Development Team Review Comments

The following comments have been provided by reviewers of your land use application. At this time, a resubmittal of your application is required before this case is ready to be scheduled for public hearing.

To prepare your resubmittal, you will be expected to provide:

- A response to each comment with a description of the revisions and the page of the response on the site plan;
- Any revised plans or renderings; and
- A list identifying any additional changes made to the original submission other than those required by staff.

Resubmittal documents must be provided in person to the One-Stop Customer Service Center of the Community and Economic Development Department. The following items will be expected by our One-Stop Customer Service Center:

- One paper copy of all new materials
  - Paper copies shall not exceed 11”x17” (exception shall be made only for construction drawings or engineering plan review)
  - All paper copies shall be accompanied by the attached Resubmittal Form
- One digital copy of all new materials
  - All digital materials shall be in a single PDF document
  - The single PDF document shall be bookmarked
  - If a Subdivision Improvements Agreement, Legal Description, or Development Agreement is required, then an additional Microsoft Word version of these documents shall also be provided
Re-submittal Form

Case Name/ Number: PRC2020-00012

Case Manager: Maggie Barringer

Re-submitted Items:

☐ Development Plan/ Site Plan
☐ Plat
☐ Parking/ Landscape Plan
☐ Engineering Documents
☐ Subdivision Improvements Agreement
☐ Other: __________________________

* All re-submittals must have this cover sheet and a cover letter addressing review comments.

Please note the re-submittal review period is 21 days.

The cover letter must include the following information:

- Restate each comment that requires a response
- Provide a response below the comment with a description of the revisions
- Identify any additional changes made to the original document

For County Use Only:

Date Accepted:

Staff (accepting intake):

Resubmittal Active: Addressing, Building Safety, Neighborhood Services, Engineering, Environmental, Parks, Planner, ROW, SIA – Finance, SIA – Attorney
Development Review Team Comments

Date: 2/4/2021
Project Number: PRC2020-00012
Project Name: Gutierrez Minor Subdivision and Rezone
Resubmittal Required

PLN1: The subject property is located at parcel numbers 0157302000060, the address is 2121 Highway 7 and the property is currently zoned Agricultural-3 (A-3).

PLN2: Request: To rezone the property from A-3 to A-1 and to subdivide one parcel into two parcels.

PLN3: In the A-1 zone district, the minimum lot size is 2.5 acres and the minimum lot width is 150 feet. The lot width is measured at the front setback line. Please edit the plat to show this measurement.

PLN4: The future land use of this property is Urban Residential. Urban residential areas are designated for single and multiple family housing, typically at urban densities of one dwelling per acre or greater. These areas are intended to provide for development of residential neighborhoods with a variety of housing types, with adequate urban services and transportation facilities. Urban residential areas may include supporting neighborhood commercial uses designed to serve the needs of nearby residents. Waiting on comments from the City of Thornton.

PLN5: 5-03-03-08-02 FLAG LOTS Flag lots shall be allowed in all zone districts but shall only be used where all other subdivision alternatives are impractical. If a reasonable development alternative exists, flag lots shall not be utilized even though their use might allow more lots to be created than other alternatives. In addition, no flag lot shall be approved where the flag lot is being used as a means of avoiding the construction of public roads, emergency access or the extension of utilities. The minimum width of the pole of any flag lot shall be thirty (30) feet or be consistent with the minimum width requirements of the zone district. The maximum depth of the pole shall be six hundred (600) feet. Lots shall be required to share access where inadequate frontage exists for multiple accesses to be provided (See access design standards for specific access control standards). Front and side setbacks for flag lots shall be measured at the base of the pole and not at the street frontage.

PLN6: 5-03-03-06 LOT DEPTH TO WIDTH RATIO No lot shall have an average depth greater than three times the average width unless the lot width is a minimum of four-hundred-twenty-five (425) feet.
Commenting Division: ROW Review
Name of Reviewer: David Dittmer
Date: 02/03/2021
Email:

Resubmittal Required
ROW1: Required Title Commitment not found in application provided but show a date on the survey plat. This needs to be provided to verify all existing easements affecting the property, and any encroachment issues.
ROW2: Applicant needs to contact CDOT for additional access of Colorado State Highway 7. If not granted will have to enter into agreement between parties to share access to both parcels.
ROW3: Correct legal description as provided by redline notes on plat. Have numerous discrepancies between illustration and legal description.
ROW4: Add Case Number to upper right-hand corner of all survey sheets
ROW5: Correct ownership naming convention to what is shown on WD in the opening statement
ROW6: Without any legal description provided for Lot 2, cannot subdivide the property, as there is not legal description created
ROW7: Add basis of bearing in legal description and remove note at top right of sheet
ROW8: Per Colorado Revised Statutes, provide correct lineal feet statement
ROW9: Why two arc calls for the same arc with different chords, distances, etc.?
ROW10: Can vacate the portion of reserved ROW by previous subdivision on parcel on north end by providing recording information and state "VACATED BY THIS PLAT". The pipeline easement shown cannot be vacated by this plat.
ROW11: Add "DEDICATION STATEMENT" above "HAS BY THESE PRESENTS......"
ROW12: Correct year on owner signature block.
Resubmittal Required

Please note, applicant must respond in writing to each of the comments below.

ENG1: Flood Insurance Rate Map – FIRM Panel # (08001C0302H), Federal Emergency Management Agency, March 5, 2007. According to the above reference, the project site is NOT located within a delineated 100-year flood hazard zone; A floodplain use permit will not be required.

ENG2: The applicant shall be responsible to ensure compliance with all Federal, State, and Local water quality construction requirements. The project site is not within the County's MS4 Stormwater Permit area. An Adams County Stormwater Quality (SWQ) permit is not required for this site. The applicant is responsible for obtaining any necessary State and/or Federal permits. The installation of erosion and sediment control BMPs are expected for any disturbed areas.

ENG3: Applicant must obtain access permits for all access to the property from all surrounding roadways. Currently and in the proposed site plan, the property is accessed by Highway 7. Highway 7 is under the jurisdiction of the Colorado Department of Transportation (CDOT). The applicant will need to obtain the access permit(s) for Highway 7 from CDOT. Prior to the issuance of any building permits for this development, the applicant will need to provide a copy of an approved CDOT access permit. The applicant must comply with all CDOT requirements.

ENG4: Per comment ENG3 above, CDOT may not allow any additional access to the property. If CDOT does not allow the second access to be permitted, the applicant will need to create a shared driveway access to each lot. Plat notes or (ideally) a Shared Driveway Access agreement should be created with this subdivision to ensure maintenance responsibilities for the assigned and maintained.

ENG5: Prior to scheduling the final plat/BOCC hearing, the developer is required to submit for review and receive approval of all construction documents (construction plans and reports). Construction documents shall include, at a minimum, onsite and public improvements construction plans, drainage report, traffic impact study. All construction documents must meet the requirements of the Adams County Development Standards and Regulations. The developer shall submit to the Adams County Development Review Engineering division the following: Engineering Review Application, Engineering Review Fee, two (2) copies of all construction documents. The Development Review few can be found in the Development Services Fee Schedule, located on the following web page:

ENG6: Per comment ENG5 above, the applicant will be responsible for submitting site development construction plans, drainage report, traffic impact study and a stormwater O&M manual. However, the County does allow for exemptions to some of the ENG5 requirements for low impact subdivisions, such as this. Exemptions are offered for the requirements to provide a drainage report and a traffic impact study. The exemption requirements for a drainage report can be found in section 9-01-11 of the County’s
Development Standards and Regulations. The exemption requirements for a traffic impact study can be requested by creating a Trip Generation Analysis that shows the development does not meet the requirements of table 8.15. In order to be granted those exemptions, the applicant must provide letters, prepared, stamped and signed by a licensed engineer in the State of Colorado, that requested those exemptions based on the appropriate County requirements.
Good Morning Maggie,

Thank you for the opportunity to review this submittal. I offer the following comments:

- State Hwy 7 is the jurisdiction of the Colorado Dept. of Transportation (CDOT). Any additional access points required for this location must be approved by CDOT. This case should be referred to CDOT for additional comment, if not already done.
- If CDOT should require any additional improvements along this property frontage, an SIA/Development Agreement may be required to codify these improvements.
- All access points must be paved at least to the property line per the Adams County Access Policy.
- This case should be referred to the City of Thornton as well, as they may have additional comments.

Again, thank you for the opportunity to review this submittal. If I can be of any further assistance, please do not hesitate to ask.

Sincerely,

Gordon C. Stevens
Construction Inspection Supervisor
ADAMS COUNTY DEPARTMENT OF PUBLIC WORKS
4430 S. Adams County Parkway
Brighton, Colorado 80601
O: 720.523.6965 | C: 303-947-9633
GSTEVENS@adcogov.org
The Adams County Sheriff’s Office would oppose this request, we would not be able to adequately provide law enforcement services due to a shortage in patrol staffing.

Richard A. Reigenborn
Sheriff
Adams County Sheriff’s Office
4430 S. Adams County Parkway,
1st Floor, Suite W5400
Brighton, CO 80601
303-655-3218 | RReigenborn@adcogov.org

Character ● Integrity ● Transparency

Adams County has received an application for a Minor Subdivision and Rezone, please review the attached information. If you have comments on this case, we will need them by February 17, 2021. The full application packet will be posted to our website by the end of the day on January 29, 2021.

Thank you,
Other than current lien for 2020 Tax Year taxes, the payment for which is due this year, this one is paid in full.

Thanks!

Very truly yours,

LISA L. CULPEPPER, JD
Treasurer & Public Trustee

“DOING ONLY THAT WHICH THE LAW REQUIRES IS BARELY DOING THE MINIMUM. DO MORE.”

PLEASE NOTE: I’m not at my desk for much of the day due to operational requirements in other areas of the office and building. IF I DO NOT RESPOND WITHIN TWO (2) HOURS, PLEASE CALL THE OFFICE. THANK YOU!

Adams County Treasurer & Public Trustee
4430 S. Adams County Pkwy.
Brighton, CO 80601
Direct: 720.523.6162 | Office: 720-523-6160
www.adcotax.com
Mon. – Fri. 7am-5pm
Maggie,

I have reviewed the referral for a request for a rezone of an A-3 lot to an A-1 zone, and a Minor Subdivision to create two lots, located at 2121 Highway 7 and have the following comments:

- CDOT has no objections to the rezone.
- In regard to the subdivision, the preliminary site map is showing each of the two lots having individual access to State Highway 7. CDOT requests that if this subdivision is approved, that access for both lots be taken from the existing access as a shared access point to State Highway 7.
- The shared access to State Highway 7 will require a new state highway permit for an increase in use. Contact for this permit is Steve Loeffler who can be reached at 303-757-9891 or steven.loeffler@state.co.us.
- If any other work will need to be done in the State Highway Right-of-Way, a permit from our office will be required.

Thank you,

Steve Loeffler
Permits Unit- Region 1

On Wed, Jan 27, 2021 at 5:05 PM Maggie M. Barringer <MBarringer@adcogov.org> wrote:

Adams County has received an application for a Minor Subdivision and Rezone, please review the attached information. If you have comments on this case, we will need them by February 17, 2021. The full application packet will be posted to our website by the end of the day on January 29, 2021.

Thank you,
February 4, 2021

Maggie Barringer, Planner I
Adams County Community & Economic Development
Transmitted via email: mbarringer@adcogov.org

Re: Gutierrez Minor Subdivision
Case No. PRC2020-00012
Part of the W ½ SE ¼ SE ¼ of Sec. 2, T1S, R68W, 6th P.M.
Water Division 1, Water District 2

Dear Maggie Barringer:

We have reviewed the January 28, 2021 above-referenced proposal to subdivide a 7.023-acre property into two lots: Lot 1 will be 4.462 acres and Lot 2 will be 2.561 acres. Both lots will be rezoned from Agricultural 3 (A-3) to Agricultural 1 (A-1) and will be used for residential and livestock use.

Water Supply Demand

Proposed water uses and estimated water demands for the subdivision and on a per lot basis were not provided.

Source of Water Supply

The proposed water supply source for Lot 1 is an existing well, permit no. 104171. Well permit no. 104171 was issued January 10, 1979 pursuant to section 37-92-602, C.R.S. for use inside one single-family dwelling and the watering of the user’s own noncommercial domestic animals. Based on the depth, the well withdraws from the nontributary Laramie-Fox Hills aquifer. Our records show that this well is not located on the subject property, and is instead located on the easterly property being 2151 Highway 7.

The source of water for Lot 2 according to the Applicant is identified as an individual on lot well. The aquifer to supply the well was not specified.

The Adams County Development Standards and Regulations, Effective April 15, 2002, Section 5-04-05-06-04, states:

“Prior to platting, the developer shall demonstrate that . . . the water supply is dependable in quantity and quality based on a minimum useful life of three-hundred (300) years. A minimum 300-year useful life means the water supply from both a static and dynamic basis will be viable for a minimum 300-year period. The static analysis shall include evaluation of the volume of water that is appropriable for the proposed subdivision. The dynamic analysis shall evaluate whether the approducible water supply is sustainable for three-hundred (300) years, giving consideration to the location and extent of the aquifer, as well as impacts caused by both current and future pumping by others from the aquifer.”

Treating Adams County’s requirement as an allocation approach based on three hundred years means the proposed water supply would have to be available for 300 years.

A review of our records shows well permit no. 28686-F located on the subject property. Well permit no. 28686-F was issued June 28, 1985 pursuant to section 37-90-137(4), C.R.S. and the findings of the State Engineer dated June 27, 1985. The well withdraws from the nontributary Laramie-Fox Hills aquifer. The well is permitted for irrigation of one acre of church lawn and landscaping as well as for drinking and
sanitary facilities inside a church. As permitted, the well cannot be used for domestic or livestock purposes on the proposed lots. In addition, the well permit currently claims all of the Laramie-Fox Hills aquifer water underlying the subject property.

**State Engineer’s Office Opinion**

Based upon the above and pursuant to section 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is **not adequate** and **cannot** be provided without causing injury to decreed water rights.

It appears that in order to obtain a favorable opinion from this office on the proposed water supply to this subdivision, the applicant must do the following.

1. The Applicant should clarify the water demand and proposed uses for each lot and the subdivision.

2. The Applicant should clarify the aquifer from which the proposed well for Lot 2 will withdraw. If the proposed water supply is a Denver Basin bedrock aquifer, the Applicant must specify a water demand that is consistent with Elbert County’s 300 year water supply requirement. If the proposed water source will be a well completed in the Laramie-Fox Hills aquifer then well 28686-F would need to be re-permitted such that it no longer claims the water underlying Lot 2.

3. The Applicant should clarify if well permit no. 104171 is located on the subject property and if the well is a proposed water supply source. If the well is located on the subject property the well would need to be re-permitted consistent with Elbert County’s 300 year water supply requirement and the actual proposed uses.

4. The Applicant should clarify if well no. 28686-F is a proposed water supply source for the subdivision. If the well is a proposed water source, the Applicant must clarify which lot(s) it will serve. The well would also need to be re-permitted consistent with Elbert County’s 300 year water supply requirement and the actual proposed uses.

5. If wells in the Lower Arapahoe aquifer will be a proposed water source for the subdivision a court-approved augmentation plan to prevent injury to existing water rights must be obtained.

If you or the Applicant have any questions, please contact Wenli Dickinson at (303) 866-3581 x8206 or at Wenli.Dickinson@state.co.us.

Sincerely,

[Signature]

Joanna Williams, P.E.
Water Resource Engineer

Ec: Referral No. 27509
Permit nos. 104171 and 28686-F
ROW1: Required Title Commitment not found in application provided but show a date on the survey plat. This needs to be provided to verify all existing easements affecting the property, and any encroachment issues.

ROW2: Applicant needs to contact CDOT for additional access of Colorado State Highway 7. If not granted will have to enter into agreement between parties to share access to both parcels.

ROW3: Correct legal description as provided by redline notes on plat. Have numerous discrepancies between illustration and legal description.

ROW4: Add Case Number to upper right-hand corner of all survey sheets.

ROW5: Correct ownership naming convention to what is shown on WD in the opening statement.

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ROW7: Add basis of bearing in legal description and remove note at top right of sheet.

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ROW9: Why two arc calls for the same arc with different chords, distances, etc.?

ROW10: Can vacate the portion of reserved ROW by previous subdivision on parcel on north end by providing recording information and state "VACATED BY THIS PLAT". The pipeline easement shown cannot be vacated by this plat.

ROW11: Add "DEDICATION STATEMENT" above "HAS BY THESE PRESENTS......"

ROW12: Correct year on owner signature block.
1. Intent is to rezone from A-2 to A-1 and divide existing approximately 10-acre lot into two approximately 5-acre lots.

2. The owner will provide evidence that a sufficient water supply will be provided. A permit will be obtained from the State for a Water Well. All State and local water supply standards will be complied with.

3. The owner will provide evidence that a sufficient sewage treatment system will be provided. A permit will be obtained from the Health Department. All State and local onsite sewage system standards, laws and regulations will be complied with.

4. The owner will provide evidence that any soils and areas with hazardous soils requiring special conditions have been identified and all hazardous soil conditions will be eliminated.

5. The owner will provide evidence that all proposed drainage improvements are adequate and comply with State and local Standards and regulations.