

**ARAPAHOE COUNTY PLANNING COMMISSION  
PUBLIC HEARING  
OCTOBER 18, 2022  
6:30 P.M.**

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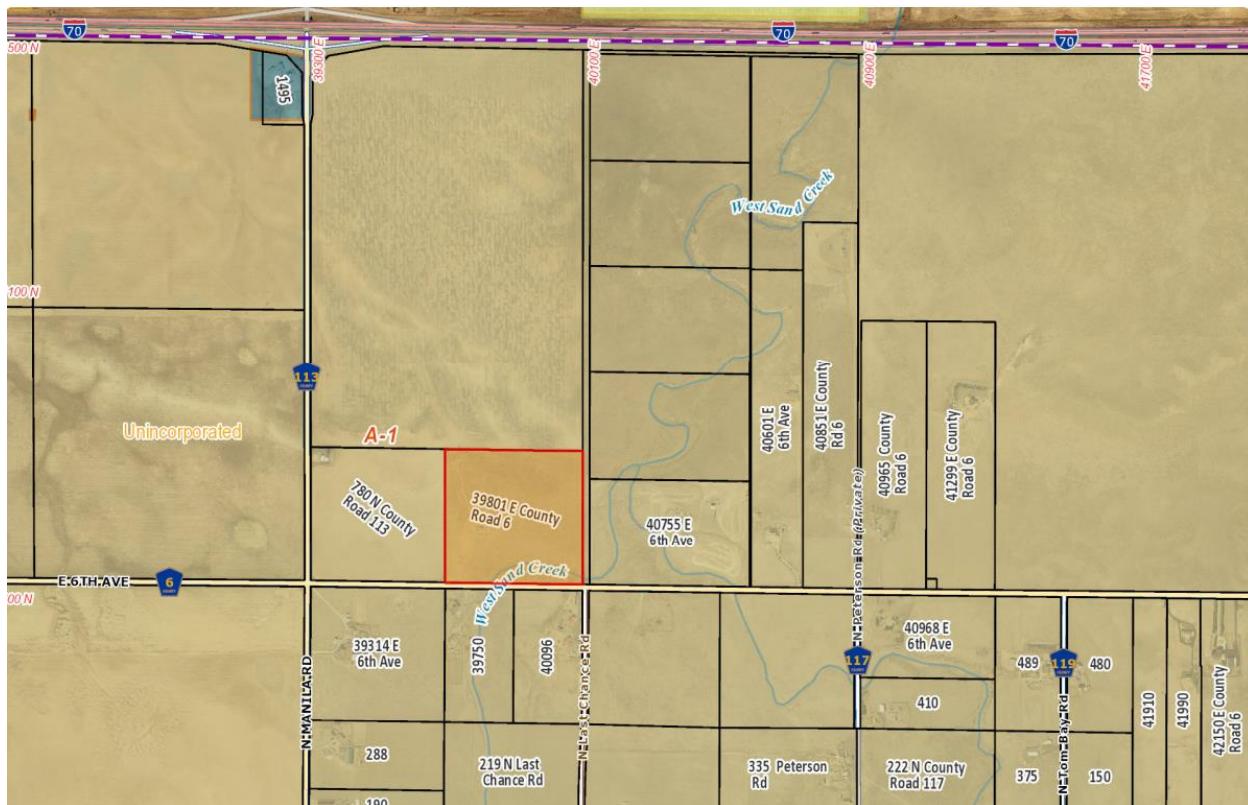
**SUBJECT: CASE NO. PM21-001 BYRAN SUBDIVISION, MINOR SUBDIVISION**

**KAT HAMMER, SENIOR PLANNER**

**OCTOBER 4, 2022**

Location and Vicinity Map

The subject 40-acre property is located 39801 E. County Road 6, northwest of the intersection of E. 6<sup>th</sup> Avenue and N. Last Chance Road, in Bennett. The property is in Commissioner District #3.



ADJACENT SUBDIVISIONS, ZONING, AND LAND USE

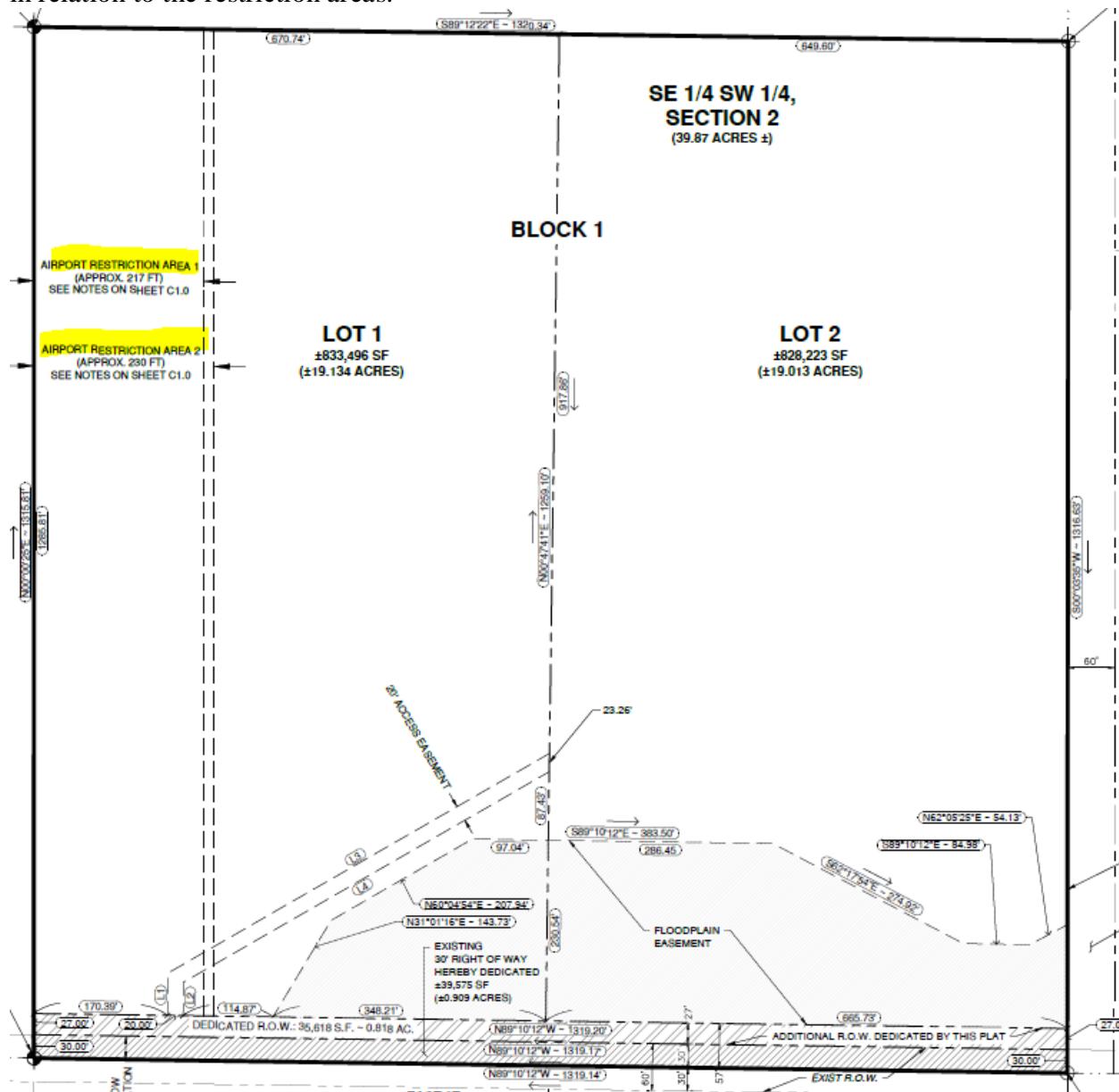
- |       |  |
|-------|--|
| North | - Unplatted, A-1, Agricultural                 |
| South | - Unplatted, A-1, Residential                  |
| East  | - Unplatted, A-1, Residential and Agricultural |
| West  | - Unplatted, A-1, Residential and Agricultural |

PURPOSE AND REQUEST

The applicant and owner, Gary Bryan, is requesting approval of Bryan Subdivision Minor Subdivision. If approved, the resulting lots will be known as Bryan Subdivision, Block 1, Lots 1 and 2. The subject property is approximately 40 acres and the applicant is proposing two lots just

over 19 acres each. The existing single family home will remain on Lot 1 and the proposed use for Lot 2 is single-family residential with agricultural allowed uses, such as pasture, and other allowed livestock raising.

The property lies within the 55 Ldn noise contour of Front Range Airport. The western 230 feet of the parcel is in Restriction Area #1 and #2 of the Front Range Airport overlay zoning. Restriction Area #1 allows “limited commercial and industrial” structures, provided that the structures comply with applicable federal airport regulations, are acceptable to the airport, and any commercial uses cannot include gathering places for people. Restriction Area #2 prohibits the construction of new residences except that existing residences may remain be occupied. The existing residence, located on the proposed Lot 1, is located outside of Restricted Area #2 and the proposed Lot 2 is not within a restriction area. If this application is approved, a single-family residences an acceptable use on Lot 2. See the attached Airport Restrictions Exhibit indicating the location of the existing residence in relation to the restriction areas.



## **BACKGROUND**

The property is not platted and is zoned A-1, Agricultural – One. Parcels in the A-1 zone are required to be a minimum of 19 acres with a minimum lot width of 330 feet. Single-family homes are a permitted use in the A-1 zone, though the primary allowable land uses must be agriculturally-related.

## **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) review of pertinent Land Development Code regulations; and 3) analysis of referral comments.

### **1. The Comprehensive Plan**

This site is designated as Rural Development Tier 1 in the Arapahoe County Comprehensive Plan. Tier 1 is envisioned as a combination of new urban development with the preservation of small to medium sized rural residential lots and agricultural parcels. This application complies with the following Goals, Policies, and Strategies of the Comprehensive Plan:

#### *GOAL RA GM 1 – Preserve the Rural Character of the Rural Area*

The proposed subdivision is consistent with the intent of the A-1 zone district and meets all standards of the A-1 zone district. The proposed subdivision will preserve the rural character of the surrounding area by maintaining lots that are at least 19 acres.

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

The Bennett School District provided a letter indicating the district can accommodate the proposed additional students. The school district requested cash-in-lieu of required public land dedication, calculated using \$40,000 per acre as the assumed value of the land. Staff has included a condition of approval requiring the applicant pay \$1,850.70 cash-in-lieu to the School District prior to recording of the final document.

#### *GOAL PFS 7 – Ensure Existing and New Development have Adequate Police and Fire Protection*

Bennett-Watkins Fire Rescue has no objection to the proposed subdivision. The fire department will review the new dwelling during the building permit review. The Arapahoe County Sheriff's Department did not have any comment on this proposal.

#### *GOAL PFS 6 – Ensure the Adequacy of Electric, Natural Gas, Telephone, Cable and Internet Utilities in Existing and New Development*

Xcel Energy did not have a conflict with the proposed subdivision. Staff did not receive a referral response from telephone, cable and internet utilities.

*Policy PFS 4.3 - Require Adequate Wastewater Treatment*

Tri-County Health Department (TCHD) has no objection to a future residential lot being served by an On-Site Wastewater Treatment System (OWTS), provided that the system is permitted, inspected and operated in accordance with current regulations.

*Policy PFS 2.1 – Require Adequate Water Availability for Proposed Development*

The Division of Water and Resources provided a referral response indicating the water supply is adequate based on the determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions.

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

The Division of Water Resources provided a referral response indicating adequate water supply in terms of quantity and quality for the existing and proposed development.

**2. Land Development Code Review**

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

*Creates no more than four parcels;*

This application is proposing one additional lot.

*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.

*Fronts an existing street and does not involve any new streets;*

This development fronts an existing street and does not involve any new streets.

*Does not adversely affect the remainder of the parcel or adjoining property; and*

This development does not adversely affect the remainder of the parcel or adjoining property. The surrounding parcels are zoned A-1 and are currently being used for rural residential and agricultural purposes. The minimum lot size for A-1 zoned property is 19 acres. This application meets the minimum lot size requirements.

*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.

Chapter 5, Section 5-6.3 of the Land Development Code provides the review and approval criteria for Final Plats and Minor Subdivisions. 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 Division of Water and Resources provided a referral response indicating the water supply is adequate based on the determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions.

*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.]; and*

Tri-County Health Department (TCHD) has no objection to a future residential lot being served by an On-Site Wastewater Treatment System (OWTS), provided that the system is permitted, inspected and operated in accordance with current regulations.

*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.]*

Colorado Geological Survey (CGS) provided a referral response indicating no objection to approval of this application. The site does not include soil or topographical conditions presenting hazards or requiring special precautions.

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

This proposal does not present any conflicts with zoning regulations, specifically the A-1 zone district regulations. A portion of the proposed lot #1 is within Restriction Areas #1 and #2 of the Front Range Airport overlay zone which will prohibit any new residential structure in those areas. However, the existing residence on the proposed lot #1 is outside the restriction areas. If this application is approved, the existing residence on Lot 1 will meet the setbacks and minimum lot width of the A-1 zone district.

*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 application is in compliance with the Arapahoe County Zoning Regulations regarding Mineral Resource Areas as defined within the 2018 Comprehensive Plan.

*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 school district provided a referral response indicating the district can adequately serve the student population expected to be generated from this application. The district is requesting cash-in-lieu of land dedication.

**3. Referral Comments**

Comments received during the referral process are summarized in the chart attached this report. Staff is recommending one condition of approval requiring the applicant pay cash-in-lieu for schools, public parks and other public purposes.

**4. 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 \$20,000 per acre in rural areas of the County. Bennett School District is requesting cash-in-lieu using \$40,000 per acre as the assumed value of the land per Bennet School District's policy. Based on those values, total cash-in-lieu of land dedication would be:

Bennett School District: \$1,850.70

Public Parks: \$710.40

Other Public Purposes: \$29.60

Total cash-in-lieu: \$2,590.70

**STAFF FINDINGS**

Staff has reviewed the plans, supporting documentation, referral comments, and resident input in response to this application. Based upon review of applicable policies and goals in the Comprehensive Plan, review of the development regulations and analysis of referral comments, our findings include:

1. The proposed PM21-001, Bryan Subdivision Minor Subdivision generally conforms to the Arapahoe County Comprehensive Plan.
2. The proposed PM21-001, Bryan Subdivision Minor Subdivision meets the Arapahoe County Subdivision regulations and procedures, including those stated in Chapter 5, Section 5-6.6 of the Land Development Code.

3. The proposed PM21-001, Bryan Subdivision Minor Subdivision is consistent with development standards enumerated in the Arapahoe County Land Development Code.

### **STAFF RECOMMENDATION**

Considering the findings and other information provided herein, Staff recommends approval of Case No. PM21-001, Bryan Subdivision Minor Subdivision subject to the following conditions of approval:

1. Prior to signature of the final copy of these plans the applicant must address Public Works and Development Staff comments and concerns.
2. Prior to recording of the approved mylar, the applicant shall pay a total amount of cash-in-lieu of \$2,590.70. The applicant shall pay \$1,850.70 for public schools, \$710.40 for public parks and \$29.60 for other public purposes.

### **DRAFT MOTIONS**

In the case of PM21-001, Bryan Subdivision Minor Subdivision, the Planning Commissioners have reviewed the staff report, including all exhibits and attachments, and have listened to the applicant's presentation and any public comment as presented at the public hearing. I 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 must address Public Works and Development Staff comments and concerns.
2. Prior to recording of the approved mylar, the applicant shall pay a total amount of cash-in-lieu of \$2,590.70. The applicant shall pay \$1,850.70 for public schools, \$710.40 for public parks and \$29.60 for other public purposes.

### **ALTERNATIVES**

The Planning Commission has three alternatives that include the following:

1. Recommend approval the application for the proposed Minor Subdivision.
2. Continue the application to a time and date certain for more information.
3. Recommend denial the application for the proposed Minor Subdivision (requires findings that support such denial).

### **CONCURRENCE**

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

# **Board of County Commissioners**

## **Engineering Summary Report**

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**Date:** November 4, 2022

**To:** Arapahoe County Board of County Commissioners

**Via:** Kathleen Hammer  
Planning Division

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

**From:** Sarah White  
Engineering Services Division

**Re:** Bryan Subdivision  
Minor Subdivision  
PM21-001

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### Purpose and Recommendation

The purpose of this report is to provide the Engineering Services Division Staff findings, comments, and recommendations regarding the above-referenced land use application(s).

### Scope/Location:

Bryan Subdivision is a newly created subdivision proposed at 39801 E County Road 6, near the intersection of CR 6 and N Manila Rd. The applicant proposes subdividing an existing 39.0-acre lot into two approximate 19-acre lots.

### Items included with this referral:

Plan Exhibit – Minor Subdivision  
Drainage Study

### Findings and Comments:

Engineering Services Division Staff (Staff) has reviewed the above-referenced land use application(s) and has the following findings and comments:

1. This development lies within the boundaries of the following jurisdiction:
  - Mile High Flood District (MHFD)
  - Bennett Fire District
2. This property does contain an undesignated floodplain. The Special Flood Hazard Area (SFHA) has been delineated in the drainage study and a floodplain easement to be placed on the Subdivision Exhibit to designate the boundaries of the SFHA.

3. Land development improvements do not directly affect a drainageway or regional stormwater facility, MHFD maintenance eligibility is not required.
4. This development lies within the airport influence area.
5. This development is subject to the Rural Transportation Impact Fee (RuTIF). RuTIF fees to be collected at time of building permit.
6. Arapahoe County participates in the development of regional master drainage plans. New development shall be charged a fee to cover the cost of the drainage master plan development. The county collects this fee with initial lot platting. The Master Drainage Planning Fee is \$115/Gross Acre. Total lot size 38.174 acres = \$4,390.00
7. This parcel is in the West Sand Creek drainage basin.
8. There is no existing FEMA or FHAD study for the delineation of West Sand Creek. The drainage report has delineated the special flood hazard area (SFHA) to encompass the 100-year floodplain. The proposed floodplain easement will delineate the SFHA per drainage analysis and is shown on the minor subdivision exhibit.
9. To avoid access drive over the floodplain, a shared access easement is proposed for both lots to access County Road 6 and is shown on the minor subdivision exhibit.
10. County Road 6 is classified as a rural arterial.  
Existing ROW: 60 feet  
Required ROW: 114 feet  
Additional 27' ROW to be dedicated to Arapahoe County  
ROW dedicated of 27' is proposed on the Minor Subdivision plat exhibit. To be accepted by Board of County Commissioners at time of Minor Subdivision hearing.
11. Engineering review and approval fees are paid in full. Master Drainage Planning Fee remains outstanding.
12. The following waivers have been requested/granted:
  - Automatic exclusion for detention for residential lots +19 acres
  - No water quality requirements for sites outside of MS4 permit boundaries
  - Waiver of traffic impact study

Recommendation:

Engineering Services Division Staff is recommending this land use application favorably.



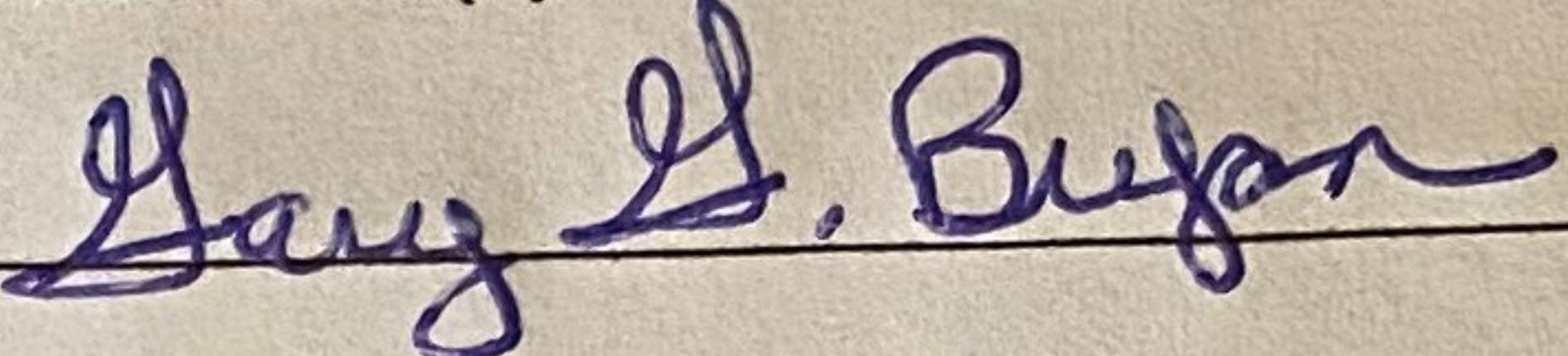
ARAPAHOE COUNTY

COLORADO'S FIRST

Arapahoe County  
Public Works and Development  
Planning Division  
6924 S. Lima Street  
Centennial, Colorado 80112  
Phone: 720-874-6650  
[www.arapahoegov.com](http://www.arapahoegov.com)

**Land Development Application**This form must be complete.

Land Development Application materials received after 2pm  
shall be date stamped received the following business day.

|   |                          |  |   |
|---|--------------------------|--|---|
| <b>APPLICANT NAME:</b><br>Gary Bryan  |                          | <b>ADDRESS:</b> 39801 E. County Rd<br>Bennett, CO 80102<br><br><b>PHONE:</b> 303-918-4541<br><br><b>EMAIL:</b> jarobhounds@yahoo.com                     | <b>CONTACT:</b> Gary Bryan<br><br><b>TITLE:</b> Owner   |
| <b>OWNER(S) OF RECORD NAME(S):</b><br>Gary Bryan  |                          | <b>ADDRESS:</b> 39801 E. County Rd<br>Bennett, CO 80102<br><br><b>PHONE:</b> 303-918-4541<br><br><b>EMAIL:</b> jarobhounds@yahoo.com                     | <b>SIGNATURE(S):</b><br> |
| <b>ENGINEERING FIRM NAME:</b><br>Paragon Engineering Consultants, Inc.  |                          | <b>ADDRESS:</b> 801 West Mineral Avenue, Suite 202<br>Littleton, CO 80120<br><br><b>PHONE:</b> 303-794-8604<br><br><b>EMAIL:</b> mgoodhue@paragoneng.com | <b>CONTACT:</b> Michael Goodhue, P.E.<br><br><b>TITLE:</b> Project Engineer                                   |
| <b>Pre-Submittal Case Number:</b> Q 19 - 034  |                          | <b>Pre-Submittal Planner:</b> Kat Hammer   | <b>Pre-Submittal Engineer:</b> Kurt Cotten  |
| <b>State Parcel ID No. (AIN no.):</b> 1979-00-0-00-053  |                          |  |   |
| <b>Parcel Address or Cross Streets:</b> 39801 E County Road 6, Bennett, CO 80102  |                          |  |   |
| <b>Subdivision Name &amp; Filing No:</b> Bryan Subdivision  |                          |  |   |
| <b>Zoning:</b> A-1  |                          | <b>EXISTING</b>  |   |
| <b>Project Name:</b> Bryan Subdivision  |                          | <b>PROPOSED</b>  |   |
| <b>Site Area (Acres):</b> 39.9 acres  |                          |  |   |
| <b>Density (Dwelling Units/Acre):</b> 19.95   |                          |  |   |
| <b>Building Square Footage:</b>   |                          |  |   |
| <b>Disturbed Area (Acres):</b> N/A  |                          |  |   |
| <b>CASE TYPE (S)</b>  |                          |  |   |
| <input checked="" type="checkbox"/> Minor Subdivision   |                          |  |   |
| <b>THIS SECTION IS FOR OFFICE USE ONLY</b>  |                          |  |   |
| <b>Case No:</b>   | <b>Assigned Planner:</b> | <b>Assigned Engineer:</b>  |   |
| <b>TCHD Fee:</b> \$   | <b>Planning Fee(s):</b>  | <b>Engineering Fee(s):</b>   | \$  |
| This land use application shall be submitted with all required application fees. Incomplete applications will not be accepted. Submittal of this application does not establish a vested property right in accordance with C.R.S. 24-68-105(1). Processing and review of this application may require the submittal of additional information, subsequent reviews, and/or meetings, as outlined in the Arapahoe County Land Development Code. |                          |  |   |

March 3, 2021

Arapahoe County Public Works & Development  
Planning Division  
6924 S Lima St  
Centennial, CO 80112

RE: Bryan Subdivision, Conventional Rezoning and Minor Subdivision

Dear Public Works & Development:

Our company, Paragon Engineering Consultants, Inc., on behalf of the property owners, Gary and Jodette Bryan, is proposing a project within unincorporated Arapahoe County. The project is located at 39801 E. County Road 6, Parcel ID number 1979-0-00-0-053. The project includes 39.0 acres (1,698,339 square feet) and is currently zoned A-1.

The 39.9-acre site is proposed to be subdivided into 2 lots, one 20 acres and the other 19.9 acres. Proposed use will be single-family residential with agricultural allowed uses, such as pasture, and other allowed livestock raising.

A waiver is being requested for any improvements being made to E. County Road 6 with this development.

The overall site for Bryan Subdivision lies within the 55 Ldn Airport Noise Contour for the Front Range Airport. The western 370'± lies in Restriction Area 2, which prohibits new residences being constructed on newly-platted lots within this zone. Our clients' existing residence is the only one within that zone for the subdivision. Restriction Area 1, which includes the rest of our clients' lot and lot 2 of the proposed plat, is allowed residential use, as the A-1 and A-2 zone districts both already allow residential use.

A dry stream, West Sand Creek, passes through the southeast front of the subdivision. A 100-year water surface elevation was delineated by us and a drainage easement placed outside of these limits, as there is no existing master study or floodplain mapping available at this time. Per Arapahoe County standards, it is allowed to subdivide into lots containing floodplain as long as the lots are larger than 2.5 acres, and a building envelope outside the floodplain is included in the plat.

Developers:

Gary and Jodette Bryan  
39801 E. County Road 6  
Bennett, CO 80102  
303-918-4541  
jarobhounds@yahoo.com

Sincerely,



William L. Breedlove, Project Manager

Paragon Engineering Consultants, Inc.  
801 West Mineral Ave., Suite 202  
Littleton, Colorado 80120  
Office (303) 794-8604 x301 / Cell (303) 888-2676

**PM21-001 SUMMARY OF EXTERNAL REFERRAL COMMENTS – BRYAN SUBDIVISION**

| COMPANY   | COMMENTS  | RESPONSE      |
|---|---|---------------|
| <u>COLORADO AIR AND SPACE PORT</u>                                | From what I can see on the County map for the Airport Influence Zone, it does not appear to extend all of the way to their parcel. They will be impacted by noise and should be required to notify future buyers that they will be within the noise contours for the Colorado Air and Space Port. They should also complete the FAA Part 77 process on-line to confirm that their development will not impact flight operations. It does not appear that it will but the FAA requires that all development in the vicinity of airports complete a Part 77 evaluation. | Acknowledged. |
| <u>ARAPAHOE COUNTY/R&amp;B REFERRALS</u>                          | No comment  |               |
| <u>ARAPAHOE COUNTY/R&amp;B REFERRALS</u>                          | UPDATED - NO COMMENTS   |               |
| <u>UACED- UNINCORPORATED ARAPAHOE COUNTY ECONOMIC DEVELOPMENT</u> | No comment  |               |
| <u>BENNETT- WATKINS FIRE RESCUE</u>                               | No objection. Applicant needs to be aware that when the parcels are developed, a fire department plan review submittal will be required. An emergency access (driveway) in compliance with Appendix R will be required in addition to emergency access hardware for any locking gates, and compliant premises identification for each parcel developed with a residence, accessory structure, etc.  | Acknowledged. |
| <u>MILE HIGH FLOOD DISTRICT</u>                                   | It appears there are no longer any proposed improvements along West Sand Creek, in which case we have no further comment. Please clarify if there are any proposed features eligible for maintenance as the FDR pg. 5 still mentions proposed culverts.   | Acknowledged. |
| <u>TRI COUNTY HEALTH DEPARTMENT- REFERRALS</u>                    | A permit for the installation and final approval of OWTS is required from TCHD. To start the process contact TCHD.  | Acknowledged. |
| <u>ARAPAHOE LIBRARY DISTRICT- REFERRALS</u>                       | No comment  |               |
| <u>ADAMS COUNTY REFERRALS</u>                                     | It looks like there may only be a small sliver of Restriction Area One and Two that lands at the far northwest corner of this property (see attached map). The County's ask would be to keep any residential out of this small restriction area. The property is also located in the 55 DNL zone, so future buyers should be made aware they're within that area. I believe they also need to complete a Part 77 with the FAA.  | Acknowledged. |

**PM21-001 SUMMARY OF EXTERNAL REFERRAL COMMENTS – BRYAN SUBDIVISION**

| COMPANY   | COMMENTS  | RESPONSE      |
|---|---|---------------|
| <u>BENNETT SCHOOL DISTRICT 29J - REFERRALS</u>                | The school district can accommodate the additional students generated from this subdivision. Cash-in-lieu in the amount of \$1,850.70 is required prior to recording the plat.  | 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 objection.   |               |
| <u>IREA</u>   | Outside of territory.   |               |
| <u>PHILLIPS 66</u>  | No comment  |               |
| <u>XCEL ENERGY</u>  | No conflict.  |               |
| <u>DIVISION OF WATER RESOURCES-STATE ENGINEER/GROUNDWATER</u> | 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. | Acknowledged. |

The following agencies were sent referrals but did not provide any comments to staff.

Arapahoe County/Assessor, Arapahoe County/Open Space, Arapahoe County/Planning-Oil & Gas, Arapahoe County/Pwd Eng/Traffic Ops, Cencon, East Arapahoe County/Advisory Planning Commission, Arapahoe County/Pwd/Building Dept, Reap-I-70 Corridor Regional Advancement Partnership, COGCC Oil & Gas Conservation Commission -Orphaned Well, Division of Oil & Public Safety - State Of Colorado, Phillips 66, Us Army Corps Of Engineers, CDPHE/ Department Of Health & Environment - State Of Colorado, EPA/LCRD Branch, Arapahoe Park & Recreation District, Bennett Post Office, Bijou Telephone Co-Op, Bronco Pipeline, COGCC- Colorado Natural Gas, Crestone Peak-Pipeline Referrals, Lost Creek Farms Metro District, Tri County Health Department-Septic Questions, Colorado Parks & Wildlife/ 1st Point Of Contact



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

September 13, 2022

Kat Hammer  
Arapahoe County Public Works and Development  
[khammer@arapahoegov.com](mailto:khammer@arapahoegov.com)

**RE:** Bryans Subdivision  
Case No. PM21-001  
Part of the SE ¼ of the SW ¼ of Section 2, T4S, R64W, 6<sup>th</sup> P.M.  
Lost Creek Designated Ground Water Basin  
Lost Creek Groundwater Management District  
Water Division 1, Water District 1

Dear Kat Hammer:

We have reviewed the additional information received by this office regarding the above referenced referral. The Applicant is requesting to subdivide approximately 39.9 acres into two lots of approximately 20 acres each.

**Water Supply Demand**

According to the submittal the estimated water requirements total 5.5 acre-feet annually (2.75 acre-feet/lot for 200 years), for in-house use in one single-family dwelling, irrigation of one acre of home gardens and lawns, and watering of 5 large domestic animals per lot.

**Source of Water Supply**

The proposed source of water is individual on-lot wells producing from the not-nontributary Denver aquifer that will operate pursuant to the Determination of Water Right No. 4377-BD. The allowed average annual amount of withdrawal provided for in Determination of Water Right no. 4377-BD is 11 acre-feet. A well permit application was submitted to this office under receipt no. 10016654, to re-permit the existing well constructed in the Denver aquifer under permit no. 261337, pursuant to the Determination of Water Right No. 4377-BD. The existing well shall be the source of water for the proposed Lot 1, Bryan Subdivision. In addition well permit application receipt no. 10016674 for the construction of a new well was submitted to this office for proposed Lot 2, Byran Subdivision.

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 4377-BD are equal to one percent of the total amount, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

*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)(l), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.

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

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

Our opinion is qualified by the following:

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

The amounts of water in the Denver Basin aquifer, and identified in this letter, are calculated based on estimated current aquifer conditions. The source of water is from a non-renewable aquifer, the allocations of which are based on a 100 year aquifer life. The county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 100 years 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.

### **Additional Comments**

Arapahoe County has requested information on the 300-year availability of the groundwater that is the source of supply to this subdivision. Treating the available supply under an **allocation** approach based on three hundred years, the allowed average annual amount of withdrawal of 11 acre-feet/year would be reduced to one third of that amount, or 3.66 acre-feet/year, which is not greater than the annual demand for this subdivision. As a result, the water may be withdrawn in

Bryan Subdivision  
September 13, 2022  
Page 3 of 3

that annual amount for a maximum of 300 years. This information is being provided to Arapahoe County for informational purposes only and does not affect our comments and opinions on the adequacy of the subdivision water supply plan as stated above.

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

Sincerely,



Ioana Comaniciu, P.E.  
Water Resource Engineer

Ec: Subdivision file: 27634  
Well permit no. 261334  
File for receipt nos. 10016654 and 10016674

# BENNETT SCHOOL DISTRICT 29J

April 13, 2021

Town of Bennett  
207 Muegge Way  
Bennett, CO 80102

**RE: Case No. PM 21.001 – Bryan Minor Subdivision**

Dear Kat;

Bennett School District 29J is pleased to review the Bryan minor subdivision application. The proposed subdivision is 39.9 acres and proposes subdividing the property into 2 lots, one 20 acres and one 19.9 acres in size for one additional single family detached home.

The Application proposes residential development for property located within the School District's boundaries and, therefore, will have an impact on the School District's responsibility to provide adequate school facilities. Consequently, the School Dedication requirements must be met per Section 14-111 of the Arapahoe County Land Development Regulations. Routinely, the District uses \$40,000 per acre to calculate the cash-in-lieu for land dedication. Based upon this density, we calculate the following dedication requirement:

| Housing Unit Type | Density         | Number of Dwelling Units | Total    |          |
|-------------------|-----------------|--------------------------|----------|----------|
|                   |                 |                          | Gen Rate | Students |
| SFD               | 0-7.49 du/ac    | 1                        | 0.775    | 1        |
| MF/Mid Density    | 7.5-14.99 du/ac |                          | 0.364    |          |
| MF/High Density   | 15 du/ac +      |                          | 0.195    |          |

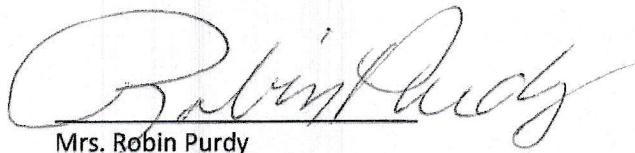
| Acres per Student | Total           |       |        |
|-------------------|-----------------|-------|--------|
|                   | Number Students | Acres | Cash   |
|                   |                 |       | 0.0597 |

Finally, the District is engaged in a Master Plan update that will result in forecasting growth within the District boundaries and the approximate location of new school sites and associated facilities. We are working with the Town's and Counties to assist in the analysis and planning to ensure the best outcome for the communities moving forward. The majority of our work should be completed the first half of the year. We believe this will have a positive benefit for Bryan Minor Subdivision.

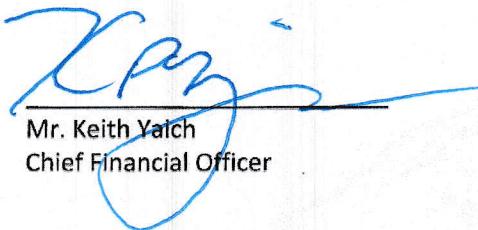
# BENNETT SCHOOL DISTRICT 29J

The School District respectfully 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,



Mrs. Robin Purdy  
School Superintendent



Mr. Keith Yalch  
Chief Financial Officer

## Kathleen Hammer

---

**From:** Nick Eagleson <NEagleson@adcogov.org>  
**Sent:** Wednesday, April 14, 2021 2:52 PM  
**To:** Bob Lewan; Kathleen Hammer  
**Cc:** Dave Ruppel  
**Subject:** RE: ArapCO Referral - PM21-001 Bryans Minor Subdivision  
**Attachments:** DIA-CASP-Airport-Influence-Zone-map-2020.pdf

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Kat,

It looks like there may only be a small sliver of Restriction Area One and Two that lands at the far northwest corner of this property (see attached map). The County's ask would be to keep any residential out of this small restriction area. The property is also located in the 55 DNL zone, so future buyers should be made aware they're within that area. I believe they also need to complete a Part 77 with the FAA.

Please let me know if you have any questions.

Thanks,



**Nick Eagleson**  
Senior Strategic Planner, *Community & Economic Development*  
ADAMS COUNTY, COLORADO  
4430 South Adams County Parkway, 1st Floor, Suite W2000A  
Brighton, CO 80601  
O: 720.523.6878 | [NEagleson@adcogov.org](mailto:NEagleson@adcogov.org) | [www.adcogov.org](http://www.adcogov.org)

*Adams County new operating hours: Tuesday through Friday, 7 a.m. to 5:30 p.m. (Closed on Mondays)*

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**From:** Bob Lewan <BLewan@adcogov.org>  
**Sent:** Wednesday, April 14, 2021 2:26 PM  
**To:** Kathleen Hammer <KHammer@arapahoegov.com>  
**Cc:** Nick Eagleson <NEagleson@adcogov.org>; Dave Ruppel <DRuppel@adcogov.org>  
**Subject:** RE: ArapCO Referral - PM21-001 Bryans Minor Subdivision

Hi Kathleen

I have copied Nick Eagleson who is the head of planning for Adams county and Dave Ruppel the Spaceport Director. Nick can comment on the uses allowed in the airport influence zone.

Thanks



**Bob Lewan** | Deputy Air and Space Port Director, Colorado Air and Space Port  
Adams County, Colorado | 5200 Front Range Parkway | Watkins, CO 80137  
303-261-9103 | Fax: 303-261-9195 Hours Monday-Friday 8:00am-4:30pm  
[blewan@adcogov.org](mailto:blewan@adcogov.org) | [www.adcogov.org](http://www.adcogov.org) | [www.coloradoairandspaceport.com](http://www.coloradoairandspaceport.com)

---

**From:** Kathleen Hammer <[KHammer@arapahoegov.com](mailto:KHammer@arapahoegov.com)>  
**Sent:** Wednesday, April 14, 2021 2:12 PM  
**To:** Bob Lewan <[BLewan@adcogov.org](mailto:BLewan@adcogov.org)>  
**Subject:** FW: ArapCO Referral - PM21-001 Bryans Minor Subdivision

Please be cautious: This email was sent from outside Adams County

Hello Bob,

I did not receive a referral comment response from Colorado Air and Space Port regarding the property located at 39801 E County Road 6. Can you please review the documents and provide a referral response at your earliest convenience.

Thanks,  
Kat



**Kat Hammer**  
Senior Planner  
Public Works & Development  
6924 S Lima St | Englewood, CO 80112  
O: 720.874.6666  
Arapahoegov.com  
[Facebook](#) | [Twitter](#) | [Instagram](#) | [Nextdoor](#) | [Youtube](#)

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**From:** Kathleen Hammer <[KHammer@arapahoegov.com](mailto:KHammer@arapahoegov.com)>  
**Sent:** Tuesday, March 23, 2021 12:03 PM  
**To:** Kathleen Hammer <[KHammer@arapahoegov.com](mailto:KHammer@arapahoegov.com)>  
**Cc:** Michelle Lengyel <[MLengyel@arapahoegov.com](mailto:MLengyel@arapahoegov.com)>; Terri Maulik <[TMAulik@arapahoegov.com](mailto:TMAulik@arapahoegov.com)>; Jennifer Newton <[JNewton@arapahoegov.com](mailto:JNewton@arapahoegov.com)>; Land Use Submittals <[LandUseSubmittals@arapahoegov.com](mailto:LandUseSubmittals@arapahoegov.com)>  
**Subject:** ArapCO Referral - PM21-001 Bryans Minor Subdivision

Hello,

Please use the link below to access application materials for a proposed minor subdivision. The applicant is proposing to subdivide a 39.9 acre lot into two lots, one 20 acres and the other 19.9 acres. The proposed use will be single-family residential with agricultural allowed uses.

Site location: <https://gis.arapahoegov.com/devmap?PD=Aey0y>

Application materials:  
<https://citizenaccess.arapahoegov.com/citizenaccess/urlrouting.ashx?type=1000&Module=Planning&capID1=21CAP&capID2=00000&capID3=000X4&agencycode=Arapahoe>

Please review the documents and provide comment on the attached referral routing sheet no later than April 9, 2021.

Thanks,  
Kat



**Kat Hammer**

Senior Planner  
Public Works & Development  
6924 S Lima St | Englewood, CO 80112  
O: 720.874.6666  
Arapahoegov.com  
[Facebook](#) | [Twitter](#) | [Instagram](#) | [Nextdoor](#) | [Youtube](#)

## Kathleen Hammer

---

**From:** Dave Ruppel <DRuppel@adcogov.org>  
**Sent:** Wednesday, April 14, 2021 2:49 PM  
**To:** Bob Lewan; Kathleen Hammer  
**Cc:** Nick Eagleson  
**Subject:** RE: ArapCO Referral - PM21-001 Bryans Minor Subdivision

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Kat,

From what I can see on the County map for the Airport Influence Zone, it does not appear to extend all of the way to their parcel. They will be impacted by noise and should be required to notify future buyers that they will be within the noise contours for the Colorado Air and Space Port. They should also complete the FAA Part 77 process on-line to confirm that their development will not impact flight operations. It does not appear that it will but the FAA requires that all development in the vicinity of airports complete a Part 77 evaluation.

Thanks,

Dave Ruppel

**David E. Ruppel | Director, Air and Space Port**  
Adams County, Colorado | 5200 Front Range Parkway | Watkins, CO 80137  
C: 970-846-3626 | O: 303-261-9103 | D: 720-523-7310 | Fax: 303-261-9195  
[DRuppel@adcogov.org](mailto:DRuppel@adcogov.org) | [www.coloradoairandspaceport.com](http://www.coloradoairandspaceport.com) | [www.adcogov.org](http://www.adcogov.org)

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**Kat Hammer**

Senior Planner

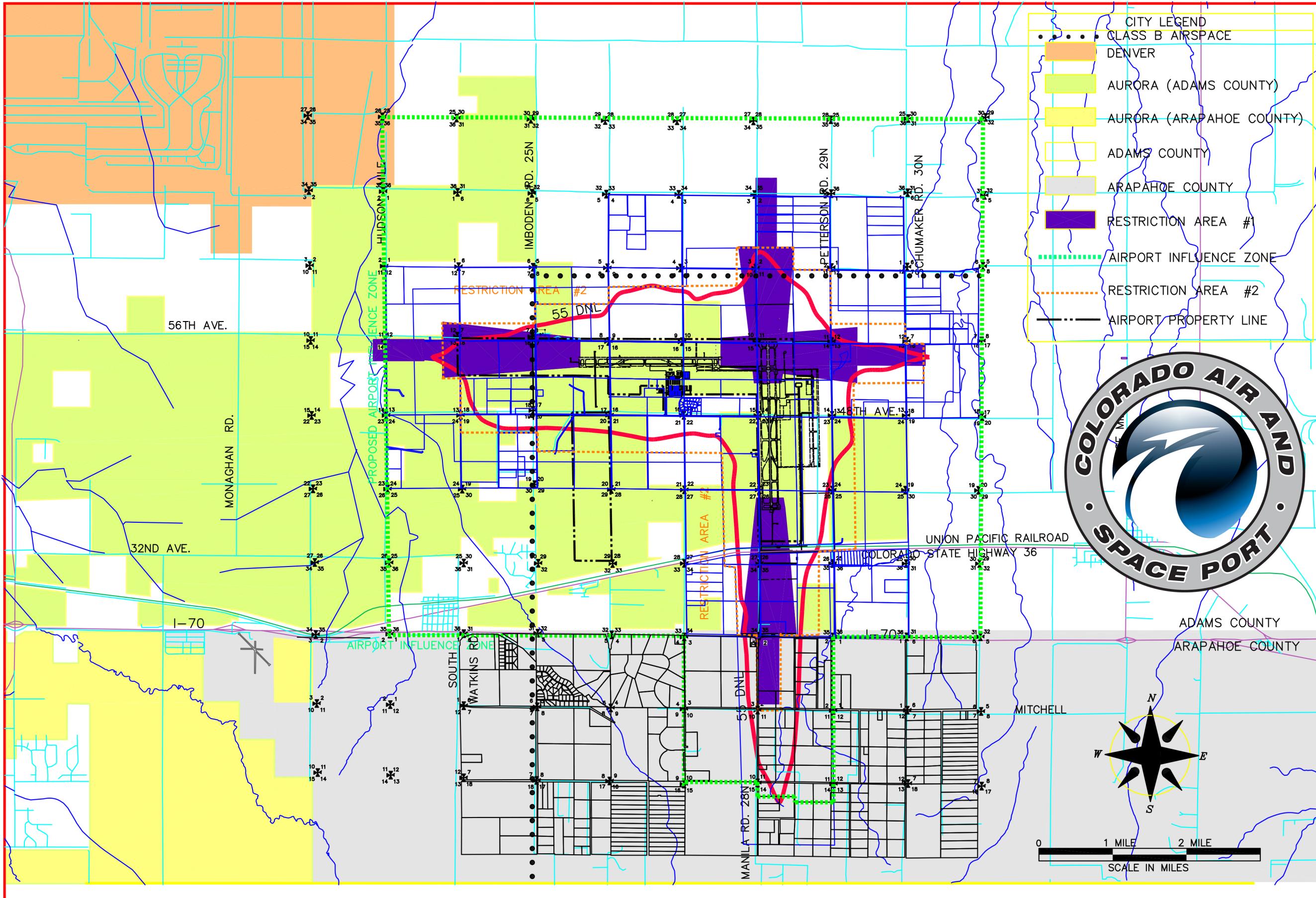
Public Works & Development

6924 S Lima St | Englewood, CO 80112

O: 720.874.6666

Arapahoegov.com

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2021 PROJECTED NOISE CONTOUR MAP (55 DNL)  
WITH MODIFIED AIRPORT INFLUENCE ZONE



### Public Works and Development

6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611

[www.co.arapahoe.co.us](http://www.co.arapahoe.co.us)

### Planning Division

### Referral Routing

Case Number/Name: PM21-001 Bryans Subdivision  
Planner: Kat Hammer – khammer@arapahoegov.com  
Engineer: Sarah White – Swhite@arapahoegov.com  
Date sent: March 23, 2021  
Date to be returned: April 9, 2021

The enclosed development application has been submitted to the Arapahoe County Planning Office for consideration. Due to the close proximity of the proposed development to your property or area of influence, this development proposal is being referred to your agency for comment. Please examine the referenced materials and check the appropriate line before returning the form to the Arapahoe County Planning Office. Responding on or before the date indicated above is appreciated.

|                                     | COMMENTS   | INSERT YOUR ORGANIZATION & NAME/SIGNATURE             |
|-------------------------------------|--|---|
| <input checked="" type="checkbox"/> | I Have NO Comments to make on the case as submitted        | <u>Arapahoe County Road and Bridge. Douglas Stern</u> |
| <input type="checkbox"/>            | I Have the following comments to make related to the case: |   |

**Comments:** (responding by email, letter, or an email attachment is optional)