RZ-16-0007 & MD-16-0008
QUAIL HILLS REZONE & MINOR RESIDENTIAL DEVELOPMENT

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STAFF REPORT
TO: ELBERT COUNTY PLANNING COMMISSION

FROM: ETHAN WATEL, AICP, SENIOR PLANNER (BASELINE CORP.)

APPROVED: KYLE FENNER, DIRECTOR OF CDS

RE: RZ-16-0007 QUAIL HILLS REZONE. A REQUEST TO REZONE AN 81.26 ACRE PROPERTY FROM AGRICULTURE (A) TO AGRICULTURE RESIDENTIAL (AR) IN THE WEST ¼ OF THE SOUTHWEST ¼ OF SECTION 23, TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE 6TH P.M. IN ELBERT COUNTY, COLORADO.

MD-16-0008 QUAIL HILLS MINOR RESIDENTIAL DEVELOPMENT. A REQUEST TO CREATE A MINOR RESIDENTIAL DEVELOPMENT OF SEVEN LOTS ON 81.26 ACRES IN THE WEST ½ OF THE SOUTHWEST ¼ OF SECTION 23, TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE 6TH P.M. IN ELBERT COUNTY, COLORADO.

APPLICANT: AMK Construction, LLC, Maciej Kolasinksi (landowner)

REPRESENTATIVE: CJ Kirst, Tahoe Consulting LLC

SUMMARY OF REQUEST:

The applicant, AMK Construction, LLC, is requesting two actions, approval of a rezoning and a minor residential development (MRD) plat. The rezoning request is a zone change from the Agriculture (A) zone district to the Agriculture Residential (AR) zone district. The rezoning request, if approved, would allow for the approval of the MRD request. The MRD request proposes seven lots varying in size from 10.17 acres to 12.37 acres. Right-of-way for a new public road, Sage Circle is proposed to be dedicated to Elbert County. Four of the new lots will take access from Sage Circle, one lot will take access from CR 5, and two lots will take access from CR 154. No access will be allowed from the east from Gamble Oaks.
The two requests, while related, are considered separate applications. The MRD cannot be approved without approval of the rezoning request. Action on the rezone case must be in advance of the MRD case.

**PERTINENT DATA:**

**Site Description** – The site is comprised of an 81.26 acre parcel of land located east of CR 5 and north of CR 154 (Gamble Oaks Drive). The site is located one-half mile south of CR 158 (Hilltop Road) along CR 5. The parcel is mostly open, with some existing trees at the south side of the property. An existing electric transmission line crosses the site within a 75 feet wide easement owned by Intermountain Rural Electric Association (IREA).

The property abuts CR 5 which is an existing paved county road with an apparent 60-feet wide right-of-way. The applicant proposes to dedicate a strip of land 30-feet wide (on their side of the road) for the east half of the right-of-way for CR 5 because no records could be found showing a previous dedication. Similarly, the property abuts CR 154 which an existing paved county road. No records were found showing previous dedication so the applicant proposes to dedicate a strip of land 30-feet wide on the south side of the property.

**Topography** – The site is generally flat with some rolling terrain. A high point exists on the southeast corner of the property. Slopes are not extreme and none 20% or greater.

**Floodplain** – There are no designated flood hazard areas on the parcel. Approximately 600 feet to the north there is mapped FEMA floodplain for Henderson Gulch.

**Existing Zoning** – A (Agriculture) minimum lot size of 35 acres

**Proposed Zoning** – AR (Agriculture Residential) minimum lot size of 10 acres

**Surrounding Land Use and Zoning** –
- **North:** Use: Agricultural w/ residential. Zoning: A – Agriculture. Unplatted.
- **South:** Use: Residential. Zoning: RA-2 and R-1. Part of the subdivision of Ponderosa Park Estates Unit 6 which contains residential lots 2 to 2.75 acres in size.

The surrounding land uses are generally similar to the proposed subdivision. All of the existing platted lots near the property are smaller in size than the proposed lots.

*General Vicinity Map:*
**EVALUATION: BACKGROUND (RZ-16-0007 & MD-16-0008):** Pre-application meetings were held in 2015. The applicant held a Community Meeting for the proposal on December 3, 2015. 18 attendees are listed on the sign-in sheet for the meeting.

The formal application for this proposal was received on February 22, 2016. Once the applications were deemed complete, referral packets were submitted for comments from appropriate agencies. The applications had two referral periods. After the second submittal, public hearing dates were set.

Planning Commission date is: September 20, 2016
Board of County Commissioners date is: October 12, 2016
The Elbert County Zoning Regulations require that Community & Development Services receive comments from the appropriate referral agencies to evaluate requests for a both a Rezoning and Minor Residential Development Request. Following is a summary of the agencies to which the application was referred and the comments received. Copies of each comment are included in the packet.

Elbert County Assessor’s Office: No response.

Elbert County Mapper: Comments provided on the name of the road.

Elbert County Building Dept.: No response.

Elbert County Engineering: Provided comments on construction plans, drainage, traffic, MRD plat, and rezoning exhibit.

Elbert County Public Works: No response.

Elbert County Environmental Health: No response.

Elbert County Treasurer: No response.

Elizabeth Fire Protection District: Responded with comments and suggested conditions of approval. Applicant follow-up: The applicant has stated he will provide cash-in-lieu of cisterns or sprinkler in the amount of $1,040 per new lot.

Black Hills Energy: No comment.

Intermountain Rural Electric Assn. (IREA): Responded with comments regarding the existing transmission line easement and they request new easements along existing and proposed roads. Applicant follow-up: The applicant revised the MRD plat accordingly and IREA provided approval in a follow-up referral response.

Kiowa Soil Conservation District: No response.

Elizabeth Consolidated School District: Responded with comments regarding proper collection of fees and cash-in-lieu of land dedication. Applicant follow-up: Applicant has stated they will comply.

Elbert County Urban Library District: No response.

Colorado Parks & Wildlife: No response.

Colorado Division of Water Resources: Responded with comments. Water supply is adequate.
The rezone exhibit and the MRD plat will both end up being recorded. Both documents have been prepared according to the standards and requirements of the Elbert County Zoning Regulations and Subdivision Regulations.

As the applicant is constructing a new roadway in county right-of-way, and installing a new road access to an existing county road, the applicant and the county will enter into a subdivision improvements agreement (SIA).

THE REMAINDER OF THIS STAFF REPORT IS DIVIDED INTO TWO SECTIONS, ONE FOR THE REZONING REQUEST AND ANOTHER FOR THE MINOR RESIDENTIAL DEVELOPMENT REQUEST.

FINDINGS (RZ-16-0007):

The evaluation of all requests for rezoning must consider relevant portions of the Elbert County Master Plan, Elbert County Zoning Regulations and Elbert County Subdivision Regulations. A separate subdivision application has been submitted for this parcel (the Minor Development Application).

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, [Part I, Section 6, B, 2, b, 3)].

General Considerations for Every Application.

1. Is the application suitable for the community / area in which it is proposed?
   - Density – The proposal for AR zoning allows for agricultural uses to remain alongside low-density residential uses. The density will be higher than some of the existed platted lots in the area because some larger agriculture lots still exist nearby. The development is lower density that other surrounding developments to the south and the southeast.
- **Lot size** – The minimum lot size allowed under the proposed AR zoning is 10 acres. This (10 acre lot size) is larger than the average platted lots in the area.

- **Perimeter Lots** – All existing platted lots are across from existing roads.

- **Population** – The applicant is proposing seven lots. The population increase would be minimal compared to the existing development near to the property.

- **Water Use** – Quail Hills has the following as decreed water rights via Colorado Water Court 2005CW261 to be withdrawn through seven (7) wells for in-house, irrigation and stock watering purposes:
  - Upper Dawson 14.7 ac-ft/year (at an annual amount of 0.7 ac-ft/year for 300-years pursuant to the augmentation plan decreed in Case 2015CW3005)
  - Lower Dawson 7.0 ac-ft/year
  - Denver 7.0 ac-ft/year
  - Laramie-Fox Hills 14.7 ac-ft/year

  The application was referred to the Colorado Division of Water Resources and comments were provided stating the water supply is adequate.

- **Sewer** – Sanitation services will be provided with ISDSs on individual lots. The minimum lot size of 10 acres allows for onsite wastewater treatment systems (septic system).

- **Open Space** – Quail Hills does not propose to dedicate open space but will pay cash-in-lieu using the County’s formula of $1,000/lot + (the appraised aggregate lot value in the platted state x 20% x 20%). The East West Econometrics appraisal dated 1/29/16 determines the land value at preliminary plat of seven lots is $715,000 and therefore the open space cash-in-lieu amount owed will be = (7)($1,000/lot) + ($715,000)x(20%)x(20%) = $35,600.

- **Agricultural Lands** – The proposed zoning is AR, the intent of which is to allow “areas of open space, noncommercial farming, ranching, agriculturally related uses and low-density residential subdivisions.”

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

   The community surrounding the proposed Quail Hills project does have the adequate resources to support it:
   - **Schools** – The property is within the Elizabeth School District.
   - **Roads** – The site is bordered and accessed by two existing county roads (CR 5 and CR 154/Gamble Oaks Drive). These roads have the capacity to serve the property if rezoned. Each of these roads is classified as a “Local Road” on the Future Roadways System in the West Elbert...
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]:

1. **Whether the proposed rezoning complies with the requirements of the Elbert County Master Plan** – This site is located within the Rural Residential Area of the Master Plan. The proposed rezoning would allow for 1 unit per 10 acres, which qualifies as “High Density: one unit per 3 acres to one unit per 10 acres.” However the proposed seven lot MRD on 81 acres (11.5 acres/unit) would qualify as Medium Density: one unit per 10.01 acres to one unit per 20 acres.” In either case, the proposed zoning allows for larger lots than most of the surrounding existing lots. Quail Hills is located to the north and west of Gamble Oaks which contains (77) lots under 1- ac. each in size and to the south Ponderosa Park contains (53) single family lots from 1.5 to 2.0 acres. The proposed rezoning allows for land uses and development that conform to the Elbert County Master Plan. Also, the setbacks in the AR district will provide for adequate buffering between the existing homes and proposed lots.

2. **Whether the proposed rezoning is compatible with surrounding land uses** – The proposed rezoning would allow for uses that are compatible with the surrounding area. The site is adjacent to land zoned A, RA-1, RA-2, R-1 and PUD. The existing homes are denser to the south and east. The Quail Hills property will allow for the largest residential lots in the area, with the exception of the un-platted, Agriculture zoned property.

3. **Whether the proposed rezoning would adversely impact the provision of public services** – There were no indications from utility providers that would indicate the inability to provide proper service.

4. **Whether the proposed rezoning would adversely impact the environment** – There were no significant comments from referral agencies identifying any type of major environmental impact.

5. **Whether the proposed rezoning would create traffic congestion or burden the 

County Transportation Master Plan (2008). As part of the MRD plat, a new road is proposed to be dedicated through the site.

- **Law Enforcement** – The property will be served by the Elbert County Sheriff’s Office.
- **Animal Control** – NA.
- **Fire Protection** – Elizabeth Fire Protection District
- **Ambulance Services** – NA.
- **Library Services** – NA.
- **Social Services** – NA.
existing road system – There were no significant comments from referral agencies or the county’s review that indicate the additional traffic would create a burden to existing roads. The proposed development is estimated to add 72 trips per day to the road system. CR 5 and CR 154 are classified as Local Roads in the West Elbert County Transportation Master Plan.

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.

RECOMMENDATION (RZ-16-0007):

Because this application appears to meet the criteria set forth in the Elbert County Zoning 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-16-0007 QUAIL HILLS REZONE A REQUEST TO REZONE AN 81.26 ACRE PROPERTY FROM AGRICULTURE (A) TO AGRICULTURE RESIDENTIAL (AR) IN THE WEST ¼ OF THE SOUTHWEST ¼ OF SECTION 23, TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE 6TH P.M. IN ELBERT COUNTY, COLORADO subject to the following conditions:

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

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. Record action of all appropriate documentation to occur within 180 days of Board of County Commissioners’ approval; and

4. Adopt the Finding enumerated herein above.

FINDINGS (MD-16-0008):

An application for a minor residential development to create seven lots was submitted and the application was reviewed against the proposed zone change to Agriculture Residential zone district.

A MRD is an exemption from the regular subdivision process, but 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.

*Proposed Minor Residential Development lot layout*

The Quail Hills MRD proposes seven lots, ranging in size from 10.17 acres and 12.37 acres. Four lots are accessed from a new interior public road, Sage Circle, within a proposed 60-feet right-of-way dedication. One lot will have access from CR 5 while two lots will be accessed from CR 154. All new driveways will be required to be in accordance with the requirements of the Elbert County Construction Standards & Specifications for spacing and design. No roadways or driveways are proposed or will be allowed to access to the east into the adjoin Gamble Oaks Subdivision.

The developer is dedicating the right-of-way for Sage Circle across the entirety of the property, so that it may one day serve the parcel to the east. Only the western half of the road will be constructed, terminating in a cul-de-sac. The construction of the new road will require a Subdivision Improvements Agreement (SIA) which will provide a form of guarantee for the construction with collateral. The SIA has been addressed in a condition of approval for the MRD.

Additionally, the applicant is dedicating 30-feet of right-of-way along the western side of the property for CR 5 and 30-feet of right-of-way along the southern side of the property for CR 154. After a search of existing records and adjacent subdivisions and MRDs, no apparent ROW dedication could be located for these existing county maintained roads.

Per the Elbert County Subdivision Regulations Section X.D, the criteria for
approving or denying minor residential developments are as follows:
“Community & Development Services shall make written recommendations and
findings of fact, as to any minor residential development. The Applicant may
respond to such recommendations and findings.”

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 AMK Construction, LLC and further provided proof that Maciej
Kolasinski is the LLC’s authorized representative.

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. Each lot will have its own independent Upper Dawson
aquifer well. The decreed water (Case # 2015CW3005) allows each well an
annual amount of 0.7 ac-ft per year for 300 years for in-house, irrigation and
stock watering purposes.

3. *Responses from established referral/review agencies with the allowed thirty-
five (35) day review period.* CDS referred the application to the agencies
listed above. All responses received are attached to this report.

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. The site is gently rolling to flat with no extreme slopes.

5. *A Final Plat, submitted in accordance with the Final Plat requirements.* The
applicant submitted a plat prepared for the Quail Hills Minor Residential
Development in accordance with all applicable plat standards. The plat has
been deemed approvable.

6. *Fees.* The applicant has paid all applicable fees to the county, to date and
agrees to pay for any remaining limited costs associated with the application
as final billings are reconciled.

7. *If taken with a rezoning request, that procedure/process and fee for rezoning
is not altered.* The Quail Hills MRD has been requested along with a request
to rezone from A to AR. The rezoning process was not altered.

8. *Dedication of public land to Elbert County or cash-in-lieu thereof.* The
applicant has decided to provide Elbert County with cash-in-lieu of
dedication. This is a condition of approval.
9. Digital submittal as per Map Requirements, see Section XV., A., 10. – This is a condition of approval.

RECOMMENDATION (MD-16-0008):

Because this application appears to meet the criteria set forth in the Elbert County Subdivision 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-16-0008 QUAIL HILLS MINOR RESIDENTIAL DEVELOPMENT. A REQUEST TO CREATE A MINOR RESIDENTIAL DEVELOPMENT OF SEVEN LOTS ON 81.26 ACRES IN THE WEST ½ OF THE SOUTHWEST ¼ OF SECTION 23, TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE 6TH P.M. IN ELBERT COUNTY, COLORADO subject to the following conditions:

1. The applicant and the Elizabeth School District #C-1 will comply with Resolution 99-14 prior to the recordation of the plat. A letter from the District shall be provided to CDS prior to recordation.

2. The applicant shall comply with all requirements of the Elizabeth Fire Protection District, including:
   a. All roads shall be constructed of an approved all-weather surface and shall meet County Road Standards prior to construction.
   b. Sage Circle is an approved road name by the fire department.
   c. The fire department shall approve final address numbers for lots 5, 6, and 7.
   d. Lot 6 is a flag lot, so address markers shall be placed at the entrance of lot 6.
   e. The proposed driveway locations for lots 5, 6, and 7 are approved. If the driveway access changes, please submit plans to the Fire Department for approval.
   f. Developer shall provide an 8-1/2” by 11” map of the development to the Fire Department to ensure an immediate response.
   g. A minor development plan review fee of $312.00 shall be paid prior release of Resolution 99-35.
   h. The applicant has chosen to provide cash in lieu of in the amount of $1040/per new lot equaling $6,240.00 to assist in a similar firefighting project within the immediate area. This cash in lieu shall be paid prior to release of Resolution 99-35.

3. The applicant will be required to remove the Public Hearing sign within seven (7) days of approval by the Board of County Commissioners. A letter to that effect will be placed in the Community & Development Services project file, prior to recording of the Rezone Exhibit.

4. The applicant shall pay to Elbert County the Open space cash-in-lieu fees of $35,600, prior to recordation of the plat.

5. Elbert County and the Applicant will engage with Elbert County Public Works to
negotiate and sign a Subdivision Improvements Agreement (SIA) prior to recordation of the plat.

6. The minor residential development plat will comply with the submittal requirements specified in the Subdivision Regulations, Section XV including requirements for digital submittal.

7. The applicant shall pay the impact fees, as established by County resolutions in effect at the time this minor residential improvement is approved.

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

9. Record action of all appropriate documentation to occur within 180 days of Board of County Commissioners’ approval.

10. Adopt the Finding enumerated herein above.

Respectfully submitted to and on behalf of Elbert County,

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

CC. Kyle Fenner, Director of Community and Development Services
SECTION 2
APPLICATION & NARRATIVE
Ms. Kyle Fenner  
Elbert County  
Community & Development Services  
215 Comanche Street  
Kiowa, CO 80117

February 22, 2016

RE: Quail Hills – Rezoning and Minor Subdivision Application

Kyle:

On behalf of Maciej Kolasinski – AMK Construction LLC (Owner) I am hereby submitting the application for a Rezoning from Agricultural (A) to Agricultural Residential (AR) and Minor Development of seven (7) 10+ acre lots on the 81.26-acre piece of property located in the Southwest Quarter of Section 23, Township 7 South, Range 65 West of the 6th P.M. ("Property").

As discussed previously we are requesting that the County process both applications simultaneously and therefore I have attached the following for both applications:

- Land Use Application Form (Signed & Notarized)
- Disclosure Form (Signed & Notarized)
- Application Agreement Form (Signed)
- Agreement to Remove Notice Form (Signed)
- Application Fee Check
- Narrative
- Warranty Deed
- Proof of Water
- Tax Certificate

I have attached the following for the Minor Development Application:

- Rezoning Exhibit

I have attached the following for the Minor Development Application:

- Final Plat
- Street and Road (including Erosion) Plans
- Drainage Letter
- Traffic Letter
• Appraisal
• Covenants

Please let me know if there is anything else you will need.

We look forward to getting the County’s review comments. Please let me know if I am missing anything or if you have any questions.

Sincerely,

CJ Kirst, Tahoe Consulting, LLC
COUNTY OF ELBERT
COMMUNITY & DEVELOPMENT
SERVICES
P.O. BOX 7
215 COMANCHE STREET
KIOWA, COLORADO 80117
303-621-3136  FAX: 303-621-3165
cds@elbertcounty-co.gov

FINAL PLAT CHECK LIST
SEE SUBDIVISION REGULATIONS SECTION IX

Date: 2/22/16

Project Name: Quail Hills

Owner(s) Name(s): MACIEJ KOJASINSKI - AMR CONSTRUCTION LLC

Address: 2949 E. CRESTHILL AVENUE, CENTENNIAL, CO 80121

Phone Number: (303) 523-1476

Application must contain the following information:

1. Completed application form
   ✔ A. Disclosure form
   ✔ B. Agreement form
2. Application fees paid $2,000 (amount)
3. Completed Final Plat Map 2 (copies)
   (See Subdivision Regulations, Section IX D)
4. Completed Narrative 2 (copies)
   (See Subdivision Regulations,
5. Two copies of street and road plans with profiles
6. Approved covenants to be recorded
7. Estimated construction costs and proposed financing for
   public facilities
8. Completed subdivision summary form
9. Subdivision improvement agreement
10. Development Guide
11. ✔ Erosion control and drainage from SCS
12. ✔ Valuation and appraisal of project area
13. ✔ Statement of Taxes (From EC Treasurers Office)
14. Road access permit
15. Other information requested by the CDS Dept.
   A. Description of request

Not more than 30 days after approval by BOCC, the applicant shall record the plat in the office
of the Elbert County Clerk and Recorder.
ELBERT COUNTY LAND USE APPLICATION

PROJECT NAME: Quail Hills - Re Zone & Minor Development

PROJECT ADDRESS: No Address Exists, Account R120785 Parcel # 75230019

LOCATION: Northeast Corner of CR 5 & 154 Intersection

LEGAL OWNER'S NAME(S): MACIEK KOLASINSKI - AMK Construction LLC

ADDRESS: 2949 E. Cresthill Avenue, Centennial, CO 80121

TELEPHONE #(S): (303) 523-1476

*ATTACH PROOF OF OWNERSHIP*

Water Rights Owner(s): Surface Owner

Mineral Rights Owner(s): Surface Owner

Special Districts: Elizabeth Fire Protection District

Proposal/Request: Re-Zone To "AR" From "A"

Authorized Representative Name/Address: AJ Kirst (Tahoe Consulting LLC)

Telephone #: (303) 330-8947

Legal Description of Property: Section(s) West SW 1/4 Township 7S Range 65W

Lot n/A Block n/A

Subdivision n/A

Property Tax Parcel Number: 752300191
COMPLETE ALL APPLICABLE SECTIONS

Present Zoning: \text{A} \hspace{2cm} Proposed Zoning: \text{AR}
Gross Site Acreage: \hspace{2cm} Net Site Acreage: \hspace{2cm} # Lots/Dwelling Units: \text{1}
Gross Site Density/ acres: \hspace{2cm}

Sources of Utilities:
Water: Invertical Wells \hspace{2cm} Sanitation: Septic \hspace{2cm} Electricity: IREA
Natural Gas: Black Hills
Other:

Elbert County School Attendance (K-12): Elizabeth School District
Fire District: Elizabeth Fire Protection District
Proposed Public Roadway Access: County Road 5 3154
TOTAL APPLICATION FEE $ 5,425.20 \hspace{2cm} AMOUNT RECEIVED $
Ro-Bone = $1800 + ($20/ac)(81.26 ac) = $3,425.20

DOCUMENTS SUBMITTED:
\checkmark Access Requests
\checkmark Authorization for Representative
\checkmark Cost estimates
\checkmark Drainage Report
\checkmark Final Construction Plans
\checkmark Landscape Plans
\checkmark Narrative
\checkmark Pavement Design Report
\checkmark Statement of Taxes (available from Assessors Office)
\checkmark Grading, Drainage & Erosion Control Plan (required if adding, moving, or removing more than 300 cubic yards of dirt)

\checkmark Plat Map
\checkmark Preliminary Construction Plans
\checkmark Proof of Ownership
\checkmark Soils Report
\checkmark Traffic Control Plan
\checkmark Traffic Report
\checkmark Subdivision Summary Form
\checkmark Other

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.

Applicant's Signature(s):
\text{CJ Kirst}

Date: 2/17/16

State of \text{Colorado} \hspace{2cm} ss: \text{ARAPAHOE}
Count \text{ARAPAHOE}

The above and foregoing instrument was subscribed and sworn to before me, in my presence, a Notary Public in and for the County of \text{ARAPAHOE}, State of \text{Colorado} on this 17th day of \text{January}, 2016.

(Seal)

Donald D. Coleman
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 2005/002517
MY COMMISSION EXPIRES \text{JANUARY 19, 2018}
APPLICATION AGREEMENT FORM

PROJECT NAME: Quail Hills

PROJECT LOCATION: NE CORNER OF CR 5 & 154 INTERSECTION

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.

[Signature]
Applicant or Authorized Representative

[Date] 8/7/16
DISCLOSURE LETTER

PROJECT NAME: Quail Hills

PROJECT LOCATION: NE CORNER OF CR 5 & 154 INTERSECTION

I/We, Atuk Construction LLC, do hereby acknowledge my/our full awareness of the application/request being presented to Elbert County by Cet Kirst (Tahoe Consulting LLC) for the parcel of land indicated, and for the reason(s) noted on the completed application/request submittal. I/We hereby acknowledge the person(s) noted is/are my/our authorized representative(s) in the matter. I/We hereby grant permission for the Elbert County Community & Development Services Department, or any referral agency they require, to access the parcel of land indicated for reasons of reviewing and evaluating the land use application.

Signature(s):

PRINT NAME AND COMPLETE ADDRESS OF PROPERTY OWNER(S) BELOW:

Name: Maciej Kolaginski
Address: 2949 E. Cresthill Ave.
Centennial, CO 80121

State of Colorado ss:
County Arapahoe

The above and foregoing instrument was subscribed and sworn to before me, in my presence, a Notary Public in and for the County of Arapahoe, State of Colorado, this 17th day of February, 2017.

(SEAL)

Donald D Coleman
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20054002517
MY COMMISSION EXPIRES JANUARY 19, 2018
Agreement to Remove Public Notice

I/We hereby agree to remove the Public Notice Sign posted for hearing notification within 7 days after the Board of County Commissioner's final hearing. I/We understand this must be completed as a condition of approval prior to the recording of the Mylars or Final Plats.

Name: Amk Construction LLC

Signature: [Signature]

Date: 2/17/2016

Name: [Signature]

Signature: [Signature]

Date: [Signature]
Quail Hills

Narrative

February 22, 2016

Owner/Developer: Maciej Kolasinksni
AMK Construction LLC
2949 E. Cresthill Avenue,
Centennial, CO 80121

Authorized Representative: CJ Kirst
Tahoe Consulting LLC
7400 E. Arapahoe Road, Suite 25
Centennial, CO 80112

Engineer: James Marine
Aegis Engineering
10940 S. Parker Road, Suite 199
Parker, CO 80134

Location: Quail Hills is an 80-acre tract of land situated in the West-half of the Southwest quarter of Section 23, Township 7 South, Range 65 West of the 6th Principal Meridian, Elbert County, Colorado. The property is also described as being located at the northeast corner of County Roads 5 & 154 intersection.

Project Description: Quail Hills proposes to develop seven (7) 10+ acre lots. Its gently rolling terrain will be designed to accommodate the Colorado lifestyle on the Eastern Slope. The subdivision will be an equestrian community with homes built by AMK Construction LLC.

The homes will be traditional ranch and two-story designs with elevations and colors that complement the natural landscape. Home square footages will start at 4,000 square feet and will include three and four car garages. Home values will be in the $600,000 to $850,000 range. Each lot will be served by an individual well and a septic/leach field.

The Developer will construct a local road (60’ right-of-way) Quail Hills Drive built to Elbert County standards with a cul-de-sac in the northerly half of the project. It will not be paved but will include an all-weather gravel surface that meets Elbert County standards. The 60’ right-of-way will extend all the way to the eastern boundary line for future connection of the property to the east. Quail Hills Drive will serve as access for Lot’s 1-4 driveways. Lot 5 will gain access from County Road 5 and Lots 6 & 7 will gain access from County Road 154. Since the Developer will also be the home builder he proposes to build the houses for lots 5, 6 & 7 first (Phase 1) to fund Phase 2 expenses for constructing Quail Hills Drive and lots 1-4.
Pre-application and community meetings: The Developer and CJ Kirst met with the County on October 13, 2015 for a pre-application meeting. And the Developer and CJ Kirst conducted a community meeting on December 3, 2015.

Zoning & Subdivision Quail Hills is an 80-acre piece of property that is currently zoned Agricultural (A). The Owner/Developer desires to re-zone to Agricultural Residential (AR) zoning; which requires 10-ac minimum lots.

Compliance with the Elbert County Master Plan – Rural Residential Areas – High Density (1 Dwelling Unit per 3 to 10 acres) - Criteria

1. Developments should be adjacent to existing similar density subdivisions, not less than 1/6 of the property perimeter must be adjacent to similar or smaller sizes parcels.

   Quail Hills is located to the north and west of Gamble Oaks which contains (77) lots under 1- ac. each in size and to the south Ponderosa Park contains (53) single family lots from 1.5 to 2.0 acres. Quail Hill’s overall perimeter is 3,928-ft.; 1/6th of this is 655-ft. Quail Hills share 1,295-ft of adjacency with Gamble Oaks and therefore meets this criteria.

2. Transition between lower and higher density uses, measures could include requiring same density as contiguous land use, requiring greater setbacks, or providing appropriate screening or buffering.

   Quail Hills will meet Elbert County Agricultural Residential zoning requires the following setbacks:

   - Front: 100’
   - Side: 50’
   - Rear: 50’

3. Development shall design residential locations in order to conserve land and preserve the concept of open space.

   Elbert County requires subdivisions less than 80-acres to provide open space via cash-in-lieu versus setting aside open space land within the subdivision. That being the case the Quail Hills developer will pay the open space cash-in-lieu fee.

4. Central water system using the Denver, Arapahoe, Laramie-Fox Hills aquifers shall be required which will incorporate recharge system to allow water to replenish or augment the aquifers.
Quail Hills has the following as decreed water rights via Colorado Water Court 2005CW261 to be withdrawn through seven (7) wells for in-house, irrigation and stock watering purposes:

- **Upper Dawson**: 14.7 ac-ft/year (at an annual amount of 0.7 ac-ft/year for 300-years pursuant to the augmentation plan decreed in Case 2015CW3005)
- **Lower Dawson**: 7.0 ac-ft/year
- **Denver**: 7.0 ac-ft/year
- **Laramie-Fox Hills**: 14.7 ac-ft/year

5. **A County approved central sanitation system may be required.**

   The County requirement for central sanitation is 5-ac lots and smaller, since Quail Hills is a minimum of 10-ac lots this is not applicable.

6. **All collector roads shall be paved at Developer’s expense, and provide improvements to any County roads to be impacted by this development. Road rights-of-way should be wide enough to provide for landscaping, pedestrian and bicycle paths, and adequate berming for visual relief and noise abatement where appropriate.**

   Quail Hills Drive will be built to the County standards and specifications for a 60-ft right-of-way and will be an all-season gravel surface since the total trips generated less than 200 vpd pavement is not required. County Road’s 5 and 154 are existing paved roads that meet the County Master Transportation Plan.

7. **The Developer may be required to design a trail system that allows for pedestrian and equestrian use. The system should endeavor to link or provide access to the forthcoming County-wide trail map.**

   Since Quail Hills is not dedicating open space and instead paying the cash-in-lieu and therefore no onsite trails will be constructed.

**Open Space** Quail Hills will not dedicate any open space but will pay cash-in-lieu using the County’s formula of $1,000/lot + (the appraised aggregate lot value in the platted state x 20% x 20%). This was at the request of the County as something they prefer for smaller subdivisions of 80-acres or less. With that in mind the East West Econometrics appraisal dated 1/29/16 determines the land value at preliminary plat of seven lots is $715,000 and therefore the open space cash-in-lieu amount owed will be = (7)($1,000/lot) + ($715,000)(20%)(20%) = $35,600.

**Fire Protection** Kara Gerczynski represented Elizabeth Fire at the 10/13/15 pre-application meeting and made the following comments:

1. **At this meeting she was concerned about driveways that were shown off of Gamble Oaks Road.**
Since that time we have revised the driveway locations so they were not dependent on Gamble Oaks Road.

2. She also wanted to make sure that we coordinated all lot addresses with her.

   **We will comply with this request.**

3. *She advised us of the fire protection options: cistern, fire sprinklers or fee.*

   **We will pay the $1,040/house fee.**

Electric, Gas, Fiber Each lot will include a minimum of ten (10) foot easements outside of road right of ways for these utilities. The following utility providers will serve Quail Hills:

- **Electric:** IREA
- **Gas:** Black Hills
- **Telephone/Cable/Internet:** Comcast or Century Link

**Water** Each lot will have their own independent Upper Dawson aquifer wells. The decreed water (Case # 2015CW3005) allows each well an annual amount of 0.7 ac-ft per year for 300 years for in-house, irrigation and stock watering purposes.

- **In-house Use:** 0.4 ac-ft per year
- **Irrigation Use:** 0.2 ac-ft per year limited to irrigation of 3,500 square feet home lawn and garden
- **Use in water Feature:** 0.05 ac-ft per year
- **Stockwatering Use:** 0.05 ac-ft per year of 4 large domestic animals

**Septic** Each lot will contain a non-evaporative septic system. Quail Hills is not located in any floodplains. The systems will be engineered in accordance with State standards and will stay out of utility easements.

**Drainage** Quail Hills does not contain a 100-year floodplain. Primary storm water conveyance will be carried in road side ditches to a low point in Quail Hills Drive where a proposed 18” RCP culvert under Quail Hills Drive will convey flows underneath and the existing swale running through Lot 1 will convey these flows northerly. Based on the 12/3/15 pre-application meeting a drainage study is not required but the construction plans do reflect the flow rate and culvert calculation at the proposed 18” RCP.

**Streets & Traffic** Quail Hills Drive will be built in accordance with County standards for their local classification with an all-weather gravel surface. It will also contain road side ditches. The
subdivision will generate minimal traffic, less than 200 vpd (based on 10 trips/day/home) and therefore a traffic study was not performed however a traffic analysis letter was prepared by Aegis Engineering and is included. Site line visibility of the Quail Hills Drive and County Road 5 is acceptable and therefore will not require any improvements to County Road 5. Please refer to traffic engineering letter. All driveways will be built to follow Elbert County specifications.

**Setbacks/Heights/Accessory Buildings** The homes will be built in accordance with the Elbert County Agricultural Residential (AR) requirements.

**School** Quail Hills is in the Elizabeth School District. The Owner/Developer will comply with any impact fee requirements.

In summary Quail Hills proposes to re-zone to Agricultural Residential (AR) and subdivide the 80-acres into seven (7) 10+acre lots. Quail Hills will follow all of the area and yard setbacks associated with Agricultural Residential (AR) zoning. But in addition to these Quail Hills will be bound by protective covenants that have been submitted with this proposal. These will be enforced by the Quail Hills homeowner’s association.
SECTION 3:
REZONE EXHIBIT
A PARCEL OF LAND BEING THE WEST HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 23, TOWNSHIP 7 SOUTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF ELBERT, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST 1/4 CORNER OF SAID SECTION 23;
THENCE S 00°22'42" W, ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 23, A DISTANCE OF 2642.84 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 23;
THENCE S 89°21'00" E, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 23, A DISTANCE OF 1337.65 FEET TO THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 23;
THENCE N 00°20'50" E, ALONG THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 23, A DISTANCE OF 1324.93 FEET;
THENCE N 00°27'46" E, CONTINUING ALONG THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 23, A DISTANCE OF 1325.15 FEET TO THE NORTHEAST CORNER OF THE WEST 1/2 THE SW 1/4 OF SAID SECTION 23;
THENCE N 89°39'37" W, ALONG THE NORTH LINE OF THE SW 1/4 OF SAID SECTION 23, A DISTANCE OF 1338.86 FEET TO THE POINT OF BEGINNING,
CONTAINING 3,539,850 SQUARE FEET OR 81.26 ACRES MORE OR LESS.
SECTION 4:
MINOR RESIDENTIAL DEVELOPMENT PLAT
DESCRIPTION

A PARCEL OF LAND CONTAINING 2 ACRES MORE OR LESS OF THE SOUTHWEST 1/4 OF SECTION 23, T. 7 S., R. 65 W. OF THE 6TH P.M., COUNTY OF ELBERT, STATE OF COLORADO.

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF LIENS, TAXES AND ENCUMBRANCES.

BY: ___________________________________

MY COMMISSION EXPIRES:

WITNESS MY HAND AND OFFICIAL SEAL

ACKNOWLEDGED BEFORE ME THIS ____ DAY OF ____________, 20__ BY

_____________________________

AMK CONSTRUCTION, LLC

UTILITY ACKNOWLEDGMENT

THE DEDICATION OF THE ROAD RIGHT-OF-WAY, WHICH IS INCLUDED IN THE UTILITIES AND CABLE COMMUNICATION SYSTEMS, AS SHOWN HEREON, TOGETHER WITH THE RIGHT TO TRIM AND MAINTAIN SUCH LINES; SAID EASEMENTS AND RIGHT TO BE UTILIZED IN A RESPONSIBLE AND PRUDENT MANNER, SUBJECT TO UTILITY PLACEMENT PERMITTING PROCEDURES FROM ELBERT COUNTY.

ELBERT COUNTY ENGINEERING

THE PLAT WAS APPROVED BY THE ELBERT COUNTY ENGINEERING ON THE

DAY OF                   , 20___.

_____________________________

DIRECTOR OF COMMUNITY AND DEVELOPMENT SERVICES

BOARD OF COUNTY COMMISSIONERS

THE PLAT WAS APPROVED BY RESOLVE OF THE BOARD OF COUNTY COMMISSIONERS OF ELBERT COUNTY, CO, ON THE

DAY OF                   , 20___.

_____________________________

CHAIR, BOARD OF ELBERT COUNTY COMMISSIONERS

ELBERT COUNTY CLERK AND RECORDER

THE PLAT WAS FILED IN THE OFFICE OF THE ELBERT COUNTY CLERK AND RECORDER ON THE

DAY OF                   , 20___.

_____________________________

CLERK AND RECORDER
SECTION 5

REFERRAL COMMENTS
APPLICATION COMMENTS

**Review Date:** May 9, 2016  
**CDS Review Staff:** Ethan Watel and Cory Miller (Project Planners)  
**Name of Application:** Quail Hills Rezone and Minor Subdivision  
**Case Number:** RZ-16-0007 and MD-16-0008  
**Applicant name and address:** AMK Construction LLC, 2949 E. Cresthill Ave,  
Centennial, CO 80121  
**Physical Address of proposal:** Northeast Corner of CR 5 & CR 154 (Parcel  
#7523300191)  
**Representative:** CJ Kirst, Tahoe Consulting LLC, 5730 E Otero Ave, Centennial,  
CO 80112  
**Section, Township and Range:** Section 23, Township 7S, Range 65W, 6th PM

AMK Construction LLC has submitted an application for a minor subdivision and  
rezone for 80 acres of land in Elbert County. The following are the comments  
regarding the first submittal of a subdivision plat for a Minor Residential  
Development and rezoning to the Agricultural Residential (AR) zone district. The  
comments reflect the subdivision plat that was submitted as part of the initial  
application to the County following a pre-application meeting held on October  
13, 2015.

Referral comments were provided by  
- Baseline Corporation Planning Division  
- Baseline Corporation Engineering Division  
- Baseline Corporation Surveying Division  
- Elbert County Mapping  
- Elizabeth School District  
- Elizabeth Fire Protection District  
- Intermountain Rural Electric Association  
- Black Hills Energy  
- Division of Water Resources
Summary of Comments:

Planning:
1. Subdivision Plat – please ensure that the Title Verification and Clerk and Recorder signature blocks match the examples provided in the Elbert County Subdivision Regulations. See attached redlines.
2. Subdivision Plat – Please more clearly label the setback distances for each parcel. See attached redlines.
3. Subdivision Plat – Please more clearly indicate the date of preparation on the plat document.
4. General: Documents go back and forth referring to the central street as “Quail Hills Drive” and “Quail Hills Road.” Please submit a written approval from the County Mapper on the final road name before the next submittal.
5. Rezone Exhibit – Please see attached redlines.
6. Rezone Exhibit – Please add locations of proposed driveways for each lot.
7. General – Please submit the applicable page(s) from the operating agreement for AMK Construction, LLC showing that Maciej Kolasinski is authorized to sign on behalf of the LLC.
8. General – Is there a deed of trust or mortgage on the property? If possible please submit a recent title commitment or O&E report for the property.
9. General – Please retitle the plat and rezoning exhibit to be named “Quail Hills Minor Residential Development”.
10. Both plans – please have your surveyor verify if there is existing dedicated right of way or an easement for CR 5 along the west side of the property. Was any ROW dedicated in the Severson Minor Development?
11. Both plans – please have your surveyor verify if Gamble Oaks Drive along the south side of the property is on the subject property or within ROW or an easement. The maps provided do not show ROW or an easement, but there is a paved road in place today. Check the plat for Ponderosa Park Estates Unit 6.
12. Both plans – please have the surveyor verify if the ROW for the north-south portion of Gamble Oaks Drive directly abuts the property. Your maps show a gap. Check the plat for Gamble Oaks Subdivision.

Surveying:
13. Subdivision Plat Cover – The legal description on the plat cover does not match the plat. Please revise.
14. Subdivision Plat – Please address edits to the monument call outs. See attached redlines.
15. Subdivision Plat – Please add text masks to chord information. See attached redlines
16. Subdivision Plat – Please indicate distance from the 1/16th Corner to the Southeast Corner of Lot 4.
17. Subdivision Plat – several bearing and distance call outs are missing. Please see attached redlines.
Engineering
18. Refer to separate memo dated May 9, 2016.

Elbert County Mapping:
19. The new road name will need to be approved prior to recording of the final plat.

Elizabeth School District:
20. Cash-in-lieu fees for land dedication shall be collected ($2,822.00 per lot)

Elizabeth Fire Rescue:
21. Please address all comments included in the Letter provided from Kara Gerczynski of the Elizabeth Fire Protection District. Her letter and contact information is attached.

Intermountain Rural Electric:
22. Please address all comments included in the Letter provided from Brooks Kaufman of the Intermountain Rural Electric Association. Letter and contact information attached.

Black Hills Energy
23. No comment to address.

Division of Water Resources
24. Please review and address the DWR’s comments, if needed.

Please resubmit the Minor Residential Development plat document and Rezone Exhibit with the requested corrections.

Once these corrections have been resubmitted and verified we can begin to schedule the hearings with the Planning Commission and Board of County Commissioners.

Please let me know if you have any questions.

Sincerely,

Ethan Watel, AICP
Baseline Corporation
o/b/o Elbert County Community & Development Services

CC: Kyle Fenner, Elbert County
Attachments:
  o Redlined Minor Development Plat – Baseline Planning
  o Redlined Minor Development Plat – Baseline Surveying
  o Redlined Rezone Exhibit – Baseline Planning
  o Redlined Rezone Exhibit – Baseline Surveying
  o Memo from Baseline Engineering
  o Referral comments received from:
    - Elbert County Mapping
    - Elizabeth School District
    - Elizabeth Fire Protection District
    - Intermountain Rural Electric Association
    - Black Hills Energy
    - Division of Water Resources
REFERRAL REQUEST

DATE: 3/23/2016

COMMENTS DUE BY: Wednesday, April 27, 2016

RE: PROJECT NAME: Quail Hills
PROJECT NUMBER: RZ-16-0007 and MD-16-0008
PROJECT TYPE: Rezone & Minor Subdivision

Dear Referral Organization:

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

☐ We have no objections to this proposal.

☒ Please note the following concerns this organization has with this proposal:
The new road name need to be Approved by before they file final plat

☐ See the attached letter for detailed comments regarding this proposal.

Date: 3-30-2016

Agency Name: Elbert County Mapping

Your name (Please Print Clearly): Bart Chambers

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 Planning 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.

Please note that the Planning Department considers failure to respond as approval of the proposal by all identified agencies. This consideration is based upon the language in the Colorado Revised Statues 30-28-136(2).

Sincerely,

Project Planner
REFERRAL REQUEST

DATE: 3/23/2016
COMMENTS DUE BY: Wednesday, April 27, 2016

RE: PROJECT NAME: Quail Hills
PROJECT NUMBER: RZ-16-0007 and MD-16-0008
PROJECT TYPE: Rezone & Minor Subdivision

Dear Referral Organization:

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

☐ We have no objections to this proposal.

☒ Please note the following concerns this organization has with this proposal:
The only concern the ESD has in regards to this proposal is the proper collection of the Improvement fees and the cash-in-lieu of land dedication associated with this project (a total of $2,822 per lot)

☐ See the attached letter for detailed comments regarding this proposal.

Date: March 28, 2016

Agency Name: Elizabeth School District

Your name (Please Print Clearly): Ron Patera

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 Planning 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.

Please note that the Planning Department considers failure to respond as approval of the proposal by all identified agencies. This consideration is based upon the language in the Colorado Revised Statues 30-28-136(2).

Sincerely,

Project Planner
REFERRAL REQUEST

DATE: 3/23/2016                     COMMENTS DUE BY: Wednesday, April 27, 2016

RE: PROJECT NAME: Quail Hills
PROJECT NUMBER: RZ-16-0007 and MD-16-0008
PROJECT TYPE: Rezone & Minor Subdivision

Dear Referral Organization:

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

☐ We have no objections to this proposal.

☐ Please note the following concerns this organization has with this proposal:


☐ See the attached letter for detailed comments regarding this proposal.

Date: 4-27-16

Agency Name: Elizabeth Fire Protection District
Your name (Please Print Clearly): Kara Gerczynski - Fire Marshal
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 Planning 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.

Please note that the Planning Department considers failure to respond as approval of the proposal by all identified agencies. This consideration is based upon the language in the Colorado Revised Statutes 30-28-136(2).

Sincerely,

Project Planner
To: Ethan Wadel  
    Baseline Engineering, Planning, and Surveying

Re: Quail Hills
    RZ 16-0007 and MD 16-0008

Ethan,

I have performed a review of the above project and submit to you the following comments. Please consider these comments as conditions of approval.

**Fire Department Access (902):**

- All roads shall be constructed of an approved all-weather surface and shall meet County Road Standards *prior to construction*.

- Quail Hills Road is an approved road name by the fire department. Final approval shall be by the county mapper.

- The fire department shall approve final address numbers for lots 5, 6, and 7.

- Lot 6 is a flag lot, so address markers shall be placed at the entrance of lot 6.

- The proposed driveway locations for lots 5, 6, and 7 are approved. If the driveway access changes, please submit plans to this department for approval.

- Developer shall provide an 8-1/2” by 11” map of the development to the fire department to ensure an immediate response.

- A minor development plan review fee of $312.00 shall be paid prior release of Resolution 99-35.
**Water Supply / Fire Protection (903):**

- Developer shall provide one of the following options for fire protection:

  1. A minimum 30,000-gallon approved on-site water storage tank for firefighting.


  3. Provide cash in lieu of in the amount of $1040/per new lot to assist in a similar firefighting project within the immediate area.

Again, I request that you make these comments conditions of approval for this development. I have referenced the 2006 International Fire Code as adopted by the County and by our office as well. This Letter should not be construed as a grant for non-compliance with any locally adopted code or standard. Please call me with any questions or comments regarding this review.

Thank you for the referral.

Kara Gerczynski
Fire Marshal
**Customer**

- **Name**: Maciej Kolasinski
- **Address**: 2949 E. Cresthill Ave
- **City**: Centennial
- **State**: CO
- **Zip**: 80121

**Date**: 4/27/2016

**Description** | **Unit Price** | **TOTAL**
--- | --- | ---
Minor Subdivision & Rezone Plan Review | $312.00 | $312.00

Make check payable to Elizabeth Fire Protection District

**Payment Details**

- **Cash**
- **Check**
- **Credit Card** N/A

**SubTotal**: $312.00

**Shipping & Handling**: $0.00

**Taxes**: EXEMPT

**TOTAL**: $312.00

Office Use Only
No comment from Black Hills Energy! Thanks Ron

---

From: Ethan Watel <ethan@baselinecorp.com>  
Sent: Wednesday, March 23, 2016 11:50 AM  
To: Kyle.Fenner@elbertcounty-co.gov  
Cc: Ethan Watel  
Subject: Elbert County Referral: Quail Hills Rezone & Minor Subdivision

*** This email is from an EXTERNAL sender ***
Use caution before responding. DO NOT open attachments or click links from unknown senders or unexpected email. If this email appears to be sent from a BHC employee or department, verify its authenticity before acting or responding. Contact the Helpdesk with any questions.

On behalf of the Elbert County Community & Development Services Department, I am sending you a land use application referral packet. The Department has received an application for a Rezoning and Minor Subdivision referred to as Quail Hills. The property is approximately 80 acres and the applicant is proposing to rezone from Agriculture (A) to Agriculture Residential (A) as well subdivided the property into seven 10+ acre lots. The case numbers are RZ-16-0007 and MD-16-0008.

The referral period is open until Wednesday, April 27, 2016 (35 days).

Please see attached a referral form for you to provide comments. The land use application documents can be found at this Dropbox link.
https://www.dropbox.com/sh/6lnlincvjt3p1f8/AADw2VJxvloF_mfhVUzftM96a?dl=0

Thank you, and please let me know if you have any questions.


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This electronic message transmission contains information from Black Hills Corporation, its affiliate or subsidiary, which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware the disclosure, copying, distribution or use of the contents of this information is prohibited. If you received this electronic transmission in error, please reply to sender immediately; then delete this message without copying it or further reading.
April 18, 2016

Kyle Fenner
Elbert County
Planning Department
P.O. Box 7
Kiowa, Colorado 80117

Re: QUAIL HILLS
Case No.: RZ-16-0007 & MD-06-0008

Dear Ms. Fenner

The Association has reviewed the contents in the above-referenced referral response packet. We reviewed the project for maintaining our existing facilities, utility easements, electric loading, and service requirements. We are advising you of the following concerns and comments:

The Association has an existing transmission line and overhead electric facilities on the subject property. The Association will maintain these existing utility easements and facilities. The Association will require that all structures and landscaping maintain adequate clearances to the transmission line and allow for the Association to access the transmission line for maintenance purposes. The Association requires that the applicant maintain proper clearances to transmission facilities as defined by the NESC. In addition the association will require a grading profile if any grading work is to be done which could affect clearances or access to the transmission line. (SEE ATTACHED COMMENTS)

The Association is requesting all utility easements adjacent to County Road 154 and County Road 5 be at least fifteen-feet (15’) in width to accommodate the installation of electric facilities in this project. In addition a ten-foot (10’) utility easement along all private access drives and Quail Hills Road.

The Association will require that all structures and landscaping maintain adequate clearances to the underground facilities and allow for the Association to access for maintenance purposes. The Association has strong concern in regards to a potential screening of the electrical equipment.

Sincerely,

[Signature]

Brooks Kaufman
Lands and Rights-of-Way Director

INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION
5496 N. U.S. Highway 85, P.O. Drawer A / Sedalia, Colorado 80135
Telephone (720)733-5493
bkaufman@irea.coop
May 5, 2016

Kyle Fenner
Elbert County Community & Development Service Department
Transmission via email: Kyle.Fenner@elbertcounty-co.gov

RE: Quail Hills Rezone and Minor Subdivision
Project File Nos. RZ-16-0007 and MD-16-0008
W ½ of the SW ¼ of Section 23, T7S, R65W, 6th P.M.
Water Division 1, Water District 8

Dear Mr. Fenner:

We have reviewed the information received March 23, 2016 regarding the above referenced proposal to subdivide an 81.26 acre parcel into 7 residential lots.

Water Supply Demand

A Water Supply Information Summary Sheet (“Summary Sheet”) was not included with the additional information, however according to an October 19, 2015 letter from Mr. James Petrock of Petrock & Fendel, P.C., the proposed seven lots will operate pursuant to the augmentation plan decreed in case no. 2015CW3005, which allows the use of up to 14 individual not-nontributary Upper Dawson aquifer wells, of which 7 will be used in this application. Sewage treatment will be by individual septic disposal systems.

Source of Water Supply

The proposed source of water for the seven lots is listed as individual on lot wells, producing from the not nontributary Upper Dawson aquifer that will operate pursuant to the augmentation plan originally decreed in case no. 2013CW3123 and amended in case no. 2015CW3005 (“Decrees”). According to the augmentation plan approved in the Decrees, the Prairie Ridge Development may use 18.5 acre-feet of water per year out of the Upper Dawson aquifer for 300 years; the water used in the augmentation plan was originally decreed in case nos. 2005CW261 and 2013CW3123. The augmentation plans allow for 14 individual on lot wells that can withdraw 0.7 acre-feet annually, 12 individual on lots wells that can withdraw 0.65 acre-feet annually, and an excess 0.9 acre-feet of water that can be used for stockwatering, use in barns and stables and fire. This plan seeks to use 7 of the 14 wells that are allowed to withdraw 0.7 acre-feet per year.

According to the letter from Mr. Petrock, AMK Construction, LLC, has the right to use 7 of the Upper Dawson wells contemplated in the Decrees. Specifically, these wells may withdrawal 0.7 acre-feet of water per year for 300 years for the following uses:
- In-house use (0.4 acre-feet per year)
- Irrigation of 3,500 square feet of home garden and lawn (0.2 acre-feet per year)
- Use in a water feature (0.05 acre-feet per year)
- Watering of four domestic animals (0.05 acre-feet per year)

Applications for on lot well permits, submitted by entities other than the water court Applicant (Prairie Ridge Development, LLC for case no. 2015CW3005) must include evidence that the Applicant has acquired the right to the portion of the water being requested on the application.

Records in this office indicate that there is an existing well, operating under well permit no. 72900, located on the subject property. Permit no. 72900 was issued on January 3, 1974 as the only well on an 11 acre tract described as a portion of the SW ¼ of the SW ¼ of Section 33, Township 7 South, Range 65 West of the 6th P.M; the uses are limited to household uses inside one single family dwelling and the watering of four domestic animals. The well was constructed into the Upper Dawson aquifer on October 7, 1975. Section 37-92-602(3)(b)(III), C.R.S., requires that the cumulative effect of all wells in a subdivision be considered when evaluating material injury to decreed water rights. The well must either be re-permitted pursuant to the plan for augmentation approved in case no. 2015CW3005 or else be plugged and abandoned in accordance with the Water Well Construction Rules prior to subdivision approval.

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 §37-90-137(4)(b)(i), C.R.S., “Permits issued pursuant to this subsection (4) shall allow withdrawals on the basis of an aquifer life of one hundred years.” Based on this allocation approach, the annual amount of water available decreed in case nos. 2005CW261 and 2013CW3123 is equal to one percent of the total amount, as determined by rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Therefore, the water may be withdrawn in this annual amount 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:

”(i) 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) If greater than 50% of the water supply is a renewable source of water, then a 100 aquifer year life will be applied.
ii) If less than 50% of the water supply, but greater than 25% of the water supply, is a renewable source, then a 200 year life will be applied
iii) 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 three hundred years, the augmentation plan allows an average annual withdrawal of 4.9 acre-feet/year for a period of 300 years for the 7 proposed wells. As a result, the water may be withdrawn in the requested amount, from the proposed wells, for a maximum of 300 years.

**State Engineer’s Office Opinion**

Based on the above, it is our opinion, pursuant to C.R.S. § 30-28-136(1)(h)(I), that the proposed water supply for the minor subdivision is adequate and will not cause material injury to decreed water rights, provided that the well with permit no. 72900 is either re-permitted pursuant to the plan for augmentation approved in case no. 2015CW3005 or else plugged and abandoned in accordance with the Water Well Construction Rules prior to subdivision approval.

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

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

Our opinion is qualified by the following:

The Division 1 Water Court has retained jurisdiction over the final amount of water available pursuant to the above-referenced decree, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifers, and identified in this letter, are calculated based on estimated current aquifer conditions. For planning purposes the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 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 Karlyn Armstrong of this office.

Sincerely,

Joanna Williams, P.E.
Water Resource Engineer

cc: Subdivision File No. 23889
File for Permit no. 72900
June 22, 2016

Kyle Fenner
Elbert County Community & Development Service Department
Transmission via email: Kyle.Fenner@elbertcounty-co.gov

RE: Quail Hills Rezone and Minor Subdivision
Project File Nos. RZ-16-0007 and MD-16-0008
W ½ of the SW ¼ of Section 23, T7S, R65W, 6th P.M.
Water Division 1, Water District 8

Dear Mr. Fenner:

Our office has reviewed the information received March 23, 2016 regarding the above referenced proposal to subdivide an 81.26 acre parcel into 7 residential lots and originally provided comments on May 5, 2016. Since that time it has come to our attention that the well permit referenced in our May 5, 2016 letter is not related to the subject property. Please see below for revised comments regarding this proposed subdivision.

Water Supply Demand

A Water Supply Information Summary Sheet (“Summary Sheet”) was not included with the additional information, however according to an October 19, 2015 letter from Mr. James Petrock of Petrock & Fendel, P.C., the proposed seven lots will operate pursuant to the augmentation plan decreed in case no. 2015CW3005, which allows the use of up to 14 individual not-nontributary Upper Dawson aquifer wells, of which 7 will be used in this application. Sewage treatment will be by individual septic disposal systems.

Source of Water Supply

The proposed source of water for the seven lots is listed as individual on lot wells, producing from the not nontributary Upper Dawson aquifer that will operate pursuant to the augmentation plan originally decreed in case no. 2013CW3123 and amended in case no. 2015CW3005 (“Decrees”). According to the augmentation plan approved in the Decrees, the Prairie Ridge Development may use 18.5 acre-feet of water per year out of the Upper Dawson aquifer for 300 years; the water used in the augmentation plan was originally decreed in case nos. 2005CW261 and 2013CW3123. The augmentation plans allow for 14 individual on lot wells that can withdraw 0.7 acre-feet annually, 12 individual on lots wells that can withdraw 0.65 acre-feet annually, and an excess 0.9 acre-feet of water that can be used for stockwatering, use in barns and stables and fire. This plan seeks to use 7 of the 14 wells that are allowed to withdraw 0.7 acre-feet per year.
According to the letter from Mr. Petrock, AMK Construction, LLC, has the right to use 7 of the Upper Dawson wells contemplated in the Decrees. Specifically, these wells may withdrawal 0.7 acre-feet of water per year for 300 years for the following uses:

- In-house use (0.4 acre-feet per year)
- Irrigation of 3,500 square feet of home garden and lawn (0.2 acre-feet per year)
- Use in a water feature (0.05 acre-feet per year)
- Watering of four domestic animals (0.05 acre-feet per year)

Applications for on lot well permits, submitted by entities other than the water court Applicant (Prairie Ridge Development, LLC for case no. 2015CW3005) must include evidence that the Applicant has acquired the right to the portion of the water being requested on the application.

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 §37-90-137(4)(b)(I), C.R.S., “Permits issued pursuant to this subsection (4) shall allow withdrawals on the basis of an aquifer life of one hundred years.” Based on this allocation approach, the annual amount of water available decreed in case nos. 2005CW261 and 2013CW3123 is equal to one percent of the total amount, as determined by rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Therefore, the water may be withdrawn in this annual amount 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:

”(i)n 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) If greater than 50% of the water supply is a renewable source of water, then a 100 aquifer year life will be applied.
   ii) If less than 50% of the water supply, but greater than 25% of the water supply, is a renewable source, then a 200 year life will be applied
   iii) 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 three hundred years, the augmentation plan allows an average annual withdrawal of 4.9 acre-feet/year for a period of 300 years for the 7 proposed wells. As a result, the water may be withdrawn in the requested amount, from the proposed wells, for a maximum of 300 years.
State Engineer’s Office Opinion

Based on the above, it is our opinion, pursuant to C.R.S. § 30-28-136(1)(h)(I), that the proposed water supply for the minor subdivision is adequate and will not cause material 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 is greater than the annual amount of water required to supply existing water commitments and the demands of the proposed subdivision.

Our opinion is qualified by the following:

The Division 1 Water Court has retained jurisdiction over the final amount of water available pursuant to the above-referenced decree, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifers, and identified in this letter, are calculated based on estimated current aquifer conditions. For planning purposes the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 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 Karlyn Armstrong of this office.

Sincerely,

Joanna Williams, P.E.
Water Resource Engineer

cc: Subdivision File No. 23889
APPLICATION COMMENTS

Review Date: August 9, 2016
CDS Review Staff: Ethan Watel and Cory Miller (Project Planners)
Name of Application: Quail Hills Rezone and Minor Subdivision
Case Number: RZ-16-0007 and MD-16-0008
Applicant name and address: AMK Construction LLC, 2949 E. Cresthill Ave, Centennial, CO 80121
Physical Address of proposal: Northeast Corner of CR 5 & CR 154 (Parcel #7523300191)
Representative: CJ Kirst, Tahoe Consulting LLC, 5730 E Otero Ave, Centennial, CO 80112
Section, Township and Range: Section 23, Township 7S, Range 65W, 6th PM

AMK Construction LLC has re-submitted an application for a minor subdivision and rezone for 80 acres of land in Elbert County. The following are the comments regarding the second submittal of a subdivision plat for a Minor Residential Development and rezoning to the Agricultural Residential (AR) zone district.

Referral comments were provided by
- Baseline Corporation Planning Division
- Baseline Corporation Engineering Division
- Baseline Corporation Surveying Division
- Elbert County Mapping
- Elizabeth Fire Protection District
- Intermountain Rural Electric Association
- Division of Water Resources

Summary of Comments:

Planning, Engineering, and Surveying:
I have combined the reviews from all three Baseline divisions into one set of redlines and comments.
1. Subdivision Plat – Please see the redlines on the MRD plat. There are few notes to add and some minor edits to make on existing text.
2. Subdivision Plat – There are small circles/dots along Sage Circle with no callouts or notes. Are these proposed pins to be set?
3. Rezone Exhibit – Please see attached redlines.
   a. Some of the linetypes are missing in the legend.
   b. There are some repeat redlines pertaining to text masking. It is difficult to read some labels that have lines and trees over the text. When the rezone exhibit and plat are recorded, it will be more difficult to read.
4. Both plans – Thank you for the response regarding the rights-of-way around the site. The letter from Highline Engineering and Surveying Company was helpful.
   a. Ponderosa Park Estates and CR 154: the dedication of 30' of new ROW will address the issue.
   b. CR 5: the dedication of 30' of new ROW will address the issue.
   c. The letter from Highline did not address the question on the north-south portion of Gamble Oaks Drive. Since the pavement is off the site, there is no issue.
5. Constructions plans - Some minor redlines to address.
6. General - A subdivision improvements agreement (SIA) is required per Section XIV.D of the Elbert County Subdivision Regulations. This is required to guarantee the public improvements (Sage Circle). Since you are proposing to dedicate ROW but build the road only to the cul-de-sac, the agreement can be phased. There must be a guarantee that the rest of Sage Circle will be constructed when development to the east occurs. The regulations call for collateral to be deposited for the entire build out of Sage Circle. Please submit a cost estimate for the public improvements. A draft SIA will be provided soon.

Elizabeth Fire Rescue:
7. Please see the response from Kara Gerczynski. We will recommend that some of her comments be incorporated as conditions of approval. (SHOULD WE INDICATE WHICH???)

Elbert County Mapping:
8. No comments to address.

IREA:
9. No comments to address.

Division of Water Resources:
10. Please see the letter from the Division of Water Resources. No comment to address.
**Next Steps:**
Please resubmit the Minor Residential Development plat document and Rezone Exhibit with the requested corrections.

A potential Planning Commission date is Tuesday, September 20, 2016. The notice would have to be placed in the paper on Tuesday, August 16 to be published on Thursday, August 21. I would like to see that the redlines are addressed before the hearing date is locked in. Please call me to discuss. The next available hearing date is Tuesday, October 4th. If you can demonstrate that the corrections can be made in time, we can schedule the September hearing.

Please let me know if you have any questions.

Sincerely,

Ethan Watel, AICP
Baseline Corporation
o/b/o Elbert County Community & Development Services

CC: Kyle Fenner, Elbert County

Attachments:
- Redlined Minor Development Plat– Baseline
- Redlined Rezone Exhibit – Baseline
- Redline Construction Drawings - Baseline
- Referral comments received from:
  - Elbert County Mapping
  - Elizabeth Fire Protection District
  - Intermountain Rural Electric Association
  - Division of Water Resources
REFERRAL REQUEST

DATE: 7/6/2016

COMMENTS DUE BY: Monday, August 1, 2016

RE: PROJECT NAME: Quail Hills
PROJECT NUMBER: RZ-16-0007 and MD-16-0008
PROJECT TYPE: Rezone & Minor Subdivision

Dear Referral Organization:

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

[ ] We have no objections to this proposal.

Please note the following concerns this organization has with this proposal:

__________________________________________________________________________
__________________________________________________________________________

[ ] See the attached letter for detailed comments regarding this proposal.

Date: 7-11-2016

Agency Name: Elbert County Mapping Dept.

Your name (Please Print Clearly): BART CHAMBERS

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 Planning 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.

Please note that the Planning Department considers failure to respond as approval of the proposal by all identified agencies. This consideration is based upon the language in the Colorado Revised Statues 30-28-136(2).

Sincerely,

Project Planner
To: Ethan Wadel  
Baseline Engineering, Planning, and Surveying

Re: Quail Hills  
RZ 16-0007 and MD 16-0008

Ethan,

I have reviewed the applicant’s comments to the first submittal. Please consider these comments as conditions of approval.

**Fire Department Access (902):**

- All roads shall be constructed of an approved all-weather surface and shall meet County Road Standards *prior to construction.*

- Sage Circle is an approved road name by the fire department.

- The fire department shall approve final address numbers for lots 5, 6, and 7.

- Lot 6 is a flag lot, so address markers shall be placed at the entrance of lot 6.

- The proposed driveway locations for lots 5, 6, and 7 are approved. If the driveway access changes, please submit plans to this department for approval.

- Developer shall provide an 8-1/2” by 11” map of the development to the fire department to ensure an immediate response.

- A minor development plan review fee of $312.00 shall be paid prior release of Resolution 99-35.
Water Supply / Fire Protection (903):

- The applicant has chosen to provide cash in lieu of in the amount of $1040/per new lot equaling $6,240.00 to assist in a similar firefighting project within the immediate area.
- This cash in lieu shall be paid prior to release of Resolution 99-35.

Again, I request that you make these comments conditions of approval for this development. I have referenced the 2006 International Fire Code as adopted by the County and by our office as well. This Letter should not be construed as a grant for non-compliance with any locally adopted code or standard. Please call me with any questions or comments regarding this review.

Thank you for the referral,

Kara Gerczynski
Fire Marshal
### Invoice Details

**Customer**
- **Name**: Maciej Kolasinski
- **Address**: 2949 E. Cresthill Ave
- **City**: Centennial
- **State**: CO
- **Zip**: 80121

**Invoice Information**
- **Date**: 4/27/2016
- **Order No.**: 
- **Rep**: 
- **FOB**: 

**Qty | Description | Unit Price | TOTAL**
--- | --- | --- | ---
1 | Minor Subdivision & Rezone Plan Review | $312.00 | $312.00

**Payment Details**
- **Cash**: 
- **Check**: 
- **Credit Card N/A**: 

**SubTotal**: $312.00
**Shipping & Handling**: $0.00
**Taxes**: EXEMPT

**TOTAL**: $312.00

**Office Use Only**
August 1, 2016

Kyle Fenner
Elbert County
Planning Department
P.O. Box 7
Kiowa, Colorado 80117

Re: QUAIL HILLS
Case No.: RZ-16-0007 AND MD-16-0008

Dear Ms. Fenner

The Association has reviewed the contents in the above-referenced referral response packet. We reviewed the project for maintaining our existing facilities, utility easements, electric loading, and service requirements. We are advising you of the following concerns and comments:

The Applicant has addressed the Association’s requested easements and concerns.

The Association requests a note to be added to the final plat that the Association has an existing transmission electric line on the subject property. The Association will maintain these existing utility easements and facilities. The Association will require that all structures and landscaping maintain adequate clearances to the transmission line and allow for the Association to access the transmission line for maintenance purposes.

Sincerely,

[Signature]

Brooks Kaufman
Lands and Rights-of-Way Director
July 26, 2016

Kyle Fenner
Elbert County Community & Development Service Department
Transmission via email: Kyle.Fenner@elbertcounty-co.gov

RE:  Quail Hills Rezone and Minor Subdivision
      Project File Nos. RZ-16-0007 and MD-16-0008
      W ½ of the SW ¼ of Section 23, T7S, R65W, 6th P.M.
      Water Division 1, Water District 8

Dear Ms. Fenner:

Our office has reviewed the re-submittal information received July 6, 2016 regarding the above referenced proposal to subdivide an 81.26 acre parcel into 7 residential lots and 3 tracts. Our office previously provided comments regarding this proposal on May 6, 2016 and June 22, 2016.

Water Supply Demand

A Water Supply Information Summary Sheet (“Summary Sheet”) was not included with the additional information, however according to an October 19, 2015 letter from Mr. James Petrock of Petrock & Fendel, P.C., the proposed seven lots will operate pursuant to the augmentation plan decreed in case no. 2015CW3005, which allows the use of up to 14 individual non-tributary Upper Dawson aquifer wells, of which 7 will be used in this application. Sewage treatment will be by individual septic disposal systems.

Source of Water Supply

The proposed source of water for the seven lots is listed as individual on lot wells, producing from the not nontributary Upper Dawson aquifer that will operate pursuant to the augmentation plan originally decreed in case no. 2013CW3123 and amended in case no. 2015CW3005 (“Decrees”). According to the augmentation plan approved in the Decrees, the Prairie Ridge Development may use 18.5 acre-feet of water per year out of the Upper Dawson aquifer for 300 years; the water used in the augmentation plan was originally decreed in case nos. 2005CW261 and 2013CW3123. The augmentation plans allow for 14 individual on lot wells that can withdraw 0.7 acre-feet annually, 12 individual on lots wells that can withdraw 0.65 acre-feet annually, and an excess 0.9 acre-feet of water that can be used for stockwatering, use in barns and stables and fire. This plan seeks to use 7 of the 14 wells that are allowed to withdraw 0.7 acre-feet per year.
According to the letter from Mr. Petrock, AMK Construction, LLC, has the right to use 7 of the Upper Dawson wells contemplated in the Decrees. Specifically, these wells may withdraw 0.7 acre-feet of water per year for 300 years for the following uses:

- In-house use (0.4 acre-feet per year)
- Irrigation of 3,500 square feet of home garden and lawn (0.2 acre-feet per year)
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Applications for on lot well permits, submitted by entities other than the water court Applicant (Prairie Ridge Development, LLC for case no. 2015CW3005) must include evidence that the Applicant has acquired the right to the portion of the water being requested on the application.

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 §37-90-137(4)(b)(I), C.R.S., “Permits issued pursuant to this subsection (4) shall allow withdrawals on the basis of an aquifer life of one hundred years.” Based on this allocation approach, the annual amount of water available decreed in case nos. 2005CW261 and 2013CW3123 is equal to one percent of the total amount, as determined by rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Therefore, the water may be withdrawn in this annual amount for a maximum of 100 years.

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

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iii) 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 three hundred years, the augmentation plan allows an average annual withdrawal of 4.9 acre-feet/year for a period of 300 years for the 7 proposed wells. As a result, the water may be withdrawn in the requested amount, from the proposed wells, for a maximum of 300 years.
State Engineer’s Office Opinion

Based on the above, it is our opinion, pursuant to C.R.S. § 30-28-136(1)(h)(I), that the proposed water supply for the minor subdivision is adequate and will not cause material 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 is greater than the annual amount of water required to supply existing water commitments and the demands of the proposed subdivision.

Our opinion is qualified by the following:

The Division 1 Water Court has retained jurisdiction over the final amount of water available pursuant to the above-referenced decree, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifers, and identified in this letter, are calculated based on estimated current aquifer conditions. For planning purposes the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 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 Karlyn Armstrong of this office.

Sincerely,

Joanna Williams, P.E.
Water Resource Engineer

cc: Subdivision File No. 23889