

EL PASO COUNTY



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DEVELOPMENT SERVICES DEPARTMENT

DICK ANDERWALD, AICP, DIRECTOR

TO: El Paso County Planning Commission
El Paso County Board of County Commissioners
Steve Sery, Chair

FROM: Kim Dimmett, Project Manager II, x7944
Raimere Fitzpatrick, Planner I
Kevin Diekelman, Engineer I
Mike Hrebenar, Customer Service Manager *MHA*

RE: MS-06-005, Gonzales Subdivision Filing 2
Tax Schedule #: 55230-02-014

OWNER:
Samuel & Lisaida Gonzales
10015 Rolling Ridge Road
C/S, CO 80925

REPRESENTATIVE:
Adrian Stanciu
LDC, Inc.
2850 Serendipity Circle West
C/S, Co 80917
(719) 528-6133

Commissioner District: 4

Planning Commission Hearing Date;	10/17/06
Board of County Commissioners Hearing Date:	TBD

EXECUTIVE SUMMARY

Request by Samuel & Lisaida Gonzales for final plat approval of Gonzales Subdivision Filing No. 2. The proposed 5.006 acre subdivision is in the RR2 (Rural Residential) Zone District. The subdivision includes 2 single-family lots equally split into 2.503 acres each. The property is located at 10015 Rolling Ridge Road, adjacent to Fountain Valley and is not within a comprehensive planning area.



A. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

B. REQUEST/WAIVERS/AUTHORIZATION

Request: Minor subdivision approval for 2 - 2.503 acre lots.

Waiver: N/A

Authorization for Board of County Commissioners to Sign: Plat

C. STAFF RECOMMENDATION (Team)

Staff recommends approval of the Minor Subdivision with the conditions of approval in the following section.

D. CONDITIONS OF APPROVAL

1. Applicable School (Widefield School #3) in the amount of \$414 and Park Fees in the amount of \$353 shall be paid prior to recording of the Final Plat.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, for years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

5. The applicant shall submit the mylar to Enumerations for addressing. Recommend that the applicant obtain documentation from FWS regarding threatened and endangered species impacts prior to proceeding with the project.
6. Applicable drainage fees (Jimmy Camp Creek Drainage Basin) in the amount of \$1,963.09 shall be paid prior to recording of the Final Plat.

NOTATIONS

1. Final Plats not forwarded to the Board of County Commissioners for consideration within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.

D. APPLICABLE RESOLUTIONS

Approval	Page 1
Disapproval	Page 2

E. LOCATION

Abutting zoning and land use:

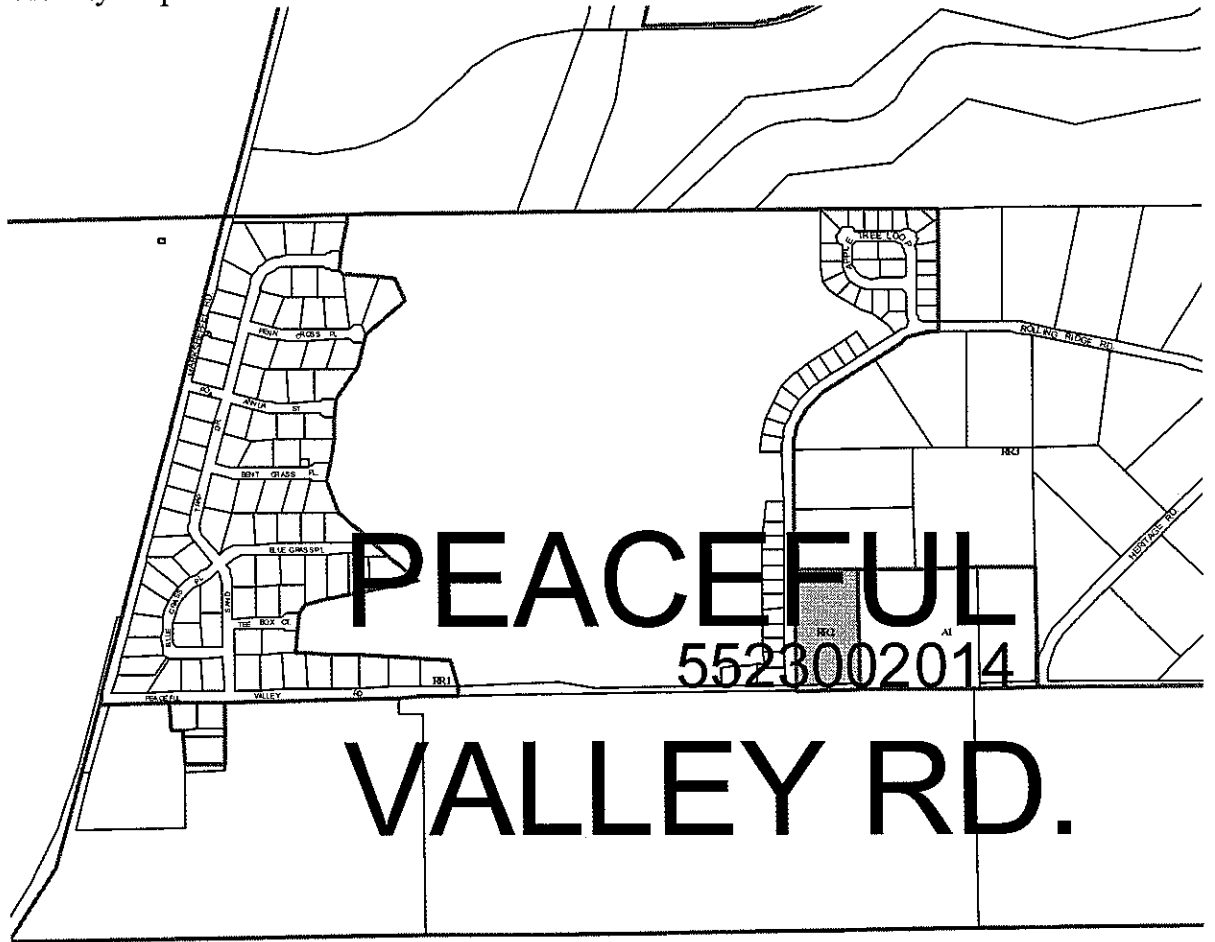
North: RR3/single family residential

South: PUD/single family residential

East: A-1/single family residential

West: PUD/single family residential

Vicinity Map



F. BACKGROUND

The applicants are submitting a final plat to subdivide their five (5) acre parcel into two (2) two and one-half (2 ½) acre lots. The applicants were granted approval of a petition to rezone the property from the RR-3 to the RR-2 Zoning District by the Board of County Commissioners in November of 1997.

G. STATUS OF MAJOR ISSUES

N/A

H. APPROVAL CRITERIA

1. LAND DEVELOPMENT CODE COMPLIANCE

Approval criteria has been met per El Paso County Land Development Code Section 47.F Minor Subdivisions (48.C.1-2)

2. ZONING COMPLIANCE

The final plat meets zoning requirements in the RR-2 Zoning District per Section 9 of the El Paso County Land Development Code.

3. PUD COMPLIANCE

N/A

I. PHYSICAL SITE CHARACTERISTICS

1. HAZARDS

The following comments are excerpts from the Colorado Geological Survey report of the site and geologic characteristics:

The site is located on a gentle slope on the east side of Jimmy Camp Creek north of Fountain, [and slopes to the southwest. Earth] ditches and culverts convey storm water runoff towards Jimmy Camp Creek.

Primary geologic deposits include shallow alluvial soils overlying the Pierre Shale. The Pierre Shale is known to be expansive and also to allow perched water to form on it. Percolation rates were not included in the review package, but can be expected to be slow where clay is present.

After a literature review and site visit, CGS has the following comments:

1) Individual lot-specific foundation and septic investigations should be conducted at the proposed building site prior to development to ensure that subsurface conditions at each location are incorporated into the design process. Foundation designs for expansive clays should be used, and engineered septic systems may be required.

2. WILDLIFE

N/A

3. FLOODPLAIN

The subject property is not located in a mapped floodplain per the FEMA Flood Insurance Rate Map. The nearest flood zone is approximately 300' to the west.

4. DRAINAGE AND EROSION

The subject property is located in the Jimmy Camp Creek Drainage Basin. Existing drainage conditions consist of sheet flow and shallow concentrated flows traveling to the south and west. Runoff is carried from the site in existing R.O.W. improvements along Rolling Ridge and Peaceful Valley Roads. The proposed subdivision is not expected to significantly increase runoff rates. Drainage Basin and Bridge fees in the amount of \$1,963.08 are required at the time of recording.

5. TRANSPORTATION

The Gonzales Subdivision, Filing 2 has frontage to two local roads: Rolling Ridge Road to the west and Peaceful Valley Road to the South. Both roads are currently maintained by the City of Fountain, but are under county jurisdiction. Therefore, a 5' public improvements easement along the existing R.O.W. has been requested by the county.

Two access points currently exist to serve the subdivision: one driveway from each road. It is assumed that these access locations will be continued in their present locations and that each lot will gain access from the driveway directly adjoining it. No access easements were shown or noted to provide the northern most lot with access from Peaceful Valley Road.

J. SERVICES

1. WATER

Sufficiency: Sufficient

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

FINDINGS AND CONCLUSIONS (El Paso County Attorney)

1. This is a proposal by Samuel Gonzales and Lisaida Gonzales to subdivide 5 acres into 2 single family lots consisting of 2.503 acres each. The property is currently zoned RR-2.
2. The Applicant has provided for the source of water to be from a central water system—Widefield Water and Sanitation District. Applicant estimates its annual water requirement needs to serve household use and watering of lawn and gardens at .78 acre-feet or, 0.39 acre-feet per lot.

Applicant will have to be able to provide a supply of 234 acre-feet of water (.78 ac-ft/yr. x 300 yrs.) to meet El Paso County's 300 year requirement. Since the District's water is considered annually renewable, it is considered to already have a minimum life of three hundred years and therefore does not have to reserve this total quantity of water.

3. Under Section 49.5.D.4.c., "[w]ater provided from renewable ground water sources is considered to be annually renewable and, therefore, is considered to have a minimum life of three hundred (300) years." Roger DeKloe of Water Resource Development Company provided a copy of Widefield's water court decree in Case No. 81CW229 (Water Division N. 2) in which then Widefield Homes Water Company was granted a plan for augmentation including exchange and change of water rights in a number of ground water wells for uses which included a municipal water supply. Mr. DeKloe asserts that all of Widefield Water and Sanitation District's wells are tributary to Fountain Creek. There is no specific mention in the decree that the source is "renewable;" however, there is language in the decree stating that "[r]echarge to the aquifer is from Fountain Creek at the northern end of the Widefield Aquifer is estimated to be over 5,000 acre-feet per year." (P. 13). Upon input from outside water counsel to the County, given the general well locations as described in the decree which places most of the wells approximately within one to two miles of either Fountain Creek or Jimmy Camp Creek, and given the augmentation supply of transmountain Frying Pan/Arkansas Project water which is a tributary renewable source, it appears the proposed water supply is an annual renewable source and falls within the provisions of Section 49.5.D.4.c., and thus the proposed supply is considered to have a minimum life of 300 years.
4. In a letter dated June 26, 2006, the Manager for the Widefield Water and Sanitation District commits to serve water and wastewater to this Subdivision in the amount of 0.78 acre-feet annually.
5. In a letter dated September 1, 2006, the State Engineer, after reviewing her files, indicates that the District has sufficient water resources to supply this subdivision. Pursuant to C.R.S. §30-28-136(1)(h)(II), the State Engineer is of the opinion that the proposed water supply can be provided without injury to existing water rights.
6. Section 49.5 E(2) of the Land Development Code allows for the presumption of acceptable water quality for minor subdivision projects such as this.
7. Therefore at this time, based upon the finding of sufficiency and no injury to existing water rights, on the letter of commitment, and subject to the conditions set forth below, the County Attorney's Office recommends a

finding that the proposed water supply is sufficient in terms of quantity and dependability. There is a presumption of acceptable water quality.

CONDITION OF COMPLIANCE:

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

2. SANITATION

Both parcels will be served by Widefield Water and Sanitation District.

3. EMERGENCY SERVICES

Both parcels are within Security Fire District and they have agreed to provide service to the applicants.

4. UTILITIES

Mountain View Electric Association provides electric to the parcel and will continue to do so once subdivided.

5. METROPOLITAN DISTRICT STATUS

N/A

6. PARKS/TRAILS

Fees in lieu of regional park land dedication in the amount of \$353.00 shall be paid to El Paso County.

The proposed subdivision is within four (4) miles of both the Fountain Creek Regional Park and Trail, as well as the Widefield Park with the Crews Gulch Trail.

7. SCHOOLS

Fees in lieu of school land dedication in the amount of \$414.00 shall be paid to El Paso County for the benefit of the Widefield School District No. 3.

Located in the Widefield School District #3, the Gonzales subdivision is approximately 4.5 to 6 miles to the Sunrise Elementary, Janitell Junior High, and the Mesa Ridge High Schools respectively. There are no capacity issues associated with this development.

K. PUBLIC COMMENT AND NOTICE

Twelve adjoining property owners were notified about the proposed subdivision. No comments were received.

L. OUTSTANDING CONCERNS
N/A

M. ATTACHMENTS
Letter of Intent
Final Plat
Vicinity Map



2850 Serendipity Circle West
Colorado Springs, CO 80917

Phone: 719-528-6133
Fax: 719-528-6848

Surveying • Planning • Engineering • Landscape Architecture

www ldc-inc.com

August 24th, 2006

**Development Services Department
2880 International Circle
Colorado Springs, CO 80910**

Attn: **Kim Dimmett**

Re: **Gonzales Subdivision Filing No. 2
APN 55230-02-014**

LDC, Inc. is representing Samuel and Lisaida Gonzales in this application for a Minor Subdivision.

Gonzales Subdivision Filing No.2 is a 5 acre subdivision in the Southwest One-Quarter of Section 23, Township 15 South, Range 65 West of the 6th P.M., El Paso County, Colorado, also known as 10015 Rolling Ridge Road in the Whitefield area. It is located at the northeast corner of Peacefull Valley Road and Rolling Ridge Road, approximately ¾ of a mile east of Marksheffel. The property is zoned RR2.

The land is characterized by slopes of approximately 2% to 5%. The site is vegetated by native grasses with a number of pine trees in the southeast corner of the property. The surrounding properties to the east and north are large lots and tracts (5+ acres) for single-family residences, zoned RR3. To the west, across Rolling Ridge Road, are a series of smaller (9,600+ s.f) lots in the City of Fountain, with the Appletree Golf Course behind them. To the south is a large vacant parcel that is also in the City of Fountain.

The intent is to subdivide the 5 acres into 2 – 2.5 acre lots. The existing house and out-buildings will remain on lot 1. Water is currently provided by the Whitefield Water and Sanitation District, which will also serve the additional lot. Since the property is over 400' from the nearest sewer main, the existing house is currently using a septic system. The intent is to satisfy sanitation provisions for the proposed lot by individual septic system installed by the purchaser of the new lot.

This subdivision is in full conformance with the intent of the zone. One additional lot should have no perceivable impact on the adjacent property owners or transportation system.

Owner:
Samuel and Lisaida Gonzales
10015 Rolling Ridge Rd.
Colorado Springs, CO 80925

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Adrian Stanciu', is written over a horizontal line.

LDC, Inc. by Adrian Stanciu
adrian@ldc-inc.com

File: 05098 LOI.doc

GONZALES SUBDIVISION FILING NO. 2

A PORTION OF THE SOUTHWEST ONE-QUARTER OF SECTION 23, TOWNSHIP 15 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO

KNOW ALL MEN BY THESE PRESENTS:

That Samuel Gonzalez and Leticia Gonzalez, being the owners of the following described tract of land to-wit:

Lot 1, Block 8, Appletree Subdivision, being a portion of the Southwest One-Quarter of Section 23, Township 15 South, Range 65 West of the 6th P.M., El Paso County, Colorado, described as follows:

Commencing at the Southeast corner of Lot 6, Block Eight, which is a point on the East right-of-way line of Rolling Ridge Road, south a part of PEACEFUL VALLEY LAKE ESTATES, FIRST FILING, as filed in Plat Book L-2, Page 231, to the corner of said block; thence South 89°37'52" West 346.00 feet to the corner of said block; thence (1) continue S89°37'52" E on said East right-of-way line for 630.25 feet to a point on the corner of said block; (2) thence along said East right-of-way line for 346.00 feet to the Point of Beginning; (3) thence along said East right-of-way line for 346.00 feet to the Point of Beginning.

Containing 3.008 acres, more or less.

DEDICATION:

The above owners have caused said tract of land to be surveyed and subdivided into lots and easements as shown on the accompanying plat, which plat is drawn to a true scale as shown on the accompanying plat, and the same is hereby dedicated to the public use and for the locations of said lots and easements and which tract so platted shall be known as GONZALES SUBDIVISION FILING NO. 2, El Paso County, Colorado.

IN WITNESS WHEREOF:

The aforementioned, Samuel Gonzalez and Leticia Gonzalez, have executed this instrument this _____ day of _____, 20____ A.D.

Samuel Gonzalez _____ Leticia Gonzalez _____

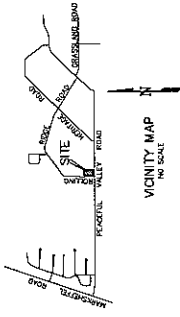
NOTARIAL:

STATE OF COLORADO }
COUNTY OF EL PASO } SS

The above and disseminated was acknowledged before me this _____ day of _____, 20____ A.D., by Samuel Gonzalez and Leticia Gonzalez.

Witness my hand and seal: _____

My commission expires _____



EASEMENTS:

Unless shown otherwise, the North-South and East-West boundary lines of this property are hereby plotted with a twenty foot (20') easement for drainage purposes and public utilities only, and both sides of said lot lines are hereby platted with a ten foot (10') easement for public utilities only, with the sole responsibility for maintenance being vested with the property owner.

NOTES:

1. - Indicates name, monument set with a 4' rebar with Surveyor's Cap, PLS #10281.
2. - Indicates recorded survey monument as noted.
3. This survey does not constitute a title search by LDC, Inc. to determine ownership or easements of record. For all information regarding easements, rights-of-way and title of record, LDC, Inc. relied upon the records of the El Paso County Clerk and Recorder, El Paso County, Colorado, Plat Book L-2, Page 231, and Plat Book L-2, Page 231.
4. The Department of Transportation must be contacted prior to the establishment of any driveway.
5. Sewage treatment is the responsibility of each individual property owner. The El Paso County Health Department must approve each system unit. In some cases, the Department may require a permit for a septic system.
6. Block of Block 8 All buildings are based upon the position of the East right-of-way line of Rolling Ridge Road as platted in PEACEFUL VALLEY LAKE ESTATES-FIRST FILING (Plat Book L-2, Page 231), El Paso County, Colorado records, monumented as shown, and having an assumed bearing of S02°25'50" E, a distance of 630.25 feet.
7. All easements are shown as noted and are subject to the establishment of any easement in the State of Colorado.
8. All lots will be equipped potable water to the Modified Water and Sanitation District.
9. PEACEFUL VALLEY LAKE ESTATES, First Filing, Plat Book L-2, Page 231, and Plat Book L-2, Page 231, indicates the area in the vicinity of this parcel of land to be a Zone X (Area determined to be out of the 500 year flood plain).
10. (1/23/09) - Indicates property address. The addresses exhibited on this plat are for informational purposes only. They are not the legal description and are subject to change.
11. The protection is provided by the Denver Fire District.

APPROVALS:

This subdivision was approved by the El Paso County Development Services Department this _____ day of _____, 20____ A.D.

Approved by the Board of County Commissioners of El Paso County, Colorado, this _____ day of _____, 20____ A.D.

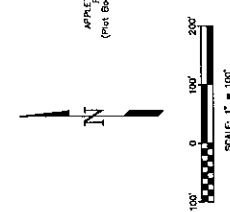
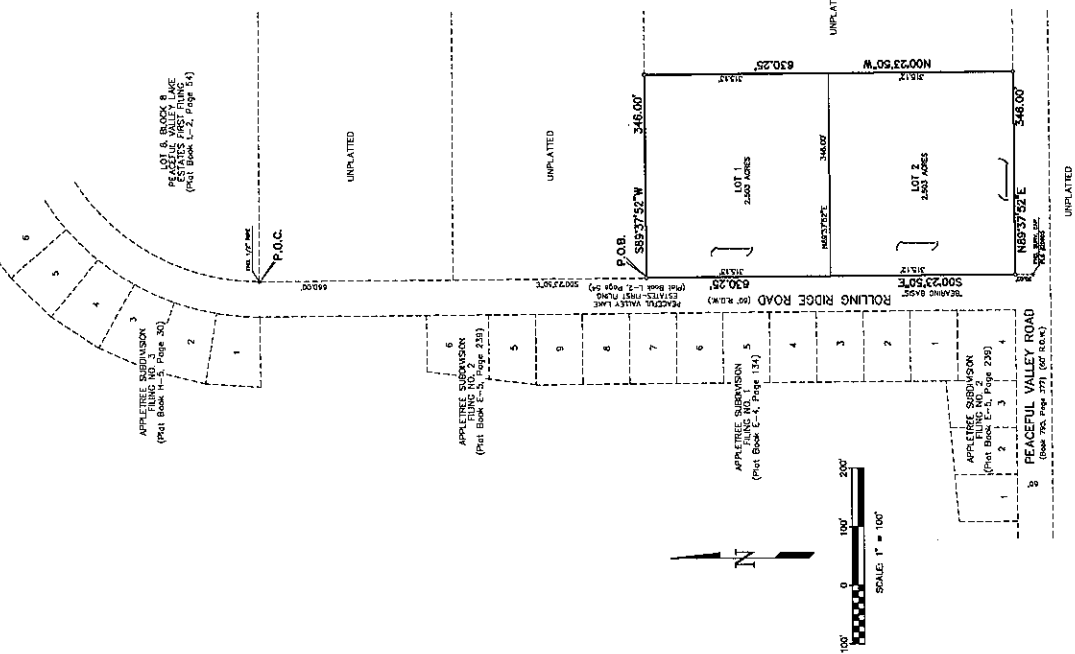
RECORDING:

STATE OF COLORADO }
COUNTY OF EL PASO } SS
I hereby certify that this instrument was filed for record in my office of _____ day of _____, 20____ A.D., and is duly recorded under Reception No. _____ of the records of El Paso County, Colorado.
Robert C. Balnik, Recorder

SURNAME: _____
FEE: _____

PRELIMINARY COPY
SUBJECT TO FINAL
COUNTY APPROVAL

David V. Huestler
Colorado Professional Land Surveyor No. 20681



NO.	DESCRIPTION	BY	DATE

NO.	DESCRIPTION	BY	DATE

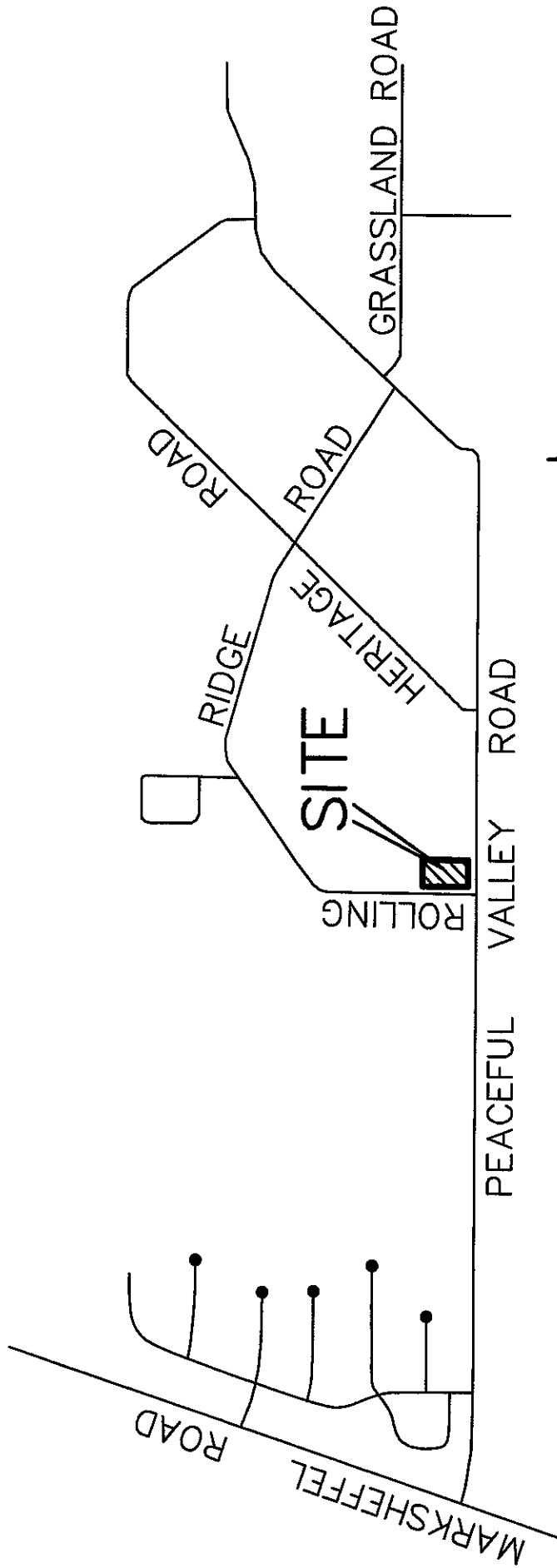
NO.	DESCRIPTION	BY	DATE

NO.	DESCRIPTION	BY	DATE

NO.	DESCRIPTION	BY	DATE

Project No.: 05068
Sheet: 1 of 1

David V. Huestler
Colorado Professional Land Surveyor No. 20681



VICINITY MAP
NO SCALE