Coyote Hills

FINAL PLAT SUBMITTAL

A Residential Community

in

Elbert County, Colorado

389369 03/08/2000 12:33P B800 P2 RES
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STATE OF COLORADO }
}ss
COUNTY OF ELBERT }

At a regular meeting of the Board of County Commissioners for Elbert County, State of Colorado, held at the Courthouse in Kiowa on Wednesday, the 1st day of March A.D. 2000, there were present

Wayne Perry	Commissioner Chairman
John Dunn	Commissioner Vice Chairman
John Metli	Commissioner
Geri Scheidt	Deputy Clerk to the Board

When the following proceedings, among others were had and done, to wit.

RESOLUTION 00-25
APPROVAL OF COYOTE HILLS REZONE, PRELIMINARY PLAT AND 1041 PERMIT

WHEREAS, the applicant, Colorado Hunt Club LLC, made application to rezone (RZ-99-03-05) and subdivide (PP-99-03-01) 200 acres into 32 residential 5.01 acre lots and 1041-99-10-03, 1041 permit, and

WHEREAS, the proposed project is located in a portion of Section 22, Township 7 South, Range 65 West in Elbert County; and

WHEREAS, the existing zoning is A-1 (Agriculture-One) and the proposed zoning is RA-1 (Residential Agriculture-One); and

WHEREAS, the proposal is located in the Rural Residential High Density Land Use Area. According to the Elbert County Master Plan, allowable densities in this area range from one unit per 3 acres to one unit per 10 acres or more. The Planning Department on March 12, 1999, received this proposal, before implementation of the recent Master Plan amendment on adjacency. Therefore, the previous provision for adjacency is applicable for this proposal. There is a parcel of similar or smaller size to the east of the proposed site. Therefore, leapfrog development is not an issue and the proposal is in compliance with the intent of the Master Plan, and

WHEREAS, the Planning Department has made the following findings relating to this proposal:

(1) The applicant owns the water and mineral rights of the property in question.

(2) This proposal has complied with all requirements of Part I, Section 6 – Rezoning Procedures and Requirements, including the public notice provisions contained in the Elbert County Zoning Regulations.

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(3) This proposal has complied, or will comply as conditions for approval, with Section I, Section XV and Section XIII of the Subdivision Regulations.

(4) This proposal has complied with the requirements stipulated in Chapter 4, Section 4-307 of the 1041 Regulations; and

WHEREAS, the total open space is in excess of the 20% required by the Master Plan; and

WHEREAS, when the conditions for approval are satisfied the proposal will have complied with the Elbert County Regulations, Subdivision Regulations and 1041 Regulations. Proper public notice was given, the rezoning and subdivision is in harmony with developments

WHEREAS, the Planning Commission on February 10, 2000, held a public hearing on this proposal. At the hearing, they reviewed the submitted documentation, listened to the presentations of Staff and the applicants and solicited public comment.

On votes of 4 to 0, with 5 abstentions (RZ-99-03-05), 4 to 1 with 4 abstentions (PP-99-03-01) and 4 to 0, with 5 abstentions (1041 99-10-03), the Planning Commission is forwarding the following recommendations with stipulated conditions for consideration by the Board of County Commissioners. The Planning Department is generally in agreement with these recommendations; and

WHEREAS, the Board of County Commissioners having found that this hearing was properly noticed and having reviewed the recommendations of the Planning Commission and the Planning Department, as well as having reviewed all the documentation and listened to the presentations and public comment and being fully advised in the premise

BE IT THEREFORE RESOLVED, the Board of Elbert County Commissioners do hereby approve RZ-99-03-05, Coyote Hills A-1 to RA-1 Rezone, a request to rezone 200 acres from A-1 to RA-1 to create thirty-two (32) residential parcels, 5.01 acres in size, located in a portion of Section 22, Township 7 South, Range 65 West in Elbert County, conditions of approval to include:

(1) The applicant will obtain a Weed Control Bond or deposit cash with Elbert County in the amount of $2,000.00 per new lot to be held for two years for weed control, per Elbert County Policy Advisement #24. This bond is to be paid at the Final Plat.

(2) The applicant will mitigate impacts to the Elizabeth Fire District by providing:

(a) an engineered water system capable of 1000 gmp for a 60 minutes duration of fire flow;
(b) fire hydrants located every 500 feet and at every intersection.

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(c) A site plan indicating hydrant locations, water main sizes and pump and storage tank information

(d) An 8 ½" x 11" address map of the development.

The applicant will also meet with the Fire District and agree with the Fire District regarding a water agreement and the need for an additional fire station site in the immediate area.

(3) The applicant will mitigate impacts to County Road 5 by paving one mile of County Road 5 next to their project starting at a point south of County Road 158 extending one mile south in lieu of the payment of impact fees.

(4) The applicant will record the Rezoning Plan and Weed Management Plan within 30 days of Board of County Commissioners approval.

(5) The Rezoning will not become effective until all conditions of approval have been met, fees paid and documents recorded.

(6) Adopt the findings enumerated herein.

BE IT FURTHER RESOLVED, the Board of Elbert County Commissioners do hereby approve PP-99-03-01, Coyote Hills Preliminary Plat, a request to subdivide 200 acres into thirty-two (32) residential lots, 5.01 acres in size.

(1) The applicant will mitigate impacts to the Elizabeth Consolidated School District through the payment of cash-in-lieu of $500.00 per new lot. The applicant will also meet with the Elizabeth Consolidated School District to comply with Resolution 99-14, adopted by the Board of County Commissioners in March of 1999 and provide appropriate documents from Elizabeth Consolidated School District indicating that adequate educational opportunity can be provided prior to recordation of final plat.

(2) The applicant will pave all internal roads in the subdivision to County standards.

(3) The applicant will indicate on a Plat Note that all utilities are to be underground.

(4) The applicant will amend the Drainage study to address the concerns of the Kiowa Soil Conservation District.

(5) The applicant will include on the plat, building envelopes, in coordination with the Division of Wildlife.

(6) The applicant will include on a plat note that no large animals will be allowed in the subdivision.

(7) The covenants will be amended to include a "right to farm" clause.

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(8) Record the Coyote Hills Preliminary Plat within 30 days of Board of County Commissioners approval.

(9) Adopt the findings enumerated herein

BE IT FURTHER RESOLVED, the Board of Elbert County Commissioners do hereby approve 1041 99-10-03, Coyote Hills Guidelines and Regulations for Areas and Activities of State Interest, Elbert County, Colorado, conditions of approval to include:

(1) The 1041 Permit will not become effective until after recordation of the Final Plat and Subdivision Improvement Agreement.

Upon a motion duly made and seconded, the foregoing resolution was adopted by the following vote:

Aye
WAYNE PERRY, CHAIRMAN

Naye
JOHN DUNN, VICE CHAIRMAN

Aye
JOHN METLI, COMMISSIONER

ATTEST: JACKIE L. ZION
COUNTY CLERK

BY: _____
DEPUTY, CLERK TO THE BOARD

Neal Construction
General Contractor

1310 Carlson Rd.
Parker, CO 80134

BILL NEAL
Owner
(303) 888-1337

Project Estimate: Coyote Hills

Date: 5-3-00

Client: Chuck Wahlen

County: Elbert

Cost Breakdown:

Mobilization	$9,800
Vehicle Tracking	$3,880
Ponds	$15,500
Structures	$9,100
Asphalt	$244,866
Erosion Control	$56,980
Sub-Grade Prep	$40,890
Rip-Rap	$18,750
Cut/fill	$79,950
Class 6	$119,777
Pipe-(All)	$350,000 *
Straw Bale Check Dams	$6,900
Spillway Grading	$8,690
Project Total =	$965,083

HYDROKINETICS INC.

12975 W. 24th Pl.
Golden, (Applewood) Colorado, 80401
(303) 237-8865
Fax 237-8869

January 18, 1999

Mr. Allen Gerstenberger
5255 Bow Mar Drive
Littleton, CO 80123

RE: Summary of Water Availability--Coyote Hills Subdivision in section 22 T7S, R65W, Elbert County

Dear Mr. Gerstenberger:

As you requested, we have prepared this letter to be submitted to Elbert County describing how the above-referenced subdivision will be supplied with water. This letter replaces the previous water use letter dated October 19, 1999.

GENERAL

The 32-lot development will be supplied with water from 32 individual wells or a lesser number of central wells in the Upper Dawson Aquifer. This aquifer is considered to be not-non-tributary and requires a court-approved augmentation plan prior to use. The wells will be operated under the approved augmentation plan put forth in decree No. 98CW265. Should the Upper Dawson Aquifer prove unsatisfactory, some wells may be constructed in the Lower Dawson or Denver Aquifers. These two aquifers contain non tributary water and do not require an augmentation plan. Sewage will be handled using individual septic systems on each lot.

WATER DEMAND

The wells must be able to meet two demand requirements in order to adequately supply the subdivision. First, there must be adequate water legally available in the aquifers beneath the property (Acre Feet/YR. available) to meet the Average Annual demand. Second, each well must also be able to pump at a rate of at least 5 gallons per minute (gpm) to be able to meet daily demands.

The Average Annual demand is provided in decree No. 98CW265 and was not prepared by Hydrokinetics, Inc. Each single-family residence will be on a lot of approximately 5 acres. The Average Annual demand for each residence is based on a 7000 square foot lawn and no large domestic animals. Based on the above, the water required will be as follows:

SEP 22 2006

USE	AF/Yr. per Lot	AF/Yr. Total
In-House	0.3	9.6
Irrigation	0.4	12.8
System loss	0.05	1.6
Total	0.75	24

The water required for each lot will be 0.75 AF/YR. Therefore, a total of 24 AF/YR must be legally available for withdrawal from the wells.

AVERAGE ANNUAL WATER AVAILABILITY

The amounts of water available from the three aquifers of interest--the Upper Dawson, Lower Dawson and the Denver have been determined and are listed in decree No. 98CW265. This is the amount of water which is legally available for withdrawal beneath the property, assuming a 100-year aquifer life. The following table shows the volume of water available for annual withdrawal as well as the saturated sand thicknesses and depth to the top and base of each aquifer.

AQUIFER	SAND THICK.	DEPTH TO BASE (FT)	DEPTH TO TOP (FT)	AF/YR AVAIL.
U. DAWSON	180	610	250	72
L. DAWSON	53	825	700	21
DENVER	237	1750	850	80

Using a 100-year aquifer life, there are 72 AF/YR available in the Upper Dawson to supply the subdivision. Using a 300-year aquifer life, there are 24 AF/Yr available for the development. This matches the average annual demand of 24 AF/Yr.

If water from the Lower Dawson or Denver Aquifers is used, water available in these two aquifers totals 101 AF/Yr. assuming a 100-year aquifer life, and 34 AF/Yr. assuming a 300-year aquifer life. This is more than enough water to meet the annual demand.

PEAK WATER AVAILABILITY

Each well must also be able to pump at a rate of at least 5 gallons per minute (gpm) to be able to meet daily demands. Based on our

experience, and the sand thickness available in the aquifers of interest, domestic-use wells constructed in any of the three aquifers will be able to produce at least 5 gpm.

WATER QUALITY

In our experience, water from the aquifers of interest is generally sufficient in quality for domestic uses.

If you have any questions, please feel free to call.

Sincerely,

Pat O'B

Pat O'Brien, Registered Professional Engineer
Certified Professional Geologist

WATER SUPPLY INFORMATION SUMMARY

Section 30-28-133(d), C.R.S. requires that the applicant submit to the County, "Adequate evidence that a water supply that is sufficient in terms of quantity, quality and dependability will be available to ensure an adequate supply of water.

1. NAME OF DEVELOPMENT AS PROPOSED
COYOTE HILLS

2. LAND USE ACTION Rezoning and Preliminary Plat

3. NAME OF EXISTING PARCEL AS RECORDED

SUBDIVISION | FILING | BLOCK | LOT

4. TOTAL ACREAGE 200 | 5. NUMBER OF LOTS PROPOSED 32 | PLAT MAP ENCLOSED ☒ YES

6. PARCEL HISTORY - Please attach copies of deeds, plats or other evidence or documentation.

A. Was parcel recorded with county prior to June 1, 1972? ☒ YES ☐ NO
B. Has the parcel ever been part of a division of land action since June 1, 1972? ☐ YES ☒ NO
If yes, describe the previous action _____

7. LOCATION OF PARCEL - Include a map delineating the project area and tie to a section corner.

_____ 1/4 OF _____ 1/4 SECTION 22 TOWNSHIP 7 ☐ N ☒ S RANGE 65 ☐ E ☒ W

PRINCIPAL MERIDIAN: ☒ 6TH ☐ N.M. ☐ UTE ☐ COSTILLA

8. PLAT - Location of all wells on property must be plotted and permit numbers provided.
Surveyors plat ☒ Yes ☐ No If not, scaled hand drawn sketch ☐ Yes ☐ No

9. ESTIMATED WATER REQUIREMENTS - Gallons per Day or Acre Feet per Year

HOUSEHOLD USE	_____	GPD	9.28	AF
COMMERCIAL USE	_____	GPD	_____	AF
IRRIGATION	_____	GPD	15.0	AF
STOCK WATERING	_____	GPD	1.0	AF
OTHER _____	_____	GPD	_____	AF
TOTAL	_____	GPD	_____	AF

10. WATER SUPPLY SOURCE

☐ EXISTING WELLS ☐ DEVELOPED SPRING
WELL PERMIT NUMBERS
_____
_____
_____

☐ NEW WELLS -
PROPOSED AQUIFERS (CHECK ONE)
☐ ALLUVIAL ☐ UPPER ARAPAHOE
☐ UPPER DAWSON ☐ LOWER ARAPAHOE
☐ LOWER DAWSON ☐ LARAMIE FOX HILLS
☐ DENVER ☐ DAKOTA
☐ OTHER _____

to be determined

☐ MUNICIPAL
☐ ASSOCIATION
☐ COMPANY
☐ DISTRICT
NAME _____
LETTER OF COMMITMENT FOR SERVICE ☐ YES ☐ NO

WATER COURT DECREE CASE NO.'S
98CW265
_____
_____
_____

11. ENGINEER'S WATER SUPPLY REPORT ☒ YES ☐ NO IF YES, PLEASE FORWARD WITH THIS FORM. (This may be required before our review is completed.)

12. TYPE OF SEWAGE DISPOSAL SYSTEM

☒ SEPTIC TANK/LEACH FIELD
☐ LAGOON
☐ ENGINEERED SYSTEM (Attach a copy of engineering design)
☐ CENTRAL SYSTEM - DISTRICT NAME _____
☐ VAULT - LOCATION SEWAGE HAULED TO _____
☐ OTHER _____

SEP 22 2006

DISTRICT COURT, WATER DIVISION 1, COLORADO

Case No. 98CW265

08 APR 30 P 4:23

APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES AND FOR APPROVAL OF A PLAN FOR AUGMENTATION

CONCERNING THE APPLICATION FOR WATER RIGHTS OF RKS, LLC,

IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AND THE NOT NONTRIBUTARY UPPER DAWSON,

IN ELBERT COUNTY.

1. Name, Address, Telephone Number of Applicant:

RKS, LLC
c/o 105 Wilcox
Castle Rock, Colorado 80104
(303) 688-4642

Please send all correspondence to:

Holly I. Holder, P.C.
518 17th Street, #1500
Denver, Colorado 80202

2. Well Permits: Well permits will be applied for prior to construction of the wells.

3. Legal Description of Wells and Subject Property: The wells which will withdraw groundwater from the not nontributary Upper Dawson and nontributary Lower Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers will be located at any location on approximately 200 acres of land and located in the NE1/4 and the SE1/4NW1/4 of Section 22, T7S, R65W of the 6th P.M. ("Subject Property"), as shown on Attachment A hereto.

4. Source of Water Rights: The source of the groundwater to be withdrawn from the Upper Dawson aquifer is not nontributary as

OFFICE OF THE STATE ENGINEER
DETERMINATION OF FACTS

IN THE MATTER OF AN APPLICATION FOR UNDERGROUND WATER RIGHTS IN WATER DIVISION NO. 1, ELBERT COUNTY, COLORADO

APPLICANT: RKS, LLC

AQUIFER: DENVER

CASE NO.: 98CW265

In compliance with C.R.S. 37-92-302(2), RKS, LLC, c/o 105 Wilcox, Castle Rock, Colorado 80104, (hereinafter "applicant") submitted an application to the Water Court for a determination of the amount of water available pursuant to C.R.S. 37-90-137(4). Based on information provided to the Court by the applicant and records of the Division of Water Resources, the State Engineer finds as follows:

1. The application was received by the Water Court on April 30, 1998

2. According to the application, the applicant owns, or has consent to withdraw ground water underlying 200 acres of land as further described in said application.

3. The quantity of water in the Denver aquifer (hereinafter "aquifer"), exclusive of artificial recharge, underlying the 200 acres of land claimed in the application is 8,056 acre feet. This determination was based on the following as specified in the Denver Basin Rules:

   a. The average specific yield of the saturated aquifer materials underlying the land claimed in the application is 17 percent.

   b. The average thickness of the saturated aquifer materials underlying the land claimed in the application is 237 feet.

4. Withdrawal of ground water from the aquifer underlying the land claimed in the application will not, within one hundred years, deplete the flow of a natural stream at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and therefore the ground water is nontributary ground water as defined in C.R.S. 37-90-103(10.5). Pursuant to C.R.S. 37-90-137(9)(b) and the Denver Basin Rules, no more than 98% of the nontributary ground water withdrawn annually shall be consumed and the applicant shall demonstrate to the reasonable satisfaction of the State Engineer that no more than 98% of the water withdrawn will be consumed prior to the issuance of a well permit.

5. In determining the amount of ground water available for withdrawal annually from this aquifer, the provisions of C.R.S. 37-90-137(4) must be applied, and pursuant to C.R.S. 37-90-137(4)(b)(I) annual withdrawals shall be allowed on the basis of an aquifer life of 100 years.

6. A review of the records in the State Engineer's office has not disclosed that there are any existing wells or other water rights claiming or diverting ground water from the aquifer underlying the land claimed by the applicant.

7. Underlying the land claimed in the application, the aquifer is, as specified in the Denver Basin Rules, located approximately 850 feet to 1,750 feet below land surface.

8. The allowed average annual amount of water available for withdrawal from the aquifer underlying the lands claimed in the application is 80 acre-feet (the quantity of water which is considered available divided by the 100 year aquifer life). It is recommended that the water court retain jurisdiction necessary to provide for adjustment (increase or decrease) of this amount.

Dated this 14th day of September, 1998.

Hal D. Simpson
State Engineer

By: _____
Purushottam Dass, Ph.D., P.E.
Supervising Professional Engineer

Prepared by: KM

98CW265.TKD/0546(c).rrg

OFFICE OF THE STATE ENGINEER
DETERMINATION OF FACTS

IN THE MATTER OF AN APPLICATION FOR UNDERGROUND WATER RIGHTS IN WATER DIVISION NO. 1, ELBERT COUNTY, COLORADO

APPLICANT: RKS, LLC

AQUIFER: ARAPAHOE

CASE NO.: 98CW265

In compliance with C.R.S. 37-92-302(2), RKS, LLC, c/o 105 Wilcox, Castle Rock, Colorado 80104, (hereinafter "applicant") submitted an application to the Water Court for a determination of the amount of water available pursuant to C.R.S. 37-90-137(4). Based on information provided to the Court by the applicant and records of the Division of Water Resources, the State Engineer finds as follows:

1. The application was received by the Water Court on April 30, 1998.

2. According to the application, the applicant owns, or has consent to withdraw ground water underlying 200 acres of land as further described in said application.

3. The quantity of water in the Arapahoe aquifer (hereinafter "aquifer"), exclusive of artificial recharge, underlying the 200 acres of land claimed in the application is 6,024 acre-feet. This determination was based on the following as specified in the Denver Basin Rules:

   a. The average specific yield of the saturated aquifer materials underlying the land claimed in the application is 17 percent.

   b. The average thickness of the saturated aquifer materials underlying the land claimed in the application is 236 feet.

4. Withdrawal of ground water from the aquifer underlying the land claimed in the application will not, within one hundred years, deplete the flow of a natural stream at an annual rate greater than one-tenth of one percent of the annual rate of withdrawal and therefore the ground water is nontributary ground water as defined in C.R.S. 37-90-103(10.5). Pursuant to C.R.S. 37-90-137(9)(b) and the Denver Basin Rules, no more than 98% of the nontributary ground water withdrawn annually shall be consumed and the applicant shall demonstrate to the reasonable satisfaction of the State Engineer that no more than 98% of the water withdrawn will be consumed prior to the issuance of a well permit.

5. In determining the amount of ground water available for withdrawal annually from this aquifer, the provisions of C.R.S. 37-90-137(4) must be applied, and pursuant to C.R.S. 37-90-137(4)(b)(I) annual withdrawals shall be allowed on the basis of an aquifer life of 100 years.

6. A review of the records in the State Engineer's office has not disclosed that there are any existing wells or other water rights claiming or diverting ground water from the aquifer underlying the land claimed by the applicant.

7. Underlying the land claimed in the application, the aquifer is, as specified in the Denver Basin Rules, located approximately 1,780 feet to 2,280 feet below land surface.

8. The allowed average annual amount of water available for withdrawal from the aquifer underlying the lands claimed in the application is 80 acre feet (the quantity of water which is considered available divided by the 100 year aquifer life). It is recommended that the water court retain jurisdiction necessary to provide for adjustment (increase or decrease) of this amount.

Dated this 14th day of September, 1998.

Hal D. Simpson
State Engineer

By
Purushottam Dass, Ph.D., P.E.
Supervising Professional Engineer

Prepared by: KM

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