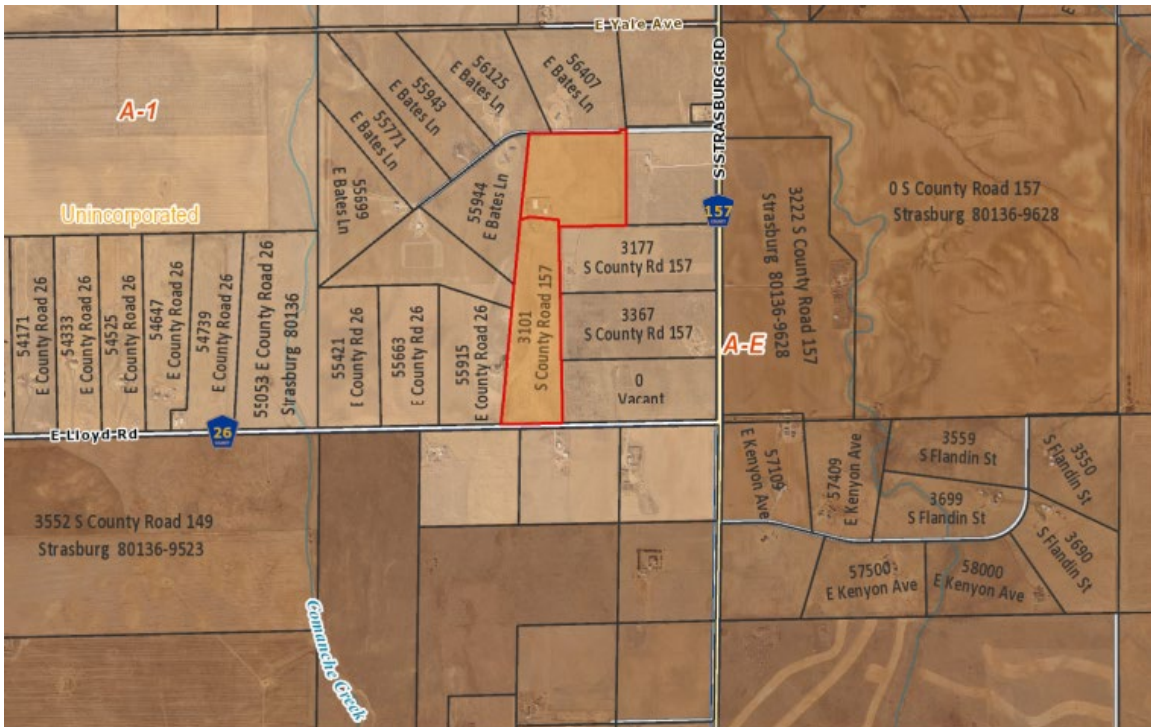


**ARAPAHOE COUNTY PLANNING COMMISSION
PUBLIC HEARING
OCTOBER 17, 2023
6:30 P.M.**

**SUBJECT: PM22-004 SKYLARK SUBDIVISION FILING NO. 1
KAT HAMMER, SENIOR PLANNER** **SEPTEMBER 21, 2023**

LOCATION:

The subject property is located southwest of the intersection of East Yale Avenue and South Strasburg Road and is in Commissioner District No. 3. The property is zoned A-1.



Vicinity and Zoning Map

ADJACENT SUBDIVISIONS, ZONING, AND LAND USES

North:	Unplatted, A-1, single-family residential
South:	Unplatted, A-1, single-family residential
East:	Unplatted, A-1, single-family residential
West:	Unplatted, A-1, single-family residential

PROPOSAL AND REQUEST

The applicant is seeking approval of Minor Subdivision Plat to create four lots from two existing parcels through the County’s subdivision process for single-family residences. Please see the attached Plat exhibit.

BACKGROUND

The northern parcel (1983-00-0-00-378) is approximately 36 acres, and the southern parcel (1983-00-0-00-477) is approximately 41 acres and neither parcel was platted through a County review process. Each of the four proposed lots will be at least 19 acres. The minimum lot size in the A-1 zoning district is 19 acres and the minimum lot width is 330 feet. Access to the parcels will be through access easements off of County Road 26 (Lloyd Road) and Strasburg Road.

ANALYSIS OF THE MINOR SUBDIVISION APPLICATION

Staff review of this application included a comparison of the proposal to: 1) applicable policies and goals outlined in the Comprehensive Plan; 2) Minor Subdivision Regulations; and; 3) analysis of referral comments.

1. The Comprehensive Plan

Comprehensive Plan (Comp Plan): The subject parcel is identified as Rural Area Tier 3. Tier 3 allows for “some large-lot residential development” but the primary activities are agricultural. The proposed lots and single-family residences are consistent with the Comprehensive Plan.

This proposal also complies with the Comp Plan as follows:

GOAL PSF 1 – Ensure an Adequate Water Supply in Terms of Quantity and Quality for Existing and Future Development

The lots will be served by two water wells. The applicant submitted an application to the Colorado Ground Water Commission for determination of a right to an allocation of groundwater on September 14, 2022. The attached findings and orders indicate there are two existing wells on the properties that the applicant will close and will be required to get re-permitted. Staff has included a condition of approval requiring the applicant to comply with the Colorado Ground Water Commission Findings and Orders, Determination No. 4535-BD. The State Water Engineer has determined that the water supply is adequate and can be provided without causing injury. The letter dated April 5, 2023 is attached to this report.

Policy PFS 4.3 - Require Adequate Wastewater Treatment

Tri-County Health Department provided a referral response indicating no objection, but each onsite wastewater treatment facility must be permitted.

GOAL PFS 7 – Ensure Existing and New Development have Adequate Police and Fire Protection Utilities in Existing and New Development

Arapahoe County Sheriff and Strasburg Fire have no objection to this application. The proposed lots can be adequately served by police and fire protection.

GOAL PFS 9 – Ensure that the Educational Needs of Existing and New Developments Are Met

The Strasburg School District can accommodate potential students generated from this subdivision. The school district is requesting cash-in-lieu of school land dedication.

2. Land Development Code Review

Section 5-6.6 of the Land Development Code states a Minor Subdivision is any subdivision that:

A. Creates no more than four parcels.

This application is proposing four lots.

B. Does not require the extension of municipal/public facilities or the creation of significant public improvements as determined by the PWD Department.

This development does not require the extension of public facilities or create significant public improvements.

C. Fronts an existing street and does not involve any new streets.

This development fronts an existing street and does not involve any new streets. Lots 1, 2, and 3 will be accessed from 60-foot-wide access and utility easements. Lot 4 will be accessed from County Road 26.

D. Does not adversely affect the remainder of the parcel or adjoining property.

This development does not adversely affect the remainder of the parcel or adjoining property.

E. Is not in conflict with any provisions of the Arapahoe County Comprehensive Plan, Zoning Resolution or these regulations.

This application is generally consistent with the Arapahoe County Comprehensive Plan as stated earlier in this report. Each proposed lot will meet the minimum lot size and width for the A-1 zone district.

A Minor Subdivision follows the Final Plat process, as outlined in Section 5-6.3 of the Land Development Code. A Minor Subdivision may be approved upon the finding by the Board that the application meets the following criteria:

A. The Applicant has provided evidence that provision has been made for a public water supply system, and if other methods of water supply are proposed, adequate evidence that a water supply is sufficient in terms of quantity, quality and

dependability for the type of subdivision proposed [Section 30-28-133(6)(a) C.R.S.].

The lots will be served by two water wells. The applicant submitted an application to the Colorado Ground Water Commission for determination of a right to an allocation of groundwater in the Kiowa-Bijou designated groundwater basin on September 14, 2022. The attached findings and orders indicate there are two existing wells on the properties that the applicant will close and will be required to get the wells re-permitted. The wells must be drilled on the northern property and must only draw water from the Arapahoe Aquifer. Staff has included a condition of approval requiring the applicant to comply with the Colorado Ground Water Commission Findings and Orders, Determination No. 4535-BD. The State Water Engineer has determined that the water supply is adequate and can be provided without causing injury. The letter dated April 5, 2023 is attached to this report.

- B. The Applicant has provided evidence that provision has been made for a public sewage disposal system, and, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with State and local laws and regulations [Section 30-28-133(6)(b) C.R.S.].*

The lots will be served by On-Site Water Treatment System (OWTS). Tri-County Health Department has no objection to site being served by septic systems as long as regulations are followed. The letter dated August 1, 2022 is attached to this report.

- C. The Applicant has provided evidence to show that all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions. [Section 30-28-133 (6) (c) C.R.S.]*

The property appears to have no hazards on the property. Staff did not receive a referral response from Colorado Geological Survey.

- D. The application is in compliance with all applicable zoning regulations governing the property as adopted by the Board of County Commissioners.*

The proposed application complies with the zoning regulations.

- E. The application is in compliance with the Mineral Resource Areas in the Regulations for Areas of Special Interest as adopted in the Arapahoe County Zoning Regulations.*

The subject parcel is not located within a mineral resource area as per the Mineral Resource Map (Map B-8).

- F. For property zoned for residential uses, written evidence must be presented to show that the applicable school district can adequately serve the student population expected to be generated from the development. The Board may deny a subdivision request for which the evidence shows that the applicable school district cannot adequately serve the student population generated by the development.*

The Strasburg School District provided a letter dated, September 20, 2023 indicating the district can adequately serve the student population expected to be generated from this development.

3. Referral Comments

Comments received during the referral process are summarized in the chart attached to this report. Any late responses will be conveyed verbally at the public hearing. Staff is recommending one condition of approval to ensure compliance with the Water Determination Letter attached to this report. Staff has not received any public comments.

3. Public Land Dedication

The Land Development Code requires land dedication for public schools, public parks and other public purposes, or cash-in-lieu instead of land dedication, with any subdivision. The cash-in-lieu amounts for parks and other public purposes are based on the assumed land value of \$35,000 per acre in rural areas of the County. Strasburg School District is requesting \$4,858.09 cash-in-lieu. Based on those values, total cash-in-lieu of land dedication will be:

Strasburg School District: \$4,858.09

Public Parks: \$1,864.80

Other Public Purposes: \$77.70

Total cash-in-lieu: \$6,800.59

STAFF FINDINGS

Staff has visited the site and reviewed the plans, supporting documentation, and referral comments in response to this application. Based on the review of applicable policies and goals, as set forth in the Comp Plan, review of the subdivision regulations and analysis of referral comments, our findings include:

1. The proposed Minor Subdivision generally complies with the Arapahoe County Comprehensive Plan.
2. The proposed Minor Subdivision complies with the Approval Standards contained in Section 5-6.3 enumerated in the Arapahoe County Land Development Code.
3. The proposed Minor Subdivision complies with the requirements for a Minor Subdivision contained in Section 5-6.6 enumerated in the Arapahoe County Land Development Code.

STAFF RECOMMENDATION

Considering the findings and other information provided herein, staff recommends approval of Case No. PM22-004, Skylark Subdivision Filing No. 1, with conditions of approval:

1. Prior to signature of the final copy of these plans, the applicant will address all Public Works and Development Staff comments.
2. The applicant will comply with the Colorado Ground Water Commission Findings and Orders, Determination No. 4535-BD
3. Prior to recording the final mylar, the applicant shall pay a total cash-in-lieu fee of \$6,800.59. This cash-in-lieu fee shall be distributed as follows: Strasburg School District: \$4,858.09; Public Parks: \$1,864.80; and Other Public Purposes: \$77.70.

CONCURRENCE

The Public Works and Development Planning and Engineering Services Divisions have reviewed the application and the Arapahoe County Public Works and Development Department is recommending approval of this case.

PLANNING COMMISSION DRAFT MOTIONS

Conditional Recommendation to Approve

In the case of PM22-004, Skylark Subdivision Filing No. 1, I have reviewed the staff report, including all exhibits, attachments and have listened to the applicant's presentation and the public comment as presented at the hearing and hereby move to recommend approval of this application based on the findings in the staff report, subject to the following conditions:

1. Prior to signature of the final copy of these plans, the applicant will address all Public Works and Development Staff comments.
2. The applicant will comply with the Colorado Ground Water Commission Findings and Orders, Determination No. 4535-BD
3. Prior to recording the final mylar, the applicant shall pay a total cash-in-lieu fee of \$6,800.59. This cash-in-lieu fee shall be distributed as follows: Strasburg School District: \$4,858.09; Public Parks: \$1,864.80; and Other Public Purposes: \$77.70.

Recommendation to Deny

In the case of PM22-004, Skylark Subdivision Filing No. 1, I have reviewed the staff report, including all exhibits, attachments and have listened to the applicant's presentation and the public comment as presented at the hearing and hereby move to recommend denial of this application based on the following findings:

1. *State new findings in support of denial as part of the motion.*

Continue to Date Certain:

In the case of PM22-004, Skylark Subdivision Filing No. 1, I move to continue the hearing to [*date certain*], 6:30 p.m., to obtain additional information and to further consider the information presented.

Attachments:

Exhibits

Engineering Staff Report

Referral Comments/Applicant's Responses



**Arapahoe County Public Works & Development
Engineering Services Division Staff Report
4th Submittal**

Date: August 29, 2023

To: Kat Hammer, Planner, Planning Division

From: Emily Gonzalez, Case Engineer, Engineering Services Division

Cc: *Chuck Haskins, Engineering Services Division, Division Manager
Case File*

Re: Skylark Subdivision, Filing No. 1
Minor Subdivision Plat
PM22-004

Scope/Location:

The project includes 76.88 acres and is currently zoned A-1. It is our intention to accomplish a minor subdivision of the two adjacent 35+ acre parcels and create four 19+ acre lots. These 4 lots would be used for single family home sites. Lot 2 would encompass the existing 3200 sf metal building used as a workshop, the 7200 sf metal building used for hay and equipment storage and the domestic/livestock well.

Items included in the application:

Drainage Letter

GESC Low Impact Narrative

Plan Exhibit – PM

Findings:

The Arapahoe County Division of Engineering Services has reviewed this application and has the following findings:

1. This development lies within the boundaries of the following jurisdiction:
 - North Kiowa Bijou Groundwater Management District
 - Strasburg Fire District
2. This parcel is in the Comanche Creek drainage basin.
3. This property does not contain a Special Flood Hazard Area (SFHA) as per FIRM Map Number 08005C0300K.
4. Land development improvements do not directly affect a drainageway or regional stormwater facility, MHFD maintenance eligibility is not required.
7. This development is subject to the Rural Transportation Impact Fee (RuTIF). RuTIF fees to be collected at time of building permit.
8. Engineering review and approval fees are paid in full.
9. The following waivers/variances have been requested/granted:
 - i. Detention Waiver – Single family residential lots which are greater than or equal to 19 acres and can demonstrate that they do not negatively impact adjacent lots, and that there are no existing drainage issues, do not require detention. This project meets the requirements above.
 - ii. Traffic Impact Study Waiver – Meets the requirements of the traffic study guidelines Section B.1.

Recommendations:

The Division of Engineering Services recommends this case favorably subject to the following conditions:

1. The applicant agrees to address the Division of Engineering Services' comments and concerns as identified within this report.
2. The applicant agrees to obtain approval from the Fire Department for the dead-end driveways.
3. The applicant agrees that all access easements will be in place prior to plat approval.

Staff Comments:

The Arapahoe County Division of Engineering Services has reviewed this application and has the following comments:

1. Pursuant to the Arapahoe County Public Works and Development Fee Schedule and policy, the applicant is provided three (3) resubmittal reviews at no charge. Should items not be addressed by the fourth submittal, the review fee identified in the Fee Schedule may apply to every subsequent submittal.
2. Access proposed through adjacent parcels. The easement will need to be recorded prior to the final plan approval (or copies provided to the County for review to confirm existing).
3. Construction activities that disturb one or more acres are required by the Environmental Protection Agency (EPA) to obtain a Construction Stormwater Permit.
4. A low impact GESC is required for this project.

Drainage Letter

5. No additional comments.

Low Impact GESC Narrative

6. No additional comments. Applicant is to obtain the permit from Arapahoe County prior to beginning construction.

Plan Exhibit – Minor Subdivision Plat

7. No additional comments.

Permits Which May Be Required

1. Street Cut- Right of Way (ROW) Use Permit
 - Required for access onto the County ROW.
 - Required for any construction and/or lane closures within County ROW.
2. Public Improvement Permit
 - For all public improvement with a County easement or ROW (stormwater facilities, sidewalks etc.)
3. Low Impact Grading, Erosion and Sediment Control (GESC) Permit
 - Arapahoe County requires that a GESC (Grading, Erosion, and Sedimentation Control) Permit be obtained prior to the start of land disturbing activities within the unincorporated areas of the County. Information on the County's GESC permit requirements can be obtained in the Arapahoe County GESC Manual.

4. Building Permit

- As soon as you have an address assigned to the property, plans may be submitted to County Building Department for review concurrent with this land use application. Building permits are not released until all land development documents are approved.
- RUTIF/RTIF/CCBWQA fees are collected along with building permit as applicable.

5. Oversize/Overweight Vehicle Permit

- This permit governs the use of Arapahoe County Roadways where vehicles exceed size or weight limitations as established by the State of Colorado or by Arapahoe County.



COLORADO
Division of Water Resources
Department of Natural Resources
Colorado Ground Water Commission

April 5, 2023

Kat Hammer
Arapahoe County Public Works and Development
khammer@arapahoegov.com

RE: Skylark Minor Subdivision
Case No. PM20-004
Part of the Section 33, T4S, R62W, 6th P.M.
Kiowa Bijou Designated Ground Water Basin
North Kiowa Bijou Ground Water Management District
Water Division 1, Water District 1

Dear Kat Hammer:

We have reviewed the additional information received by this office on March 22, 2023 regarding the above referenced referral. The Applicant is requesting a subdivision of approximately 76.88 acres into four residential lots of approximately 19 acres each. This office previously commented on the subject referral in a letters dated July 25, 2022 and February 1, 2023. This letter supersedes the previous letters.

Water Supply Demand

According to the Water Supply Information Summary Sheet submitted with the referral materials, the proposed water demand is 4 acre-feet per year for four household units.

Source of Water Supply

According to the Water Supply Information Summary Sheet the proposed water source is four wells, constructed in the Arapahoe aquifer, including two existing wells.

A review of this offices records found well permit nos. 329008 and 329291 located of the subject property, and a pending Determination of Water Right Application, receipt no. 10024259, for the Arapahoe aquifer underlying 41.18 acres (parcel ID 1983-00-0-00-378). The review also found Determination of Water Right Nos. 3537-BD, 3538-BD and 3539-BD claim the groundwater underlying the northern portion (parcel ID 1983-00-0-00-484) of the subject referral in the Denver, Arapahoe and Laramie-Fox Hills aquifers. According to a Water Quit Claim Deed dated August 18, 2022, the applicant owns 3 acre-feet per year of groundwater from the Arapahoe aquifer under Determination of Water Right no. 3538-BD.

The proposed source of water is individual on-lot wells producing from the not-nontributary Arapahoe aquifer. The proposed well on Lot 1 will operate pursuant to Determination of Water Right No. 3538-BD. The proposed three wells for Lots 2, 3, and 4 will operate pursuant to the pending Determination of Water Right, receipt no. 10024259. The allowed average annual amount of withdrawal determined to be available in the Arapahoe aquifer in the pending Determination of Water Right application is 10.18 acre-feet. **At the time of this review, the Determination of Water Right had not been approved, therefore, the amount is not final.**



Lot 1 of the subdivision lies within the allowed place of use of Determination of Water Right no. 3538-BD, and the proposed uses are uses allowed by that Determination. Lots 2, 3 and 4 of the subdivision lies within the allowed place of use of the pending Determination of Water Right receipt no. 10024259, and the proposed uses are uses allowed by that pending Determination.

Well permit no. 329008 was issued pursuant to C.R.S. 37-90-105 for a 39.52 acre parcel for domestic purposes inside three single family dwellings, the watering of the user's own large non-commercial domestic animals and the irrigation of not more than one (1) acre of lawn and garden and to withdrawal groundwater from the not-nontributary Arapahoe aquifer. Upon approval of this subdivision the conditions under which this permit was issued would no longer exist, making the proposed well out of compliance with its permit. A pending water well permit application, receipt no. 10027697 has been received by this office to re-permit the existing well pursuant to the pending Determination of Water Right Application to withdraw 1 acre-foot per year of groundwater from the Arapahoe aquifer.

Well permit no. 329291 was issued pursuant to C.R.S. 37-90-105(4)(a) for the use of an existing well constructed in the Arapahoe aquifer for domestic purposes inside one single family dwelling, the irrigation of no more than one acre of lawn and garden and the watering of livestock on range and pasture. A pending water well permit application, receipt no. 10027698 has been received by this office to re-permit the existing well pursuant to the pending Determination of Water Right Application to withdraw 1 acre-foot per year of groundwater from the Arapahoe aquifer.

The proposed source of water for this subdivision is a bedrock aquifer in the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which this source will be a physically and economically viable source of water. According to 37-90-107(7)(a), C.R.S., "Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years." Based on this allocation approach, the annual amounts of water determined in 3538-BD and pending Determination receipt no. 10024259 are equal to one percent of the total amount, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

While the county's 2018 Arapahoe County Comprehensive Plan, As Amended Through January 24, 2020, under Public Facilities And Services, contains "Strategy PFS 2.1(b) - Adopt a 300-year Water Supply Requirement" that states: "The County will require new development to provide a 300-year water supply", in a January 25, 2022 meeting with Keith V.H. and Joanna W. and in a January 25, 2022 letter to Keith the county stated that their legal requirement is currently 100 years, but they anticipate including a 300 year requirement in their codes in about 18 months. Therefore our official opinions in our letters should be based on 100 years, and need not comment on a 300 year supply at this location in the letter. If the county changes its codes our letter should, at this location in the letter, be revised to include language similar to the language provided to other counties addressing the 300 year availability.

Their January 25, 2022 letter states it would be helpful to the county if our letter would describe the 300 year groundwater availability, for purposes of their discussion with applicants as they consider the ability to provide future residents with water. As we are not basing our opinion on adequacy on a 300 year supply we should provide that information in the Additional Comment section at the end of the letter.

State Engineer's Office Opinion

Based upon the above and pursuant to Section 30-28-136(1)(h)(I), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights, provided the pending Determination of Water Right receipt no. 10024259 and the two well

pending permit applications receipt nos. 10027697 and 10027698 to re-permit the existing wells are approved by this office.

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

Our opinion that the water supply can be **provided without causing injury** is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory **allocation** approach, for the proposed uses on the subdivided land is greater than the annual amount of water required to supply existing water commitments and the demands of the proposed subdivision. **Since the water supply will rely on water which is the subject of the proposed Determination of Water Right, the Determination of Water Right must be approved by the Ground Water Commission before the State Engineer's Office will provide favorable comment on the subdivision water supply plan.**

Should you or the Applicant have any questions, please contact Ailis Thyne of this office at ailis.thyne@state.co.us or 303-866-3581 x8216.

Sincerely,



Ioana Comaniciu, P.E.
Water Resource Engineer

Ec: Subdivision file: 30362
Well permit file nos. 329008 & 329291

**COLORADO GROUND WATER COMMISSION
FINDINGS AND ORDER**

IN THE MATTER OF AN APPLICATION FOR A DETERMINATION OF A RIGHT TO AN ALLOCATION OF
GROUNDWATER IN THE KIOWA-BIJOU DESIGNATED GROUNDWATER BASIN

DETERMINATION NO.: 4535-BD

AQUIFER: Arapahoe

APPLICANT: Amber Lynn Craig

In compliance with section 37-90-107(7), C.R.S., and the Designated Basin Rules, 2 CCR 410-1, Amber Lynn Craig (Applicant) submitted an application to the Colorado Ground Water Commission (Commission) for a determination of a right to an allocation of designated groundwater from the Arapahoe Aquifer.

FINDINGS

1. The application was received by the Commission on September 14, 2022.
2. The Applicant requests a determination of right to an allocation of designated groundwater (Determination) in the Arapahoe aquifer (Aquifer) underlying 41.18 acres, generally described as portion of the S1/2 and the SW1/4 of the NE1/4 of Section 33, Township 4 South, Range 62 West, of the 6th P.M., in Arapahoe County (Overlying Land). According to a Nontributary Groundwater Landownership Statement dated November 14, 2022, attached hereto as Exhibit A, the Applicant owns the 41.18 acres of land, which are further described in said Ownership Statement, and claims control of the right to the groundwater in the Aquifer underlying the land.
3. The Overlying Land is located within the boundaries of the Kiowa-Bijou Designated Groundwater Basin and North Kiowa Bijou Ground Water Management District. The Commission has jurisdiction over the designated groundwater that is the subject of this Determination.
4. The Commission's Staff has evaluated the application relying on the claims to control of the groundwater in the Aquifer underlying the Overlying Land made by the Applicant.
5. The Applicant intends to apply the groundwater in the Aquifer underlying the Overlying Land to the following beneficial uses: domestic, livestock, agricultural, irrigation, recreational water features, wildlife and replacement. The Applicant's proposed place of use of the groundwater in the Aquifer underlying the Overlying Land is the above described 41.18 acres of Overlying Land and a 35.96 acre property generally described as a portion of the S1/2 of the NE1/4 of Section 33, Township 4 South, Range 62 West of the 6th P.M. owned by the Applicant, which is the subject of Determination of Water Right no. 3538-BD and is further described on attached Exhibit B.
6. Pursuant to section 37-90-107(7)(a), and in accordance with the Designated Basin Rules, the Commission shall allocate the groundwater in the Aquifer underlying the Overlying Land on the basis of the ownership of the Overlying Land.

7. The amount of water in storage in the Aquifer underlying the 41.18 acres of Overlying Land claimed by the Applicant is 1,230 acre-feet. This determination was based on the following as specified in the Designated Basin Rules.
 - a. The average specific yield of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 17 percent.
 - b. The average thickness of those saturated aquifer materials containing sufficient water that can be drained by gravity and placed to beneficial use is 175 feet.
8. A review of the records in the Office of the State Engineer has disclosed that two wells operating pursuant to section 37-90-105, C.R.S., (i.e. a small-capacity well), permit nos. 329008 and 329291, are located on the Overlying Land and well no. 329008 is permitted to withdraw 3 acre-feet per year of groundwater from the Aquifer from beneath the Overlying Land and well no. 329291 is permitted to withdraw 4 acre-feet per year of groundwater from the Aquifer from beneath the Overlying Land. The applicant has indicated that permit nos. 329008 and 329291 will be canceled and the wells re-permitted to operate pursuant to this Determination. The amount of water considered to have been historically withdrawn from the aquifer by these wells is 212 acre-feet from well 329291 and 0 acre-feet from well 329008. In applying Rule 5.3.2.5 of the Designated Basin Rules to computing the amount of water available for allocation in this Determination, the amount of groundwater in the Aquifer underlying the Overlying Land available for allocation in this Determination is reduced by 212 acre-feet to 1,018 acre-feet. Except for that well, review of the records in the Office of the State Engineer finds no other previous allocations or permitted withdrawals from the Aquifer underlying the Overlying Land.
9. Pursuant to section 37-90-107(7)(c)(III), an approved determination of a right to an allocation shall be considered a final determination of the amount of groundwater so determined; except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes.
10. Pursuant to section 37-90-107(7)(d), the Commission has authority to issue well permits pursuant to subsection 107(7) (i.e. permits for large capacity wells) for the withdrawal of designated groundwater from the Aquifer. Pursuant to section 37-90-107(7)(a) the Commission shall adopt the necessary rules to carry out the provisions of subsection (7). Pursuant to section 37-90-111(h), C.R.S., the Commission is empowered to adopt rules necessary to carry out the provisions of Article 90 of Title 37. In accordance with that authority, the Commission has adopted the Rules and Regulations for the Management and Control of Designated Ground Water (2 CCR 410-1) ("Designated Basin Rules", or "Rules").
11. Large capacity well permits issued pursuant to section 37-90-107(7) are subject to the following provisions of statute and the Designated Basin Rules.
 - a. Pursuant to section 37-90-107(7)(a) well permits issued pursuant to subsection 107(7) shall allow withdrawals on the basis of an aquifer life of one hundred years. The 1,018 acre-feet of water in the Aquifer underlying the Overlying Land available for allocation in this Determination, if permitted for withdrawal by large capacity wells on the basis of an aquifer life of one hundred years, would result in an allowed average annual amount of withdrawal of 10.18 acre-feet per year.

- b. Any amounts of groundwater in the Aquifer allocated in this Determination that are permitted for withdrawal pursuant to section 37-90-105, by small capacity well permits issued after the issuance of this Determination reduce the amount of water, and the allowed average annual amount of withdrawal, that may be withdrawn by wells permitted pursuant to section 37-90-107(7).
 - c. In accordance with Rule 5.3.6 of the Designated Basin Rules, it has been determined that withdrawal of groundwater from the Aquifer underlying the Overlying Land will, within one hundred years, deplete the flow of a natural stream or an alluvial aquifer at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and, therefore, the groundwater in the Aquifer underlying the Overlying Land is considered to be not-nontributary groundwater as defined in Rule 4.2.23 of the Designated Basin Rules. Also, the location of the land claimed by the Applicant is farther than one mile from the Aquifer contact with the alluvium. Pursuant to the Rules, at least four percent (4%) of the amount of the underlying water withdrawn annually must be returned to the alluvial aquifer in the vicinity of the permitted point or points of withdrawal, unless other locations are approved by the Commission. Pursuant to the Rules the Applicant may at any time be required to identify the proposed, or actual, location of the delivery of the replacement water and how the required four percent (4%) of water diverted will be, or is being, delivered into the alluvial aquifer.
12. Pursuant to section 37-90-105(1), the State Engineer has the authority to approve small capacity well permits. While water withdrawn from the Aquifer from beneath the Overlying Land by small capacity wells may consist of the groundwater allocated herein, the Commission recognizes that in approving small capacity permits the State Engineer is not bound by the terms and conditions of this Determination, and may approve small capacity permits based on standards and with such conditions as the State Engineer considers appropriate.
13. The ability of wells permitted to withdraw the authorized amount of water from this nonrenewable Aquifer may be less than the one hundred years upon which the amount of water in the Aquifer is allocated, due to anticipated water level declines.
14. On March 13, 2023, in accordance with Rule 9.1 of the Designated Basin Rules, written recommendations concerning this application were requested from the North Kiowa Bijou Ground Water Management District. No written recommendations from the District were received.
15. In accordance with sections 37-90-107(7)(c)(II) and 37-90-112, C.R.S., the application was published in the Aurora Sentinel newspaper on March 23, 2023 and March 30, 2023.
 - a. Objections to the application were submitted by North Kiowa Bijou Groundwater Management District.
 - b. The application and objection were forwarded to the Hearing Officer and assigned case no. 23GW09.
 - c. The Hearing Officer entered an order dated June 20, 2023 dismissing the case and remanding the application to Staff for administrative processing.

ORDER

In accordance with section 37-90-107(7) and the Designated Basin Rules, the Commission hereby determines a right to an allocation of designated groundwater in the Arapahoe Aquifer underlying 41.18 acres of land, generally described as portion of the S1/2 and the SW1/4 of the NE1/4 of Section 33, Township 4 South, Range 62 West, of the 6th P.M., further described in Exhibit A, subject to the following conditions.

16. The amount (i.e. volume) of water in the Aquifer underlying the 41.18 acres of Overlying Land allocated herein is 1,018 acre-feet (Underlying Groundwater).
17. The amount (i.e. volume) of Underlying Groundwater allocated herein shall be considered final, except that the Commission shall retain jurisdiction for subsequent adjustment of such amount to conform to the actual local aquifer characteristics from adequate information obtained from well drilling or test holes, if such information indicates that the initial estimate of the amount of Underlying Groundwater in the Aquifer was incorrect.
18. Approval of this Determination meets the requirements of section 37-90-107(7)(d)(II), that requires a determination of groundwater to be withdrawn by a well be made prior to the granting of a well permit pursuant to section 37-90-107(7).
19. Well permits issued pursuant to section 37-90-107(7), (i.e. large capacity wells) and this Determination are subject to the following conditions.
 - a. The total amount of Underlying Groundwater that may be withdrawn from the Aquifer by all large capacity wells permitted pursuant to this Determination may not exceed a volume 1,018 acre-feet, less any amount of the Underlying Groundwater allocated herein permitted to be withdrawn by small capacity wells issued permits pursuant to section 37-90-105 after the issuance of this Determination. The amounts of water permitted to be withdrawn by such small capacity wells shall be considered to be one-hundred times the annual withdrawals permitted to be withdrawn by those wells.
 - b. The allowed average annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water shall be equal to the volume of water permitted to be withdrawn by that well (or well field) divided by one-hundred years.
 - c. The allowed maximum annual amount of withdrawal by any large capacity well (or well field) permitted to withdraw the allocated water may exceed the allowed average annual amount of withdrawal allowed by the well permit(s) as long as the total volume of water withdrawn by such well(s) does not exceed the product of the number of years since the date(s) of issuance of the well permit(s) times the allowed average annual amount of withdrawal allowed by the well permit(s).
 - d. The Applicant may pump the allowed average annual amount of withdrawal and the allowed maximum annual amount of withdrawal from one or more wells of a well field in any combination, so long as the total combined withdrawal of the wells does not exceed the amounts described in this Order.
 - e. At least four percent (4%) of the amount of Underlying Groundwater withdrawn annually must be returned to the alluvial aquifer in the vicinity of the permitted point or points of withdrawal, unless other locations are approved by the Commission. The Applicant

may at any time be required to identify the proposed, or actual, location of the delivery of the replacement water and how the required four percent (4%) of water diverted will be, or is being, delivered into the alluvial aquifer.

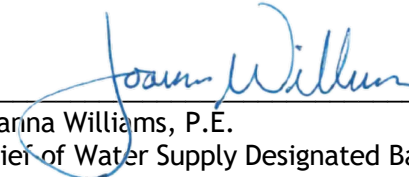
- f. The use of the Underlying Groundwater shall be limited to the following beneficial uses: domestic, livestock, agricultural, irrigation, recreational water features, wildlife and replacement. The place of use of the Underlying Groundwater shall be limited to the above described 41.18 acres of Overlying Land, and a 35.96 acre property generally described as a portion of the S1/2 of the NE1/4 of Section 33, Township 4 South, Range 62 West of the 6th P.M. owned by the Applicant, which is the subject of Determination of Water Right no. 3538-BD and is further described on attached Exhibit B. The Underlying Groundwater that is the subject of this Determination may be reused and successively used to extinction to the extent dominion and control over the water is maintained and its volume can be distinguished from the volume of any stream system into which it is introduced to the satisfaction of the Commission. The Underlying Groundwater is located within the North Kiowa Bijou Ground Water Management District where local District rules apply which may further limit the withdrawal and use of the subject designated groundwater.
 - g. The wells must be located on the above described 41.18 acres of Overlying Land.
 - h. No well shall be located within 600 feet of any existing large-capacity well in the same Aquifer unless a Waiver of Claim of Injury is obtained from the owner of the existing well or unless the Commission, after a hearing, finds that circumstances in a particular instance warrant that a well may be permitted without regard to this limitation.
 - i. The wells must be constructed to withdraw water from only the Arapahoe Aquifer.
 - j. The entire depth of each well must be geophysically logged prior to installing the casing in the same manner as set forth in Rule 9 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7.
 - k. A totalizing flow meter or other Commission approved measuring device shall be installed on each well and maintained in good working order by the well owner. Annual diversion records shall be collected and permanently maintained by the well owner and submitted to the Commission and the North Kiowa Bijou Ground Water Management District upon request.
 - l. The well shall be marked in a conspicuous place with this determination number, the well permit number, and the name of the Aquifer. The well owner shall take necessary means and precautions to preserve these markings.
20. Existing well permit nos. 329008 and 329291 must be canceled and new permits issued for those wells to operate pursuant to this Determination.
21. A copy of this Determination shall be recorded by the Applicant in the public records of the county in which the Overlying Land is located so that a title examination of the above described 41.18 acres of Overlying Land area, or any part thereof, shall reveal the existence of this Determination.

22. The right to an allocation of designated groundwater determined herein is a vested property right with specific ownership. Some or all of the water right may be transferred independent of the land under which the right originated. Any action taken that is intended to convey, transfer, and/or sell the subject water right shall explicitly identify this Determination number, the specific Aquifer, and the total amount (i.e. volume) of the right that is being conveyed.

Dated this 27th day of June, 2023.



Kevin G. Rein, P.E.
Executive Director
Colorado Ground Water Commission

By: 
Joanna Williams, P.E.
Chief of Water Supply Designated Basins

Prepared by: idc
F&O4535-BD.doc

Form no. **DIVISION OF WATER RESOURCES**
GWS-1 **DEPARTMENT OF NATURAL RESOURCES**
(1/2020) **1313 Sherman St, Room 821, Denver, CO 80203**
(303) 866-3581, www.colorado.gov/water, dwrpermitsonline@state.co.us

NONTRIBUTARY GROUNDWATER LANDOWNERSHIP STATEMENT

This form is to be submitted with applications for the following, when the applicant is the owner of the overlying land.
1) A well permit to withdraw groundwater from the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifers, or other aquifer the applicant claims contains nontributary groundwater, outside of a Designated Groundwater Basin subject to section 37-90-137(4), C.R.S., except when the right to withdraw the groundwater has been determined by a valid decree; OR
2) A determination of water right in the Dawson, Denver, Arapahoe or Laramie-Fox Hills aquifers, or a well permit to withdraw groundwater from those aquifers that are subject to Designated Basin Rule 5.4, within a Designated Groundwater Basin.
NOTE: Form submittal instructions can be found on our website Colorado.gov/water. See instructions on the reverse of this form. Type or print in black or blue ink.


1. APPLICANT INFORMATION			
Name of Applicant Amber Lynn Craig			
Mailing Address PO Box 713	City Strasburg	State CO	Zip Code 80136
Telephone Number (include area code) 303-378-7089		Email askylarkcraig@hotmail.com	
2. AQUIFER Arapahoe			
3. CLAIM OF OWNERSHIP – I hereby claim that I am the owner of the following described property, as evidenced by the attached copy of a deed recorded in the county in which the property is located. Number of acres: <u>41.18</u> in the county of: <u>Arapahoe</u> described as follows (insert legal description). <u>See Exhibit "A" UNDERLYING LAND LEGAL attached hereto and incorporated herein. (Arapahoe County Parcel 1983-00-0-00-378)</u> <u>See also Exhibit "B" PLACE OF USE LEGAL attached hereto and incorporated herein. (Arapahoe County Parcel 1983-00-0-00-378 and Parcel 1983-00-0-00-484)</u> - I further claim that the right to withdraw the groundwater in the aquifer underlying the above described property has not been reserved by another, nor has consent been given to another for the right to its withdrawal.			
4. THE APPLICANT MUST PROVIDE – a Verification of Notice of Application (form no. GWS-43) (see instructions for exceptions).			
5. SIGNATURE – Sign or enter name(s) of applicant(s) or authorized agent. The making of false statements herein constitutes perjury in the second degree, which is punishable as a class 1 misdemeanor pursuant to C.R.S. 24-4-104(13)(a). I have read the statements herein, know the contents thereof, and state that they are true to my knowledge. Signature:  Date: <u>11-14-22</u> Print name and title: Amber Lynn Craig, Owner and Applicant			

Exhibit A
4535-BD
Page 2 of 4
EXHIBIT "A" UNDERLYING LAND LEGAL

ARAPAHOE COUNTY PARCEL 1983-00-0-00-378

A PARCEL OF LAND LOCATED IN SECTION 33, TOWNSHIP 4 SOUTH, RANGE 62 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 33; THENCE NORTH 00 DEGREES 21 MINUTES 31 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 33, A DISTANCE OF 30.01 FEET; THENCE SOUTH 89 DEGREES 13 MINUTES 25 SECONDS WEST, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 2035.81 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 13 MINUTES 25 SECONDS WEST PARALLEL WITH THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 816.22 FEET; THENCE NORTH 06 DEGREES 39 MINUTES 57 SECONDS EAST, A DISTANCE OF 2718.44 FEET; THENCE NORTH 60 DEGREES 37 MINUTES 10 SECONDS EAST A DISTANCE OF 124.33 FEET; THENCE SOUTH 81 DEGREES 49 MINUTES 18 SECONDS EAST, A DISTANCE OF 391.08 FEET; THENCE SOUTH 00 DEGREES 06 MINUTES 34 SECONDS EAST, A DISTANCE OF 2694.37 FEET TO THE POINT OF BEGINNING.

Exhibit A
4535-BD
Page 3 of 4
EXHIBIT "B" PLACE OF USE LEGAL

ARAPAHOE COUNTY PARCEL 1983-00-0-00-378

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ARAPAHOE COUNTY PARCEL 1983-00-0-00-484

A PARCEL OF PROPERTY LOCATED IN SECTION 33, TOWNSHIP 4 SOUTH, RANGE 62 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 33 AND CONSIDERING THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33 TO BEAR SOUTH 00 DEGREES 21 MINUTES 31 SECONDS WEST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE SOUTH 89 DEGREES 36 MINUTES 09 SECONDS WEST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 2647.60 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 33; THENCE SOUTH 89 DEGREES 35 MINUTES 08 SECONDS WEST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 33, A DISTANCE OF 2648.28 FEET TO THE NORTHWEST CORNER OF SAID SECTION 33; THENCE SOUTH 00 DEGREES 21 MINUTES 54 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 33, A DISTANCE OF 3384.69 FEET; THENCE NORTH 52 DEGREES 06 MINUTES 04 SECONDS EAST, A DISTANCE OF 1708.39 FEET; THENCE NORTH 51 DEGREES 52 MINUTES 29 SECONDS EAST, A DISTANCE OF 1377.41 FEET TO A POINT OF CURVE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 37 DEGREES 20 MINUTES 56 SECONDS, AND AN ARC LENGTH OF 325.93 FEET; THENCE NORTH 89 DEGREES 13 MINUTES 25 SECONDS EAST, A DISTANCE OF 77.03 FEET TO THE POINT OF BEGINNING; THENCE

Exhibit A
4535-BD
Page 4 of 4

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TOGETHER WITH AND SUBJECT TO AN EXISTING 60 FOOT WIDE EASEMENT AS RECORDED BY TIMBERLINE SURVEYING INC. LAND SURVEY PLAT RECEPTION NO. 011115 IN THE RECORDS OF THE ARAPAHOE COUNTY CLERK AND RECORDER AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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A NON-EXCLUSIVE EASEMENT FOR ACCESS AND UTILITY PURPOSES AS CREATED AND DESCRIBED ON AGREEMENT RECORDED MARCH 2, 2017 UNDER RECEPTION NO. D7024837.

Exhibit B
4535-BD
Page 1 of 3

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Exhibit B
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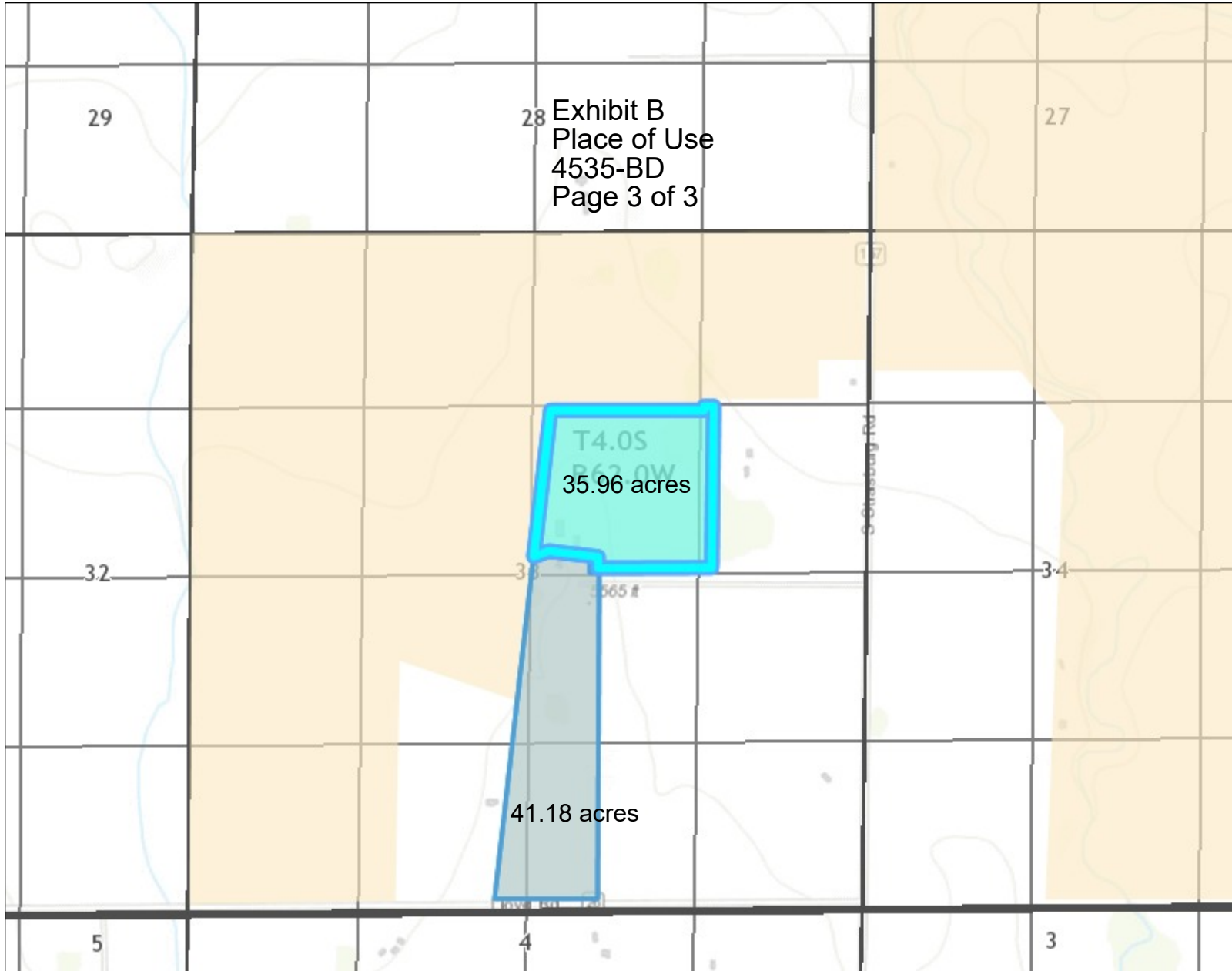
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Legend

- Township
- Section
- Q40
- County
- Determination - Upper Arapaho

Location

Notes

Exhibit B

2,339 0 1,169 2,339 Feet

1: 14,032



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Date Prepared: 6/29/2023 9:35:41 AM



Strasburg School District 31J
Strasburg 31J will develop responsible and productive members of society,
who are empowered to achieve their full potential.

September 20, 2023

Arapahoe County Planning Division
 6924 S. Lima Street
 Centennial, CO 80112

CASE: SKYLARK SUBDIVISION,
 FILING NO. 1A PARCEL OF LAND IN SECTION 33,
 TOWNSHIP 4 SOUTH, RANGE 62 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
 COUNTY OF ARAPAHOE,
 STATE OF COLORADO

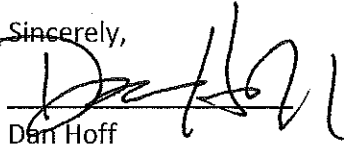
The application proposes residential development for property located within the School District boundaries and will have an impact on the School District's responsibility to provide adequate school facilities. The District currently utilizes \$35,000 per acre to calculate the cash-in-lieu for land dedication. Based upon this density, we calculate the following dedication requirement:

Number of units (added to site)	Size of Property	du/ac	suburban = 0.0260 (per code) rural area = 0.0597 (per code)	enter value #	0.00 to 7.49 du/ac = 2.96 persons/du and 0.775 students/du 7.50 to 14.99 du/ac = 2.39 persons/du and 0.364 students/du more than 15.00 du/ac = 1.76 persons/du and 0.195 students/du	
3.00	76.88	0.0	0.0597			
Public School Dedication			Public Park Dedication		Other Public Uses Dedication	
dwelling units	3.00		dwelling units	3.00	dwelling units	3.00
students per d.u. (per code)	.775		persons per d.u. (per code)	2.96	persons per d.u. (per code)	2.96
equals total students generated	2.3		equals total persons generated	8.9	equals total persons generated	8.88
times (% of acres per code) required per student (suburban areas)	0.060		divided by 1000 equals persons generated/1000	0.01	divided by 1000 equals persons generated/1000	0.01
equals acres required for students generated by this project	0.14 ac.		x 6.00 acres (required per 1000 persons)	6.00 ac	x 0.25 acres (required per 1000 persons)	0.25 ac
times assumed value of land (in dollars per acre)	\$ 35,000.00	per acre	equals dedicated acres required for public parks	0.05 ac	equals dedicated acres required for "other public uses"	0.00 ac
total dollars of cash-in-lieu of school site land dedication	\$ 4,858.09		possible acres of private parks provided by development to be subtracted from dedication	0.00	possible acres of land for other uses provided by development to be subtracted from dedication	0.00
			equals ac of dedicated parks required minus ac. of private parks.	0.05 ac	equals ac of land for public use required minus ac. of land for public use provided	0.00 ac
			times assumed value of land (in dollars per acre)	\$ 35,000.00 per acre	times assumed value of land (in dollars per acre)	\$ 35,000.00 per acre
total amount of all cash-in-lieu	\$ 6,800.59		equals total number of dollars for cash in lieu of land dedicated for public parks	\$ 1,864.80	equals total number of dollars for cash in lieu of land dedicated for other public purposes	\$ 77.70

Dan Hoff, Superintendent of Schools
 2102 Wagner Street, Strasburg, Colorado 80136
 Phone: (303) 622-9211 Fax: (303) 622-9224

The School District requests the opportunity to amend and supplement this letter as a way to mitigate the impact the development will have on the schools if modifications are made to the plans or agreements. The District looks forward to working with the property owner to address the dedication requirements as they move through the site planning and platting process.

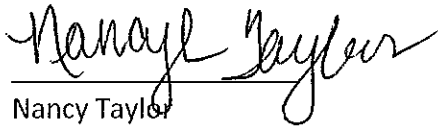
Sincerely,



Dan Hoff

Superintendent

School Strasburg School District 31J



Nancy Taylor

Chief Financial Officer

School Strasburg School District 3

Referral Agency	Referral Comment	Applicant's Response
<p data-bbox="46 237 352 298"><u>ARAPAHOE COUNTY/R&B REFERRALS</u></p>	<p data-bbox="464 237 1129 298">Is there a private road maintenance agreement allowing additional use and access for lot 1?</p> <p data-bbox="464 310 1178 477">For lots 2 and 3, I did not see the recorded 60ft wide private access easement referred to in the letter of intent. Is there a private easement that allows new access? Does that applicant have a maintenance agreement with the private owner of this easement?</p> <p data-bbox="464 488 1171 550">Lot 4 has a survey been completed that shows an adequate location for new driveway.</p> <p data-bbox="464 561 1178 729">The access point for 55915 E. County Road 26 is located on the same parcel as the proposed lot 4. Is there a maintenance agreement in place for this access point. Will a shared driveway be used for accessing the preexisting residence and the new proposed lot 4?</p> <p data-bbox="464 740 1136 802">The proposed access easement detail does not include a turnaround location for emergency use.</p>	<p data-bbox="1211 237 2039 802">There is no road maintenance agreement in place for either the nonexclusive private access easement for Bates Road providing access to Lot 1 or for the nonexclusive center private access easement road providing access to Lots 2 and 3. Both roads must meet appendix R emergency vehicle standards and be approved by Strasburg Fire Department. Purchasers of Lots 1, 2 and 3 will be notified in advance of purchase that said private access easement roads are not maintained by Arapahoe County and maintenance will be need to be hired and paid for by private owners using the road for access. Lot 4 will not share a driveway with 55915 E County Rd 26 but will have a separate driveway access. The turn around as shown on the Plan Set will be legally described and the Deed to Lots 2 and 3 when transferred will both include and be subject to the legally described turn around easement. Contractors will be notified to have some type of tracking control to prevent track out onto the roadways while the homes are built by use of a mud mat or similar.</p>

Referral Agency	Referral Comment	Applicant's Response
<u>STRASBURG FIRE PROTECTION DISTRICT 08</u>	Fire Department access to comply with Arapahoe County Appendix R. Work directly with Patrick Conroy to resolve concerns. A will-serve letter from the fire district will be required prior to scheduling public hearings.	<p>Patrick Conroy with Strasburg Fire Dept has already been out to inspect both the center access road on the private easement for Lots 2 and 3 and the Bates Avenue to verify that they do meet Appendix R Emergency Vehicle Access Requirements.</p> <p>Updated: Patrick Conroy has reviewed this project in some detail and the existing access roads to the proposed lots are adequate and acceptable to the Strasburg Fire Protection District.</p>
<u>TRI COUNTY HEALTH DEPARTMENT-REFERRALS</u>	Provide a complete response to the letter dated August 1, 2022. Concerns include on-site wastewater treatment system, well construction, and domestic well water quality.	A permit for the installation and final approval of the OWTS will be applied for each Lot at the time of home construction. Well Construction and pump installation will be provided by a certified driller and will have the proper separation from the septic tank and leach field location required by the Colorado Division of Water Resources. Domestic Well Water Quality will be checked by taking water samples when the wells are drilled for each Lot. The one existing well will also be sampled for potability.
<u>STRASBURG SCHOOL DISTRICT 31 J</u>	The school is requesting cash-in-lieu based on a value per acre of \$35,000 acres.	Acknowledged.
<u>ARAPAHOE COUNTY/SHERIFF/#760 COCEM</u>	No concerns.	
<u>ARAPAHOE COUNTY/SHERIFF/PATROL REFERRALS</u>	No concerns.	
<u>COLORADO GEOLOGICAL SURVEY - STATE OF COLORADO</u>	No concerns.	

Referral Agency	Referral Comment	Applicant's Response
<u>CORE</u>	<p>CORE Electric Cooperative will require the applicant to grant/dedicate an existing underground electric service line to Parcel A. In addition, per 31-23-214 (3) C.R.S. Subdivision regulations adopted under provisions of this section shall require that a subdivider, that provision has been made for facility sites, easements, and rights of access for electrical a service sufficient to ensure reliable and adequate electric service as may be required by CORE. Submission of a letter of agreement between the subdivider, municipal, county, and utility serving the site shall be deemed sufficient to establish that adequate provision for electric service to a proposed subdivision has been made.</p> <p>The proposed subdivision is between two other electric facilities and will require ties between electric facilities to serve Lot 3, for reliability and redundancy; therefore, the required additional utility easements.</p>	All electric easements and documents requested by CORE will be agreed to and documented in the letter, easement documents provided by CORE and on the Survey Plat.
<u>PHILLIPS 66</u>	No concerns from Becca Kane.	
<u>XCEL ENERGY</u>	No concerns.	
<u>XCEL ENERGY - PSCO ROW</u>	No concerns.	
<u>KERR-MCGEE GATHERING LLC (KMGG)/Western Midstream</u>	KMGM is owner of valid ROW and correction and amendment to ROW for pipelines. No objection to subdivision provided the applicant does not encroach on KMGG's pipeline and conforms to the terms of the ROW grants identified in the letter dated July 18, 2022.	Construction of all homes and driveways will pull locates to verify that no construction will encroach on KMGG's pipeline easement and /or conforms to the terms of the ROW grants identified in the letter dated July 18, 2022. Access roads are complete to Appendix R requirements and no additional construction is required.

Referral Agency	Referral Comment	Applicant's Response
<p><u>DIVISION OF WATER</u> <u>RESOURCES-STATE</u> <u>ENGINEER/GROUNDWATER</u></p>	<p>Per the letter dated April 5, 2023, the water supply is adequate and can be provide without causing injury. The approved Determination of Water Rights is also included.</p>	<p>SOURCE OF WATER SUPPLY: RESPONSE PARAGRAPH 1: A certified well driller has determined that the existing unregistered well is producing out of the Arapahoe Aquifer, and we will have ample water rights in the Arapahoe to drill the other wells to serve the remaining 3 lots. See attached GWS12, GWS12A, GWS53. RESPONSE PARAGRAPH 2: Well permit 327134 in the Denver Aquifer has been terminated and the owner has applied for and drilled domestic well permit 329008 in the Upper Arapahoe Aquifer. RESPONSE PARAGRAPH 3: Owner has been deeded 3-acre feet of water rights from 3538-BD (Arapahoe Aquifer) to use for the subdivision. See Water QC Deed. RESPONSE PARAGRAPH 4: Owner has made an application for an additional water determination in the Arapahoe on the other 35-acre parcel. See GWS-53. STATE ENGINEER'S OFFICE OPINION: RESPONSE ITEM 1: GWS-76 attached will satisfy this Item 1. RESPONSE ITEM 2: No wells will draw from the Denver aquifer. RESPONSE ITEM 3: No wells will draw from the Denver aquifer. RESPONSE 4: Well permit 327134 is terminated. RESPONSE 5: A certified well driller has determined that the existing well is in the Arapahoe. See attached GWS-12 and GWS-12a.</p>
<p><u>TRI COUNTY HEALTH</u> <u>DEPARTMENT-SEPTIC</u> <u>QUESTIONS</u></p>	<p>No objection, On-site Wastewater Treatment Facilities (OWTF) must be permitted.</p>	<p>The applicant will permit all OWTFs.</p>

Staff did not receive a response from the following referral agencies:

Colorado Parks and Wildlife

North Kiowa Bijou Groundwater District 4483

Bijou Telephone Co-Op

COGCC- Colorado Natural Gas

Crestone Peak-Pipeline Referrals

Crestone Peak-Well Site Referrals

Deer Trail & East Adams Conservation District

Strasburg Post Office

CENCON

East Arapahoe County/Advisory Planning Commission

COGCC Oil & Gas Conservation Commission -Orphaned Well

Division Of Oil & Public Safety - State of Colorado

Phillips 66

USDA -FSA /Arapahoe County/ Farm Service Agency Service Ctr

Western Midstream

Arapahoe Library District- Referrals

Arapahoe Park & Recreation District

Strasburg Metro Parks & Recreation District

Mile High Flood District

Us Army Corps of Engineers

CDPHE/ Department of Health & Environment - State Of Colorado

EPA/LCRD Branch