



**BOARD OF COUNTY COMMISSIONERS LAND USE
MEETING/PUBLIC HEARING**

TUESDAY, MAY 13, 2025

AGENDA

Tuesday, May 13, 2025

2:30 PM

Hearing Room

2:30 PM

1. Call to Order

- a. Pledge of Allegiance
- b. Attorney Certification of Agenda
- c. Commissioners Disclosure for Items on This Agenda

2. Land Use Meeting Agenda Items

- a. Waiver of Central Services Requirement in the Commercial Zone District - Zoning Resolution Waiver Request - Project File: SP2024-081.
Eric Pavlinek, Principal Planner — *Department of Community Development*
The request is for a fee waiver of Section 1206 of the Douglas County Zoning Resolution, which requires that all uses in the Commercial zone district shall be served by a central water and sanitation facility.

Attachments: [Staff Report - SP2024-081](#)

3. Public Hearing Agenda Items

- a. 9315 Sand Creek Road - Rezoning - Project File: ZR2024-030.
Trevor Bedford, AICP, Senior Planner — *Department of Community Development*
The request is for approval of rezoning approximately 30.16 acres from Agricultural One to Large Rural Residential in the Parker area.

Attachments: [Staff Report - ZR2024-030](#)
 [Attachment - Resolution ZR2024-030](#)

4. Adjournment

The Next Land Use Meeting / Public Hearing Will be Held on Tuesday, May 27, 2025 @ 2:30 p.m.

www.douglas.co.us

MEETING DATE: May 13, 2025

STAFF PERSON RESPONSIBLE: Eric Pavlinek, Principal Planner

DESCRIPTION: Waiver of Central Services Requirement in the Commercial Zone District - Zoning Resolution Waiver Request - Project File: SP2024-081.

SUMMARY: The request is for a fee waiver of Section 1206 of the Douglas County Zoning Resolution, which requires that all uses in the Commercial zone district shall be served by a central water and sanitation facility.

STAFF ASSESSMENT: Staff has evaluated the waiver request in accordance with Section 122.03 of the Zoning Resolution. In the absence of a water and sanitation district, the proposed use may be served by individual well and a septic system. Should the Board find that the waiver standards are met, the following proposed conditions should be considered for inclusion in the motion:

1. All other standards, requirements, and permits associated with the proposed Site Improvement Plan application shall be met prior to final approval.
2. Any proposed changes to the site that increase water demands, shall require a subsequent waiver from the central water and sanitation requirements.
3. All commitments and promises made by the applicant or the applicant's representative during the public meeting and/or agreed to in writing and included in the public record have been relied upon by the Board of County Commissioners in approving the application; therefore, such approval is conditioned upon the applicant's full satisfaction of all such commitments and promises.

REVIEW:

Terence T Quinn - FYI	Notified - FYI	5/1/2025
Steven E Koster	Approve	5/1/2025
Jeff Garcia	Approve	5/2/2025
Andrew Copland	Approve	5/2/2025
Doug DeBord	Approve	5/7/2025
Samantha Hutchison - FYI	Notified - FYI	5/7/2025

ATTACHMENTS:

Staff Report - SP2024-081

Zoning Resolution Waiver Request Staff Report

Date: May 1, 2025
To: Douglas County Board of County Commissioners
Through: Douglas J. DeBord, County Manager
From: Terence T. Quinn, AICP, Director of Community Development *TQ*
CC: Eric Pavlinek, Principal Planner
Jeanette Bare, AICP, Planning Manager
Steven E. Koster, AICP, Assistant Director of Planning Services
Subject: **Waiver of Central Services Requirement in the Commercial Zone District – 2006 Kelty Road**
Project File: **SP2024-081**

Board of County Commissioners Meeting:

May 13, 2025 @ 2:30 p.m.

I. EXECUTIVE SUMMARY

The request is for a waiver of Section 1206 of the Douglas County Zoning Resolution (DCZR), which requires that all uses in the Commercial (C) zone district shall be served by a central water and sanitation facility. The applicant has an administrative Site Improvement Plan (SIP) application for a coffee shop at 2006 Kelty Road currently in process.

The applicant's representative asserts that, although central water and sanitation services cannot feasibly be extended to the property, the site can be adequately served by an existing exempt well and an on-site wastewater treatment (OWTS). The project site lies within the Franktown Business Area Metropolitan District. The applicant's representative contacted the district, which indicated that it does not provide central water and sewer service to properties within its boundaries.

II. APPLICATION INFORMATION

A. Applicant

Brandon and Heidi Messer
PO Box 3380
Parker, Colorado 80116

B. Applicant's Representative

Caroline Emmons Young-Henry
Shanor and Franklin, LLC
600 17th Street, Suite 2800
Denver, Colorado 80202

C. Request

Approval of a waiver request from Section 1206 of the DCZR, which provides that all uses in the C zone district shall be served by a central water and sanitation facility. The waiver is requested in conjunction with a SIP request for a coffee shop on the parcel. The SIP is currently being processed by Planning Services. The waiver request must be approved for the applicant to move forward in the SIP process.

Water is provided by an existing exempt well and OWTS. As part of the SIP request, the waiver was sent on referral to agencies including the Colorado Division of Water Resources (DWR) and Douglas County Health Department (DCHD). DWR states that the exempt well, as permitted, can be used to serve the proposed coffee shop, and has no objections to use of the well provided that the terms and conditions of the permit are met.

The Douglas County Health Department (DCHD) referral letter indicates that the Food Service Plan review is currently underway and upon completion, an approval letter will be issued by DCHD. DCHD has no objection to an OWTS as the method of wastewater disposal for the site. A Use Permit was issued by DCHD for the sale of the property in 2024. DCHD will not require an additional Use Permit Inspection for the change of use, but instead will require the existing OWTS to be evaluated by a certified septic designer to determine if the existing septic system can accommodate the proposed commercial use. Additional permitting may be necessary based on what is found in the evaluation.

The Douglas County Water Commission reviewed the proposal at its Water Commission Meeting on Monday, April 28, 2025 and provided individual comments from three Commission members. One Commission member had concern with the increase of water usage from residential to a commercial use but did not have objection to the conversion to a coffee shop. Comments were also provided regarding the ability to waive the requirement for central water and sewer services. Two other Commission members had no opposition to the project. The comments from the Commission are included in the attachments.

D. Process

The waiver process is set forth in Section 122 of the DCZR. Waivers may be requested by an applicant in conjunction with any application subject to the standards or other criteria established within the DCZR. For administrative land use applications such as an SIP, a waiver request is considered by the Board at a regular public land use meeting. Section 122.03 sets forth a series of findings that must be made by the Board to approve a waiver.

E. Location

The project site is located in the Franktown Village Area in Franktown and is zoned Commercial. The parcel is located west of the intersection of State Highway 83 and

State Highway 86 (SH 86), on the north side of SH 86. Vicinity, zoning, and aerial maps which show site location and existing conditions are attached to the staff report.

III. CONTEXT

A. Background

The property was initially developed as a residence. An SIP application to convert the property for commercial use was submitted in 2000 but was closed due to inactivity. The current property owners purchased the property in February of 2024 and propose to convert the approximate 1,500 square foot building into a coffee shop with limited retail use. An SIP application for these uses is currently in review. One of the requirements of SIP approval is the Board’s approval of the central services waiver.

B. Adjacent Land Uses and Zoning

The project site is adjacent to other commercially zoned properties in Franktown. The following table reflects those zone districts and land uses surrounding the parcel.

Zoning and Land Use

Direction	Zoning	Land Use
North	Commercial	Office
South	Commercial	Residential, Restaurant, tree farm
East	Commercial	Commercial strip center
West	Commercial	Residential

IV. STAFF ANALYSIS

A waiver must demonstrate compliance with the following provisions in order for the Board of County Commissioners to approve the request.

122.03.1: The waiver does not have the effect of nullifying the intent and purpose of this Resolution.

Staff Comment: The intent of the central services requirement in the C zone district is to ensure that commercial uses are served by water and sewer facilities appropriate for the intensity and type of uses allowed within the district. The applicant’s representative asserts that the water and sewer demands associated with the proposed uses can be met by using an existing well and an OWTS as described in their attached waiver request. The applicant estimates a water demand for the coffee shop of approximately 0.92 acre-feet a year or 25 gallons per day. This demand can be served by the existing well, which is permitted to withdraw up to 1.0 acre-feet annually from the Denver aquifer.

122.03.2: The granting of the waiver request will not be detrimental to the public safety, health, or welfare or injurious to other property.

Staff Comment: The applicant asserts that the existing exempt well will be operated in accordance with the State requirements allowed per the permit. The applicant may be required to obtain additional permits from the Health Department based on the findings of the evaluation of the existing septic system by a certified septic designer.

122.03.3: The conditions upon which the request for waiver is based are unique to the property for which the waiver is sought and are not applicable to other property.

Staff Comment: The waiver request is specific to the proposed, limited-scale development on the subject site as depicted on the SIP submittal (SP2024-081). While other waiver requests could be brought forward to the Board for similarly situated properties, the current waiver request is for one property with specific water and sewer demands and servicing options.

122.03.4: A particular non-economic hardship to the owner would result from a strict application of this resolution.

Staff Comment: According to the correspondence provided by the applicant's representative from the Franktown Business Area Metropolitan District, central water and sewer services are not available to serve the property. Similarly, no special districts within the vicinity of the property currently provide water and sewer services.

122.03.5: The waiver will not in any manner vary the provisions of the Zoning Resolution or County Building Code.

Staff Comment: All other zoning and building codes are applicable to the development on this site including setbacks, uses, and other development standards contained within the DCZR. All engineering standards will be met through the SIP and construction plan processes. The applicant will be required to obtain all necessary permits and approvals during the building permit phase of the project. The Building Division is currently reviewing the plans for a tenant finish. All building and fire codes will be met.

122.03.6: The proposed development will be in conformance with the Douglas County Master Plan.

Staff Comment: The site is located in a portion of the County addressed by policies within the Franktown Village Area. Master plan policies applicable to this area "Support new, and the expansion of existing, locally-owned and operated businesses" (Policy 4-1F.1), and "encourage improvements to existing properties" (Policy 4-1G.3).

Within the Franktown Village area, subareas are defined where specific land use policies are established. The plan does encourage non-residential development to primarily occur "in the southeast quadrant of State Highways 83 and 86, within the Community Center District" (Policy 4-1I.1).

In regard to wastewater service planning, the Comprehensive Master Plan notes that:

"Franktown's primary wastewater management tools include septic tanks and leach fields. Property managed, these systems can adequately support limited rural development as proposed in this plan and protect groundwater in the Franktown Rural Community. However, this plan supports future development on a central sewer system. Potential for a future central sewer system in Franktown rests with the ability of the Franktown Area Metropolitan District or other similar future entities, to finance a central sewer line that would ultimately serve to protect Cherry Creek and serve the Franktown Business Community."

Absent a central water and sanitation system, the current waiver request will accommodate the development of a low water-demand business, the owners of which may be better positioned to financially participate in longer term solutions for the services in the Franktown Village Area if development of a central water system continues to be a desirable policy objective in the Franktown area in the future.

Regarding wastewater management, policies applicable to the Franktown subarea encourage “establishment of a community wastewater management program for existing on-site wastewater systems” (Policy 4-1X.1), and “development of a central wastewater collection system for the village” (Policy 4-1X.3). As with water, absent a District to take on these functions, an adequately regulated OWTS system constructed to the Douglas County Health Department standards may be an acceptable means of service for a relatively low wastewater-generating business.

V. STAFF ASSESSMENT

Staff has evaluated the waiver request in accordance with Section 122.03 of the Zoning Resolution. In the absence of a water and sanitation district, the proposed use may be served by individual well and a septic system. Should the Board find that the waiver standards are met, the following proposed conditions should be considered for inclusion in the motion:

1. All other standards, requirements, and permits associated with the proposed SIP application shall be met prior to final approval.
2. Any proposed changes to the site that increase water demands, shall require a subsequent waiver from the central water and sanitation requirements.
3. All commitments and promises made by the applicant or the applicant’s representative during the public meeting and/or agreed to in writing and included in the public record have been relied upon by the Board of County Commissioners in approving the application; therefore, such approval is conditioned upon the applicant’s full satisfaction of all such commitments and promises.

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LAND USE APPLICATION

Please fill in this application form completely. An incomplete application will not be processed.

Note: Neither the Planning Commission nor the Board of County Commissioners should be contacted regarding an open application.

OFFICE USE ONLY	
PROJECT NAME: 2006 Kelty Road	PROJECT FILE #: SP2024-081
PROJECT TYPE: <u>Remodel of Existing Structure</u>	PLANNING FEES: _____
MARKETING NAME: <u>Franktown Coffee (FN Coffee)</u>	ENGINEERING FEES: _____
SITE ADDRESS: <u>2006 Kelty Rd, Franktown, CO 80116</u>	TOTAL FEES: _____
OWNER(S): Name(s): <u>Brandon Messer, Heidi Messer</u>	RELATED PROJECTS: _____
Address: <u>216 High Plains St, Castle Rock, CO 80104</u>	_____
Phone: <u>303.903.0500</u>	_____
Email: <u>themesseremail@gmail.com</u>	_____
AUTHORIZED REPRESENTATIVE <i>(requires notarized letter of authorization if other than owner)</i> Name: <u>Action Civil Engineering and Mark De Benedictis</u>	_____
Address: <u>9800 Mt. Pyramid Ct, Ste 400, Englewood, CO 80112</u>	_____
Phone: <u>303.881.7000</u>	_____
Email: <u>tdenning@actioncivileng.co</u>	_____

LEGAL DESCRIPTION:

Subdivision Name: _____
 Filing #: _____ Lot #: _____ Block #: _____ Section #: _____ Township: _____ Range: _____

STATE PARCEL NUMBER(S): 2349-350-00-007

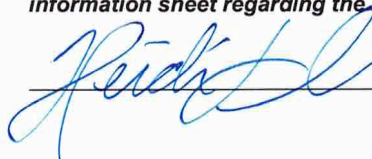
ZONING:

Present Zoning: Commercial/C Proposed Zoning: _____ Gross Acreage: _____
 Gross Site Density (DU per AC): _____ # of Lots or Units Proposed: _____

SERVICE PROVIDERS:

Fire District: Franktown Fire Metro District: _____ Gas: Black Hills Energy
 Water: Well Sewer: Septic Electric: CORE
 Roads: Public Private (please explain): _____

To the best of my knowledge, the information contained on this application is true and correct. ***I have received the County's information sheet regarding the Preble's Meadow Jumping Mouse.***



 Applicant Signature

8/30/24

 Date

100 Third Street, Castle Rock, Colorado 80104 • 303.660.7460

Revised 03.04.2021

SHANOR & FRANKLIN LLC

Caroline Emmons Young-Henry
600 17th Street, Suite 2800
Denver, CO 80202
Phone: 954.803.9557
cyoung-henry@shanorfranklin.com

March 21, 2025

Mr. Eric Pavlinek
Douglas County Planning
100 Third Street
Castle Rock, CO 80104

March 21, 2025

RE: 1.0 ac Property at 2006 Kelty Road, File No. SP2024-081

Dear Eric:

On behalf of the owners, Brandon and Heidi Messer (“Owners”), of 2006 Kelty Road (“Property”), we are hereby respectfully requesting a waiver to the Commercial (C) zone district requirement that all uses shall be served by central water and sewer. The proposed use for the Property currently being processed is a Site Improvement Plan to convert the existing structure into a Coffee Shop. As you are aware, neither central water or sewer service is located close enough for an extension, and therefore, it does not make sense to tie into such existing services. We have received a February 28, 2025 Letter (*see attached*) from Franktown Business Area Metropolitan District (“District”) indicating that currently, it is not feasible for them to provide this service to us.

The following responses address Section 122.03 – Waivers of the County’s Zoning Resolution:

122.03.1: The waiver does not have the effect of nullifying the intent and purpose of this Resolution;

RESPONSE – The Commercial (C) zone district requirement is to provide central water and wastewater. However, with the previously mentioned Letter from the District, this cannot be met. The water and sewer needs of this proposal can be met with the existing well and a septic system. Owners have filed a historical use record with the Colorado Division of Water Resources and, in return, they have been issued a permit for the well (Permit No. 336476). This permit is in use today and is authorized to use 1.0 acre-feet/year.

In addition, there is an existing septic system (“OWTS”) on the property with a current use permit (Permit No. 20059964) in place that is being evaluated for its current capacity and functionality of these proposed uses. The Douglas County Health Department (“DCHD”) received an inspection report for the OWTS on February 28, 2024 and promptly responded and remedied the deficient observations on March 5, 2024 using repair contractor, Mathews Excavating. All non-permitted repairs were documented on the Repair Verification Form. Further, Owners have proposed installation of a water holding tank and water booster pump on the Property in order to meet the sufficient water demands for both the water and septic system capacity. The proposed models for usage to assist with meeting water needs are the Rural Power Systems 3HP Eco-Steady Continuous Pressure Water Booster Pump and the Wentworth Grease Interceptor Trap 100 lbs./GPM. Should capacity or functionality not be adequate, then further upgrades/replacements will be completed.

122.03.2: The granting of the waiver will not be detrimental to the public safety, health, or welfare of injurious to other property;

RESPONSE – There is an existing well (Permit No. 336476) and associated pump located on the Property. In addition, the existing OWTS (Permit No. 20059964) will be evaluated and if necessary upgraded/replaced in accordance with the County’s Health Department standards. Therefore, neither shall be detrimental to the public safety, health, or welfare or injurious to other property.

122.03.3: The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property;

RESPONSE – We understand that if this waiver is approved that it is unique to this property.

122.03.4: A particular non-economical hardship to the owner would result from a strict application of this Resolution;

RESPONSE – Should the waiver not be approved, the Owners will likely not be able to open their business. The Coffee House is reliant on water and wastewater systems. The Franktown Business Area Metropolitan District has been consistent in responding to other land use applications within the District that it is not feasible for central water and sewer to be provided, as is the case with their February 28, 2025 Letter for this project.

122.03.5 The waiver will not in any manner vary the provisions of the Zoning Resolutions or County Building Code; and

RESPONSE – If the waiver is approved, we do not believe it will vary the provisions of the Zoning Resolution of the County Building Code.

122.03.6: The proposed development will be in conformance with the Douglas County Master Plan.

RESPONSE: This proposed use as presented in the Site Improvement Plan application complies with the Douglas County Comprehensive Master Plan as shown in Map 4.3 of the Franktown Village Area. This map shows the Property as commercial in the “Community Center” area in the Comprehensive Master Plan (“CMP”) (*see attached*). Specifically, the CMP outlines two objectives in the Franktown’s Community Center category:

1. *Objective 4-11: Maintain and expand the diversity of local, community-commercial services.*

A coffee shop is known to attract local customers and create a sense of community. This use meets this objective.

2. *Objective 4-1J Limit the amount and intensity of industrial land uses.*

A coffee shop is not identified as an industrial use.

The Franktown Sub-Area policy states “*Franktown’s primary wastewater management tools include septic tanks and leach fields. Properly managed, these systems can adequately support limited rural development as proposed in this Plan and protect groundwater in the Franktown Rural Community.*” Without central systems available this waiver request will allow the Project to accommodate a low water usage business with one well and a OWTS system.

We appreciate your assistance with getting this waiver approved. Please let me know if you need anything further to assist.

Sincerely,



Caroline Emmons Young-Henry
Shanor and Franklin, LLC

Eric Pavlinek
February 28, 2025

FRANKTOWN BUSINESS AREA METROPOLITAN DISTRICT

c/o Community Resource Services of Colorado LLC
7995 E Prentice Ave., Suite 103E'
Greenwood Village, CO 80111-2710
(303) 381-4960

February 28, 2025

Caroline Young-Henry
Shanor & Franklin, LLC
600 17th Street, Suite 2800
Denver, CO 80202-5402

Cyong-henry@shanorfranklin.com

Dear Ms. Young-Henry,

Community Resource Services of Colorado (CRS) manages the Franktown Business Area Metropolitan District (District). Currently, the District does not provide water or sewer service to the properties within its boundaries.

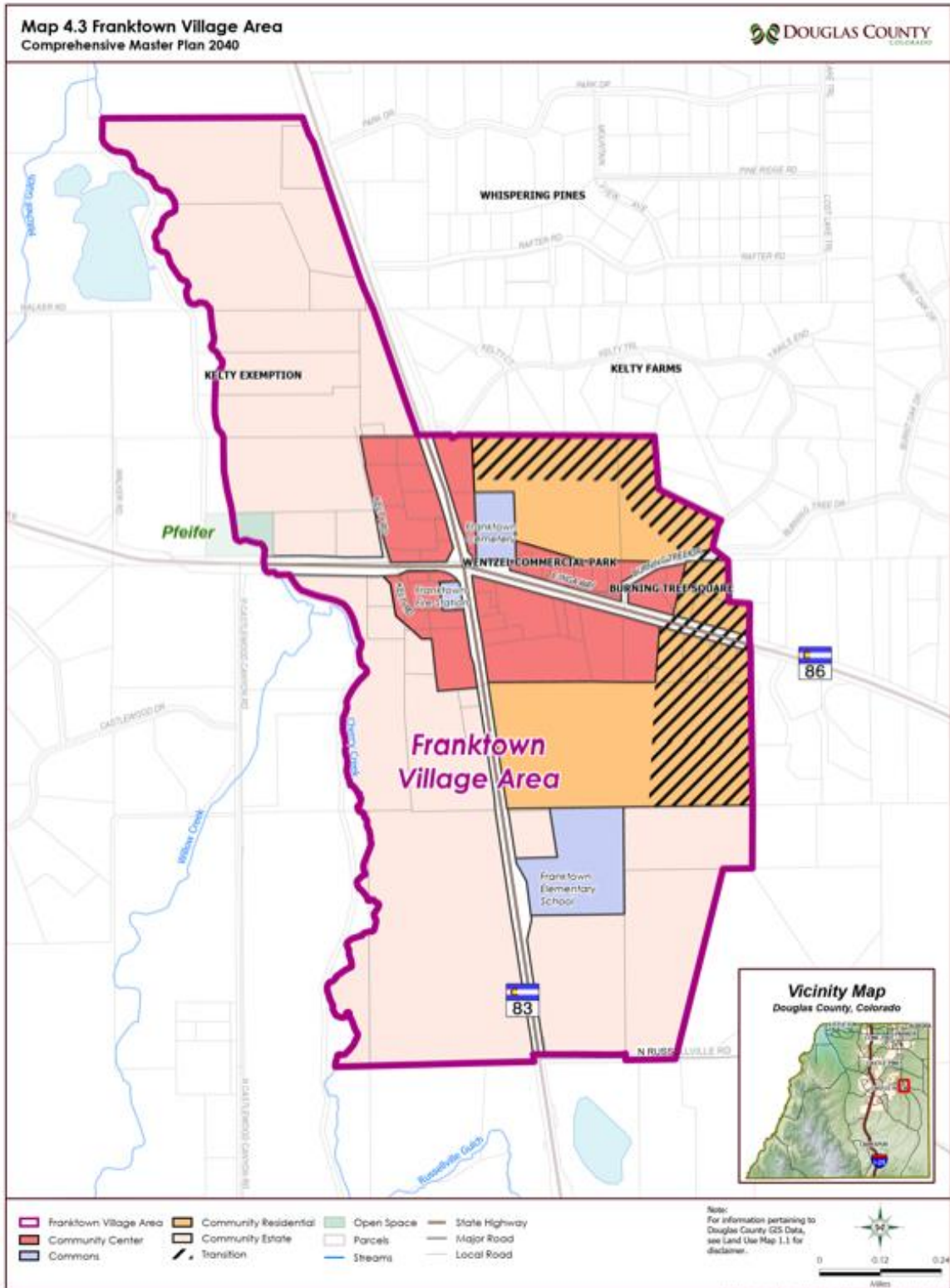
Please let me know if you have any additional questions.



Rhonda S. Bilek
Assistant Manager
Franktown Business Area Metropolitan District
c/o CRS of Colorado

rbilek@crsofcolorado.com

303-381-4979



SHANOR & FRANKLIN LLC

Caroline Emmons Young-Henry
600 17th Street, Suite 2800
Denver, CO 80202
Phone: 954.803.9557
cyoung-henry@shanorfranklin.com

November 4, 2024

Applicant:
Brandon and Heidi Messer
PO Box 3380
Parker, CO
80134

Eric Pavlinek, Project Planner
Douglas County Department of Community Development
Email: epavlinek@douglas.co.us

RE: 2006 Kelty Road, Douglas County, Colorado: Water Supply

Eric Pavlinek:

This report is being prepared at the request of the above Applicant. The property is described as follows:

A tract of land situated in the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 35, Township 7 South, Range 66 West of the 6th Principal Meridian, Douglas County, Colorado, more particularly described as follows:

Commencing at the Southwest corner of the Southwest $\frac{1}{4}$ of said Section 35 and considering the South line of said Southwest $\frac{1}{4}$ to bear North 89°53'58" East with all bearings contained herein relative thereto;
Thence North 89°53'58" East along said South line a distance of 260.32 feet to the True Point of Beginning;
Thence North 89°53'58" East along said South line a distance of 300.00 feet to the extension of the West line of Parcel "B" described in Deed recorded on September 16, 1983 in Book 490 at Page 914 of the Douglas County records;
Thence North 00°06'02" West along said West line a distance of 130.00 feet;
Thence South 89°53'58" West a distance of 349.00 feet the East right-of-way line of Kelty Road;
Thence South 20°45'11" East a distance of 138.93 feet to the Point of Beginning,
County of Douglas, State of Colorado.

Containing 1 acre, more or less

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Also known by street and number as 2006 Kelty Road, Franktown, CO, 80116 (“**Subject property**”)

The Subject property plat is attached hereto and consists of approximately one (1) acre.

Ownership

Brandon and Heidi Messer, husband and wife, (“**Applicants**”) are the owners of record of the Subject property by Special Warranty Deed dated February 26, 2024, recorded February 28, 2024 at Reception No. 2024007529, filed of record in Douglas County, Colorado (“**Special Warranty Deed**”). Brandon and Heidi Messer are also the record owners of Well Permit No. WCB-147 and the groundwater rights underlying in and under the Subject property.

Prior to the sale of the Subject property, the previous owners, Joel C. Wendler and Laura M. Wendler (“**Wendlers**”), filed an application and claim for underground water rights on February 27, 2020. Water rights were decreed in Case No. 2020CW3028 dated August 3, 2020 (“**Water Decree**”). Under the Water Decree, the Wendlers were granted the rights to groundwater in the not nontributary Upper Dawson and nontributary Denver, Arapahoe, and Laramie-Fox Hills aquifer underlying 2.1 acres.

The following average annual amounts are available for withdrawal under the Water Decree, subject to the Court’s retained jurisdiction in this matter:

Aquifer	Saturated Thickness (feet)	Annual Amount (acre-feet)	Total Amount (acre-feet)
Upper Dawson	55	.231 (NNT)	23.1
Denver	260	0.928 (NT)	92.8
Arapahoe	255	0.91 (NT)	91.0
Laramie-Fox Hills	190	0.598 (NT)	59.8

Under the Water Decree, the groundwater to be withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills Aquifers is “nontributary groundwater”, as defined in C.R.S. § 37-90-103(10.5), and in the Denver Basin Rules, the withdrawal of which will not, within 100 years of continuous withdrawal, deplete the flow of a natural stream, including a natural stream as defined in C.R.S. §§ 37- 82- 101(2) and 37- 92- 102(1)(b), at an annual rate greater than 1/ 10 of 1% of the annual rate of withdrawal. The groundwater to be withdrawn from the Upper Dawson Aquifer is “not nontributary” as defined in C.R.S. §§ 37-990-103(10.7) and 37-90-137(9)(c.5) and will not be withdrawn without a plan for augmentation.

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The Water Decree referenced a parcel totaling 2.1 acres and includes the Subject Property and the neighboring parcel originally described as: “2.1 acres generally located in the SW/4SW/4 of Section 35, Township 7 South, Range 66 West of the 6th P.M., Douglas County, Colorado”. At the time of the Water Decree, the Wendler’s owned the Subject property (approximately 1 acre) and the parcel directly East (approximately 1.1 acres).

The intent of the parties was to convey all rights associated with the Subject Property through the Special Warranty Deed; however, there was no specific mention of water rights in the Special Warranty Deed. A water right is a property right separate and apart from the land on which it is used. *Southeastern Colorado Water Conservancy District v. Twin Lakes Associates*, 770 P.2d 1231, 1239 (Colo. 1989); *Nielson v. Newmyer*, 123 Colo. 189, 192-93, 228 P.2d 456, 458 (1951). Water rights can be bought and sold similarly to real property and can be conveyed separately from the land to which they are appurtenant. *Navajo Development Co. v. Sanderson*, 655 P.2d 1374, 1378 (Colo. 1982). Water rights can be conveyed together with the land on which they are used without specific mention in the deed itself. Whether water rights are conveyed in a deed that does not expressly mention them is a question of fact, dependent upon the intention of the grantor and the circumstances surrounding the transfer. *Kinoshita v. North Denver Bank*, 181 Colo. 183, 188, 508 P.2d 1264, 1267 (1973); *Arnett v. Linhart*, 21 Colo. 188, 190, 40 P. 355 (1895). Because water rights were not listed in the Special Warranty Deed, both parties executed an additional Special Warranty Deed (Water Right Transfer Deed) dated October 22, 2024, effective February 26, 2024, recorded October 23, 2024 at Reception No. 2024045736, filed of record in Douglas County, Colorado (“**Water Transfer Deed**”). The Water Transfer Deed references the Water Decree and reserves the neighboring parcel water rights to the seller, effectively severing the water rights in proportion to their surface rights. Applicant is therefore the holder of the groundwater rights underlying Subject property.

There appeared a discrepancy of record as to whether the well located on the Subject property was Well Permit No. 24201 or WCB-147. In accordance with *C.R.S. Section 37-90-143*, Applicants filed a Change in Owner Name/Mailing Address Form (Form No. GWS-11 08/2016) for the Well Permit No. 24201. The Form was submitted September 6, 2024 and accepted by the Colorado Division of Water Resources. Applicant subsequently retained legal counsel and received a County Referral Letter from the Division of Water Resources on October 10, 2024. “A review of [their] records indicated that Well Permit No. WCB-147, issued on July 26, 1956 for domestic use, may be the correct permit number for the well on the property. This is based upon the location of the well according to the permit file consistent with the property, the depth and pumping level of the well at the time it was drilled consistent with the report included in the referral, and a recent Pump Installation Report filed by the previous landowner stating the well was located at 2006 Kelty Road”. The use of this well is limited to its historical use that existed as of May 8, 1972 which has continued since that time, provided such uses are no greater than those uses allowed for a well permit pursuant to *C.R.S. Section 37-92-602(1)*.

In order to cure the discrepancy, Applicant re-filed a Change in Owner Name/Mailing Address Form (Form No. GWS-11 08/2016) on October 17, 2024. The Form was accepted and

SHANOR & FRANKLIN LLC

signed by Wenli Dickinson, staff member of the Colorado Division of Water Resources Department of Natural Resources, on December 18, 2024.

Additionally, Applicant has actively complied with the Division of Water Resources requests and has filed an Application for designation of Historic Use (GWS-12) and Commercial Drinking and Sanitary Well Application (GWS-57) for the WCB-147 well based upon historic domestic and commercial use, pending approval.

Water Rights for Supply to Proposed Development

The existing well under Permit No. WCB-147 (“**Exhibit C**”) was originally authorized for domestic use in 1956, however, it has been historically used since inception for both commercial and domestic uses, including irrigation of the one (1) acre Subject property. There was no acre feet per year water limitations placed upon the Permit in 1956. In situations where the Division does not list the assigned authorized acre footage, engineers analyze reasonable amounts of water usage based upon historical use and property size. According to the Division of Water Resources, the reasonable use of the water under the Permit WCB-147 should not exceed more than a demand use of 1.5 acre-feet per year. Applicants have proposed a use of approximately 1 acre foot (See Water Requirements below), which is more than sufficient and will not exceed the demand use approximated by the Division of Water Resources.

There is also available under the Subject property an additional .928 acre-feet/year for the Denver Aquifer for the potential drilling of a new well, based upon findings of the State Engineers office and the Applicant retention of the groundwater rights listed in the Water Transfer Deed. The use of the potential new well would allow for expanded and supplemental use in the business, home, outside lawn, and garden watering. Because they are the holder of the groundwater rights underlying the Subject property, no augmentation would be required for a new well for the Denver aquifer in that location on the Subject property. The additional amount is not required for the proposed development.

A. Water Requirements –

There are Four (4) structures on the property, one small residential building with one small commercial building, and three small outbuildings. Square footage, building date, and use are as follows:

- a. 1096 sq ft Residential (built in 1918) and 757 sq. ft. Retail Store (built in 1918)
- b. 240 sq ft Outbuilding (built in 1940)
- c. 318 sq. ft Outbuilding (built in 2006); used for Shed- Equipment
- d. 1,065 sq. ft. Outbuilding (built in 1918); originally used for Shed – Poultry

Based upon the GWS-57 and GWS-12 Application, Applicant has calculated the following use for the Subject property:

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- a. Number of Employees (2) x Number of Gallons per Employee Per Day (15) x Number of Days Employee Works Per Year (340) = 10,200 Gallons Per Year
- b. Number of Customers Per Day (85) x Number of Gallons Per Customer (10) x Number of Days Business is Open per Year (340) = 289,000 Gallons Per Year
- c. Household Use: Gallons Per Day (64) x Days Per Year (365) = 23,360 Gallons Per Year

Total amount of water required: Approximately 322,560 gallons/year. Applicants will be underneath the maximum 325,900 gallons (1 acre foot) per year and is reporting calculations at their maximum potential use of water.

B. Water requirements – Irrigated Landscaping

The historic use of the property allowed for the use of irrigated landscaping for surrounding grass and plants located on the Subject property. The Applicants recognize the benefits of ‘zero landscaping’ and have since removed a portion of the grass and replaced the area with a parking lot and planted Colorado-native shrubbery. Applicant may choose to continue watering some of the landscaping per the Historic Use Designation, pending current review and approval.

C. Total Water Supply Requirement –

The intended and requested small commercial and single-family residential use of the Subject property under Well Permit No. WCB-147 is sufficient to meet the demands of the project. The approximate 1-acre foot to be withdrawn for small commercial and single-family residential use pursuant to the Well Permit No. WCB-147 does not exceed the approximate 1.5-acre feet demand calculated by the Division of Water Resources. Also, there are additional amounts of Denver Aquifer groundwater available under the land which could supply the project, if required.

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

Sincerely,
SHANOR AND FRANKLIN, LLC


Caroline Emmons Young-Henry

ATTACHMENTS:

Exhibit A: Subject Property

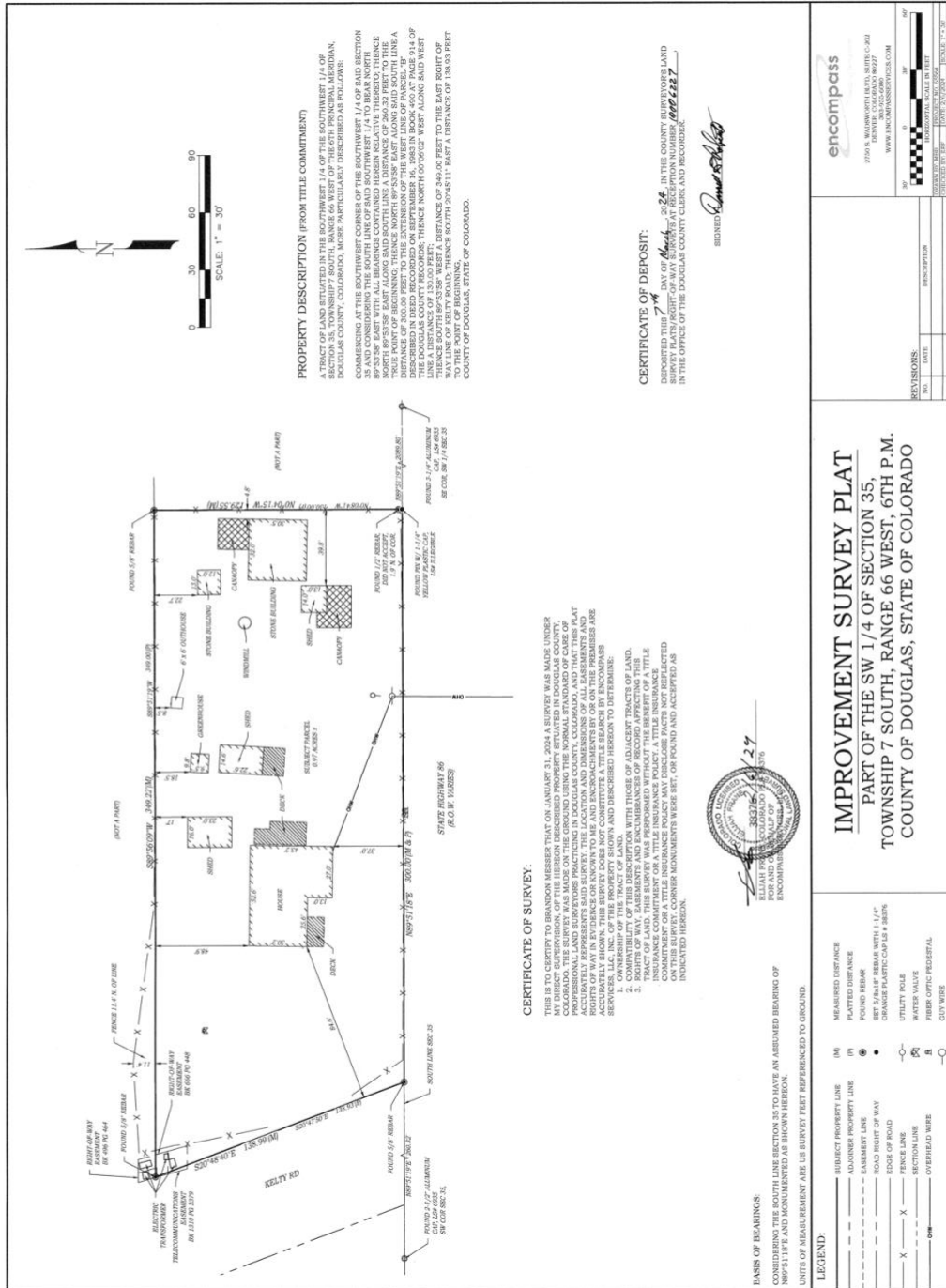
Exhibit B: Special Warranty Deed (Water Right Transfer Deed)

Exhibit C: WELL PERMIT WCB-147

ATTACHMENTS

Exhibit A: Subject Property

Ref # 10000237; Date: 3/12/2024 4:26 PM; Pages: 1 of 1; Douglas County, CO; Short Name: Cert. and Record



IMPROVEMENT SURVEY PLAT
 PART OF THE SW 1/4 OF SECTION 35,
 TOWNSHIP 7 SOUTH, RANGE 66 WEST, 6TH P.M.
 COUNTY OF DOUGLAS, STATE OF COLORADO

encompass
 2700 S. SHAWNEE, COULDSLAND, CO 80731
 WWW.ENCOMPASSSURVEYS.COM

REVISIONS

NO.	DATE	DESCRIPTION

BASES OF BEARINGS:
 SUBJECT PROPERTY LINE (M)
 ADJACENT PROPERTY LINE (P)
 PLATTED DISTANCE (D)
 ROAD BEARING (R)
 ROAD BEARING FOR WAY (W)
 FENCE OF ROAD (F)
 FENCE LINE (X)
 SECTION LINE (S)
 OVERHEAD WIRE (O)

LEGEND:
 MEASURED DISTANCE (M)
 PLATTED DISTANCE (P)
 ROAD BEARING (R)
 ROAD BEARING FOR WAY (W)
 UTILITY POLE (U)
 WATER VALVE (V)
 FIBER OPTIC FIBERTRAIL (F)
 CITY WIRE (C)

CERTIFICATE OF DEPOSIT:
 DEPOSITED THIS 7th DAY OF March, 2024, IN THE COUNTY SURVEYORS LAND SURVEY PLATS/ROUTES-OF-WAY SURVEYS AT RECEPTION NUMBER 00006227 IN THE OFFICE OF THE DOUGLAS COUNTY CLERK AND RECORDER.

SIGNED: *Ramon S. Hildebrand*
 RAYMOND S. HILDEBRAND
 COUNTY SURVEYOR

ELIJAH FORBES
 COUNTY CLERK AND RECORDER
 ENCLOSURE NO. 10000237

SHANOR & FRANKLIN LLC

Exhibit B: Special Warranty Deed (Water Right Transfer Deed)

Ref: #2024045736, Date: 10/23/2024 11:35 AM,
Pages: 1 of 13, RECORDING \$73.00
Douglas County, CO, Sheri Davis, Clerk and Recorder

State Doc Fee:
Recording Fee:

SPECIAL WARRANTY DEED (Water Right Transfer Deed)

THIS DEED, made this 22 day of October, 2024, between **Joel and Laura Wendler**, (as to Parcel One) whose legal address is PO Box 1357, Elizabeth, Colorado, 80107 ("Grantor") and **Brandon and Heidi Messer, as Joint Tenants** ("Grantee"), whose address is PO Box 3380, Parker, CO, 80134.

NOW WITNESSETH, That Grantor, for and in consideration of, ~~Five Hundred Dollars (\$500.00)~~ ^{6,000} the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the Grantee, Grantee's heirs and assigns forever, any and all the water and groundwater rights, together with any improvements, if any, situate, lying, underneath and being in the County of Douglas, State of Colorado, more particularly described as follows:

(As to Water Rights on, in, and under Parcel One)

A tract of land situated in the Southwest ¼ of the Southwest ¼ of Section 35, Township 7 South, Range 66 West of the 6th Principal Meridian, Douglas County, Colorado, more particularly described as follows:

Commencing at the Southwest corner of the Southwest ¼ of said Section 35 and considering the South line of said Southwest ¼ to bear North 89°53'58" East with all bearings contained herein relative thereto;

Thence North 89°53'58" East along said South line a distance of 260.32 feet to the True Point of Beginning;

Thence North 89°53'58" East along said South line a distance of 300.00 feet to the extension of the West line of Parcel "B" described in Deed recorded on September 16, 1983 in Book 490 at Page 914 of the Douglas County records;

Thence North 00°06'02" West along said West line a distance of 130.00 feet;

Thence South 89°53'58" West a distance of 349.00 feet the East right-of-way line of Kelty Road;

Thence South 20°45'11" East a distance of 138.93 feet to the Point of Beginning,
County of Douglas, State of Colorado.

Containing 1 acre, more or less

Also known by street and number as 2006 Kelty Road, Franktown, CO, 80116 ("**Property**")

Aquifer and Location of Groundwater: Grantees are granted the rights to groundwater in the not nontributary Upper Dawson and nontributary Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying 1 acre, located on, in, and under the **Property**, Douglas County, Colorado, as shown

SHANOR & FRANKLIN LLC

on Exhibit A attached hereto, as decreed in Case No. 2020CW3028 (“Exhibit B”, Water Decree”).

The following average annual amounts are available for withdrawal subject to the Court’s retained jurisdiction in this matter:

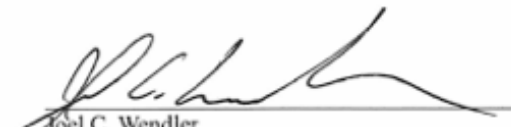
Aquifer	Saturated Thickness (feet)	Annual Amount (acre-feet)	Total Amount (acre-feet)
Upper Dawson	55	.231 (NNT)	23.1
Denver	260	0.928 (NT)	92.8
Arapahoe	255	0.91 (NT)	91.0
Laramie-Fox Hills	190	0.598 (NT)	59.8


These water and ground water rights so conveyed, and the return flows therefrom, shall be separated from the original Subject Property, previously described as “2.1 acres generally located in the SW/4SW/4 of Section 35, Township 7 South, Range 66 West of the 6th P.M., Douglas County, Colorado”, as shown on Exhibit “B”.

ALL REMAINING GROUNDWATER AMOUNTS QUANTIFIED AND NOT LOCATED ON OR UNDER THE PROPERTY DESCRIBED HEREIN IN CASE NO. 2020CW3028, DISTRICT COURT, WATER DIVISION 1, ARE EXPRESSLY RETAINED AND RESERVED BY THE GRANTOR.

TOGETHER with all its appurtenances, subject to the reservation described below, and warrants the title to the same against all persons claiming under Grantor, subject to any encroachments, encumbrances, violation, variation, or adverse circumstances affecting title that would be disclosed by an accurate and complete land survey of the Property not shown by Public Records.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above, but for all purposes is effective February 26, 2024.


Joel C. Wendler


Laura M. Wendler

SHANOR & FRANKLIN LLC

State of Colorado

ju County of ~~Douglas~~ Elbert *ju*

The foregoing instrument was acknowledged before me this 22 date of October, 2024 by Joel C. Wendler and Laura M. Wendler.

DMillard
Notary Public: *Dawn Michele Millard*
My Commission Expires: *02/06/2028*



SHANOR & FRANKLIN LLC

EXHIBIT A PROPERTY

Ref 426487025, Doc: 20240119-AM, Page: 1 of 2, RECORDING SLIP: Doc Fee \$138.00
Electronically Recorded Douglas County, CO. Sheriff/Notary, Clerk and Recorder

SPECIAL WARRANTY DEED

State Doc Fee: \$138.00
Recording Fee: \$25.00

THIS DEED is dated the 29th day of February, 2024, and is made between
(whether one, or more than one),

Jeff C. Wendler and Laura M. Wendler, as to Parcel One

The "Grantor" of the County of Douglas and State of Colorado and

Brandon Messer and Heidi Messer

as Joint Tenants, (whether one, or more than one), the "Grantee", whose legal address is
PO Box 2380, Parker, CO 80134
of the County of Douglas and State of Colorado.

WITNESS, that the Grantor, for and in consideration of the sum of One Million Three Hundred Thousand Dollars and No Cents (\$1,300,000.00), the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and certifies unto the Grantee and the Grantee's heirs and assigns forever, all the real property, together with any improvements thereon, located in the County of Douglas and State of Colorado, described as follows:

PARCEL ONE:

A tract of land situated in the Southwest 1/4 of the Southwest 1/4 of Section 35, Township 7 South, Range 68 West of the 6th Principal Meridian, Douglas County, Colorado, more particularly described as follows:

Commencing at the Southwest corner of the Southwest 1/4 of said Section 35 and considering the South line of said Southwest 1/4 to bear North 89°32'58" East with all bearings contained herein relative thereto;
Thence North 89°32'58" East along said South line a distance of 280.32 feet to the True Point of Beginning;
Thence North 89°32'58" East along said South line a distance of 302.90 feet to the westernmost of the Street 10s of Parcel "B" described in Deed recorded on September 16, 1983 in Book 439 at Page 554 of the Douglas County records;

Thence North 00°00'00" West along said West line a distance of 130.00 feet;
Thence South 89°32'58" West a distance of 345.00 feet to the East right of way line of Kelly Road;
Thence South 00°00'00" East a distance of 138.85 feet to the Point of Beginning.
County of Douglas, State of Colorado.

also known by street address as: 2006 Kelly Road, Parker, CO 80138

TOGETHER with all and singular the covenants and appurtenances thereto belonging, or in anywise appertaining, the incursions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the covenants and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantee, and the Grantee's heirs and assigns forever. The Grantor, for the Grantor and the Grantor's heirs and assigns, does covenant, grant, bargain, and agree that the Grantor shall and will WARRANT THE TITLE AND DEFEND the above-described premises, in the past and present possession of the Grantor and the heirs and assigns of the Grantee, against all and every person or persons claiming the whole or any part thereof, by, through, or under the Grantor except and subject to: Statutory Exceptions as defined in C.R.S. § 38-35-113(3)(a).

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.


Jeff C. Wendler


Laura M. Wendler

Special Warranty Deed
Statutory Special Warranty Deed (1)



Page 7 of 2

SHANOR & FRANKLIN LLC

Ref # 202407529, Page: 2 of 2

State of Colorado
County of Douglas

The foregoing instrument was acknowledged before me this 26th day of February, 2024 by Joel C. Wendler and
Laura M. Wendler.

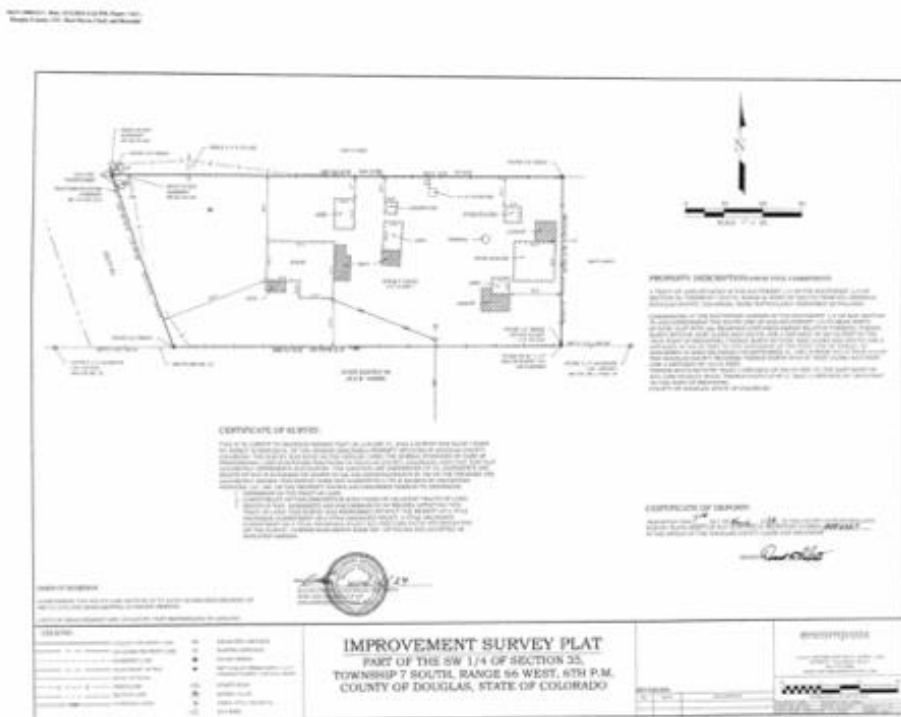
Notary Public:
My Commission Expires: 02/27/25



Stewart Title File No. 2212007
Salary Special Warranty Deed CD

Page 2 of 2

SHANOR & FRANKLIN LLC



SHANOR & FRANKLIN LLC

EXHIBIT B", Water Decree

DISTRICT COURT, WATER DIVISION 1, COLORADO Weld County Courthouse P.O. Box 2038 Greeley, CO 80632	DATE FILED: August 20, 2020 2:02 PM CASE NUMBER: 2020CW028 ▲ COURT USE ONLY ▲
APPLICATION FOR UNDERGROUND WATER RIGHTS OF JOEL and LAURA WENDLER, Applicants, IN ELBERT COUNTY	Case Number: 2020CW3028
FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF THE REFEREE, AND JUDGMENT AND DECREE	

A claim for underground water rights was filed in this case on February 28, 2020. All matters contained in the application having been reviewed, such testimony having been taken and evidence presented as was necessary, and being otherwise fully advised in the premises, it is hereby the Ruling of the Referee as follows:

FINDINGS OF FACT

1. Name and Address of Applicants:
 Joel and Laura Wendler
 P.O. Box 1357
 Elizabeth, CO 80107
2. Statements of Opposition: No statements of opposition were filed and the time for filing of such statements has expired.
3. Subject Matter Jurisdiction: Timely and adequate notice of the application was published as required by statute, and the Court has jurisdiction over the subject matter of this proceeding and over the parties affected hereby, whether they have appeared or not.

APPROVAL OF GROUNDWATER RIGHTS

4. Aquifers and Location of Groundwater: Applicants are granted a decree for rights to groundwater in the net noncontributory Upper Dawson and noncontributory Denver, Arapahoe and Laramie-Fox Hills aquifers underlying 2.1 acres generally located in the SW1/4 SW1/4 of Section 35, Township 7 South, Range 66 West of the 6th P.M., Douglas County, Colorado, as shown on **Exhibit A** ("Subject Property"). Applicants are the owners of the Subject Property.
5. Well Locations, Pumping Rates, and Annual Amounts: The groundwater may be withdrawn at rates of flow necessary to withdraw the amounts decreed herein. The

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groundwater will be withdrawn through any number of wells necessary, to be located at any location on the Subject Property. Applicants waive any 600-foot spacing rule for wells located on the Subject Property, but must satisfy C.R.S. § 37-90-137(4), for wells owned by other on adjacent properties. The following average annual amounts are available for withdrawal subject to the Court's retained jurisdiction in this matter.

Aquifer	Saturated Thickness (feet)	Annual Amount (acre-feet)	Total Amount (acre-feet)
Upper Dawson	55	0.231 (NNT)	23.1
Denver	260	0.928 (NT)	92.8
Arapahoe	255	0.91 (NT)	91.0
Laramie-Fox Hills	190	0.598 (NT)	59.8

These amounts conform to the values and amounts referenced in the State Engineer's Determination of Facts dated April 15, 2020.

6. Decreed Uses: The water will be used, reused, and successively used for domestic, commercial, irrigation, livestock watering, fire protection, and augmentation purposes, including storage, both on and off the Subject Property.
7. Final Average Annual Amounts of Withdrawal:
 - 7.1 Final determination of the applicable average saturated sand thicknesses and resulting average annual amounts available to Applicants will be made pursuant to the retained jurisdiction of this Court, as described in Paragraph 17 below. The Court shall use the acre-foot amounts in Paragraph 5 herein in the interim period, until a final determination of water rights is made.
 - 7.2 The allowed annual amount of groundwater which may be withdrawn through the wells specified above and any additional wells, pursuant to C.R.S. § 37-90-137(10), may exceed the average annual amount of withdrawal, as long as the total volume of water withdrawn through such wells and any additional wells constructed subsequent to the date of this decree does not exceed the product of the number of years since the date of the issuance of any well permits or the date of this decree, whichever is earliest in time, multiplied by the average annual amount of withdrawal, as specified above or as determined pursuant to the retained jurisdiction of the Court. However, amounts set forth in well permits will not be exceeded.
8. Source of Groundwater and Limitations on Consumption:
 - 8.1 The groundwater to be withdrawn from the Denver, Arapahoe and Laramie-Fox Hills Aquifers is "nontributary groundwater" as defined in C.R.S. § 37-90-103(10.5), and in the Denver Basin Rules, the withdrawal of which will not, within 100 years of continuous withdrawal, deplete the flow of a natural stream, including a natural stream as defined in C.R.S. §§ 37-82-101(2) and 37-92-

*Jud and Laura Wendler
Case No. 20CW3025
Page 2 of 7*

102)(b), at an annual rate greater than 1/10 of 1% of the annual rate of withdrawal. The groundwater to be withdrawn from the Upper Dawson Aquifer is "not nontributary" as defined in C.R.S. §§ 37-90-103(10.7) and 37-90-137(9)(c.5) and will not be withdrawn without a plan for augmentation.

- 8.2 Applicants may not consume more than 98% of the annual quantity of water withdrawn from the nontributary aquifers. The relinquishment of 2% of the annual amount of water withdrawn to the stream system, as required by the Denver Basin Rules effective January 1, 1986, may be satisfied by any method selected by the Applicants and satisfactory to the State Engineer, so long as Applicants can demonstrate that an amount equal to 2% of such withdrawals (by volume) has been relinquished to the stream system.
- 8.3 There is unappropriated groundwater available for withdrawal from the subject aquifers beneath the Subject Property, and the vested water rights of others will not be materially injured by such withdrawals as described herein. Withdrawals hereunder are allowed on the basis of an aquifer life of 100 years, assuming no substantial artificial recharge within 100 years. No material injury to vested water rights of others will result from the issuance of permits for wells which will withdraw not nontributary and nontributary groundwater or the exercise of the rights and limitations specified in this decree.

9. Additional Wells and Well Fields:

- 9.1 Applicants may construct additional and replacement wells in order to maintain levels of production, to meet water supply demands or to recover the entire amount of groundwater in the subject aquifers underlying the Subject Property. As additional wells are planned, applications shall be filed in accordance with C.R.S. § 37-90-137(10).
- 9.2 Two or more wells constructed into a given aquifer shall be considered a well field. In effecting production of water from such well field, Applicants may produce the entire amount which may be produced from any given aquifer through any combination of wells within the well field.
- 9.3 In considering applications for permits for wells or additional wells to withdraw the groundwater which is the subject of this decree, the State Engineer shall be bound by this decree and shall issue said permits in accordance with provisions of C.R.S. § 37-90-137(10).
- 9.4 In the event that the allowed average annual amounts decreed herein are adjusted pursuant to the retained jurisdiction of the Court, Applicants shall obtain permits to reflect such adjusted average annual amounts. Subsequent permits for any wells herein shall likewise reflect any such adjustment of the average annual amounts decreed herein.

*Jud and Laura Wendler
Case No. 20CF3024
Page 3 of 7*

10. Conditions for Well Operation and Construction:

For each well constructed pursuant to this decree, Applicants shall comply with the following conditions:

- 10.1 A totalizing flow meter shall be installed on the well discharge pipe prior to withdrawing any water therefrom, and shall be maintained and operational at all times for the life of the well. Applicants shall keep accurate records of all withdrawals by the well, make any calculations necessary, and submit such records to the Water Division 1 Engineer upon request.
- 10.2 The entire length of the open bore hole shall be geophysically surveyed prior to casing and copies of the geophysical log submitted to the Division of Water Resources. Applicants may provide a geophysical log from an adjacent well or test hole, pursuant to Rule 9A of the Statewide Rules and acceptable to the State Engineer, which fully penetrates the aquifer, in satisfaction of the above requirement.
- 10.3 Groundwater production shall be limited to the specific identified aquifer. Plain, unperforated casing must be installed and properly grouted to prevent withdrawal from or intermingling of water from zones other than those for which the well was designed.
- 10.4 Each well shall be permanently identified by its permit number, this Water Court Case Number, and the name of the producing aquifer on the above-ground portion of the well casing or on the pump house.

CONCLUSIONS OF LAW

11. Full and adequate notice of the application was given, and the Court has jurisdiction over the subject matter and over the parties whether they have appeared or not.
12. The Water Court has jurisdiction over this proceeding pursuant to C.R.S. § 37-90-137(6). This Court concludes as a matter of law that the application herein is one contemplated by law. C.R.S. § 37-90-137(4).
13. The application for a decree confirming Applicants' right to withdraw and use all unappropriated groundwater from the nontributary aquifers beneath the Subject Property as described herein pursuant to C.R.S. § 37-90-137(4), is granted, subject to the provisions of this decree. The Upper Dawson Aquifer groundwater decreed herein will not be withdrawn and used until it is included in a separate plan for augmentation.

*Jud and Letara Wondler
Case No. 20CW1028
Page 4 of 7*

JUDGMENT AND DECREE

14. The Findings of Fact and Conclusions of Law set forth above are hereby incorporated into the terms of this Ruling and Decree as if the same were fully set forth herein.
15. Applicant may withdraw the subject groundwater herein through wells to be located anywhere on the Subject Property in the average annual amounts and at the estimated average rates of flow specified herein, subject to the limitations herein and the retained jurisdiction by this Court.
16. The groundwater rights described in the Findings of Fact are hereby approved, confirmed and adjudicated, including and subject to the terms and conditions specified herein. No owners of or persons entitled to use water under a vested water right or decreed conditional water right will be injured or injuriously affected by the pumping of Applicants' groundwater resources as decreed herein.
17. Retained Jurisdiction:
 - 17.1 The Court retains jurisdiction as necessary to adjust the average annual amounts of groundwater available under the Subject Property to conform to actual local aquifer characteristics as determined from adequate information obtained from wells, pursuant to C.R.S. § 37-92-305(11). Within 60 days after completion of any well decreed herein or any test hole(s), Applicants or any successor in interest to these water rights shall serve copies of such log(s) upon the State Engineer.
 - 17.2 At such time as adequate data is available, any person, including the State Engineer, may invoke the Court's retained jurisdiction to make a Final Determination of Water Right. Within four months of notice that the retained jurisdiction for such purpose has been invoked, the State Engineer shall use the information available to him to make a final determination of water rights findings. The State Engineer shall submit such finding to the Water Court and the Applicants.
 - 17.3 If no protest to such finding is made within 60 days, the Final Determination of Water Rights shall be incorporated into the decree by the Water Court. In the event of a protest, or in the event the State Engineer makes no determination within four months, such final determination shall be made by the Water Court after notice and hearing.
18. The groundwater rights decreed herein are vested property rights appurtenant to the Subject Property and shall remain appurtenant unless expressly severed by conveyance to someone other than the property owner. If any deed for the Subject Property is silent to the conveyance of the water rights decreed herein, it is assumed that the water rights have been conveyed as an appurtenance to the Subject Property, unless all or part of the water rights have been previously severed.

*Jud and Laura Wendler
Case No. 20CW0028
Page 5 of 7*

SHANOR & FRANKLIN LLC

19. After the referee ruling was entered on July 28, 2020, a correction was made to the table in paragraph 5. The referee finds that this correction does not require an extension of the protest period.

Date: August 3, 2020



John S. Cowan
Water Referee
Water Division One

The Court finds that no protest was filed in this matter. The foregoing is confirmed and is made the judgment and decree of this Court.

Date: August 20, 2020



James F. Hartmann
Water Judge
Water Division One

*Just and Lenora Wendler
Case No. 20CW1025
Page 6 of 7*

Exhibit C: WELL PERMIT WCB-147

Form No. 4
(Revised 5/54)

(147)

COLORADO WATER CONSERVATION BOARD
LOG AND HISTORY

Location: Sec. 35 T. 7 R. 66 P.M. W4 1/4 Sec. 5 W. County Douglas
or Street Address _____ City _____
Owned by Erving E. & Doris Lawrence Address Franktown, Colo.
Tenant _____ Address _____
Drilled by J. B. Hamrick Address Sioux, Colo.
Water Well Driller's License No. 71 Name or No. of Well _____
Type of Well: Domestic Municipal Stock Irrigation
Industrial Drainage Other _____
Cased: 0 ft. to 160 ft. Type plow Size 4 in Wt. of Casing: Lbs./Ft. 5
Cased: 160 ft. to 200 ft. Type perf. Size 1 in Wt. of Casing: Lbs./Ft. 5
Cased: 200 ft. to 290 ft. Type plow Size 4 in Wt. of Casing: Lbs./Ft. 5
Perforated or Screened: Ft. 290 to Ft. 485; Ft. _____ to Ft. _____
Type of Screen or Perforation fine
Date Started May 17 - 1956 Date Completed May 22 - 1956
Static Water Level 140 Ft.
or
Shut in Pressure _____ lbs./sq. in. Date May 22 - 1956
Pumping Water Level 175 Ft. at 10 G P M yield.
How Tested: run Length of Test 5 Hours.
Put Formation Log on Reverse Side
REMARKS: (Gravel Packing, Cementing, Packers, Type of Shut-off, Depth of Shut-off, Method Drilling, etc.)

RECORDED
JUL 6 1956
COLORADO WATER CONSERVATION BOARD

TO BE MADE IN TRIPPLICATE: White copy to owner, Blue copy to Colorado Water Conservation Board, and other copy to driller.

SHANOR & FRANKLIN LLC

		LOG OF WELL		
		DESCRIPTION OF MATERIAL DRILLED	METHOD OF DRILLING	<i>Rotary</i>
Feet				
00	to	4	Top soil	
4	to	35	Sand Gravel clay	
35	to	430	Shale Blue	
430	to	460	Sand Rock white matrix	Beaming
460	to	465	Shale Blue	
	to			

SHANOR & FRANKLIN LLC

Form No. 3
(Revised 5/54)

COLORADO WATER CONSERVATION BOARD
NOTIFICATION OF INTENTION TO DRILL REDRILL
RECASE , OR DEEPEN A WATER WELL

District No. 2 Name or Number of Well.....

Name of Driller J. P. Hamacher Phone No. 66

Address Simla, Colo.

Well Driller's License No. 71 Date Start of Work May 7 1956

Land Owner's Name Emerg Ed Davis Loveau

Address Franktown, Colo.

Estimated Depth of Well 465 Ft.

LOCATION OF WELL

Diameter of Well 6 In.

Section 35 County Douglas

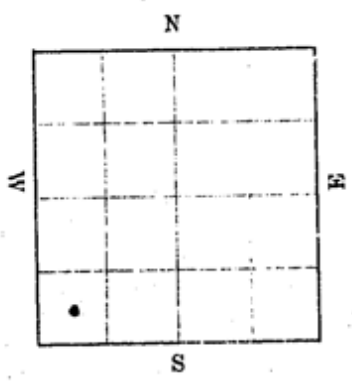
Diameter of Casing 4 1/2 In.

Twp. 7 Range 66 P.M. 116

Weight of Casing 5 Lbs./Ft.

Please mark well location to nearest 40 acres (small square) below.

- Type of Well: Domestic
 Irrigation
 Municipal
 Stock
 Other.....



Method to be used in drilling: Rotary

If above location is unknown, complete the following:

Estimated Depth of Bottom and Top

County.....

of Shutoff.....

City, Town or Subdivision.....

Type of Shutoff.....

Street Address of Well Location.....

Comprehensive Master Plan Land Use Reference Map

Comprehensive Master Plan Areas

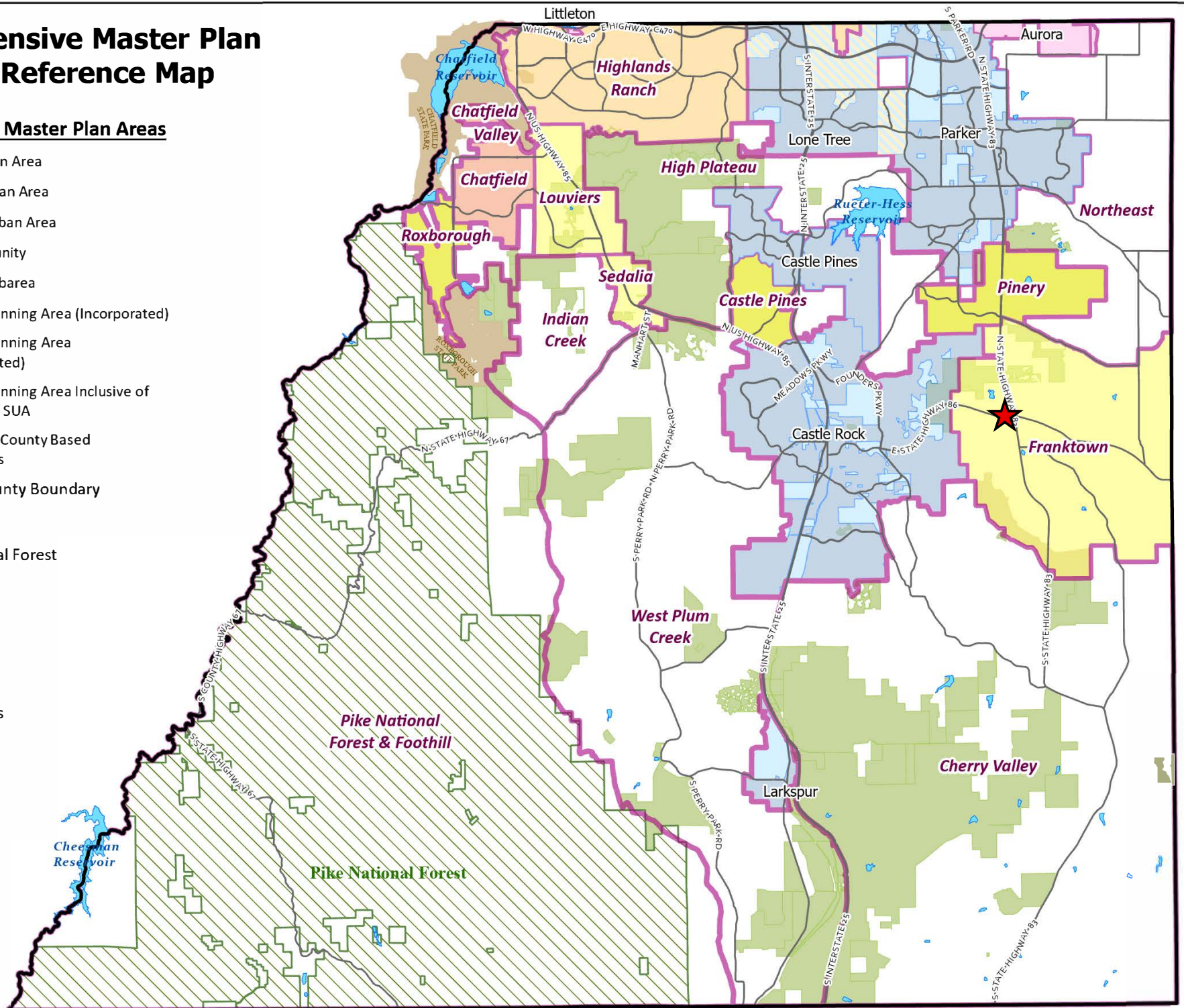
- Primary Urban Area
- Chatfield Urban Area
- Separated Urban Area
- Rural Community
- Nonurban Subarea
- Municipal Planning Area (Incorporated)
- Municipal Planning Area (Unincorporated)
- Municipal Planning Area Inclusive of County PUA / SUA
- Non-Douglas County Based Municipalities
- Douglas County Boundary

Parks

- Pike National Forest
- State Parks
- Open Space
- Lakes

Roadways

- Major Roads













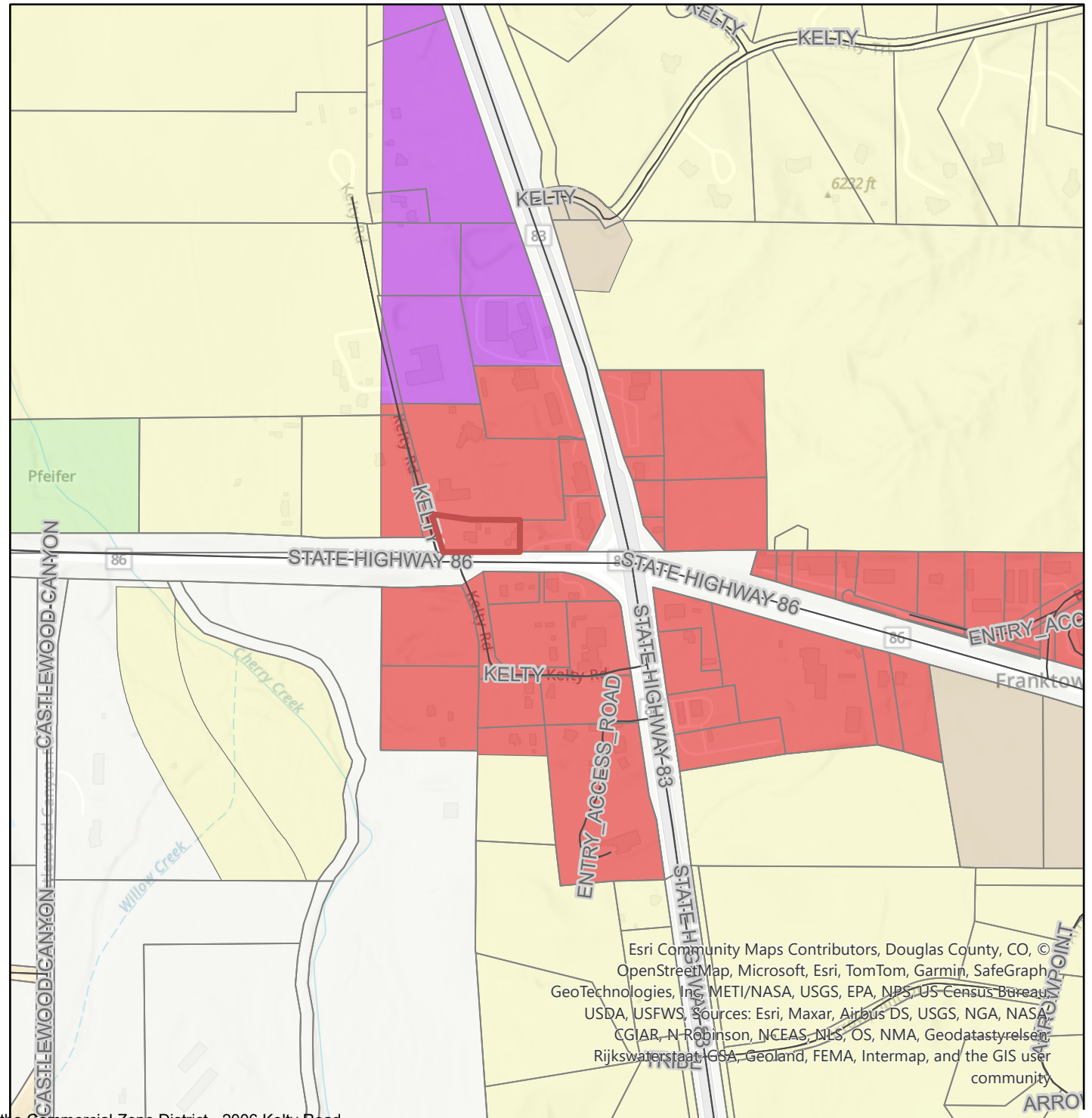
Waiver of Central Services Requirement in the C Zone District

SP2024-081
Zoning Map



LEGEND

-  Roads
-  Major Roads
-  Parcels - PARCELS
-  A1 - AGRICULTURAL ONE
-  LRR - LARGE RURAL RESIDENTIAL
-  RR - RURAL RESIDENTIAL
-  C - COMMERCIAL
-  GI - GENERAL INDUSTRIAL
-  PD - PLANNED DEVELOPMENT
-  OS - OPEN SPACE CONSERVATION



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 CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen,
 Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user
 community

Waiver of Central Services Requirement in the C Zone District

SP2024-081
Aerial Map



LEGEND

- Roads
- Major Roads
- Parcels - PARCELS



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October 10, 2024

Eric Pavlinek, Project Planner
Douglas County Department of Community Development
Transmitted via email: epavlinek@douglas.co.us

Re: Franktown Coffee at 2006 Kelty Road
Project File #: SP2024-081
Part of the S ½ SW ¼ SW ¼ of Sec. 35, Twp. 7 South, Rng. 66 West, 6th P.M.
Water Division 1, Water District 8
CDWR Assigned Referral No. 32512

Dear Eric Pavlinek:

We have reviewed the referral to renovate existing structures on an approximately 1-acre parcel at 2006 Kelty Road into a coffee shop. Residential use will continue on the site.

This referral does not appear to qualify as a “subdivision” as defined in section 30-28-101(10)(a), C.R.S. Therefore, pursuant to the State Engineer’s March 4, 2005 and March 11, 2011 memorandums to county planning directors, this office will only perform a cursory review of the referral information and provide informal comments. The comments do not address the adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any County regulations or requirements. In addition, the comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or physical availability of water.

The estimated peak water demand for the commercial business is 42.2 gpm. The water demand for the continued residential water use was not provided.

The proposed water supply is an existing well with permit no. 24201. Permit no. 24201 was issued on June 7, 1965 for domestic use. The use of this well is limited to its historical uses that existed as of May 8, 1972 which have continued since that time [provided such uses are no greater than those uses allowed for a well permit pursuant to section 37-92-602(1), C.R.S., which are: fire protection, ordinary household purposes inside not more than three single-family dwellings, the watering of poultry, domestic animals and livestock on a farm or ranch and the irrigation of not more than one acre of home gardens and lawns]. **Uses that are an expansion of the historical use of the well, such as added commercial uses, are not permitted.** While this permit was included in the referral, it is unclear whether this well is actually located on the property. The Well Yield Test Report submitted with the referral for a well located at 2006 Kelty Road shows a pumping level of 160 feet at the end of the test whereas well no. 24201 was only drilled to a depth of 40 feet. Based on the depth of the well, the well likely produces from the alluvial aquifer. Additionally, the original file for permit no. 24201 indicates the well is located at the northeast corner of the intersection of Highways 83 and 86, which is also not consistent with the property. In order to use this well for both



commercial and indoor household use, the Applicant must either obtain an exempt commercial well permit, using forms GWS-45 and GWS-57, which would limit the well to 108,600 gallons per year and no outdoor landscaping would be permitted; or the well must be included in a court-approved augmentation plan and re-permitted with a nonexempt well permit (form GWS-45).

A review of our records indicates that well permit no. 147-WCB, issued on July 26, 1956 for domestic use, may be the correct permit number for the well on the property. This is based on the location of the well according to the permit file consistent with the property, the depth and pumping level of the well at the time it was drilled consistent with the report included in the referral, and a recent Pump Installation Report filed by the previous landowner stating the well was located at 2006 Kelty Road. The use of this well is limited to its historical uses that existed as of May 8, 1972 which have continued since that time, provided such uses are no greater than those uses allowed for a well permit pursuant to section 37-92-602(1), C.R.S. as described above. **Uses that are an expansion of the historical use of the well, such as added commercial uses, are not permitted.** Based on the perforated intervals of the well, it appears the well produces from both the not-nontributary Upper Dawson aquifer and nontributary Lower Dawson aquifer. The well must be modified to produce from only one aquifer prior to being re-permitted. However, our preliminary estimates indicate there is not sufficient water in either aquifer to support both a commercial business and a residence.

Well permitting forms are available for download online. Permit applications may be emailed to DWRpermitsonline@state.co.us after which the Applicant will be invoiced the filing fee. The filing fee for a new permit application is \$100. Evaluation of complete applications requires 4-6 weeks.

Lastly, the application materials indicate that stormwater detention structure(s) may be a part of this project. The Applicant should be aware that unless the structure(s) can meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), C.R.S., the structure may be subject to administration by this office. The Applicant should review DWR’s Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The Applicant is encouraged to use the Colorado Stormwater Detention and Infiltration Facility Notification Portal to meet the notification requirements.

Please contact Wenli.Dickinson@state.co.us or 303-866-3581 x8206 with any questions.

Sincerely,



Ioana Comaniciu, P.E.

Water Resources Engineer

Ec: Files for permit nos. 24201 and 147-WCB

Eric Pavlinek

From: Wenli Dickinson <wenli.dickinson@state.co.us>
Sent: Thursday, November 7, 2024 5:14 PM
To: Eric Pavlinek; Caroline Young-Henry
Subject: Re: Douglas County eReferral (SP2024-081) Is Ready For Review
Attachments: SP2024-081 Franktown Coffee (Douglas) - DWR Comments.pdf; 2_10039228 permit 336476.pdf; Policy 1985-1.pdf

Caroline and Eric,

The new permit for the well will be issued at 6pm today but is also attached. Note that though the permit is issued for commercial use, under [Policy 1985-1](#), "Use of water from the well may include serving the ordinary household purposes of a single-family residential unit or units on the parcel, such as an on-site proprietor's residence or a caretaker/employee unit, provided the residential use is directly associated with the commercial business." Since the well is now permitted for the commercial business and associated residence, so long as the well is used in accordance with its permitted terms and conditions, the concerns raised in our October 10, 2024 letter regarding the well for SP2024-081 have been addressed.

Thank you,

Wenli Dickinson, P.E.
Water Resource Engineer
Team 1A: Division 1, Denver Basin



(303) 866-3581 x8206
1313 Sherman St, Suite 821, Denver, CO 80203
wenli.dickinson@state.co.us | dwr.colorado.gov

On Fri, Oct 11, 2024 at 12:21 PM Eric Pavlinek <epavlinek@douglas.co.us> wrote:

Hi Wenli,

Thank you for the review and comments regarding project SP2024-081. This is to confirm that I received the documents and will add them to the project file. The comments will also be provided to the applicant.

Thanks,

Eric Pavlinek | Principal Planner

Douglas County Department of Community Development

Planning Services Division

Address | 100 Third St., Castle Rock, CO 80104

Direct | 303.814.4377 **Main** | 303.660.7460

Email epavlinek@douglas.co.us

From: Dickinson - DNR, Wenli <wenli.dickinson@state.co.us>
Sent: Thursday, October 10, 2024 6:19 PM
To: Eric Pavlinek <epavlinek@douglas.co.us>
Subject: Re: Douglas County eReferral (SP2024-081) Is Ready For Review

Hi Eric,

Attached are DWR's comments regarding SP2024-081 at 2006 Kelty Road. We have concerns that the applicant has misidentified the permit for their well, and also that the well is not permitted for commercial use. Please let me know if you have any questions.

Regards,

Wenli Dickinson, P.E.
Water Resource Engineer
Team 1A, Division 1, Denver Basin



(303) 866-3581 x8206
1313 Sherman St, Suite 821, Denver, CO 80203
wenli.dickinson@state.co.us | dwr.colorado.gov

----- Forwarded message -----

From: <epavlinek@douglas.co.us>
Date: Fri, Oct 4, 2024 at 9:26 AM
Subject: Douglas County eReferral (SP2024-081) Is Ready For Review
To: <joanna.williams@state.co.us>

There is an eReferral for your review. Please use the following link to log on to your account:

[https://urldefense.com/v3/https://apps.douglas.co.us/planning/projects/Login.aspx;!!PUG2raq7KiCZwBkle3VXUso5zPzBboQqCw6LEiferzVeuwLZiwFN72asGdpwzsaZt11xwVC483a6ADIVhrgJHLzSiASN_O2jhX2tH28K1FDdHw\\$](https://urldefense.com/v3/https://apps.douglas.co.us/planning/projects/Login.aspx;!!PUG2raq7KiCZwBkle3VXUso5zPzBboQqCw6LEiferzVeuwLZiwFN72asGdpwzsaZt11xwVC483a6ADIVhrgJHLzSiASN_O2jhX2tH28K1FDdHw$)

Project Number: SP2024-081

Project Title: 2006 Kelty Road

Project Summary: The applicant requests Site Improvement Plan (SIP) approval for a coffee shop and other mercantile uses on the 0.942-acre parcel. The subject property is zoned Commercial.

This referral will close on Friday, October 25, 2024.

If you have any questions, please contact me.

Sincerely,

Eric Pavlinek
Planning Services
100 Third Street
Castle Rock, CO 80104
303-660-7460 (main)

Eric Pavlinek

Subject: RE: FW: Douglas County eReferral (SP2024-081) Is Ready For Review

From: Comaniciu - DNR, Ioana <ioana.comaniciu@state.co.us>
Sent: Monday, April 14, 2025 2:22 PM
To: Eric Pavlinek <epavlinek@douglas.co.us>
Cc: Dickinson - DNR, Wenli <wenli.dickinson@state.co.us>
Subject: Re: FW: Douglas County eReferral (SP2024-081) Is Ready For Review

Good Afternoon,
Based on the information provided by Wenli on November 7, 2024 email our concerns raised from the October 10, 2024 letter have been addressed. Therefore, so long as the new well permit no. 336476 is used in accordance with its permitted terms and conditions, we have no additional comments on SP2024-081 referral.
Best regards,

Ioana Comaniciu, P.E.
Water Resources Engineer



P 303-866-3581 x 8246
1313 Sherman St., Suite 818, Denver, CO 80203
ioana.comaniciu@state.co.us | www.colorado.gov/water

April 10, 2025

Eric Pavlinek
100 Third St.
Castle Rock, CO 80104

RE: SP2024-081

Dear Mr. Pavlinek

Thank you for the opportunity to review and comment on the application for a Site Improvement Plan for the coffee shop at 2006 Kelty Rd. Douglas County Health Department (DCHD) staff have reviewed the application for compliance with pertinent environmental and public health regulations. After reviewing the application, DCHD has the following comments.

Food Service Plan Review

Plans for all new and remodeled retail food establishments must be reviewed by DCHD for compliance with Colorado Retail Food Establishment Rules and Regulations and approved by the Department before the start of construction.

The Food Service Plan Review is currently underway with DCHD. Upon completion, a Plan Review Approval Letter will be issued by DCHD.

On-Site Wastewater Treatment System (OWTS) – within 400 feet of sewer line

Douglas County Health Department Regulation Number 22-01, Section 3.6.B states that the Department may refuse to issue a permit for the construction of an OWTS where a sewage treatment works is available within 400 feet of the nearest property line and connection can be made thereto. In order for the Department to issue a permit, the applicant shall provide a letter from the sewer district, municipality or county having jurisdiction, stating whether it is permissible for the Department to issue a permit for installation, alteration or repair of an OWTS.

This letter has been provided by the Franktown Business Area Metropolitan District. DCHD has no objection to an OWTS as the method of wastewater disposal.

On-Site Wastewater Treatment System (OWTS) – Use Permit

Proper wastewater management promotes effective and responsible water use, protects potable water from contaminants, and provides appropriate collection, treatment, and disposal of waste, which protects public health and the environment. Douglas County Health Department Regulation Number 22-01, Section 4.2 requires a Use Permit be obtained following a change in use of the property from residential to commercial.

A Use Permit (Permit #STS31154) was issued on 07/12/2024 for the sale of the property. DCHD will not require an additional Use Permit inspection for the “change in use”, but instead would require an evaluation by a certified septic designer to determine if the existing septic system can accommodate the proposed commercial use. A list of certified septic designers can be found at: <https://www.cpow.net/owts-practitioners-certificate-holders/>.

DCHD would recommend waiting for the Plan Review Approval Letter to be issued before proceeding with the septic evaluation. This will ensure that the septic designer will have all pertinent information for the evaluation.

This septic evaluation should also include the installation of a grease interceptor, which is required for Retail Food Establishments that rely on an OWTS for wastewater disposal. The grease interceptor should be sized appropriately for the proposed use.

Please contact me at 720-907-4888 or bfreyer@douglas.co.us if you have any questions about our comments.

Sincerely,



Brent Freyer
Environmental Health Specialist II
Douglas County Health Department

Memorandum

Date: April 30, 2025

To: Eric Pavlinek, Principal Planner

From: DJ Beckwith, Principal Planner
Lauren Pulver, Planning Supervisor
Kati Carter, AICP, Assistant Director of Planning Resources
Chris Pratt, Managing County Attorney

CC: Terence T. Quinn, AICP, Director of Community Development

Subject: **Water Commission Member Referral Comments**
SP2024-081 – 2006 Kelty RD

The Douglas County Water Commission (Commission) met on April 28, 2025 and provided comment on SP2024-081 – 2006 Kelty RD (Project). There was no consensus comment from the Commission, only individual comments were provided. All other members had no comment. The following is a summary of comments from each Commission member that provided comments on the Project. This Project was pulled from the agenda for discussion by Commission Member Harold Smethills.

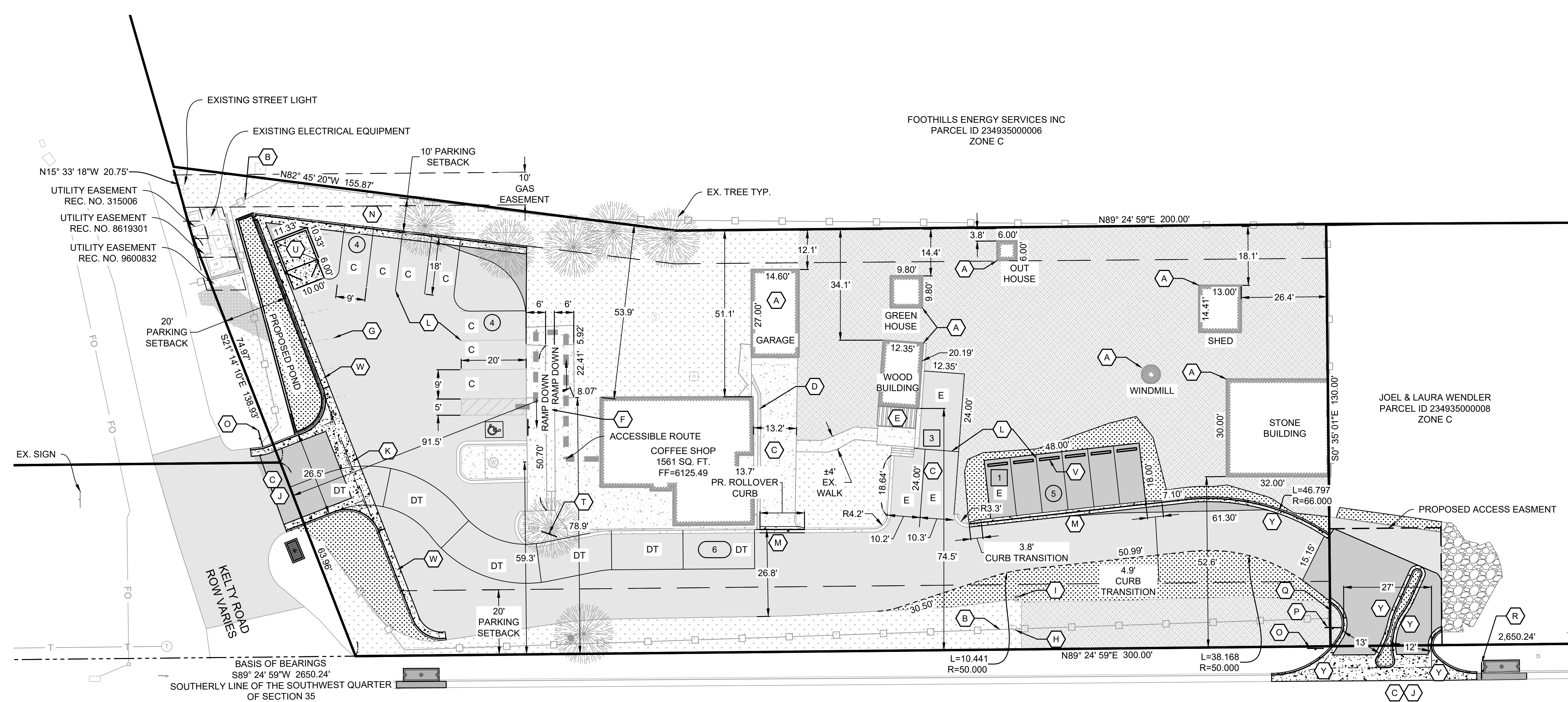
Harold Smethills: Member Smethills commented that the well permit for this Project is moving from residential use to restaurant use and was concerned about the increased usage of water on the property. Member Smethills stated that the applicant is asking for an exception to the County policy regarding central water and sewer in the Commercial Zone Districts. He further stated that a County policy should either provide greater clarity for exemptions or be enforced. Member Smethills stated that he did not see any reason to grant the exemption to the policy. He suggested that maybe the County needs to reevaluate this policy. Member Smethills did state that he had no objection to the what the applicants are wanting to do regarding the coffee shop.

Tricia Bernhardt: Member Bernhardt commented that she does not oppose this project. She stated that they do not have the option to connect to any kind of water district and that the water use would be minimal compared to other water wells in that area.

Evan Ela: Member Ela commented that he too had no opposition to the project. He spoke to the process the applicants would have to go through with the state, getting a well exemption to get an exempt commercial well permit. Member Ela stated that unless the state finds that their demands are too high, he had no reason to oppose the project.

2006 KELTY ROAD

PART OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 7 SOUTH,
RANGE 66 WEST OF THE 6TH P.M., FRANKTOWN, COUNTY OF DOUGLAS, STATE OF COLORADO
1.005 ACRE
SITE IMPROVEMENT PLAN - SP2024-081



LEGEND:

	PROPERTY LINE
	CENTERLINE
	EXISTING SECTION LINE
	EXISTING CONTOUR
	PROPOSED CONTOUR
	EXISTING FENCE LINE
	EXISTING ELECTRIC LINE
	EXISTING FIBER OPTIC
	EXISTING TELEPHONE LINE
	EXISTING STORM SEWER
	EXISTING STORM INLET
	EXISTING UTILITY EASEMENT LINES
	EXISTING IMPROVEMENTS TO BE DEMOLISHED
	STORM WATER FLOW DIRECTION
	EXISTING CONCRETE
	EXISTING ASPHALT
	EXISTING LANDSCAPE
	EXISTING VEGETATION
	PROPOSED ASPHALT
	PROPOSED CONCRETE
	PROPOSED LANDSCAPE
	PROPOSED REVEGETATION
	PROPOSED 6" CLASS VI ROAD BASE
	PROPOSED POND GUARDRAIL
	PROPOSED DRAINAGE SWALE
	EXISTING POWER POLE
	EXISTING GUY WIRE
	EXISTING STREET SIGN
	BOTTOM OF POND
	BOTTOM OF WALL
	CURB AND GUTTER
	EASEMENT
	END OF ASPHALT
	EXISTING
	FINISHED FLOOR ELEVATION
	FINISHED GRADE
	FLOWLINE
	PROPOSED
	TOP OF WALL
	RIGHT-OF-WAY
	ACCESSIBLE ROUTE

BENCHMARK
NAVD88 DERIVED BY GPS FROM DOUGLAS COUNTY BENCHMARK 4.009072
LOCATED AT THE SOUTH SIDE OF HIGHWAY 86 EAST OF FRANKTOWN
APPROXIMATELY 4 MILES NAVD88 6472.29

KEY

	EX. BUILDING STRUCTURE		PR. RURAL LOCAL MOUNTABLE CURB WITH MODIFIED 12" GUTTER		TOTAL NUMBER OF NUMBER OF PARKING SPACES (CLIENTS)
	EX. FENCE		PROPERTY BOUNDARY GAP, DOUGLAS COUNTY ASSESSOR MAP BOOK 2349-35, DATED 4/10/2024		TOTAL NUMBER OF NUMBER OF PARKING SPACES (EMPLOYEES)
	EX. DRIVEWAY		PR. 30"X30" "STOP" SIGN		TOTAL NUMBER OF DRIVE-THRU STORAGE SPACES
	EX. CONCRETE SWALE		PR. 24"X18" "RIGHT TURN ONLY" SIGN		
	EX. WOOD DECK		EX. "DO NOT ENTER" AND "STOP" SIGNS MOUNTED ON FENCE		
	EX. PLANTER		EX. "NO LEFT TURN" SIGN TO BE RELOCATED		
	EX. PARKING STRIPE TO BE REMOVED		PR. VAN ACCESSIBLE ADA SIGN		
	EX. POWER POLE		PR. MENU BOARD		
	EX. GUY WIRE		TRASH DUMPSTER ENCLOSURE		
	PR. DRIVEWAY		WHEEL STOP, 6 TOTAL		
	PR. DRAINAGE CROSSSPAN		6" VERTICAL CURB AND GUTTER		
	PR. PARKING STRIPE		6" VERTICAL MEDIAN CURB AND GUTTER (CATCH)		



ENGINEERING INITIALS/DATE	_____
PLANNING INITIALS/DATE	_____
OWNER INITIALS/DATE	_____
LESSEE (IF APPLICABLE) INITIALS/DATE	_____

REVISION DESCRIPTION	
DATE	08/30/24
#	1
DRN	TWD
CHK	
DSG	TWD
2006 KELTY ROAD	
SITE PLAN	
<p>ACTION CIVIL ENGINEERING 9777 PYRAMID CT, SUITE 150 ENGLEWOOD, CO 80112 720.826.3965 tdenning@actioncivileng.com</p>	
JOB NO.	2412
SCALE	--
DATE	1/20/2025
SHEETS	06
SHEET	02

www.douglas.co.us

MEETING DATE: May 13, 2025

STAFF PERSON RESPONSIBLE: Trevor Bedford, AICP, Senior Planner

DESCRIPTION: 9315 Sand Creek Road - Rezoning - Project File: ZR2024-030.

SUMMARY: The request is for approval of rezoning approximately 30.16 acres from Agricultural One to Large Rural Residential in the Parker area.

STAFF ASSESSMENT: Staff has evaluated the rezoning request in accordance with the Douglas County Comprehensive Master Plan policies and Section 25 of the Douglas County Zoning Resolution. Should the Board of County Commissioners find that the approval criteria have been met, it may approve the rezoning of 30.16 acres to the Large Rural Residential zone district.

REVIEW:

Terence T Quinn - FYI	Notified - FYI	4/30/2025
Steven E Koster	Approve	4/30/2025
Jeff Garcia	Approve	5/2/2025
Andrew Copland	Approve	5/2/2025
Doug DeBord	Approve	5/7/2025
Samantha Hutchison - FYI	Notified - FYI	5/7/2025

ATTACHMENTS:

Staff Report - ZR2024-030
Attachment - Resolution ZR2024-030

Rezoning Staff Report

Date: April 30, 2025
To: Douglas County Board of County Commissioners
Through: Douglas J. DeBord, County Manager
From: Terence T. Quinn, AICP, Director of Community Development *TQ*
CC: Trevor Bedford, AICP, Senior Planner
Curtis J. Weitkunat, AICP, Long Range Planning Manager
Steven E. Koster, AICP, Assistant Director of Planning Services
Subject: **9315 Sand Creek Road – Rezoning**
Project File: **ZR2024-030**

Planning Commission Hearing:	April 21, 2024 @ 6:00 p.m.
Board of County Commissioners Hearing:	May 13, 2024 @ 2:30 p.m.

I. EXECUTIVE SUMMARY

The request is for approval of rezoning approximately 30.16 acres from Agricultural One (A-1) to Large Rural Residential (LRR) in the Parker area. The property is currently one lot with an existing residence and accessory barn. With this rezoning, the applicant intends to subdivide the property into two lots in the future.

At its public hearing on April 21, 2025, the Planning Commission unanimously recommended approval of the rezoning by a vote of 6 to 0.

II. APPLICATION INFORMATION

A. Applicant

William P. Driskill
9315 East Sand Creek Road
Parker, CO 80138

B. Request

The applicant requests approval of a rezoning from A-1 to LRR for approximately 30.16 acres.

C. Process

A rezoning application is processed pursuant to Section 2504 of the Douglas County Zoning Resolution (DCZR).

Per Section 2504.09, “The Board shall evaluate the rezoning request, staff report, referral agency comments, applicant responses, the Planning Commission recommendation, and public comment and testimony, and shall approve, approve with conditions, continue, table for further study, remand to the Planning Commission, or deny the rezoning request. The Board’s action shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.”

D. Location

The project area is located on the north side of Sand Creek Road in the Parker area. The attached vicinity map, zoning map, and aerial map highlight site location and existing conditions.

III. CONTEXT

A. Background

The subject property consists of one 30.16-acre parcel and is currently zoned A-1. The applicant wishes to subdivide the property into two parcels in the future and to maintain limited grazing uses on the property. The proposed LRR zoning is intended for large-lot residential properties with densities between one dwelling per 34.9 acres to one dwelling per 10 acres and allows for limited agricultural uses. This density range would allow for a maximum of three parcels on the subject property.

Properties zoned A-1 smaller than 35 acres are limited to the principal and accessory uses allowed in the residential zone district to which the parcel conforms in size. In this case, the 30.16-acre parcel would follow the uses allowed by LRR. The existing property size and potential future division into two parcels is more consistent with the density range for the proposed LRR zoning than the existing A-1 zoning.

B. Adjacent Land Uses and Zoning

The subject property is surrounded by Agricultural One and Estate Residential properties. Directly to the east are utility lines. Surrounding land uses are residential lots varying in size from approximately three acres to approximately 20 acres.

Zoning and Land Use

Direction	Zoning	Land Use
North	Agricultural One	Residential
South	Estate Residential	Residential
East	Agricultural One	Utilities
West	Agricultural One	Residential

IV. PHYSICAL SITE CHARACTERISTICS

A. Site Characteristics and Constraints

The site is developed with a single-family residence and a barn in the southwest portion of the property. The remainder of the property is used for grazing.

B. Access

The property currently has access via Sand Creek Road. Access to any future lots will be evaluated through the subdivision process.

C. Soils and Geology

The CMP Class 3 Hazards and Environmental Constraints map does not identify any Class 3 Hazards on the subject property. Colorado Geological responded to the referral request with "no comment". Geologic conditions and soils will continue to be evaluated with any future subdivision request.

D. Drainage and Erosion

Engineering has reviewed the application materials and provided no comments. Drainage and erosion will continue to be evaluated during the subdivision process.

E. Floodplain

No mapped 100-year floodplain is present on the site.

V. PROVISION OF SERVICES

A. Schools

The Douglas County School District (DCSD) responded to the referral request with no objections to the proposed rezoning. DCSD noted that if the property is subdivided into fewer than 10 lots, a minimum cash-in-lieu fee of \$500 per new residential lot will be required. This fee will be payable prior to recordation of a future Minor Development Final Plat.

B. Fire Protection

South Metro Fire Rescue (SMFR) provides fire and emergency services for the property. SMFR responded to the referral request with no objection.

C. Sheriff Services

The Douglas County Sheriff's Office (DCSO) will provide police protection to the site. DCSO responded to the referral request with no comments or concerns. Responses were not received from the Office of Emergency Management or E911.

D. Water

The property and existing structures on site are currently served by a well. The applicant has provided an attorney's opinion showing ownership of sufficient water rights below the property. The Colorado Division of Water Resources (CDWR)

reviewed the request and had no comments regarding the proposed rezoning. CDWR did note that the existing well will need to be re-permitted if it is to be used for one of the lots in a future subdivision.

E. Sanitation

The property currently uses an on-site wastewater treatment system (OWTS). Any future properties will be served by OWTS. DCHD responded to the referral request with no objections to potential future lots being served by OWTS provided that the system is permitted, inspected, and operated in accordance with DCHD’s current OWTS Regulations.

F. Utilities

Area utility service providers were provided a referral on this application. AT&T and Xcel Energy responded with no conflict. CORE Electric responded with no comment. Comcast, CenturyLink, and Black Hills Energy did not respond to the referral request.

VI. PUBLIC NOTICE AND INPUT

In accordance with Section 2508 of the DCZR, public notice is required to be published in the Douglas County News-Press, mailed to abutting property owners and posted on the site by the applicant.

Notifications of an application in process were sent to all abutting property owners. No comments have been received from the public.

VII. PLANNING COMMISSION HEARING

At a public hearing on April 21, 2025, the Planning Commission considered the applicant’s request for approval of the rezoning. After presentations by staff and the applicant, the Planning Commission recommended approval of the application by a vote of 6 to 0.

VIII. STAFF ANALYSIS

The following criteria shall be considered by the Board of County Commissioners in the review of all rezoning applications:

2502.01: The application is in compliance with the requirements of this Resolution and the Douglas County Comprehensive Master Plan.

Staff Comment: The subject property is located within the Northeast Subarea as identified by the Comprehensive Master Plan Nonurban Subareas Map 3.1. The proposed rezoning is consistent with the policies of Section 3, Nonurban Land Use. Policy 3-3E.1 calls for a maximum density of one dwelling unit per 2.5 acres in the Northeast Subarea if approximately 50 percent of the property is adjacent to zoned lands or parcel sizes consistent with the proposed development, and where site characteristics can generally support it. The property is adjacent on the south and east to properties zoned Estate

Residential and Rural Residential, which allow for densities as low as one dwelling unit per 2.5 acres and one dwelling unit per 5 acres, respectively. To the north and west are A-1 properties with parcel sizes approximately 10 acres to 20 acres, which is consistent with the proposed LRR zone district. Policy 3-2A.1 is that “Design should be of a scale and character that complements the nonurban area.” The proposed rezoning would allow a maximum of three 10-acre properties with limited agricultural uses. This is consistent with the nonurban nature of the area.

2502.02: The application is in compliance with all applicable statutory provisions.

Staff Comment: The application complies with applicable provisions of the Colorado Revised Statutes.

2502.03: Whether there has been a substantial change in the character of the neighborhood, since the land was last zoned.

Staff Comment: The area near the property generally consists of residential properties with lot sizes of approximately 3 acres in the Ponderosa Hills subdivision to the south and in the Ponderosa Summit subdivision to the east.

2502.04: Whether the application demonstrates public facilities and services necessary to accommodate the proposed development will be available concurrently with the impacts of such development.

Staff Comment: The rezoning will not adversely impact the provision of public facilities and services. South Metro Fire Rescue and Douglas County Sheriff’s Office provide emergency services to the site. All service providers will review any proposed future subdivision.

2502.05: Whether the roadway capacity necessary to maintain the adopted roadway level-of-service for the proposed development will be available concurrently with the impacts of such development.

Staff Comment: Engineering Services reviewed the application materials and had no comments or concerns. Traffic will continue to be evaluated during any proposed future subdivision.

2502.06: Whether the application is in conformance with Section 18A, Water Supply – Overlay District, herein.

Staff Comment: DCZR Section 1803A establishes approval standards to be used in the evaluation of land use application reviewed under Section 18A.

1803A.01: The applicant has demonstrated that the water rights can be used for the proposed purposes.

Staff Comment: The applicant has provided a letter from an attorney stating ownership of sufficient water rights under the property.

1803A.02: The reliability of a renewable right has been analyzed and is deemed sufficient by the County based on its priority date within the Colorado System of Water Rights Administration.

Staff Comment: No new renewable water rights are proposed for this development under this application.

1803A.03: The Water Plan is deemed adequate and feasible by the County to ensure that water supply shortage will not occur due to variations in the hydrologic cycle.

Staff Comment: The provided documentation is adequate to ensure that the proposed water supply can serve the uses.

1803A.04: The Water Plan is sufficient to meet the demand applicable to the project based on the minimum water demand standards in Section 1805A herein.

Staff Comment: The provided documentation shows the applicant owns 4.9 acre feet of water in the Lower Dawson aquifer and 37.1 acre feet of water in other aquifers. Section 1805A.02.1 establishes the demand standard at 1 acre feet per year for a residence on an A-1 or LRR property. This demonstrates sufficient water rights to serve the maximum density allowable for the property if rezoned to LRR.

2502.07: Whether the proposed rezoning is compatible with the surrounding land uses.

Staff Comment: The proposed rezoning is compatible with the surrounding land uses. The property is primarily surrounded by residential properties ranging from 2.8 acres to approximately 20 acres. The proposed rezoning fits within the existing nearby densities.

2502.08: Whether the subject land is suitable for the intended use.

Staff Comment: The land is currently used as a residence with grazing on site. After rezoning, these uses will continue to be allowed. Any future subdivision of the property will be evaluated to ensure all requirements of the Douglas County Zoning and Subdivision Resolutions continue to be met.

IX. STAFF ASSESSMENT

Staff has evaluated the rezoning request in accordance with the Douglas County Comprehensive Master Plan policies and Section 25 of the DCZR. Should the Board of County Commissioners find that the approval criteria have been met, it may approve the rezoning of 30.16 acres to the Large Rural Residential zone district.

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LAND USE APPLICATION

Please fill in this application form completely. An incomplete application will not be processed.

Note: Neither the Planning Commission nor the Board of County Commissioners should be contacted regarding an open application.

OFFICE USE ONLY		PROJECT FILE #:
PROJECT NAME:		
PROJECT TYPE: <u>RE ZONING, AGRICULTURAL to Large Rural Residential</u>	PLANNING FEES:	
MARKETING NAME: <u>NA</u>		
SITE ADDRESS: <u>9315 EAST Sand Creek Road, PARKER CO 80138</u>	ENGINEERING FEES:	
OWNER(S):		
Name(s): <u>William P. Driskill & MARIA T. DRISKILL</u>	TOTAL FEES:	
Address: <u>9315 EAST Sand Creek Road, PARKER CO 80138</u>		
Phone: <u>832-236-1836</u>	RELATED PROJECTS:	
Email: <u>billpd1957@gmail.com</u>		
AUTHORIZED REPRESENTATIVE (requires notarized letter of authorization if other than owner)		
Name: <u>William P. DRISKILL</u>		
Address: <u>9315 EAST Sand Creek Road, PARKER CO 80138</u>		
Phone: <u>832-236-1836</u>		
Email: <u>billpd1957@gmail.com</u>		

LEGAL DESCRIPTION:

Subdivision Name: None (metes and Bounds)
 Filing #: R091367 Lot #: - Block #: PT W/2 Section #: 7 Township: 6 Range: 65
 STATE PARCEL NUMBER(S): 2235-070-00-007

ZONING:

Present Zoning: AGRICULTURAL 4142 Proposed Zoning: Large Rural Residential Gross Acreage: 30.16
 Gross Site Density (DU per AC): 1 per 10 AC # of Lots or Units Proposed: 2

SERVICE PROVIDERS:

Fire District: South Metro 247 Metro District: South Metro Gas: XCEL ENERGY
 Water: Private Well Sewer: Septic Tank Electric: CORE ELECTRIC
 Roads: Public Private (please explain): _____

To the best of my knowledge, the information contained on this application is true and correct. I have received the County's information sheet regarding the Preble's Meadow Jumping Mouse.

William P. Driskill Maria T. Driskill
 Applicant Signature

10/15/2024
 Date

PREBLE'S MEADOW JUMPING MOUSE

What is the Prebles' meadow jumping mouse?

The Preble's meadow jumping mouse is a rare mouse designated by the United States Fish and Wildlife Service as a "threatened species" under the Endangered Species Act. The federal threatened species designation prohibits the unlawful "take" of the Preble's meadow jumping mouse or its habitat.

Where does the mouse live?

The Preble's meadow jumping mouse lives primarily in heavily vegetated riparian habitats. In Douglas County, the mouse has been located in or near many drainages, including tributaries and the main stream reaches, of East and West Plum Creek. However, **any** stream reach or potential habitat within Douglas County may be subject to the requirements of the Endangered Species Act.

The mouse has also been found in Boulder, Elbert, El Paso, Jefferson and Larimer counties and in parts of Wyoming.

What activities may be considered a violation of the Endangered Species Act?

In its listing decision, the United States Fish and Wildlife Service identified activities that may result in violation of the Endangered Species Act to include:

1. Unauthorized or unpermitted collection, handling, harassing, or taking of the species;

ANY APPROVAL GIVEN BY DOUGLAS COUNTY DOES NOT OBLIATE THE NEED TO COMPLY WITH APPLICABLE FEDERAL, STATE, OR LOCAL LAWS AND/OR REGULATIONS.

2. Activities that directly or indirectly result in the actual death or injury death of the mouse, or that modify the known habitat of the species, thereby significantly modifying essential behavioral patterns (e.g., plowing, mowing, or cutting; conversion of wet meadow or riparian habitats to residential, commercial, industrial, recreational areas, or cropland; overgrazing; road and trail construction; water development or impoundment; mineral extraction or processing; off-highway vehicle use; and, hazardous material cleanup or bioremediation); and;
3. The application or discharge of agrichemicals, or other pollutants, and pesticides, onto plants, soil, ground water, or other surfaces in violation of label directions or any use following Service notification that such use, application or discharge is likely to harm the species; would be evidence of unauthorized use, application or discharge.

How to determine if a proposed activity would violate the Endangered Species Act.

Any questions regarding whether an activity will impact the Preble's meadow jumping mouse or its habitat should be directed to:

Liisa Niva
 Fish and Wildlife Biologist
 Ecological Services
 Colorado Field Office
 P.O.Box 25486, DFC (MS 65412)
 Denver, CO 80225-0486
 303-236-4773

Where to find more information on the Preble's meadow jumping mouse.

More information can be found at the US Fish and Wildlife Service website at:

<https://ecos.fws.gov/ecp/species/4090>

William P. and Maria T. Driskill
9315 East Sand Creek Road
Parker, CO 80138

Job No. PS 2024-097
November 19, 2024

Project Summary
Driskill Rezoning

General Project Concept: The property consists of 30.16 acres. The owners intend to rezone the property from A1 to Large Rural Residential (LRR). The property will then be subdivided into one LRR lot of 10 acres which will contain the existing house, outbuildings and structures, and one undeveloped LRR lot of 20.16 acres.

Landowner/Applicant: William P. Driskill and Maria T. Driskill
9315 East Sand Creek Road
Parker, CO 80138

Representative: William P. Driskill

Mineral Rights Owner: Landowner/Applicant

Water Rights Owner: Landowner/Applicant

Purpose of Request: To obtain zoning approval.

Proposed Staging and Time Frame: The subdivide will commence after all approvals are obtained.

Relationship to Existing Land Uses: Adjoining land to the West is subdivided into two 10 acre lots. The adjoining lots to the North are subdivided into one 10 acre lot and one 20.13 acre lot. All 4 lots are zoned Residential and are part of the Metes and Bounds subdivision. Lots lying to the South, across East Sand Creek Road, vary in size from 2.789 acres to 3.022 acres, are zoned Residential and are part of the Ponderosa Hills subdivision. Adjoining land to the East is a 5.0 acre utility easement that is maintained by Public Service Co. of Colorado. To the East of the easement is open space that is maintained by the Ponderosa Summit HOA. Lots lying to the East of the open space vary in size from 3.0 acres to 3.12 acres, are zoned Residential, and are part of the Ponderosa Summit subdivision.

Public Service availability: Given the relatively minor nature and location of the project, the availability and adequacy of public services should not be an issue. The property is served by Core Electric for electricity, Xcel Energy for natural gas, ATT/Direct TV, and Rise Broadband for Internet. The property is served by the Douglas County School District. Fire protection is provided by South Metro Station #47 located 3.4 miles from the property. Water and Sewer is and will be provided by private well and septic systems as central water and sewer is not available in the area. . Underground water has been determined to be more than adequate (attachment).

Site Characteristics: There is an existing home, barn/shop, outbuilding, and corrals located on the West part of the property that will be located within the 10 acre LRR lot once subdivided. A slight draw exists on the East part of the property that runs from the South to the North. The property consists of open grass land. The property is fenced in its entirety with 4 and 5 string wire to accomodate livestock while allowing wildlife to pass over and through. The property is well maintained. There are no known natural or man-made hazards on the property. Vast views of open space as spectacular.

Impacts on existing Flora or Fauna: Impacts on the existing flora and fauna will be minimal given the large size of the proposed lots, property characteristics and the minor nature of the proposal.

Compliance with the Douglas County Comphehensive Master Plan: This rezoning project lies within the Douglas County Northeast Subarea. This project is in compliance with the policies discussed in the nonurban land use section of the Douglas County Comprehensive Master Plan. The project is also in compliance with section 4 of the Douglas County Zoning Resolution, Large Rural Residential District.

Policy 3-3E.1- The LRR maximum gross density of 1 dwelling per 10 acres does not exceed the Master Plan maximum of 1 dwelling per 2.5 acres. The project lot sizes and site characteristics are consistent with adjacent and adjoining properties.

Policy 3-3E.2- The public infrastucture is adequate to support the rezoning and subdivide.

Policy 3-3E.3- Central water and sewer systems are not available in the area.

Policy 3-3E.4- The site has no existing alluvial wells at this time and non are anticipated. No development is planned.

Policy 3-3E.5- The project will not remove any trees or vegetation. Trees have been planted around the existing house and barn/shop. No development is planned. Additional trees will be planted if necessary.

Policy 3-3E.6- The property will continue to be maintained. Open space is adjacent to the entire East side of the property and is present in the surrounding area.

Policy 3-3E.7- No development is planned other than an entrance off Sand Creek Road to the undeveloped 20.16 acre lot.

Drainage and Water Quality Study: A copy of the report is submitted herewith.

Recreational Facilities: The Parker Recreation Center and Pathfinder Park are located within 3 miles. A public golf course within 5 miles.

Changes in Character of the Neighborhood: The Ponderosa Hills subdivision (2.5 to 6 acre lots) was developed around 1968. The Ponderosa Summit subdivision (3 acre lots) was developed around 1998. Douglas County has proposed to pave Sand Creek Road in 2025 under the High Priority Gravel Road Paving Program.

Comprehensive Master Plan Land Use Reference Map

Comprehensive Master Plan Areas

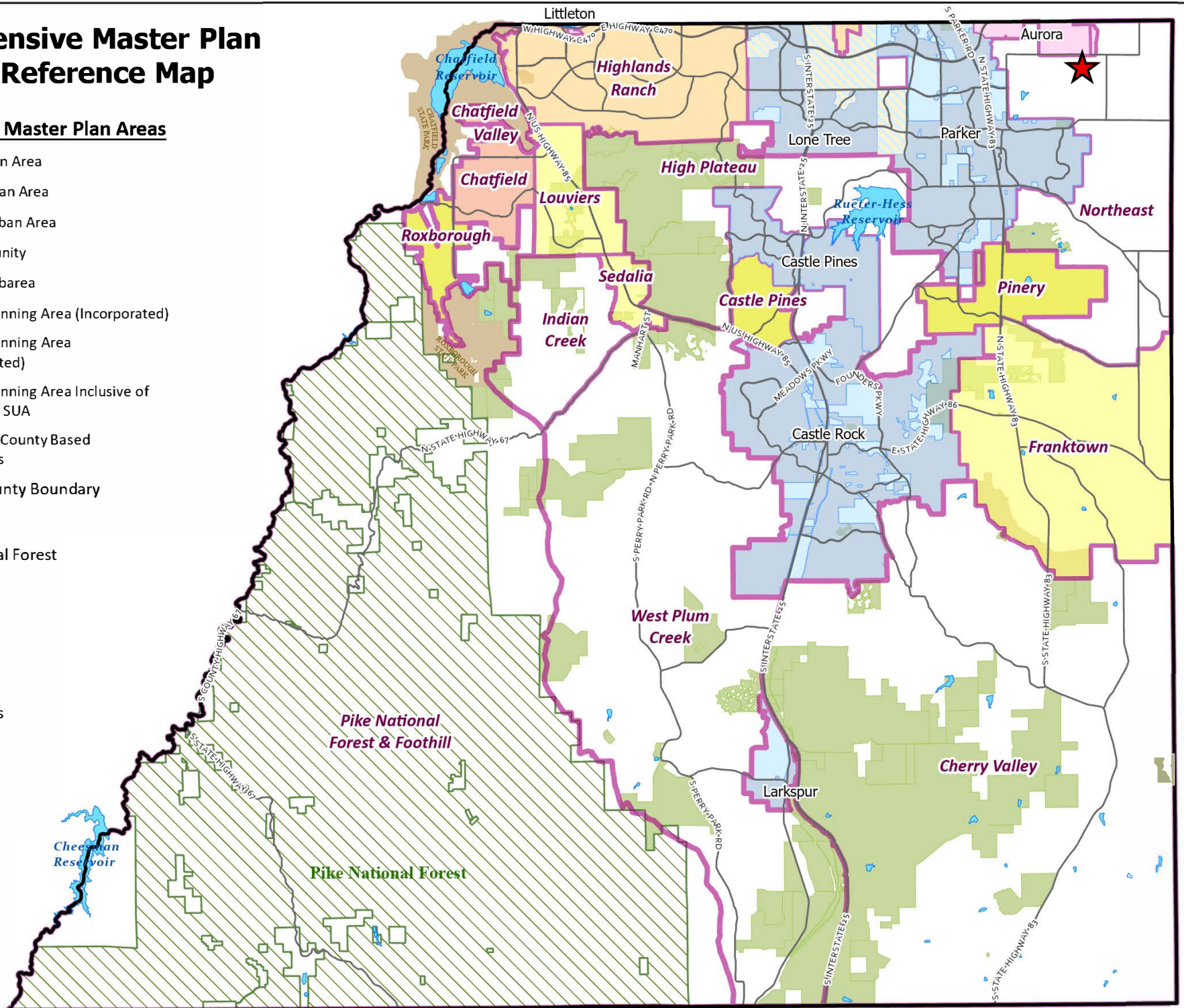
- Primary Urban Area
- Chatfield Urban Area
- Separated Urban Area
- Rural Community
- Nonurban Subarea
- Municipal Planning Area (Incorporated)
- Municipal Planning Area (Unincorporated)
- Municipal Planning Area Inclusive of County PUA / SUA
- Non-Douglas County Based Municipalities
- Douglas County Boundary

Parks

- Pike National Forest
- State Parks
- Open Space
- Lakes

Roadways

- Major Roads









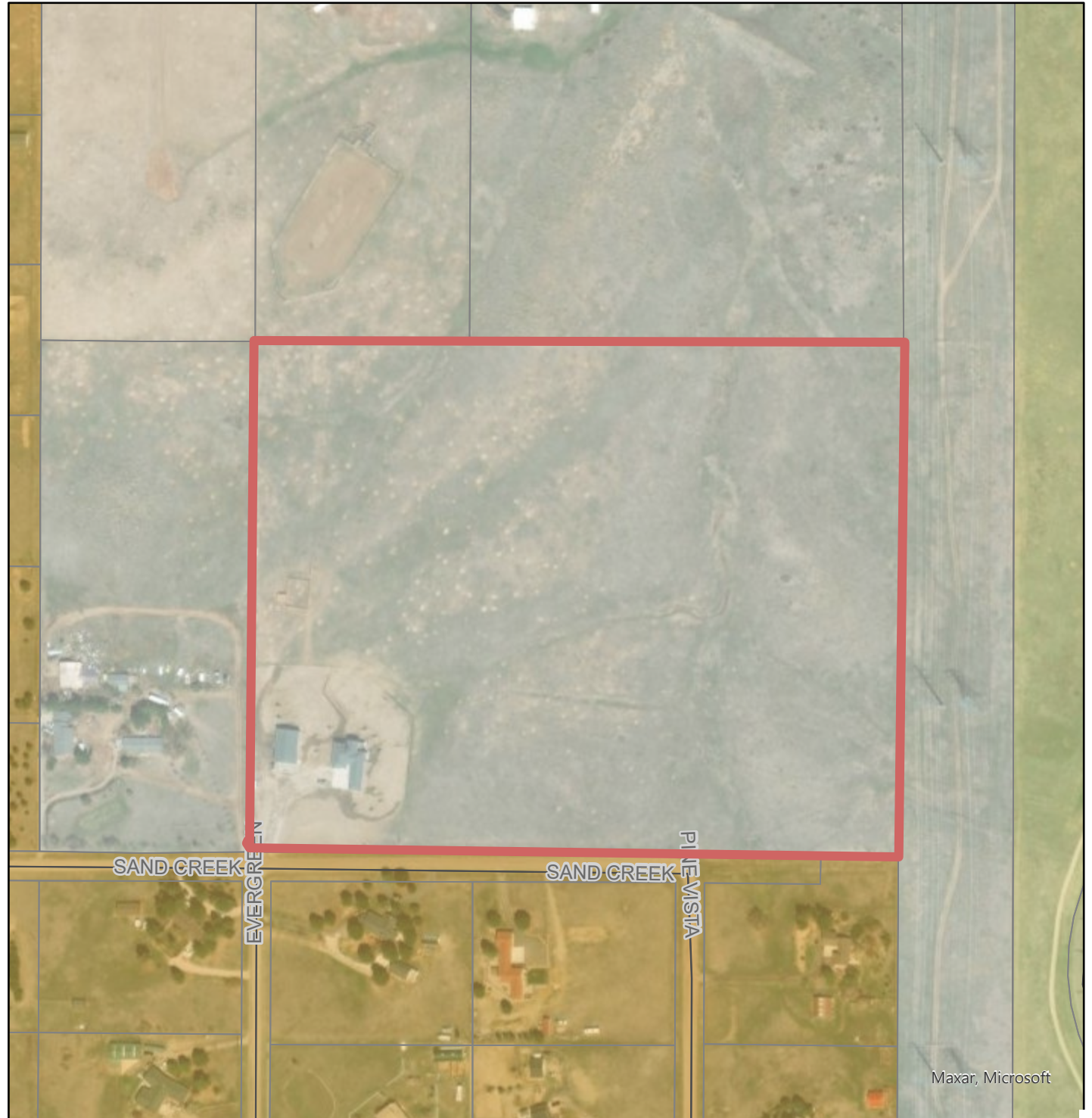
9315 Sand Creek Road

ZR2024-030 Zoning Map



LEGEND

-  Roads
-  Major Roads
-  Parcels - PARCELS
-  A1 - AGRICULTURAL ONE
-  RR - RURAL RESIDENTIAL
-  ER - ESTATE RESIDENTIAL



Maxar, Microsoft

9315 Sand Creek Road

ZR2024-030
Aerial Map



LEGEND

- Roads
- Major Roads
- Parcels - PARCELS



Maxar, Microsoft

Date Saved: 4/4/2025 2:09 PM

Source: <https://apps.douglas.co.us/gisportal/apps/webappviewer/index.html?id=9cd173c692b7436891bd0bd0>

Referral Agency Response Report**Project Name:** 9315 Sand Creek Road**Project File #:** ZR2024-030**Date Sent:** 12/20/2024**Date Due:** 01/15/2025

Agency	Date Received	Agency Response	Response Resolution
Addressing Analyst	12/27/2024	No Comment:	No response necessary
Arapahoe County Engineering Services Division		No Response Received:	No response necessary
Arapahoe County PWD/ Planning	01/07/2025	No Comment: Thank you for the opportunity to review and comment on this project. The Arapahoe County Planning Division has no comments; however, other departments and/or divisions may submit comments.	No response necessary
AT&T Long Distance - ROW	12/26/2024	Received: This is in response to your eReferral with a utility map showing any buried AT&T Long Line Fiber Optics near 9315 Sand Creek Rd Parker, Colorado. The Earth map shows the project area in red. Based on the address and/or map you provided, there should be NO conflicts with the AT&T Long Lines, as we do not have facilities in that area. Please feel free to contact us with any questions or concerns.	No response necessary
Bell Cross Ranch HOA		No Response Received:	No response necessary
Black Hills Energy		No Response Received:	No response necessary
Building Services	12/23/2024	No Comment:	No response necessary
CenturyLink		No Response Received:	No response necessary

Referral Agency Response Report

Project Name: 9315 Sand Creek Road

Project File #: ZR2024-030

Date Sent: 12/20/2024

Date Due: 01/15/2025

Agency	Date Received	Agency Response	Response Resolution
Cherry Creek Basin Water Quality Authority	01/03/2025	Received: The Cherry Creek Basin Water Quality Authority (Authority) acknowledges notification from Douglas County that the proposed development plans for ZR2024-030, 9315 Sand Creek Road have been or will be reviewed by Douglas County for compliance with the applicable Regulation 72 construction and post-construction requirements. Based on the Authority's current policy, the Authority will no longer routinely conduct a technical review and instead the Authority will defer to Douglas County's review and ultimate determination that the proposed development plans comply with Regulation 72. If a technical review of the proposed development plan is needed, please contact LandUseReferral@ccbwwqa.org. The review may include consultation with the Authority's Technical Manager to address specific questions or to conduct a more detailed Land Use Review, if warranted.	No response necessary
City of Aurora	01/15/2025	No Comment:	No response necessary
Colorado Division of Water Resources	12/31/2024	Received: See attached letter. Summary: Existing well on site will need to be re-permitted if it is used on a lot in a future subdivision.	Applicant acknowledges the need to re-permit the existing well if it is to be used on a new lot in a future subdivision.
Colorado Geological Survey	01/15/2025	No Comment:	No response necessary

Referral Agency Response Report

Project Name: 9315 Sand Creek Road

Project File #: ZR2024-030

Date Sent: 12/20/2024

Date Due: 01/15/2025

Agency	Date Received	Agency Response	Response Resolution
Colorado Parks and Wildlife (East DC - Dist 549)	01/08/2025	Received: Thank you for the opportunity to comment on the rezone proposal for 9315 Sand Creek Road under Project #ZR2024-030. Our goal in responding to land use proposals such as this is to provide complete, consistent, and timely information to all entities who request comment on matters within our statutory authority. Upon review of the proposed referral request, Colorado Parks and Wildlife (CPW) has no objections to the application moving forward as planned for approval. Please do not hesitate to contact me about ways to continue developing and managing your properties in order to maximize wildlife value while minimizing potential conflicts. If you have any further questions, please contact me at (720) 930-8039.	No response necessary
Comcast		No Response Received:	No response necessary
CORE Electric Cooperative	01/15/2025	No Comment:	No response necessary
Douglas County Conservation District		No Response Received:	No response necessary
Douglas County Health Department	12/30/2024	Received: See attached letter. Summary: DCHD has no objection to On site Water Treatment Systems on a future subdivision provided that the system is properly permitted, inspected, and operated in accordance with DCHD’s guidelines. DCHD provided additional information to consider regarding water quality and fugitive dust.	Applicant acknowledged permitting requirements and provided information.
Douglas County Historic Preservation	01/14/2025	Received: Please see attached comments. Summary: A cultural resource survey should be performed prior to future ground disturbance.	Applicant acknowledged comments.
Douglas County Parks and Trails		No Response Received:	No response necessary
Douglas County School District RE 1		Received See attached letter. Summary: DCSD provided information regarding anticipated student generation from the project. DCSD noted a \$500 minimum cash-in-lieu fee for any new lots created by a future subdivision.	Applicant acknowledged the comments.
Engineering Services	12/24/2024	No Comment:	No response necessary

Referral Agency Response Report

Project Name: 9315 Sand Creek Road

Project File #: ZR2024-030

Date Sent: 12/20/2024

Date Due: 01/15/2025

Agency	Date Received	Agency Response	Response Resolution
Homestead Hills HOA		No Response Received:	No response necessary
Livengood Hills HOA		No Response Received:	No response necessary
Mile High Flood District		No Response Received:	No response necessary
Office of Emergency Management		No Response Received:	No response necessary
Open Space and Natural Resources	01/09/2025	No Comment:	No response necessary
Ponderosa Hills Civic Association		No Response Received:	No response necessary
Rural Water Authority of Douglas County		No Response Received:	No response necessary
Sheriff's Office	01/06/2025	Received: This referral was reviewed by Deputy Jeff Pelle of the Douglas County Sheriff's Office. I have no comments or concerns at this time for the request to rezone the 9315 Sand Creek Road land to residential lots.	No response necessary
Sheriff's Office E911		No Response Received:	No response necessary
South Metro Fire Rescue	12/27/2024	Received: South Metro Fire Rescue (SMFR) has reviewed the provided documents and has no objection to the proposed rezoning from Agricultural One to Large Rural Residential.	No response necessary
Town of Parker Development Review	12/23/2024	No Comment:	No response necessary
Town of Parker Public Works	01/15/2025	No Comment:	No response necessary
Wildfire Mitigation	01/13/2025	Received: Parcel contains grass fuels. At this time any additional wildfire mitigation related activity would take place in conjunction with building permits for additional structures on the proposed 10 acre parcel and the proposed 20 acre parcel. Wildfire mitigation is not opposed to the rezoning.	Applicant acknowledged the comments.
Xcel Energy-Right of Way & Permits	01/02/2025	Received: Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the plans for 9315 Sand Creek Road and currently has no apparent conflict. As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center by dialing 811 for utility locates prior to construction.	Applicant acknowledged the comments.

Inspiration Dr

Inspiration Dr

Tomahawk Rd

9315 Sand Creek Rd



December 31, 2024

Trevor Bedford

Douglas County Planning Services

Transmission via email: tbedford@douglas.co.us

Re: 9315 Sand Creek Road Rezone

Case Number: ZR2024-030, Applicant: William and Maria Driskill

Part of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 7, Twp. 6S, Rng.

65W, 6th P.M., Douglas County

Water Division 1, Water District 8

Dear Trevor Bedford,

We have received the application for a proposed rezoning from Agricultural 1 (A-I) to Large Rural Residential (LRR) on approximately 30.16 +/- acres of land located in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 7, Twp. 6S, Rng. 65W, 6th P.M., Douglas County for a future subdivision. The proposed subdivision is anticipated to include two new lots, one 10 acres in size and one 20.16 acres in size. The parcel is currently used as pasture for livestock and contains a home on the West side that will be located within the future 10 acre lot.

Water Supply Demand

No estimated water requirements for this project were provided in the submittal. Therefore, the estimated water demand for this project is unknown.



Source of Water Supply

According to a letter provided by Hayes Poznanovic Korver, LLC (“Letter”) in the application documents, the proposed water supply source is ground water from one of the Denver Basin bedrock aquifers underlying the parcel. The application documents do not mention which aquifer source is desired, or the number of wells anticipated for the future subdivision.

Based on the information provided in the Letter the amounts of water are available underlying the 30.16-acre parcel, are as shown in the following Table 1:

Table 1

Aquifer	Annual amount available for the 30.16-acre parcel based on 100 Year Allocation Approach (acre-feet)	Type
Lower Dawson	4.9	NT*
Denver	12.7	NT
Arapahoe	14.3	NT
Laramie-Fox Hills	10.1	NT

*Not-Nontributary

Unless the water in any of the above sources underlying the property is decreed in water court, well permits would ultimately be issued pursuant to C.R.S. 37-92-602(3)(b)(I) and the policy of the State Engineer. Under those provisions only the quantity of water underlying the individual lots could be considered available for withdrawal by the existing wells. To the extent that the parcel sizes change from those currently proposed the amount of water available to the lot will also change.

A review of our records indicates that well no. 283445 is located on the subject property. Well permit no. 283445 was issued on June 30, 2010 pursuant to CRS 37-92-602(3)(b)(I) and policy of the State Engineer for a 30 acre parcel known as part of the W ½ of Sec. 7, Twp. 6 South, Rng. 65 West, 6th P.M., Douglas County for ordinary household purposes inside two (2) single family dwellings, the watering of the user's own non-commercial domestic animals, and the irrigation of not more than 1 acre of home gardens and lawns, with an annual withdrawal not to exceed 3 acre-feet.

Upon approval of the subdivision, the parcel on which the well is located will no longer exist under the conditions for which it was permitted. Therefore, this well has the potential to create a conflict between its current legal operation and the evaluation of new permits. As such well permit no. 283445 must be repermited for the new parcel size or else be plugged and abandoned.

The ability for the new lots to obtain a well permit(s) will be evaluated pursuant to applicable statutes, rules, and policies at the time that application(s) are submitted to and reviewed by this office.

State Engineer's Office Opinion

Pursuant to Section 30-28-136(1)(h)(II), C.R.S., the State Engineer's Office has not received enough information to render an opinion regarding the adequacy of the proposed water supply. Prior to further review the following information is required:

1. Indicate if well no. 283445 will be used in any of the lots in the subdivision. This will required that well no. 283445 be repermited for the new lot in the subdivision or else be plugged and abandoned prior to final approval of the subdivision.

2. Provide a water supply plan that specifies the estimated water requirements, the proposed uses for the subdivision, and the proposed water source for the lots in the subdivision.

Our office has no comments regarding the rezoning application for the future subdivision.

Please contact Mike Matz at 303-866-3581 x8241 or at michael.matz@state.co.us with any questions.

Sincerely,



Ioana Comaniciu, P.E.

Water Resources Engineer

Ec: Referral no. 32617
Well Permit no. 283445

December 30th, 2024

Trevor Bedford
100 Third St.
Castle Rock, CO 80104

RE: ZR2024-030

Thank you for the opportunity to review and comment on the rezoning project of 9315 Sand Creek Road. Douglas County Health Department (DCHD) staff have reviewed the application for compliance with pertinent environmental and public health regulations. After reviewing the application, DCHD has the following comment(s).

On-Site Wastewater Treatment System (OWTS) – New or Expanded

Proper wastewater management promotes effective and responsible water use, protects potable water from contaminants, and provides appropriate collection, treatment, and disposal of waste, which protects public health and the environment. DCHD has no objection to the properties being served by an OWTS provided that the system is permitted, inspected, and operated in accordance with DCHD’s current OWTS Regulation.

Fugitive Dust – Recommendations for temporary uses

Exposure to air pollution is associated with several health problems including asthma, lung cancer, and heart disease. This project may contribute to increased fugitive dust emissions. We recommend that the applicant utilize all available methods to minimize fugitive dust. Control measures or procedures that may be employed include, but are not limited to, watering, chemical stabilization, carpeting roads with aggregate, and speed restrictions.

Domestic Well

Drinking water contaminated with pathogens can cause a variety of illnesses in humans. It is important to protect source water from contamination, and to treat drinking water to eliminate pathogens before it is provided for human consumption. Individual well owners have primary responsibility for the safety of the water drawn from their own wells. Well owners with questions about wells or well water can call the Wellcare® Hotline operated by the Water Systems Council, a national organization focused on well systems not regulated under the Safe Drinking Water Act., at 888-395-1033 or online at www.wellcarehotline.org.

The applicant may want to consider having the well water analyzed for a number of contaminants as a baseline of the water quality. A baseline water quality analysis is valuable for future reference in the case of possible contamination. Certain parameters such as coliform bacteria and nitrate, pH and Total Dissolved Solids (TDS) are recommended to be analyzed annually as these can indicate possible breaches in the well. The Colorado Department of Public

Health and Environment (CDPHE), Laboratory Services Division can assist you with water analyses. The CDPHE offers individual water tests as well as testing packages to choose from depending on your needs. The CDPHE laboratory web site is located at:
<https://cdphe.colorado.gov/laboratory-services/water-testing>.

Wastewater and Water Provision

It is DCHD's understanding that the subject property may not be within the boundaries of an existing water and sanitation district. DCHD supports the consideration of water and wastewater provision early in the land development process to ensure that the proposed land use can be adequately served.

Sincerely,

Caden Thompson
Environmental Health Specialist I
Douglas County Health Department

January 14, 2025

Trevor Bedford, AICP
100 Third Street
Castle Rock, CO 80104

Re: ZR2024-030, 9315 Sand Creek Road

Dear Mr. Bedford:

The letter provides comments regarding the applicants request to rezone approximately 30.16 acres from Agricultural One to Large Rural Residential. The property will then be subdivided into one LRR lot of 10 acres which will contain the existing house, outbuildings, and structures, and one undeveloped LRR lot of 20.16 acres.

At this time the Curator has no recommendations, but if there is future development with ground disturbance on the property a cultural survey should be performed. There has been no previous surveys or studies done on the property. There is potential for buried archaeological resources related to prehistoric activities in the project area and potential for the discovery of subsurface cultural deposits during ground moving activities. As a result, more specific analysis to address these resources will be necessary at future phases of development, including a Class II cultural resource survey of the property, will need to be addressed if development occurs in the future.

Should buried artifacts and features be discovered, we recommend completion of the appropriate Colorado Office of Archaeology and Historic Preservation (OAHP) Data Management and Historic and/or Prehistoric Component forms, following OAHP guidelines, with accompanying sketch maps and photographs. Completed forms are submitted to OAHP to ensure that Douglas County's historic or prehistoric data is included in the Colorado OAHP state-wide database of cultural resources.

Thank you in advance for your attention to the preservation and protection of Douglas County's cultural resources for future generations.

Sincerely,

Brittany Cassell

Brittany Cassell, Curator


REFERRAL RESPONSE REQUEST

 Date Sent: December 20, 2024

 Comments due by: **January 15, 2025**

Project Name:	9315 Sand Creek Road
Project File #:	ZR2024-030
Project Summary:	The applicant is proposing to rezone approximately 30.16 acres from Agricultural One to Large Rural Residential.

Information on the identified development proposal located in Douglas County is enclosed. Please review and comment in the space provided.

<input checked="" type="checkbox"/> No Comment	
<input type="checkbox"/> Please be advised of the following concerns: _____	
<input type="checkbox"/> See letter attached for detail.	
Agency: Douglas County Public Works	Phone #: 303-660-7490
Your Name: Kenneth Murphy, P.E. <i>(please print)</i>	Your Signature: 
	Date: 24 DEC 2024

Agencies should be advised that failure to submit written comments prior to the due date, or to obtain the applicant's written approval of an extension, will result in written comments being accepted for informational purposes only.

Sincerely,

Trevor Bedford, AICP, Project Planner

Enclosure

SOUTH METRO FIRE RESCUE FIRE MARSHAL'S OFFICE



Trevor Bedford, AICP, Project Planner
Douglas County Department of Community Development, Planning Services
100 Third St
Castle Rock Co 80104
303.660.7460
303.660.9550 Fax

Project Name: 9315 Sand Creek Road
Project File #: **ZR2024-030**
S Metro Review # REFGRP24-00216

Review date: December 27, 2024

Plan reviewer: Aaron Miller
720.989.2246
aaron.miller@southmetro.org

Project Summary: The applicant is proposing to rezone approximately 30.16 acres from Agricultural One to Large Rural Residential.

Code Reference: Douglas County Fire Code, 2018 International Fire Code, and 2021 International Building Code with amendments as adopted by Douglas County.

South Metro Fire Rescue (SMFR) has reviewed the provided documents and has no objection to the proposed rezoning from Agricultural One to Large Rural Residential.



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: 303.285.6612
violeta.ciocanu@xcelenergy.com

January 2, 2025

Douglas County Planning Services
100 Third Street
Castle Rock, CO 80104

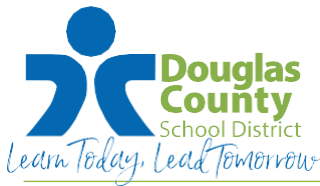
Attn: Trevor Bedford

Re: 9315 Sand Creek Road, Case # ZR2024-030

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the plans for **9315 Sand Creek Road** and currently has **no apparent conflict**.

As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center by dialing 811 for utility locates prior to construction.

Violeta Ciocanu (Chokanu)
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-285-6612 – Email: violeta.ciocanu@xcelenergy.com



620 Wilcox Street
 Castle Rock, Colorado 80104

January 23rd, 2025

Trevor Bedford, AICP
 Planning Services
 100 Third Street
 Castle Rock, CO 80104
 303-660-7460 (main)

RE: 9315 Sand Creek Road - Rezoning (ZR2024-030)

Dear Mr. Bedford,

Thank you for the opportunity to respond to the above referenced application. It is our understanding that the applicant is requesting to rezone an ~30-acre property from Agricultural One to Large Rural Residential. The proposed development is located at 9315 Sand Creek Road which is generally located at the northeast intersection of Sand Creek Road and Evergreen Trail.

On behalf of Douglas County School District, we have a couple comments regarding this application. It is our understanding that if approved, the proposed zoning would allow a maximum residential density of 1 residential lot/unit per 10-acres. DCSD has calculated the amount of school site land dedication that would be required should this property be platted at the maximum allowed density for the proposed LRR zoning. Should this property be developed at the maximum allowed density, a total of 3 students are expected requiring a total land dedication requirement of 0.081-acres.

**CASH-IN-LIEU CALCULATION
 STUDENT GENERATION**

PROJECT NAME:9315 Sand Creek Road - Rezoning (ZR2024-030)				
DU/ 3	ACRES 30.16		DENSITY 0.10	
			Generation	Number
<u>STUDENT GENERATION RATES</u>	<u>No. of DU's</u>		<u>Rate</u>	<u>of Students</u>
ELEMENTARY	3	X	0.5	2
MIDDLE SCHOOL	3	X	0.2	1
HIGH SCHOOL	3	X	0.4	1
				3
				Required
			School	Land
	Number		Acreage	Dedication
<u>SCHOOL LAND DEDICATION</u>	<u>of Students</u>		<u>Per Student</u>	<u>Acreage</u>
ELEMENTARY	2	X	0.018	0.027
MIDDLE SCHOOL	1	X	0.030	0.018
HIGH SCHOOL	1	X	0.030	0.036
			TOTAL	0.081

Since this amount of land dedication is smaller than DCSD's minimum site requirements DCSD would request cash-in-lieu of land (should the applicant/owner pursue subdivision of the property). DCSD would request that fee-in-lieu of land dedication valuation and payment requirements for the proposed development conform to Douglas County Subdivision Resolution. Pursuant to Section 1004.05.3 of the Douglas County Subdivision Resolution, "The cash-in-lieu fee shall be equivalent to the full market value of the acreage required for school land dedication. Value shall be based on anticipated market value after completion of platting. The applicant shall submit a proposal for the cash-in-lieu fee and supply the information necessary for the Board to evaluate the adequacy of the proposal. This information shall include at least one appraisal of the property by a qualified appraiser."

If future subdivision of the property can be accomplished via a minor development plat, DCSD would request cash-in-lieu of land in accordance with Section 1004.05.04 of the Douglas County Subdivision Resolution which states, "For residential minor development final plat or replats creating 10 or fewer residential lots, the minimum cash-in-lieu fee shall be \$500 per each new residential lot."

Subject to approval by Douglas County, and assuming the applicant agrees with these school fee requirements at the time of final plat, DCSD has no objection to approval of this application.

Sincerely,

Shavon Caldwell
Planning Manager, DCSD Planning & Construction
scaldwell2@dcsdk12.org
office: 303.387.0417

HAYES POZNANOVIC KORVER LLC
ATTORNEYS AT LAW

700 17TH STREET, SUITE 1800
DENVER, COLORADO 80202

TELEPHONE (303) 825-1980

FACSIMILE (303) 825-1983

July 17, 2024

Douglas County Department of Community Development
100 Third Steet
Castle Rock CO 80124

Re: Available Water Rights- Case number PS 2024-097 , Rezoning, Large rural residential, 30 acres, SE ¼ NW ¼ Sec 7 T6SR65W, William P Driskill and Maria T Driskill, Applicants.

1. Property Description.

SE ¼ NW1/4 Section 7 T 6S R 65 W. County of Douglas, State of Colorado. 30 acres.

2. Ownership

William P Driskill and Maria T. Driskill

3. Water Rights appurtenant to Described Property

(a) Well permit 83445 – 3 acre feet Lower Dawson non tributary groundwater.

(b) Non tributary groundwater underlying the Property:

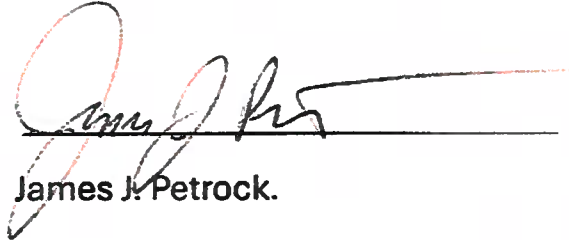
<u>Aquifer</u>	<u>Annual Appropriation</u>
Lower Dawson (NT)	4.9 acre feet*
Denver (NT)	12.7 acre feet
Arapahoe (NT)	14.3 acre feet
Laramie Fox Hills(NT)	10.1 acre feet

*less 3 acre feet under well permit 83445.

4. Adequacy of Water Supply for Large Rural Residential Zoning

Douglas County zoning requires 1 acre foot/year/ per residential unit. 3 acre feet of non-tributary Lower Dawson groundwater is legally available There is also 12.7 acre feet of non-tributary Denver aquifer and 14.3 acre feet of Arapahoe aquifer groundwater available .

HAYES POZNANOVIC KORVER LLC

A handwritten signature in black ink, appearing to read "James J. Petrock", is written over a horizontal line. The signature is stylized and includes a large loop at the beginning.

James J. Petrock.

Copy- Bill Driskill billpd1957@gmail.com

HAYES POZNANOVIC KORVER LLC
ATTORNEYS AT LAW

1999 BROADWAY, SUITE 3200
DENVER, COLORADO 80202

TELEPHONE (303) 825-1980

FACSIMILE (303) 825-1983

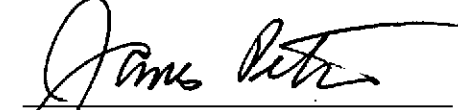
February 3, 2024

Douglas County Department of Community Development
100 Third Street
Castle Rock Colorado 80124

Re: CORRECTION to July 17 2024 Water Supply Report Case PS 2024-097, Rezoning, Large rural residential, 30 acres SE ¼ NW ¼ Section 7 T6S R65 W William T Driskill and Maria Driskill, Applicants.

The Lower Dawson well permit referenced in the July 17 2024 report previously submitted, was incorrectly identified as permit number 83445. The correct permit number for the Driskill well is 283445. There are 2 references to the incorrect permit number in paragraph 3 of the report. All other information in the prior report is correct.

HAYES POZNANOVIC KORVER LLC



James J. Petrock

Copy- Bill Driskill billpd1957@gmail .com



ORIGINAL PERMIT APPLICANT(S)

SMITH JOHN R & JUDY H TRUST

APPROVED WELL LOCATION

Water Division: 1 Water District: 8
 Designated Basin: N/A
 Management District: N/A
 County: DOUGLAS
 Parcel Name: N/A
 Physical Address: N/A

SE 1/4 NW 1/4 Section 7 Township 6.0 S Range 65.0 W Sixth P.M.

UTM COORDINATES (Meters, Zone: 13, NAD83)

Easting: 524906.0 Northing: 4377241.0

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT
CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-92-602(3)(b)(I) and policy of the State Engineer under the following conditions, for a 30-acre parcel known as part of the W 1/2 of Sec. 7, Twp. 6 South, Rng 65 West, 6th P.M., Douglas County, more particularly described on the attached Exhibit A.
- 4) The use of ground water from this well is limited to ordinary household purposes inside two (2) single family dwellings, the watering of the user's own non-commercial domestic animals, and the irrigation of not more than 1 acre of home gardens and lawns.
- 5) Production from this well is restricted to the Lower Dawson aquifer, which corresponds to the interval between 470 feet and 610 feet below the ground surface. Plain casing shall be installed and grouted to prevent production from other zones.
- 6) The pumping rate of this well shall not exceed 15 GPM.
- 7) The annual withdrawal of ground water from this well shall not exceed 3 acre-feet.
- 8) The return flow from the use of this well must be through an individual waste water disposal system of the type so that not less than 2% of the total amount of water withdrawn is returned to the same stream system in which the well is located.
- 9) This well shall be constructed not more than 200 feet from the location specified on this permit.

NOTE: The ability of this well to withdraw its authorized amount of water from this non-renewable aquifer may be less than the 100 years upon which the amount of water in the aquifer is allocated, due to anticipated water level declines.

NOTE: To ensure a maximum productive life of this well, perforated casing should be set through the entire producing interval of the approved zone or aquifer indicated above.

See Original Permit

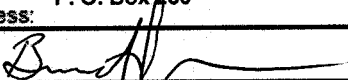
Date Issued: 6/30/2010

Expiration Date: 6/30/2012

Issued By _____

PERMIT HISTORY

- | | |
|------------|---|
| 07-20-2021 | CHANGE IN OWNER NAME/MAILING ADDRESS. CHANGED TO WILLIAM P DRISKILL |
| 07-20-2021 | CHANGE IN OWNER NAME/MAILING ADDRESS. CHANGED TO MARIA T DRISKILL |

FORM NO. GWS-31 04/2005	WELL CONSTRUCTION AND TEST REPORT STATE OF COLORADO, OFFICE OF THE STATE ENGINEER 1313 Sherman St., Room 818, Denver, CO 80203 Phone - Info (303) 866-3587 Main (303) 866-3581 Fax (303) 866-3589 http://www.water.state.co.us	For Office Use Only RECEIVED AUG 12 2010 WATER RESOURCES STATE ENGINEER COLO.																																																																																																								
1. WELL PERMIT NUMBER: 283445																																																																																																										
2. WELL OWNER INFORMATION NAME OF WELL OWNER: John R & Judy H Smith Trust																																																																																																										
MAILING ADDRESS: 15915 E. 7th Ave.																																																																																																										
CITY: Aurora STATE: CO ZIP CODE: 80019																																																																																																										
TELEPHONE NUMBER: (303) 344-1403																																																																																																										
3. WELL LOCATION AS DRILLED: SE 1/4, NW 1/4, Sec. 7, Twp. 6 <input type="checkbox"/> N or <input checked="" type="checkbox"/> S, Range 65 <input type="checkbox"/> E or <input checked="" type="checkbox"/> W DISTANCES FROM SEC. LINES: 2400 ft. from <input checked="" type="checkbox"/> N or <input type="checkbox"/> S section line and 2200 ft. from <input type="checkbox"/> E or <input checked="" type="checkbox"/> W section line. SUBDIVISION: _____ LOT _____ BLOCK _____ FILING (UNIT) _____ Optional GPS Location: GPS Unit must use the following settings: Format must be UTM, Units must be meters, Datum must be NAD83, Unit must be set to true N. <input type="checkbox"/> Zone 12 or <input checked="" type="checkbox"/> Zone 13 STREET ADDRESS AT WELL LOCATION: _____ CO Northing: 4377241		Owner's Well Designation: Easting: 524906																																																																																																								
4. GROUND SURFACE ELEVATION _____ feet DATE COMPLETED 7/13/2010 TOTAL DEPTH 600 feet		DRILLING METHOD Rotary air DEPTH COMPLETED 600 feet																																																																																																								
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11. DISINFECTION: Type HTH Amt. Used .5 Cups																																																																																																										
12. WELL TEST DATA: <input type="checkbox"/> Check box if Test Data is submitted on Form Number GWS 39 Supplemental Well Test. Bailed																																																																																																										
TESTING METHOD _____																																																																																																										
Static Level 375 ft. Date/Time measured: 7/13/2010 Production Rate 10 gpm. Pumping Level 460 ft. Date/Time measured 7/13/2010 Test Length (hrs) 4																																																																																																										
Remarks: Air Test - 15 gpm @ 364'																																																																																																										
13. I have read the statements made herein and know the contents thereof, and they are true to my knowledge. This document is signed and certified in accordance with Rule 17.4 of the Water Well Construction Rules, 2 CCR 402-2. [The filing of a document that contains false statements is a violation of section 37-91-108(1)(e), C.R.S., and is punishable by fines up to \$5000 and/or revocation of the contracting license.]																																																																																																										
Company Name: Hier Drilling Co.		Phone: (303) 688-3012 License Number: 1413																																																																																																								
Mailing Address: P. O. Box 250 Castle Rock, CO 80104																																																																																																										
Signature: 		Print Name and Title: Bruce A. Hier, Pres. Date: 7/26/2010																																																																																																								

FORM NO.
GWS-32
02/2005

PUMP INSTALLATION AND TEST REPORT
STATE OF COLORADO, OFFICE OF THE STATE ENGINEER
1313 Sherman St., Room 818, Denver, CO 80203
Info (303) 866-3587 Main (303) 866-3581
Fax (303) 866-3589 http://www.water.state.co.us

For Office Use Only

RECEIVED

AUG 12 2010

WATER RESOURCES
STATE ENGINEER
COLO.

1. WELL PERMIT NUMBER: 283445

2. WELL OWNER INFORMATION

NAME OF OWNER John R & Judy H Smith Trust

MAILING ADDRESS 15915 E. 7th Ave.

CITY Aurora

STATE CO

ZIP CODE 80019

TELEPHONE #

() - (303) 344-1403

3. WELL LOCATION AS DRILLED: SE 1/4, NW 1/4 Sec. 7, Twp6 N or S, Range 65 E or W

DISTANCES FROM SEC. LINES: 2400 ft. from N or S section line and 2200 ft. from E or W section line.

SUBDIVISION: LOT BLOCK FILING (UNIT)

Optional GPS Location: GPS Unit must use the following settings: Format must be UTM, Units Easting: 524906
must be meters, Datum must be NAD83, Unit must be set to true N. Zone 12 or Zone 13 Northing: 4377241

STREET ADDRESS AT WELL LOCATION:

4. PUMP DATA: Type: Submersible Date Installed: 7/15/2010

Pump Manufacturer: Grundfos Pump Model No. 10S15-21

Design GPM: 10 at RPM 3450 HP 1.50 Volts 230 Full Load Amps 11.5

Pump Intake Depth: 500 Feet, Drop/Column Pipe Size 1 inches, Kind of Drop Pipe PVC

ADDITIONAL INFORMATION FOR PUMPS GREATER THAN 50 GPM: Turbine Driver Type: Electric Engine Other

Design Head feet Number of Stages Shaft size inches

5. OTHER EQUIPMENT:

Airline Installed Yes No, Orifice Depth ft. Monitor Tube Installed Yes No, Depth ft.

Flow Meter Mfg. Meter Serial No.

Meter Readout: Gallons, Thousand Gallons, Acre feet Beginning Reading

6. TEST DATA: check box if Test Data is submitted on Supplemental Form.

Total Well Depth: 600 ft. Date: 7/15/2010

Static Level: 375 ft. Time: 10

Date Measured: 7/15/2010 Rate (gpm): 500 Pumping Level (ft): 500

7. DISINFECTION: Type HTH Amt. Used .5 Cups

8. Water Quality analysis available: Yes No If yes, please submit with this report.

9. Remarks:

10. I have read the statements made herein and know the contents thereof, and they are true to my knowledge. This document is signed and certified in accordance with Rule 17.4 of the Water Well Construction Rules, 2 CCR 402-2. [The filing of a document that contains false statements is a violation of section 37-91-108(1)(e), C.R.S., and is punishable by fines up to \$5000 and/or revocation of the contracting license.]

Company Name: Hier Drilling Co. Phone: (303) 688-3012 License Number: 1413

Mailing Address: P. O. Box 250 Castle Rock, CO 80104

Signature:  Print Name and Title: Bruce A. Hier, Pres. Date: 7/26/2010

CHANGE IN OWNER NAME/MAILING ADDRESS

PRIOR TO COMPLETING THIS FORM, SEE INSTRUCTIONS ON REVERSE SIDE
INCOMPLETE, POOR QUALITY, OR ILLEGIBLE FORMS CANNOT BE PROCESSED AND WILL BE RETURNED

Name, address and phone number of person claiming ownership of the well permit:

Name(s): William P. - Maria T. Driskill

Mailing Address: 11743 South Breeze Grass Way

City, St. Zip: PARKER, CO 80134

Phone: (832) 236-1836 Email: willpd1957@gmail.com

Well Permit Number: 283445 Receipt Number: _____ Case Number (optional): _____

WELL LOCATION: County: Douglas Well Name or # (optional): _____

9315 EAST Sand Creek Road PARKER CO 80138

Street Address at Well Location City State Zip

Check if well address is same as owner's mailing address

NE 1/4 of the W 1/4, Sec. 7, Township 6 N. or S., Range 65 E. or W., 6TH P.M.

Distance from Section Lines: _____ Ft. from N. or S. Line, _____ Ft. from E. or W. Line.

Subdivision Name (if applicable): _____, Lot _____, Block _____, Filing/Unit _____

NOTE: If changing/correcting the permitted location of a well, use Form No. GWS-42.

I (we) claim and say that I am (we are) the owner(s) of the well permit described above, know the contents of the statements made herein, and state that they are true to my (our) knowledge. This filing is made pursuant to C.R.S. 37-90-143.

Signature(s) of the New Owner <u>William P. Driskill</u> <u>Maria T. Driskill</u>	Please print the Signer's Name & Title <u>William P. DRISKILL</u> <u>MARIA T. DRISKILL</u>	Date <u>7/20/2021</u>
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It is the responsibility of the new owner of this well permit to complete and sign this form. If an agent is signing or entering information, please see instructions.

Please allow 4 to 6 weeks for processing of this form. Thereafter, you can view or print the accepted document at:
<http://www.dwr.state.co.us/WellPermitSearch>

Signature of DWR staff indicates acceptance as a Change in Owner Name and/or Mailing Address.

For Staff Use Only

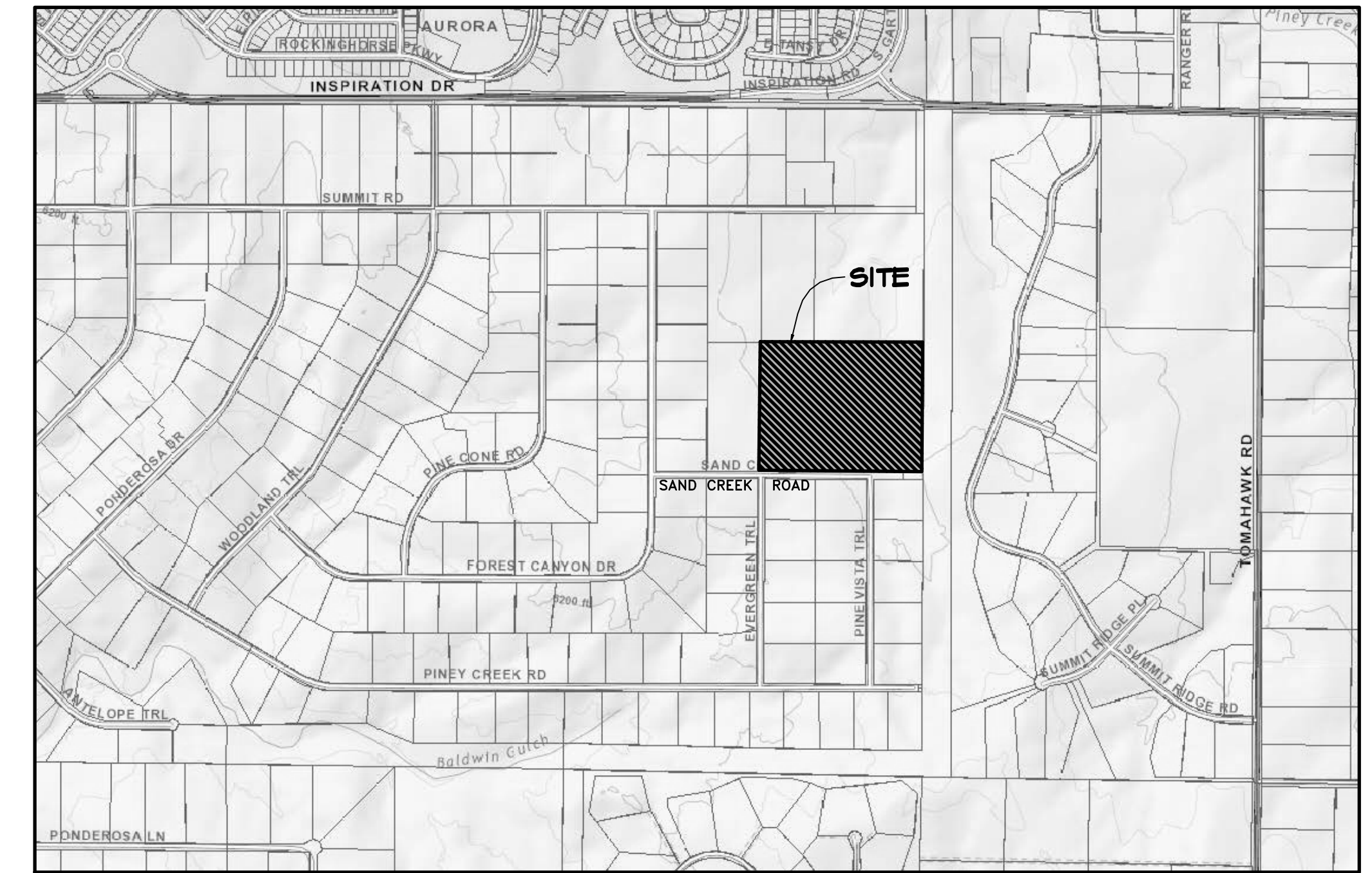
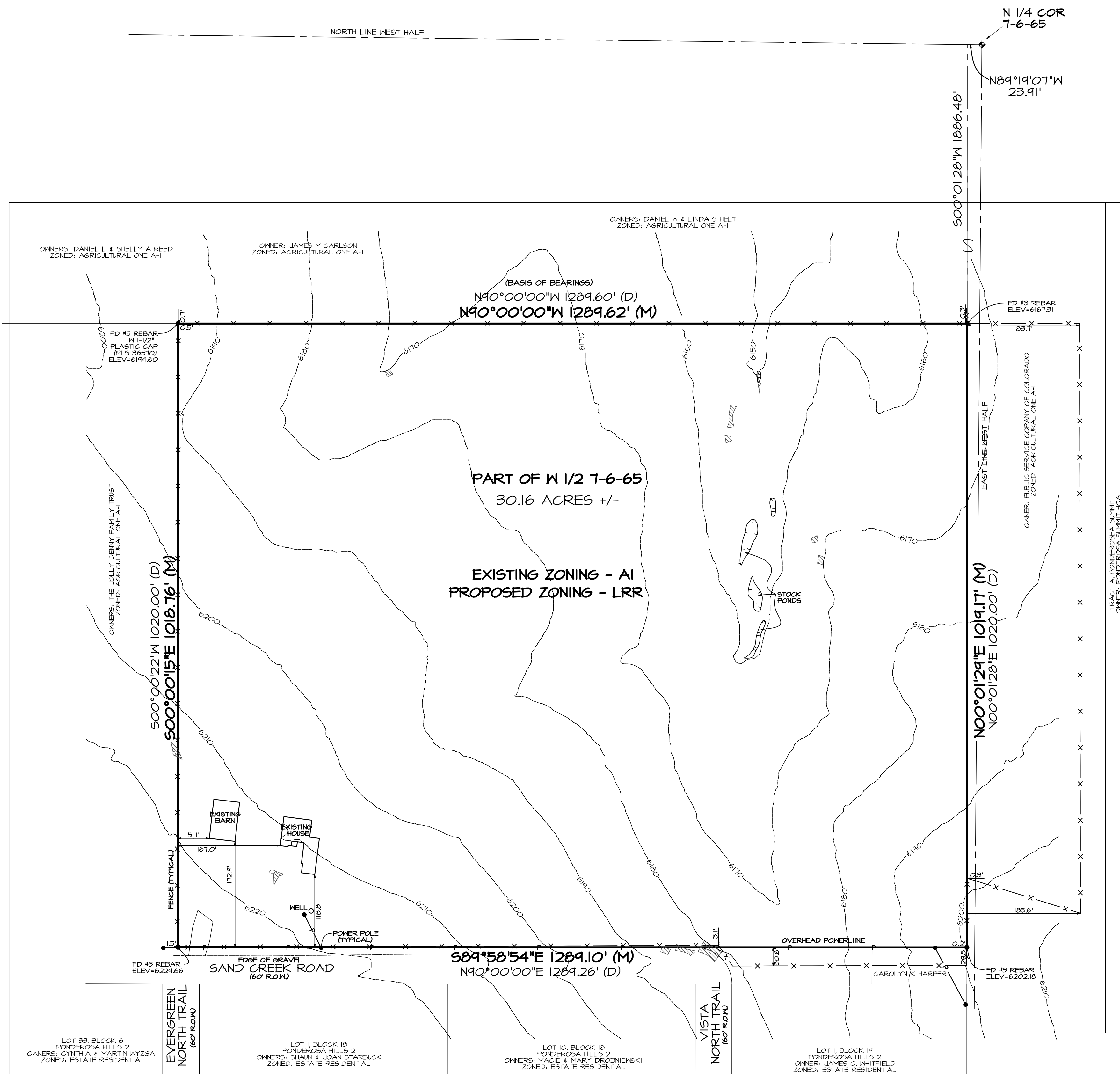
Brianna Krauser 7/20/2021

Staff Signature Date

DRISKILL REZONE A-1 TO LRR

In Sec. 7, Township 6 South, Range 65 West, 6th P.M., Douglas County

30.16 ACRES ZR2024-XX



REZONING NOTES:

- Plan Scale: 1" = 100'
- The Legal Description: As Shown
- Vicinity Map: As Shown Hereon.
- Zoning:
 - A. Existing: Agricultural One (A-1)
 - B. Abutting Land: Agricultural One (A-1), Estate Rural, Rural Residential
- Land Use:
 - A. Existing: Agricultural
 - B. Abutting Land: As Shown Hereon
- Proposed Zoning: LRR—Large Rural Residential
- Existing Easements: None
- Existing Structures: As shown
- Public Access: Sand Creek Road
- Adjacent Right-of-ways:
 - A. Name: Sand Creek Road
 - B. Surface Material: Gravel
 - C. Dimensions: 60' Right of Way
- Contour Interval: 10 feet
- Water Courses:
 - A. Natural: Yes
 - B. Manmade: None
- Retention Area:
 - A. Natural: None
 - B. Manmade: None
- Streams:
 - A. Natural: None
 - B. Manmade: None
- Lakes:
 - A. Natural: Stock Ponds
 - B. Manmade: None
- 100 Year Flood Plain: None Per 08035C0087G Effective 2/17/2017
- Adjacent Land Owned by applicant: None
- Unique Features: Topography, Swale, Ponds

Engineer / Surveyor

David E Archer & Associates, Inc.
105 Wilcox Street
Castle Rock, Colorado 80104
(303) 688-4642

Applicant

William P Driskill
9315 Sand Creek Road
Parker CO 80138

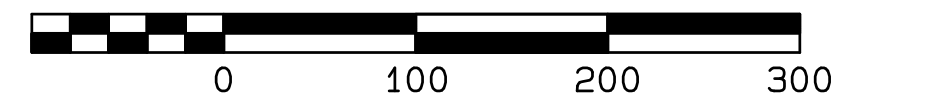
Name & Address of Owners

William P Driskill & Maria T Driskill
9315 Sand Creek Road
Parker CO 80138

= 20% OR GREATER SLOPE

-x-x-x- = FENCE LINE

GRAPHIC SCALE 1"=100'



All measurements shown hereon are U.S. Survey Feet.

Conflicting boundary evidence is as shown.

(D) = DEEDED DIMENSION

(M) = MEASURED DIMENSION

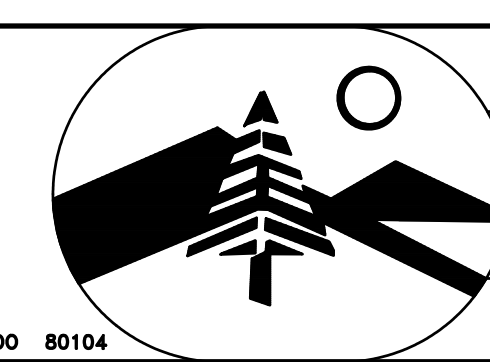
PROPERTY DESCRIPTION:

A PARCEL OF LAND IN THE W 1/2 OF SECTION 7, TOWNSHIP 6 SOUTH, RANGE 65 WEST OF THE 6TH P.M., RECORDED JANUARY 19, 2021 AT REC NO 2021006962, MORE PARTICULARLY DESCRIBED AS:
BEGINNING AT THE NORTHEAST CORNER OF THE W 1/2 OF SAID SECTION 7;
THENCE N 89°19'07" W, 23.91 FEET TO A POINT ON THE NORTH LINE OF SAID W 1/2 OF SECTION 7; THENCE S 0°01'28" W, 1886.48 FEET TO THE TRUE POINT OF BEGINNING; THENCE WEST 1,289.60 FEET; THENCE S 0°00'22" W, A DISTANCE OF 1020 FEET; THENCE EAST 1,289.26 FEET; THENCE N 0°01'28" E, A DISTANCE OF 1020 FEET, TO THE TRUE POINT OF BEGINNING, CONTAINING 30 ACRES OR LESS, COUNTY OF DOUGLAS, STATE OF COLORADO.

REVISIONS

NO.	DATE	DESCRIPTION

DAVID E. ARCHER & ASSOCIATES, INC.
LAND DEVELOPMENT CONSULTING
SURVEYING & ENGINEERING
PHONE (303) 688-4642
105 WILCOX ST. CASTLE ROCK, COLORADO 80104



TITLE: DRISKILL REZONE A-1 TO LRR
4315 Sand Creek Road
In Sec. 7, Township 6 South, Range 65 West, 6th P.M., Douglas County
SCALE: AS SHOWN
DATE: 08-27-24
DRN: PLL
APP'D: [Signature]
CLIENT: Bill Driskill
JOB NUMBER: 20-1555
Sheet 1 of 1

RESOLUTION NO. R-025-_____

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO

A RESOLUTION REZONING ONE PARCEL OF LAND, TOTALING 30.16 ACRES,
LOCATED IN DOUGLAS COUNTY, COLORADO FROM AGRICULTURAL ONE TO
LARGE RURAL RESIDENTIAL

WHEREAS, William Driskill as owner of 9315 Sand Creek Road, has requested rezoning of a parcel of land, Project File No. ZR2024-030, more particularly described in **Exhibit A**, which is attached hereto and incorporated herein, from Agricultural One to Large Rural Residential (“Rezoning”); and

WHEREAS, the Planning Commission reviewed and recommended approval of the Rezoning at a public hearing on April 21, 2025; and

WHEREAS, the Board of County Commissioners reviewed the Rezoning at a properly noticed public hearing held on May 13, 2025, and determined that the Rezoning is in substantial compliance with the approval criteria contained in Section 25 of the *Douglas County Zoning Resolution*; now therefore,

BE IT RESOLVED, by the Board of County Commissioners of the County of Douglas, State of Colorado that the Rezoning is hereby approved.

PASSED AND ADOPTED this 13th day of May 2025, in Castle Rock, Douglas County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO

BY: _____
Abe Laydon, Chair

ATTEST:

BY: _____
Hayley Hall, Clerk to the Board

Exhibit A

A PARCEL OF LAND IN THE W1/2 OF SECTION 7, TOWNSHIP 6 SOUTH, RANGE 65 WEST OF THE 6TH P.M., RECORDED JANUARY 19, 2021 AT REC NO 2021006962, MORE PARTICULARLY DESCRIBED AS:

A PARCEL OF LAND IN THE W1/2 OF SECTION 7, TOWNSHIP 6 SOUTH, RANGE 65 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE NORTHEAST CORNER OF THE W1/2 OF SAID SECTION 7; THENCE N89°19'07" W, 23.91 FEET TO A POINT ON THE NORTH LINE OF SAID W1/2 OF SECTION 7; THENCE S0°01'28"W, 1886.48 FEET TO THE TRUE POINT OF BEGINNING; THENCE WEST 1,289.60 FEET; THENCE S0°00'22" W, A DISTANCE OF 1020 FEET; THENCE EAST 1,289.26 FEET; THENCE N0°01'28" E, A DISTANCE OF 1020 FEET, TO THE TRUE POINT OF BEGINNING, CONTAINING 30 ACRES MORE OR LESS, COUNTY OF DOUGLAS, STATE OF COLORADO.