met, and the rezoning exhibit is recorded; and

3. Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners’ approval.
MINOR DEVELOPMENT EVALUATION (MD-14-0021)
A Minor Residential Development (MRD) is an exemption from the regular subdivision process which requires preliminary and final plats. MRDs shall comply with the standards for subdivisions. MRDs allow for the creation of between one and seven residential lots, parcels, or tracts, adjoining a public street or road. Below is Staff's evaluation of the proposals compliance with the Elbert County Subdivision Regulations. Code sections are in italics to differentiate the comments from the Staff comments in regular text.

ELBERT COUNTY SUBDIVISION REGULATIONS
Section I.C. Acceptance of a Subdivision
1. Whether the application is in compliance with the requirements of these regulations, the Elbert County Zoning Regulations, and the intent and policies of the Elbert County Master Plan.

The application is in compliance with the Elbert County Subdivision Regulations, Zoning Regulations, and Master Plan.

2. Whether the application is in compliance with all applicable statutory provisions.

To the best knowledge of CDS staff, the application is in compliance with all applicable statutory provisions.

3. Whether the application is in compliance with the Colorado Health Department and Colorado Department of Transportation regulations.

Elbert County Health and Human Services (HHS) is the local regulatory and enforcement body for Colorado health regulations. HHS does not object to the minor development process, as noted in its referral comments.

Colorado State transportation regulations do not apply to this project, as it does not rely on access from any state highway. For this reason the project was not referred to the Colorado Department of Transportation.

Section X. C. Compliance with the Subdivision Regulations – The applicant has submitted the required documentation detailed in Section X, C. “Required Submittal Information for Minor Residential Developments” namely:
1. Proof of ownership.

The applicant has submitted proof that the property is owned by the Fulmers.

2. Proof of water availability.

Appropriate proof of water availability was submitted and reviewed by the county as well the Colorado Division of Natural Resources, Division of Water Resources. The
Fulmers have a permit for their well, a copy of which is included in this packet. The DWR responded favorably. CDS relies on DWR for final determinations of water supply adequacy.

3. *Responses from established referral/review agencies with the allowed thirty-five (35) day review period.*

CDS referred the application to the following agencies. All responses received are attached to this report.

- Simla Fire District
- Simla School District
- Town of Simla
- Double El Conservation District
- Mountain View Electric Assn. Inc.
- Colorado Parks & Wildlife
- Colorado Division of Water Resources
- Elbert Co Assessor’s Office
- Elbert Co Public Works
- Elbert Co Engineering Dept.
- Elbert Co Mapping
- Elbert County Environmental Health
- Elbert County Emergency Management

4. *Topographic information may be requested of applicant for the site.*

The topographic information relating to this MRD is shown on the accompanying rezoning exhibit.

5. *A Final Plat, submitted in accordance with the Final Plat requirements.*

The applicant submitted a plat prepared for the Fulmer Minor Residential Development in accordance with all applicable plat standards. The plat has been deemed approvable. Some minor edits may be required prior to recording given the amount of time that has elapsed since the plat was prepared.

6. *Fees.*

The applicant has paid all applicable fees to the county to date.

7. *If taken with a rezoning request, that procedure/process and fee for rezoning is not altered.*

The Fulmer MRD has been requested along with a request to rezone from XX to A-2. The rezoning process was not altered.

8. *Dedication of public land to Elbert County or cash-in-lieu thereof.*
No dedication is necessary as no new lots are being created. This is a single lot subdivision.

9. *Digital submittal as per Map Requirements, see Section XV., A., 10.*

This is a condition of approval.

**MINOR DEVELOPMENT FINDINGS & RECOMMENDATION**

Staff recommends that the Planning Commission find that:

1. The proposal is in general conformance with the Elbert County Master Plan; and
2. The proposal meets the criteria for approval in the Elbert County Subdivision Regulations; and
3. The proposal is in general conformance with the Elbert County Zoning Regulations, if case RZ-14-0022 is approved rezoning the property to A-2; and
4. The proposed land use is compatible with existing and allowable land uses in the surrounding area; and
5. The proposed land uses will not result in significant impact to the health, safety, and welfare of the residents and landowners of the surrounding area.

**AND**

Because this application has met the criteria set forth in the Elbert County Regulations and as we understand it that there are no objections from other governing bodies, the recommendation of Community & Development Services is to approve **MD-14-0021**

**FULMER MINOR DEVELOPMENT IN THE EAST HALF OF SECTION 34, TOWNSHIP 10 SOUTH, RANGE 60 WEST OF THE 6TH P.M. IN ELBERT COUNTY.**

1. The applicant will be required to remove the Public Hearing sign within seven (7) days of a decision by the Board of County Commissioners. A letter to that effect will be placed in the Community & Development Services project file prior to recordation; and

2. The minor development shall not be recorded prior to approval of rezoning case RZ-14-0022, rezoning the property to A-2; and

3. The minor development will not become effective until all fees are paid, conditions of approval are met, and the minor development documents are recorded; and

4. Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners’ approval; and
5. The minor development plat will comply with the submittal requirements specified in the Subdivision Regulations, Section XV including requirements for digital submittal.

Respectfully submitted to and on behalf of Elbert County,

Ethan Watel, AICP
Senior Planner
Baseline Corporation
Contract Planner for Elbert County

CC. Kyle Fenner, Director of Community and Development Services
SECTION 2: 
COMBINED APPLICATION
REZONING CHECK LIST
(SEE ELBERT COUNTY ZONING REGULATIONS)

Date: 10/29/14

Project Name: Fulmer Minor Development

Project Location/Address: Simla, Colorado

Owner(s) Name(s): James & Carolyn Fulmer

Address: P.O. Box 127, Simla, CO 80835

Phone Number(s): 719-541-2567

The application must include the following information:

1. Completed Application Form
   (Notarized and signed by all owners – 1 original and 2 copies)
   Completed Disclosure Form
   (Notarized and signed by all owners – 1 original and 2 copies)
   Completed Agreement Form (1 original and 2 copies)
   Statement of Taxes (from the Treasurer’s Office)
   (1 original and 2 copies)

2. Application Fees Paid $ 2375 (Amount)

3. Completed Narrative (1 original and 2 copies)

4. Completed Site Plan Exhibit (1 original and 2 copies)
   (Prepared by an Engineer, Surveyor, Registered Architect or Landscape Architect)

5. Proof of Ownership (Title Report or Property Deed)

Public Hearing Date Set For Planning Commission

Public Hearing Date Set For Board of County Commissioners

35 Day Review Period:

6. Referral Agencies Notified. Due on
   (See Referral Agency Check List)
30 Days Prior to the Public Hearing:

7. Notice of Public Hearing in the Newspaper

24 Days Prior:

8. Map of Adjacent Land Owners
   Copy of the Notice Mailed to Property Owners
   Alphabetical List of Adjacent Property Owners
   White Postal Receipts for Certified Mailing

9. Notarized Affidavit Verifying Sign Posting
   Photograph of the Sign Posting

5 Business Days Prior:

10. Publishers Affidavit
    Green Postal Return Receipts
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<th><strong>COUNTY OF ELBERT</strong></th>
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<tbody>
<tr>
<td><strong>COMMUNITY &amp; DEVELOPMENT SERVICES</strong></td>
</tr>
<tr>
<td>P.O. BOX 7</td>
</tr>
<tr>
<td>215 COMANCHE STREET</td>
</tr>
<tr>
<td>KIOWA, COLORADO 80117</td>
</tr>
<tr>
<td>303-621-3136 FAX: 303-621-3165</td>
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<tr>
<td><a href="mailto:cds@elbertcounty-co.gov">cds@elbertcounty-co.gov</a></td>
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**Elbert County Land Use Application**

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<td><strong>LOCATION:</strong> Elbert County, Colorado</td>
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<td><strong>LEGAL OWNER'S NAME(S):</strong> James &amp; Carolyn Filmer</td>
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<tr>
<td><strong>ADDRESS:</strong> 18061 County Road 125 Simla CO 80835</td>
</tr>
<tr>
<td><strong>TELEPHONE #(#):</strong> 719.541.2567</td>
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*ATTACH COPY OF DEED*

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<td>Mineral Rights Owner(s):</td>
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<td>Proposal/Request:</td>
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<td>Authorized Representative Name/Address:</td>
<td>Steve Wilson, Sept., Be Sandy School District, Simla, Colorado</td>
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<tr>
<td>Telephone #:</td>
<td>719.541.2292</td>
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Legal Description of Property: Section(s) 34 Township 10 Range 60 West
Lot 1 Block ____________
Subdivision Fulmer Minor Development
Property Tax Parcel Number: 0034100141

COMPLETE ALL APPLICABLE SECTIONS
Gross Site Density/acres: 2.683 # Lots/Dwelling Units: 1
Sources of Utilities:
Water: Well Electricity: Mountain View
Septic Tank Sanitation: Leech Field Natural Gas: Propane Tank
Other: ____________
Elbert County School Attendance (K-12): Bay Sandy
Fire District: Bay Sandy/Santa Fire Protection District
Proposed Public Roadway Access: Halligan Ave
TOTAL APPLICATION FEE $2375 AMOUNT RECEIVED $__________

DOCUMENTS SUBMITTED:
☐ Access Requests ☐ Plat Map
☐ Authorization for Representative ☐ Preliminary Construction Plans
☐ Cost estimates ☐ Proof of Ownership
☐ Drainage Report ☐ Soils Report
☐ Final Construction Plans ☐ Traffic Control Plan
☐ Landscape Plans ☐ Traffic Report
☐ Narrative ☐ Subdivision Summary Form
☐ Pavement Design Report ☐ Other: ______
☐ Statement of Taxes (available from Assessor's Office) ☐ Community creditors
☐ Drainage & Erosion Control Plan
(required if adding, moving, or removing more than 300 cubic yards of dirt)
Review of this application and supportive documentation will not begin until the Community &
development Services Department deems the application complete. Applicant acknowledges that there
is no mutually agreed upon time between the County and the applicant during which this application will
be approved, conditionally approved or denied.

In addition to the standard Land Use Fees, the applicant is responsible for all Public Notice Costs
(signs, legal notices, certified mail, etc.), as well as large envelopes and postage for Referral
Agencies, Planning Commissioners and the Board of County Commissioners, etc.

I, Janie Fulmer, being first duly sworn, deprecate and state under penalties of perjury
that I am (we are) the owner(s) of the property described herein and which is the subject of the
application and proposed hearings; that all answers provided to the questions in this application,
and all sketches, data, and all other supplementary matter attached hereto and made part of this
application, are honest and true to the best of my (our) knowledge and belief. I (we) understand that
this application must be complete and accurate prior to a hearing being scheduled. I (we) authorize
County staff to visit the site as necessary for proper review of this application. (If there are any
special conditions such as guard dogs, locked gates, restricted hours, etc., please give the name and
phone number of the person(s) who can provide access to the site.)

Janie Fulmer
Name (printed)
PO Box 127
18061 County Road 125
Sailor, CO 80835
Address
719-541-2547
Phone
Fax

Signature

County of Elbert
State of Colorado
Sworn to and subscribed before me this 22 day of October, 2014
(Fill in month) (Fill in year)

By Rose Mary Docter
(name printed)
Witness my hand and official seal:
Rose Mary Docter (Notary Public)

My Commission expires 9-20-2018

[Stamp: ROSE MARY DOCTER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 2004103820
MY COMMISSION EXPIRES SEPTEMBER 20, 2018]
As part of the Land Use Application submittal, Elbert County Community and
Development Services requires a "Statement of Taxes". The Statement of Taxes
printout should be obtained from the Treasurer's office and must be current,
dated within 30 days of the date of submittal. The printout should be attached to
this form and included in the land use application when submitted. This
requirement applies to any account number beginning with R, M, N, P, and O.

DATE: 10/29/14

PROJECT NAME: Fulmer Homes Development

PROJECT LOCATION: Elbert County, CO

OWNER(S) NAME (printed): James & Lynne Fulmer

OWNER(S) ADDRESS: Box 127, Simla, Colorado 80835
# Statement of Taxes Due

**Account Number:** R120215  
**Parcel:** 0034100141  
**Legal Description:**  
Section: 34 Township: 10 Range: 60 PAR IN NE4, SOUTH PARCEL Subdivision: RURALA (TOTAL 24.14)  
**Situs Address:** 18061 CO RD 125

Account: R120215  
FULMER JAMES G & CAROLYN S  
PO BOX 127  
SIMLA, CO 80835-0127

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### Yearly Tax Summary

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**Total Tax Charge:** $0.00  
**Grand Total Due as of 11/12/2014:** $0.00

Title: Tax Billed at 2013 Rates for Tax Area 0022 - 0022

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This is your Statement of Taxes Due for 2013 taxes due in 2014. Full payment is due on 4-30-14. First half payment is due 2-28-14 and second half is due 06-15-14. Prior year taxes need to be paid in Certified Funds. Current taxes can now be paid online at www.elbertcounty-co.gov. Please include the account number with your payment. If you have questions, feel free to call 303-521-5120. Make payment to:  
Elbert County Treasurer  
PO Box 67  
Kiowa CO 80117

---

Elbert County Treasurer . PO Box 67 . Kiowa, CO 80117 .
APPLICATION AGREEMENT FORM

PROJECT NAME:  Fuller Minor Development

PROJECT LOCATION:  Elbert County, Colorado

The applicant agrees to pay for reasonable additional engineering and/or consultation when requested by the Community & Development Services Department, Planning Commission or Board of County Commissioners when, in their opinion, additional information, studies, or investigations are needed to help clarify the proposal made.

[Signatures]

Applicant or Authorized Representative

10/22/14

Date
Narrative

This application is for the re-zoning and subdivision of the 25-acre parcel located to the south of the Big Sandy School District's new school facility, which is owned by James (Jim) and Carolyn Fulmer.

The Fulmer's parcel is currently zoned A-1. The re-zoning and subdivision is necessary because the Fulmer's sold a 14.65 acre lot (from a larger 40 acre parcel) to the school district to facilitate the construction of the new school and, after the sale of the parcel, the Fulmer's 25-acre lot no longer complies with the lot size requirements of the A-1 zone district.

The Fulmers now seek to secure an A-2 designation for the lot and also to complete a minor subdivision as/if necessary to create a legal lot. As part of the sale, the school district agreed to pursue the re-zone of the Fulmer's remaining lot with the County on the Fulmers behalf.
Authorization for Representative

I, James Fulmer & Carolyn Fulmer, being duly sworn declare that I/We are the owner(s) of the property involved in the Fulmer Minor Development. I/We hereby grant Steve Wilson authority to act on my/our behalf.

James Fulmer
Signature

10-22-14
Date

Carolyn Fulmer
Signature

10-22-2014
Date

County of Elbert SS
State of Colorado

Sworn to and subscribed before me this 22 day of October, 2014

By Rose Mary Docterman
(Printed name)

Witness my hand and official seal.

Rose Mary Docterman (Notary Public)

My commission expires: 9-20-2018
WARRANTY DEED

THIS DEED, Made this day of January 8, 2004, between

JERRY SHALOSKY and DARLENE SHALOSKY

and

JAMES B. FULMER and CAROLYN S. FULMER

of the legal record in Box 127, Elbert, Co. 80106, of the County of ELBERT in the State of COLORADO, jointly,

WITNESSETH, that the grantors do agree and promise to the grantee, hereinafter called the "Purchaser," for the sum of Eighty-Five Thousand and no/100 Dollars, the receipt and

acknowledgment of which is hereby acknowledged, do hereby grant, convey and sell, and forever release, transfer and assure unto the Purchaser, its heirs, executors, administrators,

and assigns, forever, the following described tract or parcel of land, described as follows:

A TRACT OF LAND SITUATED IN THE E.1/2 OF SECTION 34, TOWNSHIP 15 S., RANGE 10 W., OF THE 8TH P.M. OF THE COUNTY OF ELBERT, STATE OF COLORADO, MORE FULLY

DESCRIBED AS FOLLOWS:

BEGINNING at the N.E. corner of Section 34, Township 15 S., Range 10 W., thence S. of the 8th P.M. to the true point of beginning.

THENCE E. for 300 ft., thence S. for 400 ft., thence N. for 300 ft., thence W. for 200 ft., and containing 2 acres, more or less.

also known as sheet and number as 1199, COUNTY OF ELBERT, CO. 80106

TOGETHER with all appurtenances thereunto belonging and all easements, covenants and conditions, and all the rights and

profits thereof, and all the water, light, air, and all and every part and

interest in and to the same, in, on and under the aforesaid tract or parcel of land, together with all and every part and

interest in and to the aforesaid tract or parcel of land, forever.

TO HAVE AND TO HOLD the same in fee simple, together with all and every part and interest in and to the same, to the Purchaser and its

heirs, executors, administrators and assigns, forever.

SIXTH: The Purchaser covenants and agrees that the Purchaser will execute necessary instruments in the name of the grantor, the

grantor to pay all costs of recording and conveying the aforesaid tract or parcel of land.

The Purchaser and the Purchaser's assigns, and their successors in title, shall forever secure and keep the aforesaid tract or parcel of land free and clear of any encumbrances, covenants, conditions and other restrictions.

SUBJECT TO all and every other easements, reservations, covenants and restrictions of record, as shall be shown on the survey records of the

County of Elbert.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands, this 8th day of January, 2004.

JERRY SHALOSKY

DARLENE SHALOSKY

JAMES B. FULMER

CAROLYN S. FULMER
October 13, 2014

Legal Description Fulmer Minor Development:

A tract of land situated in the E 1/2 of Section 34, Township 10 South, Range 60 West of the 6th P.M., being a portion of that land recorded in Book 654, Page 961 in the Clerk and Recorder's office of Elbert County, Colorado, lying south of the School Annexation Plat (Rec. # 523126), County of Elbert, State of Colorado, further described as follows:

COMMENCING at the Northeast Corner of Section 34, Township 10 South, Range 60 West of the 6th P.M.; thence south along the East line of said Section 34, which bears South 00°38'34" East, a distance of 1,738.61 feet; thence South 89°53'23" West, a distance of 30.00 feet, along the south line of said School Annexation Plat, to the POINT OF BEGINNING;

Thence South 00°38'34" East, parallel to said section line, a distance of 1955.90 feet; thence South 89°53'23" West, a distance of 482.94 feet; thence North 00°38'34" West, parallel to said section line, a distance of 1955.90 feet, to a point on said south line of the School Annexation Plat, thence North 89°53'23" East, a distance of 482.94 feet, along said south line, to the POINT OF BEGINNING.

Said tract contains 944,538 square feet or 21.683 acres, more or less.

W. Russell Clark
Colorado Professional Land Surveyor No. 31548
For and on behalf of Clark Land Surveying, Inc.
OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

WELL PERMIT NUMBER 70866
DIV. 8 WD 67 DES. BASIN 7 MD 13

APPLICANT

JIM FULMER
PO BOX 127
SIMLA, CO 80835

(719) 861-8277

PERMIT TO CONSTRUCT A WELL

CONDITIONS OF APPROVAL

1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.

3) Approved pursuant to CRS 37-90-105(3)(d) for the replacement of an existing well, permit no. 70866. The old well must be plugged and abandoned in accordance with Rule 18 of the Water Well Construction Rules. The enclosed Well Abandonment Report form must be completed within ninety (90) days of construction of the new well affirming that the old well was plugged and abandoned.

4) Water from this well may be used for domestic purposes inside 1 single family dwelling(s), and the watering of the owner's own large non-commercial domestic animals.

5) The pumping rate of this well shall not exceed 15 GPM.

6) The annual withdrawal of ground water from this well shall not exceed 1 acre-foot.

7) The irrigated area shall not exceed 1 acre of lawn and garden.

8) The total depth of the well shall not exceed 285 feet, which corresponds to the base of the Arapahoe aquifer. At a minimum, plain casing shall be installed and grouted through all unconsolidated materials and shall extend a minimum of ten feet into the bedrock formation to prevent production from other zones.

9) This well shall be constructed within 300 feet of the location specified on this permit.

NOTE: The ability of this well to withdraw its authorized amount of water from this non-renewable aquifer may be less than the 100 years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.

NOTICE: This permit has been approved with a change to the permit application form that applied for by the applicant. You are hereby notified that you have the right to appeal the issuance of this permit, by filing a written request with this office within sixty (60) days of the date of issuance, pursuant to the State Administrative Procedures Act. (See Section 24-4-104 through 106, C.R.S.)

APPROVED

[Signature]
State Engineer

Receipt No. 3555256 DATE ISSUED 05-17-2012

BY EXPIRATION DATE 05-17-2014
RESIDENTIAL Note: Also use this form to apply for livestock watering
Water Well Permit Application
Review form instructions prior to completing form.
Hand completed forms must be completed in black or blue ink or typed.

1. Applicant Information

Title: Jim Fulmer
Mailing address: PO BOX 127
City: SIMLA
State: CO
Zip code: 80835
Telephone #: 1-719-661-8277
E-mail: ticanamancio@gmail.com

2. Type of Application (check applicable boxes)

☐ Construct new well
☐ Replace existing well
☐ Use existing well
☐ Change source (aquifer)
☐ Change source (aquifer) (expensive permit)
☐ Use existing well
☐ Other

3. Refer To (if applicable)

Well permit #: 70866
Designated basin: 
Designated basin (Determination): 
Well name or #: 

4. Location Of Proposed Well (Important! See Instructions)

County: ELBERT
City: NE
Section: 34
Township: 10
Range: 60
Principal meridian: 6TH
Distance of well from section lines (section lines are typically not property lines):
FS From NE Corner:

Direction:

Well location address (include City, State, Zip): 

5. Proposed Well Driller License # (optional): 1149

6. Parcel On Which Well Will Be Located

A. You must check and complete one of the following:

☐ Subdivision
Lot #: Lot #
Block: Grouping Unit: 
☐ County exemption (attach copy of county approval & survey)
Name #: Lot #: 
☐ Parcel less than 35 acres, not in a subdivision attach a deed with metes & bounds description recorded prior to June 1, 1972, and current deed
☐ Mining claim (attach copy of deed or survey) Name #: Lot #: 
☐ Square 40 acre parcel as described in Item 4
☐ Parcel of 35 or more acres (attach metes & bounds description of survey)
☐ Other (attach metes & bounds description or survey)

B. Is this the only well on this parcel? YES NO

C. Are you the owner of this parcel? YES NO

D. Will this be the only well on this parcel? YES NO (in other words)

E. State Permit ID (Optional)

Office Use Only

Form GWS-44 (11/2011)

RECEIVED
MAY 11 2012
WATER RESOURCES STATE ENGINEER

6. Use Of Well (check applicable boxes)

☐ A. Ordinary household use in one single-family dwelling (no outside use)
☐ B. Ordinary household use in 1 to 3 single-family dwellings:
Number of dwellings: 1
☐ Home garden/lawn irrigation, not to exceed one acre
area irrigated 1
☐ Domestic animal watering – (non-commercial)
☐ C. Livestock watering (on farm/ranch/pasture)

7. Well Data (proposed)

Maximum pumping rate: 15 gpm
Annual amount to be withdrawn: 1 ac-ft
Total depth: 100 feet

8. Water Supplier

Is this parcel within boundaries of a water service area? YES NO
If yes, provide name of supplier:

9. Type Of Sewage System

☐ Septic tank / absorption trenches field
☐ Central system: District name:
☐ Vault: Location sewage to be hauled to:
☐ Other (explain):

10. Proposed Well Driller License # (optional): 1149

11. Sign or Enter Name Of Applicant(s) or Authorized Agent

The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S.
24-4-104 (13)(a). I have read the statements herein, know the contents thereof and state that they are true to my knowledge.

Jim Fulmer
I acting on behalf of person(s) submitting application

Office Use Only

USGS map name: 
DMF map no: 
Surface area: 6000

Recert area only

Location from

Original Permit
we are submitting an application for a re-drill of an existing registered well.
Bedrock Aquifer Evaluation Determination Tool

Denver Basin Aquifer - Specific Location Determination Tool

Applicant: Fulmer
Receipt No: 3655256
Evaluated By: SJ

Location: NE 1/4 of SE 1/4 of Sec. 34 T.10S, R.60W. (1620 SSL, 240 ESL)
Basin Designation: Location is within the UPPER BIG SANDY Designated Ground Water Basin.
Ground Surface Elevation: 6000 Feet
Number of Acres: .5

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<th>DEPTH TO (ft)</th>
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NOTE: "E" indicates a location is at an aquifer boundary and the values may be more approximate.
**Message 1:**

**Date:** 95.14

**To:** Ricky L. and Cindy K. Gordon

**Address:** P.O. Box 518

**City, State, Zip:** 80835-0518

**Message 2:**

**Date:** 95.14

**To:** Liberty Plains Baptist Church

**Address:** P.O. Box 12

**City, State, Zip:** 80835
OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

WELL PERMIT NUMBER 80347 -F-
DIV. 8 WD 67 DES. BASIN 7 MD 13

APPLICANT
JIM & CAROLYN FULMER
C/O PETROCK & FENDEL PC
700 17TH ST #1800
DENVER, CO 80202-
(303) 534-0702

PERMIT TO USE AN EXISTING WELL

CONDITIONS OF APPROVAL

1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 16.

3) Approved pursuant to CRS 37-90-107(7) and the Findings and Order of the Colorado Ground Water Commission dated June 28, 2016, for Determination of Water Right No. 3321-B0 and its associated Replacement Plan.

4) Approved for use of an existing well constructed under permit no. 70868-A.

5) The use of ground water from this well is limited to domestic use inside 1 single family dwelling, including the watering of 8 domestic animals and the irrigation of 3,600 square feet of lawns and gardens. The place of use shall be limited to the 22.6 acre land area claimed in the above described Order of the Commission.

6) This well must have been constructed to withdraw water only from the Arapahoe aquifer. The total depth of the well shall not exceed 285 feet, which corresponds to the base of the aquifer. At a minimum, plain casing shall be installed and grouted through all nongraded materials and shall extend a minimum of ten feet into the bedrock formation to prevent production from other zones.

7) The annual withdrawal of ground water from this well shall not exceed 0.6 acre-feet, subject to the total annual withdrawal limitations and conditions as specified by the above referenced Order of the Commission.

8) The owner shall mark the well in a conspicuous place with the well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.

9) This well must have been constructed within 200 feet of the location specified on this permit. This well shall not be located within 000 feet of another large-capacity well completed in the Arapahoe aquifer.

10) The entire length of the hole shall be geophysically logged as required by Rule 9 of the Statewide Nontublatory Ground Water Rules prior to installing casing.

11) The return flows from the inhouse supply component of this well use have been claimed as a replacement source, pursuant to the Findings and Order of the Commission dated June 28, 2016. As a result, the return flow from the use of this well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.

12) A totalizing flow meter or Commission approved measuring device must be installed on this well and maintained in good working order. Permanent records of all diversions must be maintained by the well owner (collected at least annually) and submitted to the Upper Big Sandy Ground Water Management District and the Ground Water Commission upon request.

13) Issuance of this permit cancels permit no. 70868-F.

NOTE: The ability of this well to withdraw its authorized amount of water from this non-renewable aquifer may be less than the 100 years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.

NOTE: This well is located within the Upper Big Sandy Ground Water Management District where local District Rules apply which may further limit the withdrawal and use of designated ground water as authorized under this permit.

APPROVED
SVJ

Dick Wolfs
State Engineer

DATE ISSUED 10-24-2016

EXPIRATION DATE N/A
SECTION 3: REZONING SITE PLAN EXHIBIT
SECTION 4: MINOR RESIDENTIAL DEVELOPMENT PLAT
SECTION 5:
REFERRAL
COMMENTS
January 5, 2015

Curtis Carlson, Project Manager  
County of Elbert Community & Development Services  
cds@elbertcounty-co.gov

RE: Fulmer Minor Development; RZ14-0022 and MD14-0021  
E1/2 of Section 34, T10S, R60W, 6th P.M.  
Water Division 8, Water District 67  
Upper Big Sandy Designated Basin

Dear Mr. Carlson:

This letter replaces our letter of November 24, 2014 regarding the applicant's proposal to legalize a 21-acre parcel by rezoning and creating a minor development. We have reviewed your December 30, 2014 letter concerning the above referenced proposal for a one lot subdivision that is not eligible for an exemption.

Water Supply Demand  
The estimated water requirements for the minor subdivision were not included in the submittal.

Source of Water Supply  
The proposed source of water is an individual existing on-lot well producing from the non-nontributary (actual impact replacement) Arapahoe aquifer, well permit no. 70866-A.

Not-nontributary (actual impact replacement) Denver Basin Ground Water that is not subject of a Determination of Water Right is not an acceptable source of Water Supply for a subdivision. Not-nontributary (actual impact replacement) Denver Basin Ground Water that is subject of a Determination of Water Right requires an approval of a Replacement Plan as a source of Water Supply for a subdivision.

State Engineer's Office Opinion  
This Office cannot comment favorably on well permit no. 70866-A as the water supply for the One Lot Minor Subdivision. The applicant would need to apply for a Determination of Water Right and Replacement Plan before obtaining a new well permit for the existing structure. Additionally, the estimated water requirements for the minor subdivision are needed.
Any applications 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 Justina P. Mickelson of this office.

Sincerely,

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

cc: Division 2 Division Engineer
District 67 Water Commissioner
Permit no.70866-A
Upper Big Sandy GWMD

KVH: Fulmer_Nov2014revised.doc
May 3, 2017

Elbert County

To: Ethan Watel

Baseline Engineering, Planning, & Surveying

e-mail: ethan@baselinecorp.com

Re: Fulmer Minor Development
   E1/2 of Section 34, T10S, R60W, 6th P.M
   Upper Big Sandy Designated Ground Water Basin
   Water Division 8, Water District 67

Dear Ms. Ruiz:

This letter replaces our letter of January 5, 2015 concerning the above referenced rezone and 21.683-acre, 1-lot minor development.

**Water Supply Demand**

According to the revised submittal, the estimated water requirement for the minor subdivision is 0.6 acre-feet per year for proposed household use of 1 single-family dwelling, irrigation of up to 3,500 square-feet of lawn and garden, and watering of up to 8 domestic animals.

**Source of Water Supply**

The proposed source of water for the first 100 years will be well permit no. 80347-F, an Arapahoe Aquifer well approved pursuant to Determination of Water Right no. 3321-BD and its Replacement Plan. The applicant intends to use a small capacity well producing from the nontributary Laramie-Fox Hills Aquifer water for the next 200 years.

Well permit no. 80347-F, as operated under the Replacement Plan for Determination of Water Right no. 3321-BD, allows for diversions of 0.6 acre-feet annually for a period of 100 years from the non-tributary (actual impact replacement) Arapahoe aquifer for inside home use, irrigation of 3,500 square-feet of lawn and garden, and stockwatering of up to 8 large domestic animals. The quantity of water available for allocation in the Laramie-Fox Hills aquifer underlying the 21.683 acres of overlying land claimed by the applicant is 585 acre-feet.

The proposed sources of water for this subdivision are bedrock aquifers in the Denver Basin. The State Engineer’s Office does not have evidence regarding the length of time for which these sources 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 available from the Arapahoe and Laramie-Fox Hills aquifers are equal to one percent of the total amounts, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in these annual amounts for a maximum of 100 years.
In the Elbert County 1041 Regulations, adopted April 19, 1995 and subsequently amended, Rule 4-307(2)(a) states:

"In order to assure a long term water supply, and given the concern with dependence on bedrock ground water, and the difficulty in supplying future surface sources outside the urbanized areas, the following additional criteria apply:

i) ...

ii) If greater than 50% of the water supply is a renewable source of water, then a 100 aquifer year life will be applied.

iii) If less than 50% of the water supply, but greater than 25% of the water supply, is a renewable source of water, then a 200 year life will be applied.

iv) If less than 25% of the water supply is a renewable source of water, then a 300 year life will be applied."

For this subdivision, less than 25 percent of the water supply is a renewable source of water. The State Engineer’s Office does not have evidence regarding the length of time for which this source will provide a water supply. However, treating Elbert County’s requirement as an allocation approach based on two hundred years for the proposed supply from the Laramie-Fox Hills aquifer, the annual amounts of water available from the Laramie-Fox Hills aquifer that may be withdrawn from a maximum period of 200 years are equal to one-half of one percent of the total amount.

The proposed annual water supply of 0.6 acre-feet for the first 100 years meets the proposed water requirements. The proposed annual water supply for the next 200 years is groundwater from the Laramie-Fox Hills Aquifer. Based on two hundred years, the amount of water available in the Laramie-Fox Hills Aquifer would be reduced to 2.93 acre-feet per year, which is one half of 5.85 acre-feet per year. This amount is more than the estimated annual demand of 0.6 acre-feet per year.

**State Engineer’s Office Opinion**

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

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

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

Our opinion is qualified by the following:

The 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.
Should you have any questions, please contact Neelha Mudigonda of this Office.

Sincerely,

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

cc: District 2 Division Engineer
District 67 Water Commissioner
Permit no. 80347-F
Upper Big Sandy GWMD

KVH/NSM: Fulmer_May2017.doc
COUNTY OF ELBERT

COMMUNITY & DEVELOPMENT SERVICES
OFFICE
P.O. BOX 7
215 COMANCHE STREET
KIOWA, COLORADO  80117
303-621-3136  FAX: 303-621-3165

REFERRAL REQUEST
[January 2, 2013]

Date: 13 Nov 2014

Comments due by 18 Dec 2014

Project Name: Fulmer Rezone + Minor Development

Project Number: RZ 14 0022 M 14 0021

Project Type: Rezone, Minor Development

Dear Referral Agency:

Information on the proposal in Elbert County referenced above is enclosed for your review and comments. Please respond by completing one of the following.

1. [X] We have no objections to this proposal.

2. Please note the following concerns this organization still has.

3. See attached letter for detailed comments.

Date: 11/18/2014

Agency Name: ECDHS

Your Name: (Please Print) Gary L. Hartz

Signature:

We invite you to attend the meeting/hearing if you wish to express your specific comments/concerns regarding this project. Hearing dates may be obtained by calling the Elbert County Community Development Services Department at 303-621-3136. If you are unable to submit written comments by the above date or need additional materials of information, please contact this office as soon as possible.

Sincerely,

Curtis L. Carlson

Project Manager
November 17, 2014

From: Nina Ruiz, Project Manager/Planner II
Gilbert LaForce, Engineer II
County File: OAR 14-036
Re: Fulmer Rezone & Minor Development

To: Elbert County
P.O. Box 7
215 Comanche Street
Kiowa, Colorado 80117

DEVELOPMENT SERVICES

Planning Response
The proposed development does not appear to have any potential zoning impact upon unincorporated El Paso County. We have no comments/concerns.

Engineering Division
DSD Engineering reviews plans and reports to ensure general conformance with El Paso County standards and criteria. The project engineer is responsible for compliance with all applicable criteria, including other governmental regulations. Notwithstanding anything depicted in the plan in words or graphic representation, all design and construction related to roads, storm drainage, and erosion control shall conform to the standards and requirements of the most recent version of the relevant adopted El Paso County standards, including the Land Development Code, the Engineering Criteria Manual, the Drainage Criteria Manual, and the Drainage Criteria Manual Volume 2. Any deviations from regulations and standards must be requested in writing and approved by the ECM Administrator. Any modifications necessary to meet overlooked criteria after-the-fact will be the developer’s responsibility to rectify.

The following are Engineering Division comments regarding the submitted documents for the subject application. A written response to all comments is required for review of the re-submittal.

1. Engineering has no issues with the submittal.

Best Regards,

Nina Ruiz, Project Manager/Planner II
CC: Gilbert LaForce, Engineer II
El Paso County Development Services
2880 International Circle, Colorado Springs, CO. 80910
(719) 520-6313
COMMUNITY & DEVELOPMENT SERVICES
OFFICE
P.O. BOX 7
215 COMANCHE STREET
KIOWA, COLORADO 80117
303-621-3136 FAX: 303-621-3165

COUNTY OF ELBERT

RE Referral Request
{January 2, 2013} Comments due by 18 Dec 2014

Date: 13 Nov 2014

Project Name: Fulmer Rezone & Minor Development

Project Number: RZ 14-0023 Mi 14-0021

Project Type: Rezone, Minor Development

Dear Referral Agency:

Information on the proposal in Elbert County referenced above is enclosed for your review and comments. Please respond by completing one of the following.

1. ____ We have no objections to this proposal.

2. ____ Please note the following concerns this organization still has.

3. ____ See attached letter for detailed comments.

Date: ______________

Agency Name: ______________________________

Your Name: (Please Print) _______________________

Signature: ________________________________

We invite you to attend the meeting / hearing if you wish to express your specific comments / concerns regarding this project. Hearing dates may be obtained by calling the Elbert County Community Development Services Department at 303-621-3136. If you are unable to submit written comments by the above date or need additional materials of information, please contact this office as soon as possible.

Sincerely,

Curtis A. Carlson

Project Manager
November 21, 2014

County of Elbert
Community & Development Services Office
Attn: Curtis Carlson
P.O. Box 7
Kiowa, Colorado 80117

Subject: Fulmer Rezone & Minor Development, RZ 14-0022 & MD 14-0021

Dear Mr. Carlson:

Colorado Parks and Wildlife (CPW) is in receipt of the above referenced permit application. Based both on the location and type of action being proposed, CPW believes impacts to the wildlife resource to be negligible. We appreciate being given the opportunity to comment. Please feel free to contact District Wildlife Manager Philip Gurule at 719-227-5283 or via email at philip.gurule@state.co.us should you have any questions or require additional information.

Sincerely,

[Signature]

Frank McGee
Area Wildlife Manager
719.227.5218

Cc: SE Region Files
Area 14 Files
P. Gurule, DWM
COUNTY OF ELBERT

COMMUNITY & DEVELOPMENT SERVICES
OFFICE
P.O. BOX 7
215 COMANCHE STREET
KIowa, COLORADO 80117
303-621-3136 FAX: 303-621-3165

DEC - 1 2014

REFERRAL REQUEST
[January 2, 2013]

Date: 13 Nov 2014

Comments due by: 18 Dec 2014

Project Name: Feehner Rezone & Minor Development

Project Number: RZ 14-0022 MI 14-0021

Project Type: Rezone, Minor Development

Dear Referral Agency:

Information on the proposal in Elbert County referenced above is enclosed for your review and comments. Please respond by completing one of the following.

1.  We have no objections to this proposal.

2.  Please note the following concerns this organization still has.

   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________

3.  See attached letter for detailed comments.

   Date: 11/19/14

   Agency Name: Big Sandy School District

   Your Name: (Please Print) Steve Wilson

   Signature: ____________________________

   We invite you to attend the meeting/ hearing if you wish to express your specific comments/concerns regarding this project. Hearing dates may be obtained by calling the Elbert County Community Development Services Department at 303-621-3136. If you are unable to submit written comments by the above date or need additional materials of information, please contact this office as soon as possible.

Sincerely,

Curtis S. Carlson

Project Manager
November 19, 2014

Curtis Carlson,

Big Sandy School very much appreciated Jim and Carolyn Fulmer selling us vacant land so that we could build our new P-12 school building. In so doing, it then made the remaining property in which the Fulmers owned an illegal lot. We had agreed to help the Fulmers go through Elbert County’s process in making it a legal lot. We see this process as a necessary procedure that was communicated between Big Sandy School and Elbert County in 2011.

We are very much in agreement with the Fulmer Rezone and Minor Development.

Thank you for your help.

Sincerely,

Scott Lutz, Board President
Steve Wilson, Superintendent
Big Sandy School District 100J
COUNTY OF ELBERT

COMMUNITY & DEVELOPMENT SERVICES OFFICE
P.O. BOX 7
215 COMANCHE STREET
KIOWA, COLORADO 80117
303-621-3136 FAX: 303-621-3165

REFERRAL REQUEST
[January 2, 2013]

Date: 13 Nov 2014

Comments due by: 18 Dec 2014

Project Name: Fulmer Rezone & Minor Development

Project Number: RZ 14-0023 MI) 14-0021

Project Type: Rezone / Minor Development

Dear Referral Agency:

Information on the proposal in Elbert County referenced above is enclosed for your review and comments. Please respond by completing one of the following.

1. ☒ We have no objections to this proposal.

2. Please note the following concerns this organization still has.

3. See attached letter for detailed comments.

Date: 11-24-14
Agency Name: Elbert County mapper
Your Name: (Please Print) Bart Chambers
Signature: Bart Chambers

We invite you to attend the meeting/hearing if you wish to express your specific comments/concerns regarding this project. Hearing dates may be obtained by calling the Elbert County Community Development Services Department at 303-621-3136. If you are unable to submit written comments by the above date or need additional materials of information, please contact this office as soon as possible.

Sincerely,

Curtis B. Carlson
Project Manager