


EL PASO COUNTY
COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Planning Commission
Brian Risley, Chair

FROM: Nina Ruiz, Planning Manager
Gilbert LaForce, PE Engineer III
Craig Dossey, Executive Director

RE: Project File #: SF-20-003
Project Name: Winsome Filing No. 1
Parcel No.: 51000-00-496

OWNER:	REPRESENTATIVE:
Winsome LLC 1864 Woodmoor Drive Suite 100 Monument, CO 80132	NES, Inc. 619 N. Cascade Avenue, Suite 200 Colorado Springs, CO 80903

Commissioner District: 1

Planning Commission Hearing Date:	12/19/2020
Board of County Commissioners Hearing Date	1/8/2021

EXECUTIVE SUMMARY

A request by Winsome, LLC, for approval of a final plat consisting of 164.4 acres to create 47 single family residential lots; 3 tracts for open space, drainage, and utility purposes; and rights-of-way. The parcel was rezoned from RR-5 to RR-2.5 on July 9, 2019. The property is located at the northwest corner of the Hodgen Road and Meridian Road intersection and is within Sections 13, 19, and 24, Township 11 South, Range 65

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

West of the 6th P.M. The property is located within the Black Forest Preservation Plan (1987).

The proposed Winsome Filing No. 1 final plat is consistent with the RR-2.5 zoning district and the approved preliminary plan. The final plat application meets the submittal and review criteria for a final plat as well as the general development standards of Chapter 6, the final plat review criteria of Chapter 7, and the subdivision design requirements of Chapter 8 of the El Paso County Land Development Code (2019).

Individual wells and onsite wastewater treatment systems (OWTS) are proposed for all of the lots within the subdivision. A finding of water sufficiency for water quality, quantity and dependability is requested with this final plat application.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Winsome, LLC, for approval of a final plat to create 47 single-family residential lots; 3 tracts for open space, drainage, and utility purposes; and rights-of-way.

Waiver(s)/Deviation(s): The following deviations from the standards of the El Paso County Engineering Criteria Manual (ECM) have been administratively approved by the County Engineer (ECM Administrator):

1. Deviation from standards of Section 4.4.5.E which specifies that type 3 mailboxes and the pullout for the mailboxes shall be located within the right-of-way. The applicant requested the mailboxes and pullout be placed outside of the ROW and in a tract which includes a trailhead parking lot. The deviation request has been approved by County staff since the proposed alternative provides a safe and convenient pull off for residents and postal carriers.

Authorization to Sign: Final Plat, Subdivision Improvements Agreement, Detention Pond Maintenance Agreement and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

In approving a final plat, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2019):

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the approved preliminary plan;
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;
- Off-site impacts were evaluated, and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;

- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
- The subdivision meets other applicable sections of Chapter 6 and 8; and
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §34-1-302(1), et seq.]

D. LOCATION

North: RR-5 (Residential Rural)	Agricultural
South: RR-5 (Residential Rural)	Agricultural
East: RR-2.5 (Residential Rural)	Agricultural
West: RR-5 (Residential Rural)	Residential

E. BACKGROUND

The property was zoned A-1 (Agricultural) on September 21, 1965, when zoning was first established for this area of the County. Due to changes in nomenclature, the A-1 zoning district has been renamed as the RR-5 (Residential Rural) zoning district.

On July 9, 2019 the Board of County Commissioners approved a preliminary plan consisting of 766.66 acres to create 143 single family residential lots, one (1) commercial lot, open space and drainage tracts, and right-of-way as well as a request for a map amendment (rezone) of portions of the parcel from the RR-5 (Residential Rural) zoning district to the CC (Commercial Community) and RR-2.5 (Residential Rural) zoning districts. On June 23, 2020 the Board of County Commissioners approved Pre-Development Site Grading.

On July 23, 2019 the Board of County Commissioners approved Colorado Revised Statutes Title 32 Special Multiple District service plan for the Winsome Metropolitan Districts Nos. 1-4. The special district includes the following: a maximum debt authorization of \$20 million, a debt service mill levy of 55.277 mills, an operations and maintenance mill levy of 10 mills, and 5 mills for covenant enforcement. The maximum combined mill levy is 70.277 mills. The statutory purposes of the Districts include: 1) street improvements and safety protection; 2) design, construction, and maintenance of drainage facilities; 3) design, acquisition of land, construction, and maintenance of recreation facilities; 4) mosquito control; and 5) covenant enforcement.

The applicant is now requesting approval of the first filing of Winsome to include a total of 47 single-family residential lots; 3 tracts for open space, drainage, and utilities will comprise a total of 19.8 acres; as well as the dedication of right-of-way.

F. ANALYSIS

1. Land Development Code Compliance

The final plat application meets the final plat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (2019).

2. Zoning Compliance

The RR-2.5 (Residential Rural) zoning district dimensional standards are as follows:

- Minimum lot size - 2.5 acres
- Minimum width at front setback line- 200 feet
- Setbacks - 25 feet front and rear, and 15 feet on the sides
- Maximum height - 30 feet

The proposed final plat is in compliance with the RR-2.5 (Residential Rural) zoning district. A residential site plan will be required for all lots prior to building permit authorization to ensure all proposed structures will meet the setback and height requirements of the RR-2.5 zoning district.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. A finding of consistency with the El Paso County Policy Plan was previously made previously by the Board of County Commissioners with approval of a map amendment (rezone) from RR-5 (Residential Rural) to RR-2.5 (Residential Rural), and with approval of the Winsome Preliminary Plan. The proposed final plat application is consistent with the findings of each of those prior approvals.

4. Small Area Plan Analysis

The subject property is located within the Black Forest Preservation Plan (1987). A finding of consistency with the Plan was previously made previously by the Board of County Commissioners with approval of a map amendment (rezone) from RR-5 (Residential Rural) to RR-2.5 (Residential Rural) and with approval of the Winsome Preliminary Plan. The proposed final plat application is consistent with the findings of each of those prior approvals.

5. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. A finding of consistency with the Plan was previously made by the Board of County Commissioners with the approval of a map amendment (rezone) from RR-5 (Residential Rural) to RR-2.5 (Residential Rural), and with approval of the Winsome Preliminary Plan. The proposed final plat application is consistent with the findings of each of those prior approvals.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderately wildlife impact potential. The El Paso County Environmental Division, Colorado Parks and Wildlife, and the Colorado State Forest Service were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies potential floodplain deposits, valley fill, and upland deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

Please see the Parks Section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

Please see the Transportation Section below for information regarding conformance with the 2016 Major Transportation Corridor Plan (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

There is a wetland located on the subject parcel, which is proposed to be contained within tracts to be owned and maintained by the metropolitan district.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderately wildlife impact potential.

3. Floodplain

The subdivision is not impacted by any designated floodplain (Zone X) as indicated in FEMA Flood Insurance Rate Map panel number 08041C0350G, which has an effective date of December 7, 2018. The applicant provided a

floodplain certification letter since the subdivision is located within 300 feet of the West Kiowa Creek 100-year floodplain (Zone A). The engineer of record has certified that “to the best of the engineer’s knowledge and based on field verified characteristics of the land being divided, the property is reasonably safe from flooding and, if studied, the 100-year floodplain would not be shown to enter the platted properties in question.”

4. Drainage and Erosion

The project is located within the West Kiowa drainage basin (KIKI0200), which is unstudied and has no associated drainage or bridge fees.

The subdivision generally drains to the northeast into West Kiowa Creek. Stormwater runoff will be conveyed by roadside ditches and existing channels into one of four on-site extended detention basins for water quality and flood control. These facilities will be owned and maintained by Winsome Metropolitan District.

A grading and erosion control plan have been approved with this application. The plan calls for permanent and construction best management practices to prevent sediment and debris from affecting adjoining properties and the public stormwater system before, during, and after grading activities.

The final drainage report concludes that “these proposed improvements provide adequate protection to this site without adverse impacts on adjoining upstream and downstream properties.”

5. Transportation

Access to the subdivision is via two proposed rural local roadways along Hodgen Road. The platting of this subdivision will result in the dedication of approximately 1.52 miles of developer constructed rural local roadways for ongoing County ownership and maintenance. Off-site improvements proposed along Hodgen Road consist of an auxiliary left turn lane triggered by this development. This off-site improvement is not reimbursable through the 2016 Major Transportation Corridors Plan Update (MTCP) roadway improvement program. Based on the traffic impact study, Hodgen Road and Meridian Road will continue to operate at a Level of Service (LOS) of C or better with the development. A deviation request from the design standards in the ECM is described in Section A above.

Winsome Filing No. 1 is subject to the El Paso County Road Impact Fee program (Resolution No. 19-471), as amended. The applicant has elected to include the subdivision in the 5 mill El Paso County Public Improvement District (PID #3) and will be subject to the applicable road impact fees and mill ley.

H. SERVICES

1. Water

The property will be served by individual onsite wells.

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State Engineer's office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office recommended a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health made a favorable recommendation regarding water quality. The applicant is requesting a finding for water sufficiency, including quality, quantity, and dependability.

2. Sanitation

Individual onsite wastewater treatment systems (OWTS) are proposed to serve the residential lots.

3. Emergency Services

The property is within the Falcon Fire Protection District. The District was sent a referral for the final plat and provided the following response:

"All Falcon Fire comments and concerns have been addressed by the developer for this filing #1. No additional comments provided."

4. Utilities

Mountain View Electric Association will provide electrical service and natural gas service will be provided by Black Hills Energy.

5. Metropolitan Districts

The property is within the Winsome Metropolitan District. The special district includes a maximum combined mill levy of 70.277 mills. The statutory purposes of the Districts include: 1) street improvements and safety protection; 2) design, construction, and maintenance of drainage facilities; 3) design, acquisition of

4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the Final Plat.
8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
9. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
10. Park fees in lieu of land dedication for regional parks (Area 1) in the amount of \$21,949 shall be paid at the time of plat recordation.
11. Fees in lieu of school land dedication in the amount of \$11,280 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recording.
12. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified twenty-two (22) adjoining property owners on December 2, 2020, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

- Vicinity Map
- Letter of Intent
- Plat Drawing
- State Engineer's Letter
- County Attorney's Letter
- El Paso County Public Health Recommendation Letter

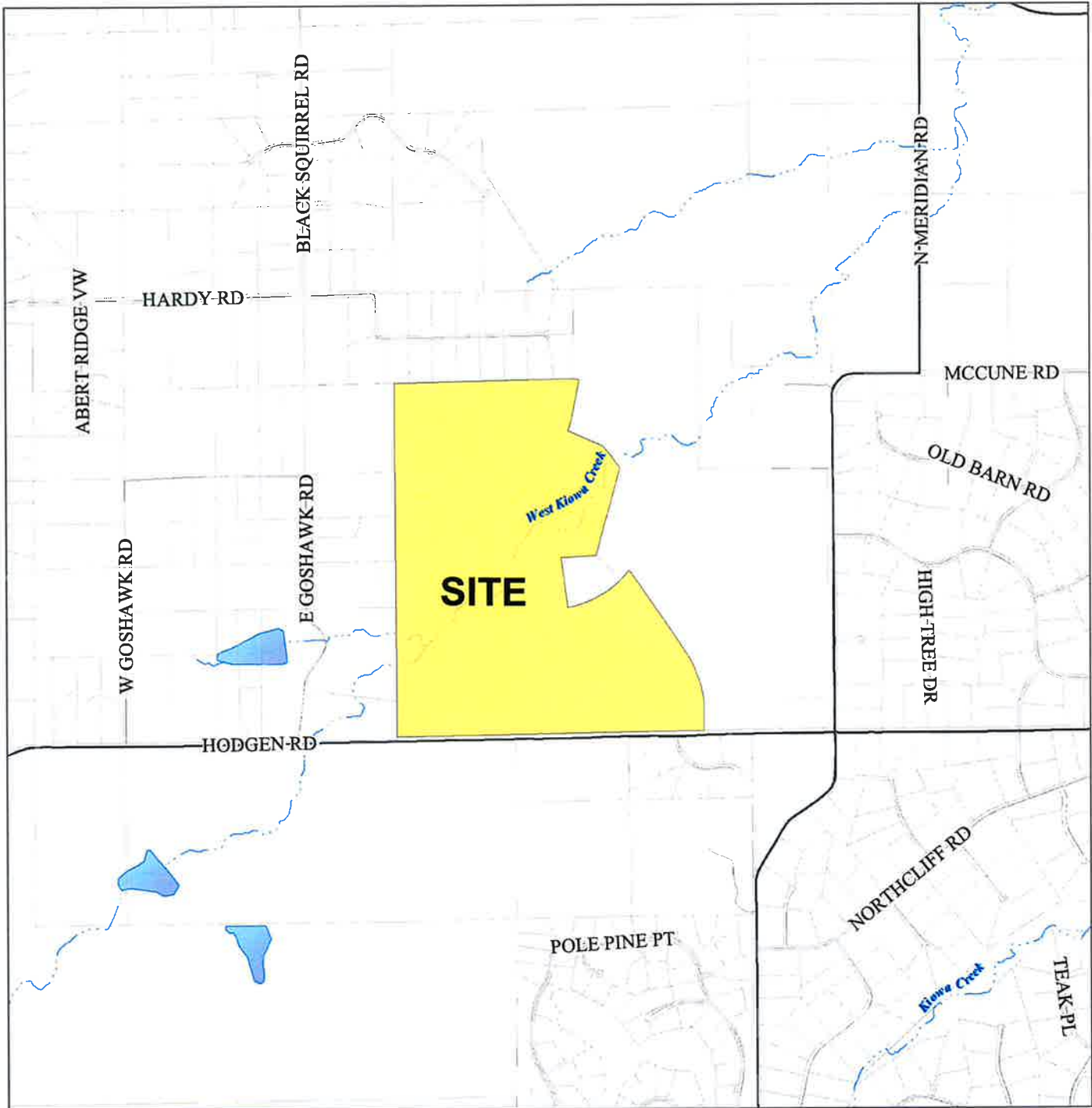
El Paso County Parcel Information

File Name: SF-20-003

Zone Map No. --

Date: November 25, 2020

PARCEL	NAME
5100000496	WINSOME LLC



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd
 Colorado Springs, CO 80907
 (719) 520-6600



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WINSOME FILING NO.1 FINAL PLAT

LETTER OF INTENT

JANUARY 2020

PROPERTY OWNER

McCune Ranch LLC
PO BOX 36 Arrowhead Dr.
Elbert CO 80106

APPLICANT:

Winsome LLC
1864 Woodmoor Dr, Ste 100
Monument, Colorado 80132

CONSULTANT:

N.E.S. Inc.
619 North Cascade Ave,
Colorado Springs, CO 80903

REQUEST

Winsome LLC requests approval of a Final Plat for Winsome Filing No. 1, comprising 47 residential lots and 4 tracts.

SUPPORTING DOCUMENTS

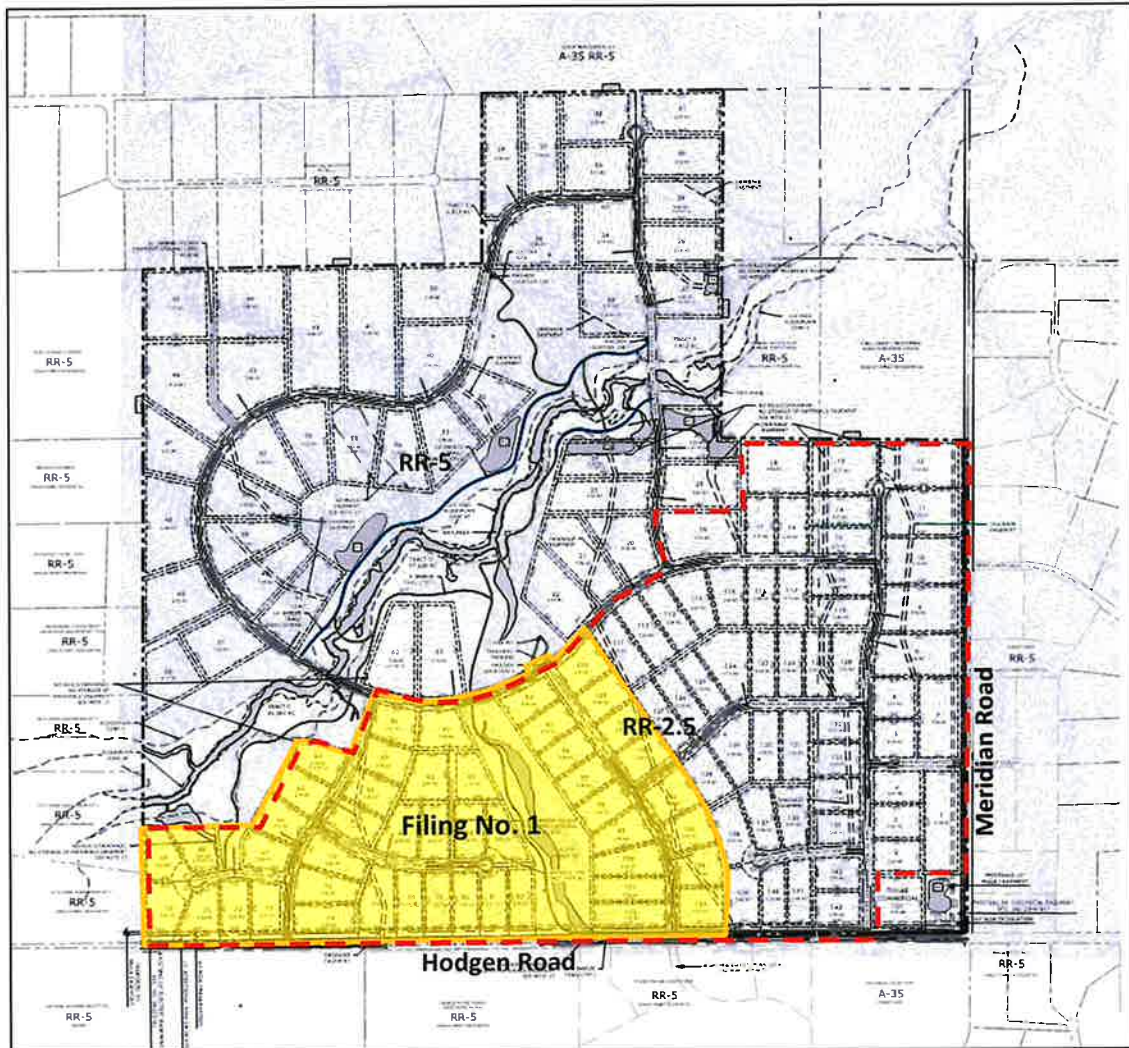
The following reports are submitted in support of this Preliminary Plan and are referenced in this Letter of Intent:

- Traffic Impact Study prepared by Kellar Engineering
- Soils, Geology and OWTS Report prepared by Entech Engineering, Inc.
- Natural Features and Wetlands Report prepared by Ecosystem Services, LLC (ECOS)
- Wildland Fire & Hazard Mitigation Plan prepared by Ecosystem Services, LLC (ECOS)
- Water Resources and Wastewater Report prepared by JDS Hydro Consulting, Inc.
- Final Drainage Report prepared by The Vertex Companies, Inc.
- Stormwater Management Plan prepared by The Vertex Companies, Inc.
- FEMA CLOMR Report prepared by The Vertex Companies, Inc.

PROJECT DESCRIPTION

Winsome Filing No. 1 is part of the 766-acre McCune Ranch property, which is located northwest of the intersection of Hodgen Road and Meridian Road in northeast El Paso County. On July 9 2019, the Board of County Commissioners approved multiple applications to rezone and preliminary plan the McCune Ranch Property, as follows

1. A rezone of 350 acres from RR-5 (Residential Rural, 5-Acre Lots) and A-35 (Agricultural, 35-acre lots) to RR-2.5 (Residential Rural, 2.5 acre lots);
2. A rezone of 7.9 acres from A-35 (Agricultural, 35-acre lots) to CC (Commercial Community); and
3. A Preliminary Plan for the Winsome subdivision, consisting of 143 single-family lots and one commercial lot on approximately 766.66 acres.



The properties surrounding Winsome Filing No. 1 include:

North and East: The remaining 602-acres of the planned Winsome subdivision of similar rural density development.

South: The seven lot Bison Meadows 5-acre lot subdivision; a 35-acre single-family residential parcel; and undeveloped agricultural/forest land.

West: two 20-acre single-family residential lot, which include an overhead electric power line and associated 300-foot easement on the boundary with Winsome Filing No. 1.

Through the approval of the Preliminary Plan it was concluded by County Staff, the Planning Commission, and the Board of County Commissioners that the density, lot sizes and transitions in lot sizes proposed for the Winsome subdivision was compatible with the neighboring properties.

Winsome Filing No. 1 is the first 164.40-acre phase of the Winsome subdivision and is located immediately north of Hodgen Road. Filing No. 1 is wholly within the area that was rezoned to RR-2.5 in July 2019 and proposes 47 residential lots, all of which exceed 2.5 acres. The lots meet the minimum zoning standards set out in Table 5-4 of the Land Development Code for the RR-2.5 zone as follows:

Zone	Min. Lot Frontage	Min. Front Setback	Min. Rear Setback	Min. Side Setback	Max. Lot Coverage	Max. Building Height
RR-2.5	200 ft	25 ft	25 ft	15 ft	None	30 ft

Access and Traffic

Two full movement accesses are proposed off Hodgen Road, which connect internally to form a loop through the first phase of development. This provides the two points of access required by Chapter 8.4.4.D of the Land Development Code. Tract A provides the additional right-of-way dedication required for Hodgen Road to realize its classification as two-lane rural minor arterial on the County's 2040 Major Transportation Corridors Plan (MTCP).

The Traffic Impact Study (TIS) prepared by Kellar Engineering assesses the trips generated by the proposed development in the context of 2020 short-term and 2045 long-term background traffic. The TIS identifies the road improvements required for Filing 1 as an eastbound left-turn lane at the intersection of Hodgen Road and Winsome Way, which is the westernmost access point in Filing 1.

Access to Lot 29 (lot 92 on the Preliminary Plan) does not have direct access to a public street and has a shared access through the adjacent Lot 30 (lot 93 on the Preliminary Plan). A waiver to this requirement of Chapter 8.4.3(C)(2)(e) of the Land Development Code was approved with the Preliminary Plan. In conjunction a waiver was also approved for lot 30 (lot 93 of the Preliminary Plan) for the shared driveway to exceed 300 feet without a turnouts or turnaround, as required by Chapter 6.3.3(c)(j) of the Land Development Code. This waiver was reviewed and supported by the Falcon Fire Chief.

Open Space and Trails

The overall Winsome subdivision proposes 151-acres as open space to preserve the natural resource of the West Kiowa Creek and its associated floodplain and wetlands and to preserve existing vegetation. This open space will also provide recreational opportunities for the residents of the proposed subdivision and surrounding neighborhoods. A network of looping trails is proposed through the open spaces, connecting with the internal rural local roads to provide multiple access points.

Within Filing 1, tracts B, C & D provide 19.8 acres of open space, trails and drainage. An additional Tract D is provided to site the mailboxes that will serve the first phase of development and to provide the trailhead parking area that will serve both the mailboxes and the future trail system throughout the Winsome Subdivision.

Drainage

The Final Drainage Report prepared by Vertex analyses the existing drainage characteristics of the site and any required improvements in accordance with the requirements of the LDC and ECM. The proposed Winsome Subdivision is part of the West Kiowa Creek Drainage Basin, with Kiowa Creek flowing from the southwest to the northeast across the property. Proposed drainage infrastructure

includes road side ditches, culverts to convey stormwater under roads, swales, and six full-spectrum detention ponds.

As this is a phased development, detention ponds will be installed to maintain flow rates below historic levels at each phase of the project. To achieve this, some ponds will be built and put on line that are outside the boundary area for any given phase. For Filing 1, one full-spectrum detention pond and two water quality ponds are to be constructed to support the first phase of development. The two water quality ponds are located within Filing 1 and the detention pond is located to the north outside the Filing 1 area. Five road crossing culverts are also proposed in Filing 1, designed to accommodate 100% of the 5-year storm.

Utilities

Water: The Water Resources and Wastewater Report prepared by JDS Hydro indicates that water service will be provided by individual domestic wells for the 47 residential lots. The wells will be drilled into the Dawson Aquifer. Water rights in the Dawson Aquifer of 232.50 acre-feet annually were allocated in Water Decree No. 1692-BD and will be transferred to the McCune Ranch development following the completion of a water contract between McCune Ranch and PT McCune, LLC. The 47 lots in Filing 1 will generate an annual demand of approximately 28.20 acre-feet, for which there is sufficient capacity in the Dawson aquifer. Replacement water required to augment depletions from the Dawson aquifer will be available through return flows from the OWTS septic fields. A replacement water plan has been reviewed and published by the State Water Engineer.

Wastewater: Wastewater service will be provided by onsite wastewater treatment systems (OWTS). Entech's OWTS Report concludes that the property is generally suitable for OWTS and that contamination of surface and subsurface water sources should not occur provided the systems are installed according to El Paso County and State guidelines. Figure 8 of the report identifies potential sites for OWTS locations on each lot and where OWTS would not be suitable.

Gas: Gas Service will be provided by Black Hills Energy and a Will Serve letter is provided.

Electric: Electric Service will be provided by Mountain View Electric Association and a Will Serve letter is provided.

Natural Features

The ECOS Natural Features Report prepared for the Preliminary Plan assessed the topography, vegetation, wetlands and wildlife. The only constraint imposed on the Winsome development as a result of this assessment is the requirement for "no build"/preservation easements where the wetlands are within lots. There are no such preservation areas in Filing 1 and none of the proposed streets or culverts in Filing 1 will impact wetland areas.

The site is mainly native prairie grassland, with a concentration of Ponderosa Pine trees in the eastern portion of Filing No. 1. of the property and along the southern boundary. Much of this treed area is to be retained within an open space tract. There is the potential to improve the vegetation with the proposed noxious weed management plan and native plant restoration outlined in the ECOS Natural Features Report.

Noxious Weeds

The noxious weeds on the site are mainly contained within the proposed open space areas. ECOS provided a noxious weed management plan within the Natural Features Report, which recommends weed control prior to and during construction to eliminate existing weeds and to prevent introducing new weeds. Following construction, the Metropolitan District and/or Home Owners Association will be responsible for weed control in the open space. With the individual lots, weed control will be the responsibility of the individual home owner and will be enforced through covenants.

Floodplain

Portions of the site adjacent to the West Kiowa Creek are mapped within Zone A of the FEMA Floodplain Map No. 08041CO350G, dated December 7, 2018. Zone A indicates that Base Flood Elevations have not been determined. A floodplain boundary has been assessed by Vertex and the proposed floodplain is subject to verification by FEMA through the CLOMR/LOMR process. The proposed floodplain is contained mostly within the open space areas and does not impact any lots within Filing 1.

Wildlife

The ECOS report indicates that the site currently provides good habitat for a variety of wildlife. Birds are the most common wildlife, with mammals in the treed areas and reptiles and amphibians in and around the creek. The extensive area of open space proposed for the subdivision and within Filing 1 will provide a wide upland buffer for wildlife along the creek and the large lot configuration will minimize impact on wildlife. There will be low to no impact on protected species. The noxious weed management plan and recommended native plant revegetation will improve the wildlife habitat. Post and rail fencing is proposed on the perimeter of the subdivision and similar fencing will be the standard for the individual lots, which will be enforced by the Metro District and/or Home Owners Association.

Soils and Geology

The Soils and Geology Report prepared by Entech identifies the geologic conditions that occur intermittently on the property, including artificial fill, loose or collapsible soils, expansive soils, slope stability, downslope creep, floodplain and potential high ground water. Many of these constraints are within the open space area and the floodplain is wholly within the open space. The report indicates that these conditions can be mitigated through proper engineering design and construction techniques, including special foundation design and subsurface drains.

Wildfire Hazard Mitigation

The treed areas within Filing 1 lie within an area mapped as High Hazard for wildfire. The current owners of the property undertook fire mitigation in 2013 and 2015, which included thinning trees, removing ladder fuels and modifying stand structure. The covenants for the subdivision will set out standards for fire mitigation to ensure that this is a Firewise community and meets the County Development Standards for Fire Protection. Additional fire mitigation may be required on the individual lots to bring them into compliance with these standards. The location and type of new landscaping on individual lots will also be controlled to minimize wildfire risks. The Wildland Fire & Hazard Mitigation Plan prepared by ECOS provides more detail on the potential wildfire fuels on the property and suggested mitigation measures.

PROJECT JUSTIFICATION

The Final Plat is consistent with the approval criteria in Section 7.2.1.D.3.f of the LDC as follows:

1. The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;

The Master Plan comprises the County Policy Plan and Black Forest Preservation Plan. The overall Winsome subdivision was fully analyzed in the context of the Master Plan policies with the approved Preliminary Plan and was found to be in compliance. As Filing 1 is consistent with the lot and open space configuration on the Preliminary Plan, it should also be found to be in compliance with the Master Plan.

Winsome Filing No. 1 conforms with the policies of the County Plan as the proposed 2.5-acre rural residential lots are compatible with the adjacent previously developed areas and will add significantly to the amenities and rural character of the area by preserving a substantial area of natural open space with public access. The proposed subdivision is located within Area 8 of the Black Forest Preservation Plan, where large lot residential development consistent with existing subdivisions is encouraged. Residential Goal 3A of the Plan seeks to perpetuate the rural residential character of the Black Forest. Subsequent policies that support this goal encourage clustered development to preserve open space and protect natural features, with a 5-acre overall density and a minimum lot size of 2.5-acres. Winsome Filing No. 1 includes 2.5-acre rural residential lots and a substantial area of accessible open space, which is consistent with the residential goals of the Preservation Plan.

2. The subdivision is in substantial conformance with the approved preliminary plan;

Winsome Filing No. 1 is entirely in conformance with the lot and open space configuration on the Preliminary Plan.

3. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;

Winsome Filing 1 is consistent with the subdivision design standards and regulations, other than the two waivers that were approved with the Preliminary Plan. All necessary studies, plans, reports and supporting material have been submitted. The subdivision design standards set out in Chapter 8 of the Land Development Code are met, including but not limited to:

- adequate provision for traffic, drainage, open space, recreation and parks;
- provision of properly designed roads to provide for safe and convenient vehicular circulation and identification of required road improvements;
- adequate provision for water, sewer and other utilities;
- Ensuring that structures will harmonize with the physical characteristics of the site;
- Ensuring that land is divided into lots that are of adequate size and configuration for the purpose for which they are intended to be used; and
- Protecting the natural resources, considering the natural vegetation.

-
- 4. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;**

Water service will be provided by individual domestic wells for the 47 residential lots. The wells will be drilled into the Dawson Aquifer. Water rights in the Dawson Aquifer of 232.50 acre-feet annually were allocated in Water Decree No. 1692-BD and will be transferred to the McCune Ranch development following the completion of a water contract between McCune Ranch and PT McCune, LLC. The 47 lots in Filing 1 will generate an annual demand of approximately 28.20 acre-feet, for which there is sufficient capacity in the Dawson aquifer. Replacement water required to augment depletions from the Dawson aquifer will be available through return flows from the OWTS septic fields. A replacement water plan has been reviewed and published by the State Water Engineer.

- 5. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;**

Wastewater service will be provided by onsite wastewater treatment systems (OWTS). Entech's OWTS Report concludes that the property is generally suitable for OWTS and that contamination of surface and subsurface water sources should not occur provided the systems are installed according to El Paso County and State guidelines. Figure 8 of the report identifies potential sites for OWTS locations on each lot and where OWTS would not be suitable.

- 6. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)];**

The Soils and Geology Report prepared by Entech identifies the geologic conditions that occur intermittently on the property, including artificial fill, loose or collapsible soils, expansive soils, slope stability, downslope creep, floodplain and potential high ground water. Many of these constraints are within the open space area and the floodplain is wholly within the open space. The report indicates that these conditions can be mitigated through proper engineering design and construction techniques, including special foundation design and subsurface drains.

- 7. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;**

The Final Drainage Report prepared by Vertex analyses the existing drainage characteristics of the site and any required improvements in accordance with the requirements of the LDC and ECM. The proposed Winsome Subdivision is part of the West Kiowa Creek Drainage Basin with Kiowa Creek flowing from the southwest to the northeast across the property. Proposed drainage infrastructure includes road side ditches, culverts to convey stormwater under roads, swales, and six full-spectrum detention ponds.

As this is a phased development, detention ponds will be installed to maintain flow rates below historic levels at each phase of the project. To achieve this, some ponds will be built and put on line that are outside the boundary area for any given phase. For Filing 1, one full-spectrum detention pond and two water quality ponds are to be constructed to support the first phase of development. The two water quality ponds are located within Filing 1 and the detention pond is located to the north outside the Filing 1 area. Five road crossing culverts are also proposed in Filing 1, designed to accommodate 100% of the 5-year storm.

8. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;

All lots except Lot 29 have direct access to public right-of-way. Access to Lot 29 is via a shared access easement through the adjacent Lot 30. A waiver to this requirement of Chapter 8.4.3(C)(2)(e) of the Land Development Code was approved with the Preliminary Plan.

9. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;

All necessary services are available to the subdivision and will serve letters form all utility providers have been submitted. The site will be served by well and septic as described above. Mountain View Electric and Black Hills Energy will provide electric and natural gas services as stated in the Will Serve letters included in this submittal. The subdivision will be adequately served by public streets and substantial areas of open space and recreational trails are provided.

10. The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;

The Falcon Fire Protection District has adequate capacity to provide fire protection to the proposed subdivision. A Fire Protection Report and a Will Serve letter from the Fire Chief is included with this submittal. In conjunction with the Preliminary Plan, a waiver was approved for lot 30 for a driveway to exceed 300 feet without a turnouts or turnaround, as required by Chapter 6.3.3(c)(j) of the Land Development Code. This waiver was reviewed and supported by the Falcon Fire Chief.

11. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;

The only off-site improvements identified for this first development Phase through the Preliminary Plan process was the need for an eastbound left-turn lane at the intersection of Hodgen Road and Winsome Way. This is to be installed with Filing 1.

12. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;

All public improvements are to be constructed or financially guaranteed through the SIA. Cash in lieu of regional park and school land provision will be paid on recordation of the Final Plat.

13. The subdivision meets other applicable sections of Chapter 6 and 8; and

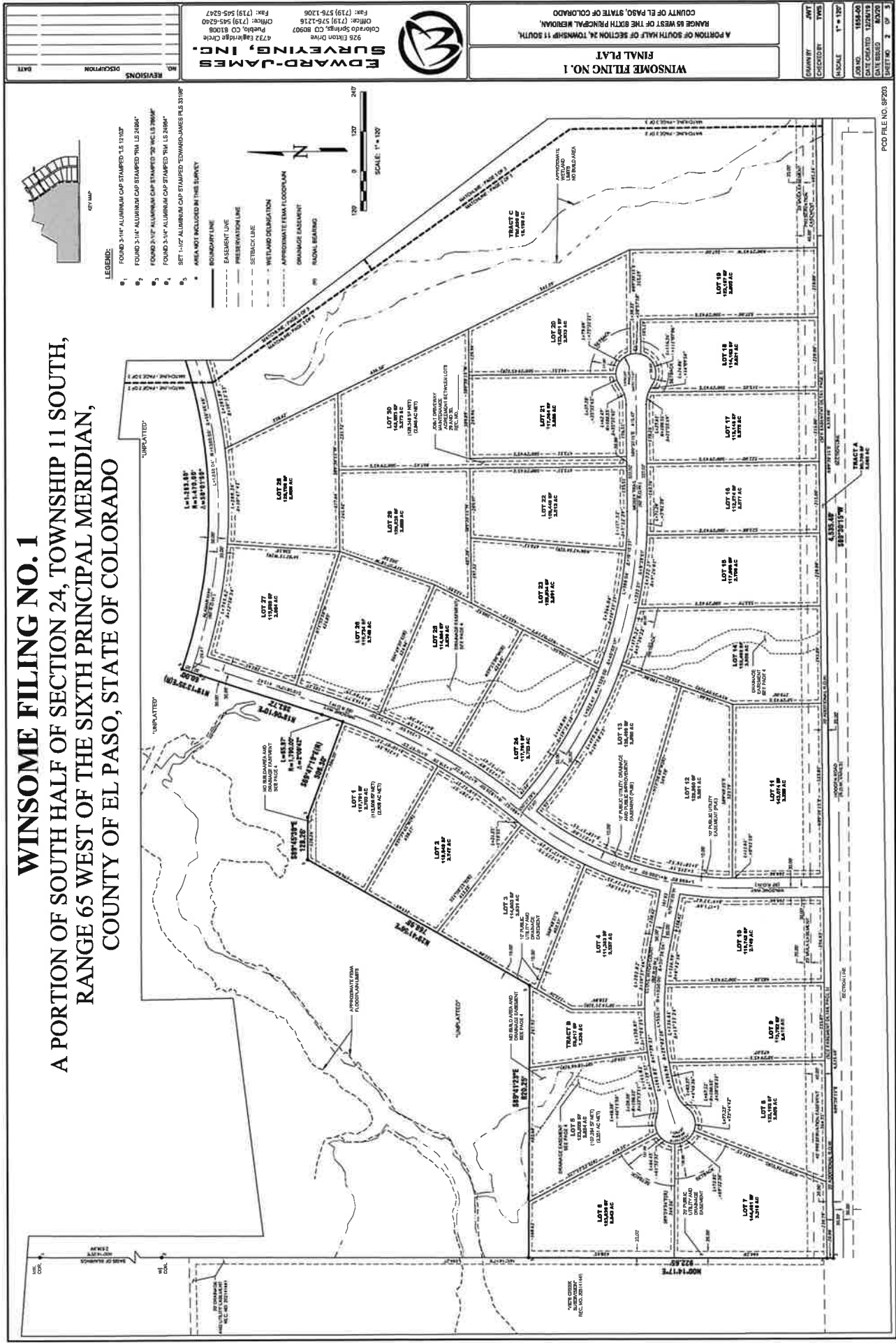
The subdivision meets all applicable sections of Chapter 6 and 8, subject to the waivers approved with the Preliminary Plan, which were justified in the context of preserving the existing topography and natural features on the site.

14. The extraction of any known commercial mining deposit shall not be impeded by this subdivision.

There are no known mineral estate interests associated with this property.

WINSOME FILING NO. 1

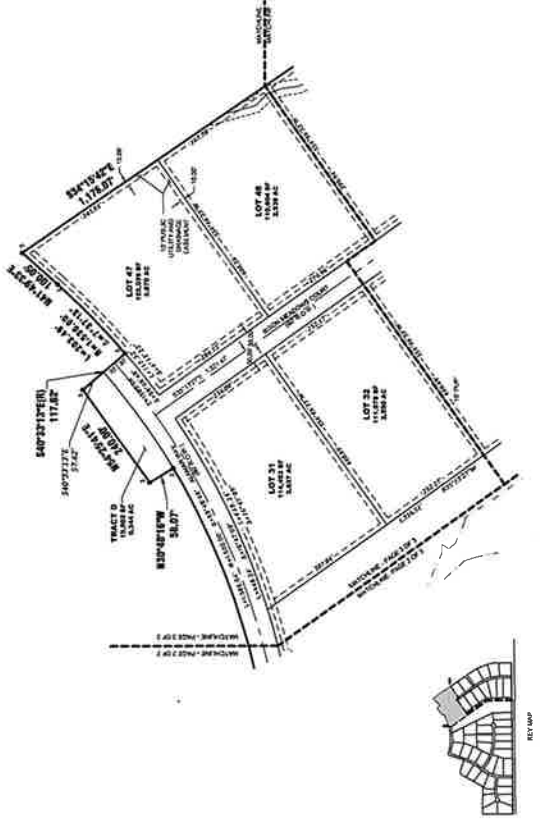
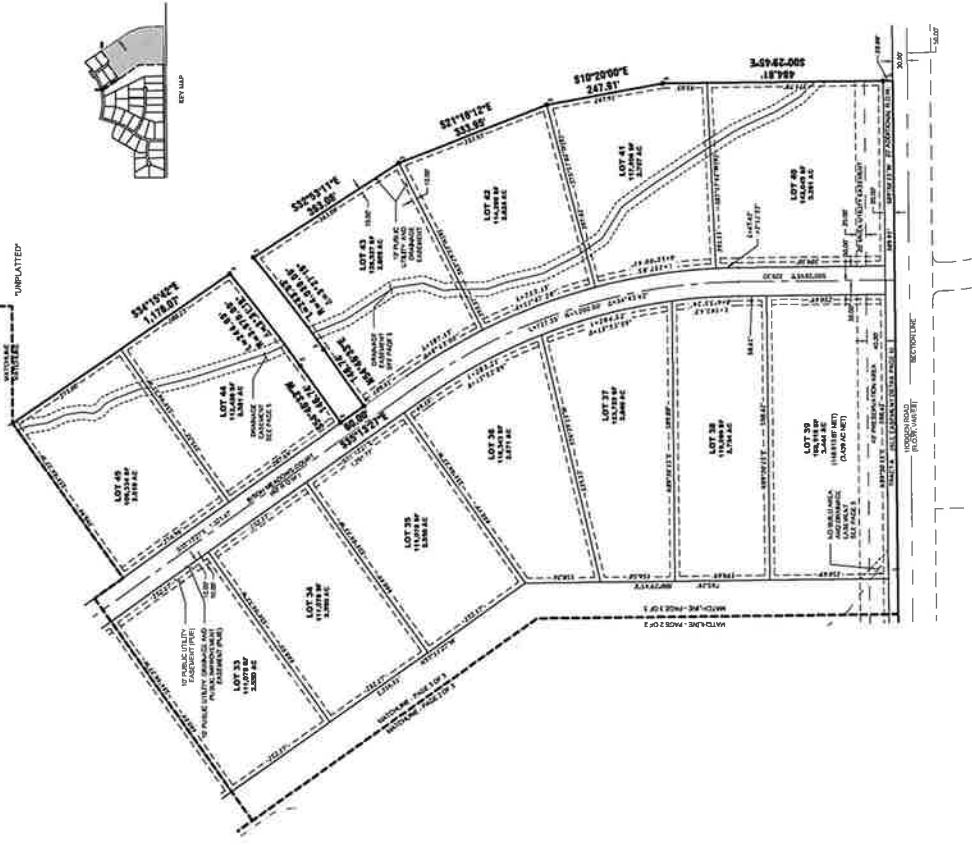
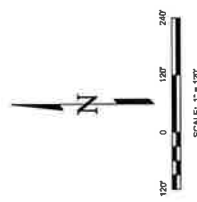
A PORTION OF SOUTH HALF OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO



WINSOME FILING NO. 1

A PORTION OF SOUTH HALF OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO

- LEGEND:**
- 1 FOUND 3/4" ALUMINUM CAP STAMPED "LS 1102"
 - 2 FOUND 2 1/4" ALUMINUM CAP STAMPED "TM LS 2386"
 - 3 FOUND 2 1/2" ALUMINUM CAP STAMPED "WV WLS 2659"
 - 4 FOUND 3/4" ALUMINUM CAP STAMPED "TU LS 2184"
 - 5 SET 1/4" ALUMINUM CAP STAMPED "COM-JAMES P.L.S.319"
 - 6 AREA NOT INCLUDED IN THIS SURVEY
- BOUNDARY LINE
 --- EASEMENT LINE
 --- PRESERVATION LINE
 --- SETBACK LINE
 --- WETLAND DELINEATION
 --- APPROXIMATE FLOODPLAIN
 --- COVERAGE EASEMENT
 (N) MAGN. BEARING



NO.	REVISIONS	DESCRIPTION	DATE

EDWARD-JAMES SURVEYING, INC.
 926 E. HIGHWAY 101
 COLORADO SPRINGS, CO 80907
 OFFICE: (719) 576-1216
 FAX: (719) 576-1208
 4732 ENGINEERING CENTER
 PUEBLO, CO 81008
 FAX: (719) 545-6247

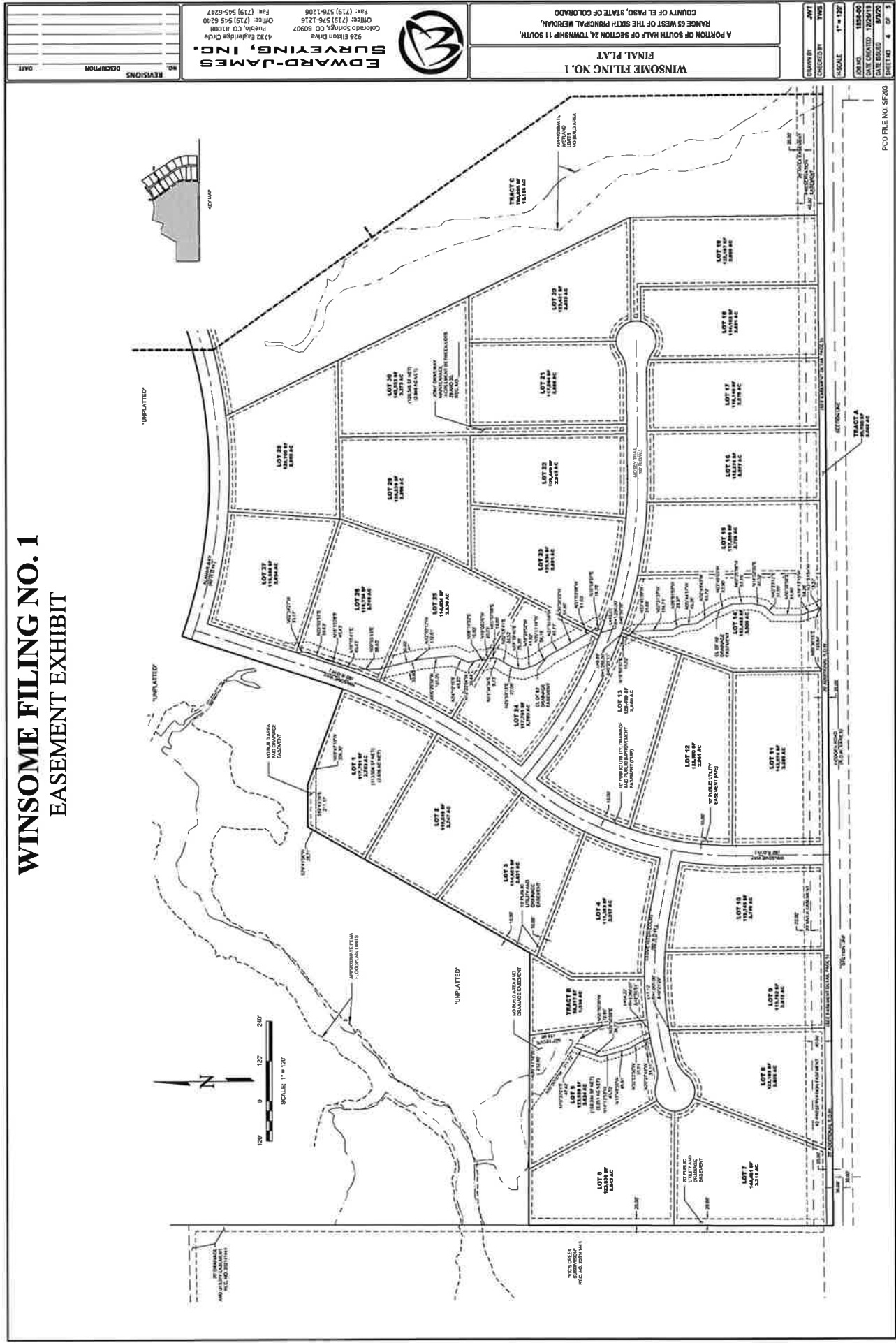


WINSOME FILING NO. 1
 FINAL PLAN
 A PORTION OF SOUTH HALF OF SECTION 24, TOWNSHIP 11 SOUTH,
 RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
 COUNTY OF EL PASO, STATE OF COLORADO

DRAWN BY	JWT
CHECKED BY	JWT
SCALE	1" = 100'
CUR. NO.	1862-00
DATE CREATED	1/22/2013
DATE ISSUED	8/20/13
SHEET NO.	3 OF 3

PCD FILE NO. SP20

WINSOME FILING NO. 1 EASEMENT EXHIBIT



NO.	REVISIONS	DESCRIPTION	DATE

EDWARD-JAMES SURVEYING, INC.
 926 Elkhorn Drive
 Colorado Springs, CO 80907
 Office: (719) 576-1216
 Fax: (719) 576-1206
 4332 Eaglebridge Circle
 Pueblo, CO 81008
 Fax: (719) 545-6247

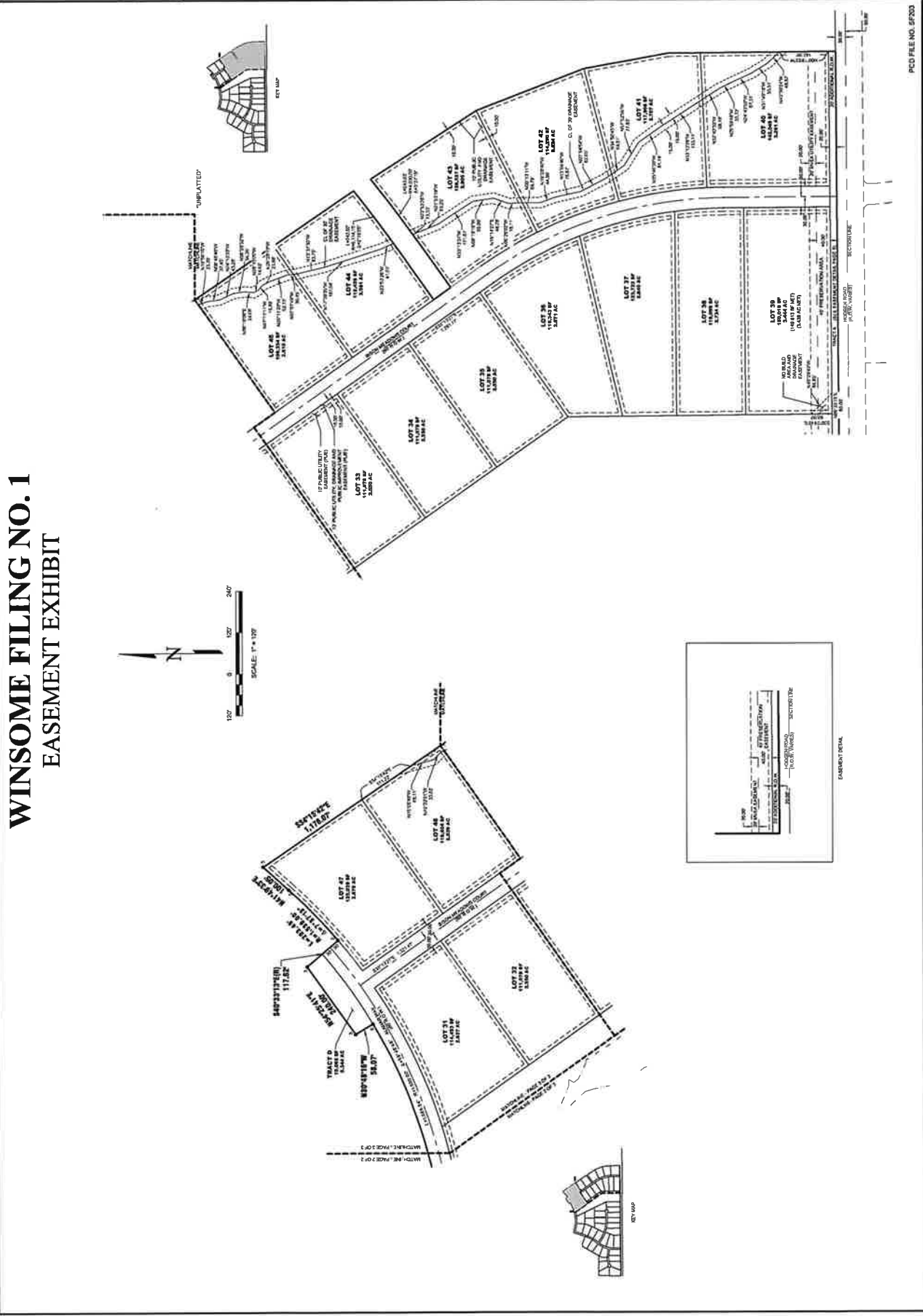
**WINSOME FILING NO. 1
FINAL PLAT**

A PORTION OF SOUTH HALF OF SECTION 24, TOWNSHIP 11 SOUTH,
 RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
 COUNTY OF EL PASO, STATE OF COLORADO

DRAWN BY: JMT
 CHECKED BY: JMT
 SCALE: 1" = 120'
 DATE CREATED: 12/20/11
 DATE ISSUED: 8/27/12
 SHEET NO. 4 OF 5
 PCD FILE NO. SP205

WINSOME FILING NO. 1 EASEMENT EXHIBIT

	WINSOME FILING NO. 1 FINAL PLAN A PORTION OF SOUTH HALF OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 63 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO	DRAWN BY: JMT CHECKED BY: JMT	SHEET NO. 5 OF 5 DATE CREATED: 12/28/14 DATE REVISION: 04/27/15
EDWARD-JAMES SURVEYING, INC. 926 Elkton Drive Pueblo, CO 81008 Office: (719) 576-1216 Fax: (719) 576-1206			





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

February 28, 2020

Nina Ruiz
El Paso County Development Services Department
DSDcomments@elpasoco.com

RE: Winsome Filing No. 1
Part of Sec. 24, T11S, R65W, 6th P.M.
Water Division 1, Water District 1
Kiowa-Bijou Designated Basin

Dear Ms. Ruiz:

We have reviewed your February 3, 2020 submittal concerning the above referenced proposal to subdivide 164.4 acres into 47 residential lots, public streets, right of way tract, two open space tracts and one tract for mailboxes. Our office previously commented on the McCune Ranch Preliminary Plan (containing 766.66 acres) in a letter dated May 3, 2019, of which the Winsome Filing No. 1 is a portion.

Water Supply Demand

According to the submitted Water Resources and Wastewater Report for Winsome Filing No. 1 dated January 2020 (“Water Resources Report”) the total estimated water requirement is 28.2 acre-feet/year (0.6 acre-feet per year per residential lot). The estimated water requirement of 0.6 acre-feet/year per residential lot assumes that 0.3 acre-foot per year is required for domestic indoor use, 0.25 acre-feet per year is required for irrigation of up to 4,000 square feet of lawn, garden and trees, and 0.05 acre-feet per year is required for watering of four large domestic animals.

Source of Water Supply

According to the Water Resources Report, the proposed source of water supply is individual on-lot wells producing from the not-nontributary Dawson Aquifer that would be permitted pursuant to the amended replacement plan for Determination of Water Right no. 1692-BD.

Determination of Water Right no. 1692-BD was issued by the Ground Water Commission (“Commission”) on June 25, 2008 for an allowed average annual amount of withdrawal of ground water of 819 acre-feet from the Dawson Aquifer (based on an aquifer life of 100 years) to be used on 900.52 acres (which include the 164.4 acres of the subject subdivision). On March 13, 2018, the Commission approved Amendment No. 1 of Determination of Water Right no. 1692-BD which cancelled an allowed average annual withdrawal of 12 acre-feet from the Determination, leaving an allowed average annual amount of withdrawal of 807 acre-feet (based on an aquifer life of 100 years) in the Determination.

On February 3, 2020 the Commission approved Replacement Plan No. 2 for Determination of Water Right no. 1692-BD (canceling Replacement Plan No. 1 for Determination of Water Right no. 1692-BD previously approved on June 29, 2018). Replacement Plan no. 2 for Determination of Water Right no. 1692-BD allows for the withdrawal of 49.8 acre-feet per year of ground water from the



Dawson aquifer for 300 years, through 83 wells to be located on 83 residential lots on 278.1 acres, of which the subject 164.4 acres is a part. Each well may withdraw 0.6 acre-feet per year of ground water to be used for use in one single family dwelling, the irrigation of landscape, lawn and gardens and the watering of domestic animals and stock. These allowed uses are consistent with the proposed uses specified in the Water Supply Report.

The proposed source of water for this development is a bedrock aquifer allocation from the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which the bedrock aquifer sources will be a physically and economically viable source of water. According to 37-90-107(7)(a), C.R.S., "Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years." Based on this allocation approach, the annual amounts of water determined in Determination of Water Right No. 1692-BD is equal to one percent of the total amount, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

In the El Paso County Land Development Code, effective November 1986, Chapter 5, Section 49.5, (D), (2) states:

"- Finding of Sufficient Quantity - The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of three hundred (300) years."

The State Engineer's Office does not have evidence regarding the length of time for which the bedrock aquifer sources will "meet the average annual demand of the proposed subdivision." However, treating El Paso County's requirement as an allocation approach based on three hundred years, the allowed average annual amount of withdrawal of 49.8 acre-feet per year from the Dawson aquifer pursuant to Replacement Plan No. 2 for Determination of Water Right no. 1692-BD for a maximum of for a maximum of 300 years, is sufficient to supply the requirement of 28.2 acre-feet/year.

The Water Resources Report submitted makes reference to other water rights, including those in the Denver, Arapahoe and Laramie-Fox Hills Aquifers under Determination of Water Right nos. 1691-BD, 1690-BD and 1689-BD, but those rights are not identified as a sources of water for the subdivision.

State Engineer's Office Opinion

Based upon the above and pursuant to Sections 30-28-136(1)(h)(l), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to water rights.

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

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

Our opinion is qualified by the following:

The amounts of water in the Denver Basin aquifer, and identified in this letter, are calculated based on estimated current aquifer conditions. For planning purposes, the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 100 years (or 300 years) used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.

Additional Comments

The submittal indicates that a storm water detention structure will be constructed as a part of this project. The applicant should be aware that, unless the structure can meet the requirements of a “storm water detention and infiltration facility” as defined in Designated Basin Rule 5.11, the structure may be subject to administration by this office. The applicant should review Rule 5.11 to determine whether the structure meets the requirements of the Rule and ensure any notification requirement is met.

If you, or the applicant, have any questions, please contact Ailis Thyne at 303-866-3581 ext. 8216.

Sincerely,



Keith Vander Horst
Chief of Water Supply, Designated Basins

Cc: Division 1
Project no. 27026

Winsome Filing 1.docx

EL PASO COUNTY

OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

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Bryan E. Schmid
Nathan J. Whitney

July 16, 2020

SF-20-3 Winsome Filing No. 1 Subdivision
Final Plat

Reviewed by: M. Cole Emmons, Senior Assistant County Attorney
Edi Anderson, Paralegal, ACP

MCE

FINDINGS AND CONCLUSIONS:

1. This is a proposal by Winsome, LLC and McCune Ranch, LLC ("Applicant") for a subdivision of 47 single family lots, plus additional tracts, open space, and right-of-way on 164.4 acres (the "Property"). This filing is a portion of the McCune Ranch property. On July 9, 2019, the Board of County Commissioners approved applications to rezone the parcel and for a preliminary plan to include 143 single-family lots on 766 acres for McCune Ranch. The property is zoned RR-2.5 (Rural Residential).

2. The Applicant has provided for the source of water to derive from individual on-lot wells, as provided in the Findings and Order No. 1692-BD for the McCune Ranch subdivision, approved by the Colorado Ground Water Commission ("Commission") dated June 25, 2008 ("Determination"). On June 29, 2018, the Commission approved a Replacement Plan for the subdivision ("Replacement Plan No. 1") and on February 3, 2020, the Commission approved Replacement Plan No. 2 (hereinafter referred to as "Replacement Plan") which cancelled and replaced Replacement Plan No. 1. The Replacement Plan allows withdrawal of 49.8 acre-feet per year of groundwater to be withdrawn from the Dawson aquifer for a period of 300 years through 83 wells to be located on 83 single-family lots. Pursuant to the Water Supply Information Summary ("WSIS"), the subdivision demand is 0.30 acre-feet for each lot for household use, 0.25 acre-feet for irrigation, and 0.05 acre-feet for stock watering for a total of 0.60 acre-feet of water demand for each lot for a total of 28.20 acre-feet per year for the subdivision based on a total of 47 lots. Based on this total demand of 28.20 acre-feet per year for the subdivision, Applicant must be able to provide a supply of 8,460 acre-feet of water (28.20 acre-feet per year x 300 years) to meet the County's 300 year water supply requirement.

3. In a letter dated February 28, 2020, the State Engineer reviewed the submittal to plat the 164.4 acre parcel into a 47 lot subdivision. The Engineer stated that the "water supply is individual on-lot wells producing from the not-nontributary Dawson Aquifer that would be

permitted pursuant to the amended replacement plan for Determination of Water Right no. 1692-BD." The State Engineer further states that the Replacement Plan "allows for the withdrawal of 49.8 acre-feet per year of ground water from the Dawson aquifer for 300 years, through 83 wells to be located on 83 residential lots on 278.1 acres, of which the subject 164.4 acres is a part. Each well may withdraw 0.6 acre-feet per year of ground water to be used for use in one single family dwelling, the irrigation of landscape, lawn and gardens and the watering of domestic animals and stock."

The State Engineer noted that the amount of withdrawal of 49.8 acre-feet per year permitted by the Replacement Plan "is sufficient to supply the requirement of 28.2 acre-feet/year" as required for the Winsome Filing No. 1 subdivision. The State Engineer acknowledged the existence of several other water determinations referenced in Applicant's *Water Resources and Wastewater Report for Winsome Filing No. 1*, dated January 2020, as prepared by JDS-Hydro. Those determinations include Nos. 1691-BD, 1690-BD, and 1689-BD; however, since those water rights are not identified as sources of water for this subdivision, they are not analyzed further in either the State Engineer's letter or in this review.

The State Engineer stated that "[b]ased upon the above and pursuant to Sections 30-28-136(1)(h)(l), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to water rights."

The State Engineer's Office also provided the following advisory to the Applicant related to any construction and/or modification of storm water structures:

"... unless the [storm water] structure can meet the requirements of a 'storm water detention and infiltration facility' as defined in Designated Basin Rule 5.11, the structure may be subject to administration by this office. The applicant should review Rule 5.11 to determine whether the structure meets the requirements of the Rule and ensure any notification requirement is met."

4. Determination of Water Right No. 1692-BD. The Colorado Ground Water Commission approved a Determination of a Right to Allocation of Ground Water No. 1692-BD from the Dawson aquifer on June 25, 2008, which included a quantified amount of water from beneath 900.52 acres of overlying land (McCune Ranch). The allowed average annual withdrawal permitted was 819 acre-feet based on a 100-year aquifer life (273 acre-feet based on El Paso County's 300-year rule). The beneficial uses permitted by the Determination are: domestic, industrial, commercial, irrigation, augmentation, stock watering, recreational water feature ponds and piscatorial habitat less than 1000 square feet and wildlife, replacement and all other augmentation purposes. On March 13, 2018, the Commission approved an amendment to Determination No. 1692-BD which cancelled an allowed average annual withdrawal of 12 acre-feet, leaving an average annual amount of withdrawal of 807 acre-feet (269 acre-feet based on El Paso County's 300-year rule).

5. Replacement Plan No. 2 – Determination of Water Right No. 1692-BD. On February 3, 2020, the Commission approved Replacement Plan No. 2, which allowed the annual withdrawal of 49.8 acre-feet per year from the Dawson aquifer for 300 years through 83 wells, which includes the 47 lots of the Winsome Filing No. 1 subdivision. The Replacement Plan permits 0.6 acre-feet of withdrawal per year of water for use in one single family dwelling, irrigation of landscaping, and watering of domestic animals. The source of the replacement water is septic and leach field return flows from the in-house use of the ground water to be pumped pursuant to the Replacement Plan.

The Replacement Plan provides for maximum withdrawal of 0.60 acre-feet of water per residence for a total of 28.20 acre-feet annually from the Dawson aquifer water for 300 years. Pursuant to the Replacement Plan, the households will use 0.30 acre-feet of water per year per lot for household use, with the remaining allocation for other uses to include irrigation and stock watering.

Replacement of Depletions During Pumping. The plan for replacement provides for a pumping period of 300 years. For any wells constructed into the not-nontributary Dawson aquifer, the Applicant is required to replace actual stream depletions on an annual basis during the 300 years of pumping by residential return flows from non-evaporative septic systems. As stated in the replacement plan: “[t]he return flows will flow to the alluvial aquifer of the Kiowa-Bijou Designated Water Basin. Return flows from in-house use of ground water shall occur though individual on-lot non-evaporative septic systems located within the 278.1 acres of land on which the 83 wells will be located.” Further, replacement of depletions must occur annually in the amounts shown in the attached Exhibit A (which was also attached to Replacement Plan 1692-BD). As noted in the Replacement Plan, the “annual amount of replacement water provided must be no less than the annual replacement requirement on a yearly basis. No credit shall be claimed by the Applicant for an oversupply of replacement water provided to the alluvium during previous years.”

Since the supply is from designated basin groundwater from the not-nontributary Dawson aquifer, pursuant to the Designated Basin Rules, Rule 5.3.6.2.C, the replacement water shall replace actual impact to depletion of alluvial water since the pumping will continue beyond 100 years. The Replacement Plan states that at withdrawal of 49.8 acre-feet annually for 300 years, depletions would increase to 1.87 acre-feet annually in the 300th year or 3.75% of pumping. The Plan states that the Applicant proposes to provide 22.41 acre-feet of replacement water per year to the alluvial aquifer system Kiowa-Bijou Designated Ground Water Basin; that Applicant estimates return flows from each lot will be 90% of water used for in-house purposes, and based on 0.30 acre-feet annual in-house use, return flow would be 0.27 acre-feet annually per lot for a total of 22.41 acre-feet annually for 83 lots. See Replacement Plan No. 2, ¶¶ 9-10. Based on these calculations, for these 47 lots, the replacement requirement would be approximately 12.69 acre-feet annually (0.27 ac.ft./yr. x 47 lots).

6. Analysis. Applicant’s water demand for the Winsome Filing No. 1 Subdivision is 0.6 acre-feet per lot or 28.20 acre-feet annually using Dawson aquifer water allowed under the

Replacement Plan for the 47 lot subdivision for a total demand of 8,460 acre-feet for 300 years. Replacement Plan No. 2 - 1692-BD authorizes withdrawal of 0.60 acre-feet/year of Dawson aquifer water per year for a period of 300 years. JDS-Hydro's Water Resources Report dated January 2020, states the annual supply for Winsome Subdivision Phases 1-4 is 232.66 acre-feet annually for 300 years. With an annual demand of 28.20 acre-feet and a total available supply of 232.66 acre-feet (or if this amount were to be divided evenly for each of 4 Phases, the supply would be 58.17 acre-feet/year/Phase), there appears to be a sufficient water supply to meet the water demands of the Winsome Filing No. 1 Subdivision.

7. The water quality requirements of Section 8.4.7.B.10 of the Land Development Code must be satisfied.

8. Therefore, based on the Water Supply Information Summary, based on the finding of sufficiency and no injury by the State Engineer, based on the Determination and Replacement Plan No. 2 - 1692-BD, and based on the requirements below, the County Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability. The El Paso County Health Department shall provide a recommendation as to water quality.

REQUIREMENTS:

A. Applicant, its successors and assigns, shall comply with all requirements of Replacement Plan No. 2 – Determination of Water Right No. 1692-BD, specifically, that water use shall not exceed 0.6 acre-feet annually per well for the 47 lot subdivision; and that all stream depletions will be replaced with non-evaporative septic system return flows for a period of 300 years.

B. The County requires that when there is a replacement plan, that Applicant, its successors and assigns, shall create a homeowners' association ("HOA"). Applicant, its successors and assigns, shall create restrictive covenants upon and running with the property which shall advise and obligate future lot owners of this subdivision, their successors and assigns, regarding all applicable requirements of Determination and Replacement Plan No. 2 - 1692-BD, as well as their obligations to comply with the Replacement Plan, including, but not limited to, ensuring that return flows by the use of non-evaporative septic systems are made to the stream systems, and that such return flows shall only be used to replace depletions and shall not be separately sold, traded, or assigned in whole or in part for any other purpose. The Covenants more specifically shall require the Dawson aquifer wells to serve on each lot an occupied single-family dwelling that is generating return flows from a non-evaporative septic system before any irrigation or animal watering is allowed from the wells. In addition, the Covenants shall advise future lot owners of this subdivision, their successors and assigns, of their obligations regarding any costs of operating the Replacement Plan. Such Covenants shall also address responsibility for any metering and data collecting that may be required regarding water withdrawals from wells pursuant to the Replacement Plan, and shall protect the viability of the water supply by placing limitations in the Covenants as to amendments and termination as

applied to said water supply.

The covenants shall address the following:

1) *Identify the water rights associated with the property. The Covenants shall reserve 8,460 acre-feet of not nontributary Dawson aquifer water pursuant to Determination and Replacement Plan No. 2 - 1692-BD, to satisfy El Paso County's 300 year water supply requirement for the 47 lots of the Winsome Filing No. 1 Subdivision.*

2) *Require evaporative septic systems and reserve return flows from the same. The Covenants shall require each lot owner to use non-evaporative septic systems to ensure that return flows from such systems are made to the stream system to replace actual depletions during pumping, shall reserve said return flows to replace depletions during pumping, and shall state that said return flows shall not be separately sold, traded or used for any other purpose. The Covenants more specifically shall require the Dawson aquifer well on each lot to be serving an occupied single-family dwelling that is generating return flows from a non-evaporative septic system before any irrigation or animal watering is allowed from the well. The Covenants shall also include the following or similar language to ensure that such return flows shall only be used for replacement purposes: "Return flows shall only be used for replacement purposes, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose."*

3) *The following or similar language shall be included in the Covenants to address future conveyances of the lots subsequent to the initial conveyance made by Applicant/Declarant: "The water rights referenced herein shall be explicitly conveyed; however, if a successor lot owner fails to so explicitly convey the water rights, such water rights shall be intended to be conveyed pursuant to the appurtenance clause in any deed conveying said lot, whether or not the Determination and Replacement Plan No. 2 - 16920-BD and the water rights therein are specifically referenced in such deed. The water rights so conveyed shall be appurtenant to the lot with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title."*

4) *The Covenants shall advise future lot owners of this subdivision, their successors and assigns, of their responsibility for any metering and data collecting that may be required regarding water withdrawals from Dawson aquifer wells.*

5) *The Covenants shall address amendments using the following or similar language:*

"Notwithstanding any provisions herein to the contrary, no changes, amendments, alterations, or deletions to these Covenants may be made which would alter,

impair, or in any manner compromise the water supply for the Winsome Filing No. 1 Subdivision pursuant to the Colorado Ground Water Commission Findings and Order – Replacement Plan No. 2 – Determination of Water Right No. 1692-BD. Further, written approval of the proposed amendments must first be obtained from the El Paso County Planning and Community Development Department, and as may be appropriate, by the Board of County Commissioners, after review by the County Attorney’s Office. Any amendments must be pursuant to a Determination from the Colorado Ground Water Commission approving such amendment, with prior notice to the El Paso County Planning and Community Development Department for an opportunity for the County to participate in any such adjudication.”

6) The Covenants shall address termination using the following or similar language:

“These Covenants shall not terminate unless the requirements of the Colorado Ground Water Commission Findings and Order – Replacement Plan No. 2 – Determination of Water Right No. 1692-BD are also terminated by order of the Commission, and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County.”

C. Applicant, its successors and assigns, shall reserve in the Covenants and in any deeds of the Property the decreed amount of at least 0.60 acre-feet per lot annually and shall reserve a total decreed amount of at least 28.20 acre-feet of Dawson aquifer water for the 47 lots in the subdivision for 300 years for a total of 8,460 acre-feet for the 47 lot subdivision for 300 years. Said reservation shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for primary and replacement supply. Applicant shall convey by recorded warranty deed these reserved Dawson aquifer water rights to the individual lot owners. Applicant shall provide copies of said Covenants or other such reservation and conveyance instruments that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney’s Office prior to recording the minor subdivision plat.

Any and all conveyance instruments shall recite as follows:

For the water rights and return flows conveyed for the primary supply (Dawson aquifer): “These water rights conveyed, and the return flows therefrom, are intended to provide a 300-year supply, and replacement during pumping, for each lot of the Winsome Filing No. 1 Subdivision. The water rights so conveyed, and the return flows therefrom, shall be appurtenant to each of the respective lots with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title.”

D. Applicant, its successors and assigns, at the time of lot sales, shall convey by warranty deed to individual lot owner(s) sufficient water rights in the Dawson aquifer, pursuant to Determination and Replacement Plan No. 2 - 1692-BD, underlying the respective lot to satisfy El Paso County's 300 year water supply requirement. Dawson aquifer requirements for each lot are as follows: 180 acre-feet for each lot (0.60 acre-feet/year x 300 yrs.). Said conveyance instruments shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for the primary supply and replacement supply during pumping for the respective lots. Applicant shall provide form deeds for such conveyances that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney's Office prior to recording the minor subdivision plat.

E. Applicant, its successors and assigns, shall submit Declaration of Covenants, Conditions, and Restrictions and any plat notes required herein to the Planning and Community Development Department and the County Attorney's Office for review, and the same shall be approved by the Planning and Community Development Department and the County Attorney's Office prior to recording the final plat. Said Declaration shall cross-reference Colorado Ground Water Commission Determination and Replacement Plan No. 2 - 1692-BD and shall identify the obligations of the individual lot owners thereunder.

F. Applicant, its successors and assigns, shall record all applicable documents, including, but not limited to, the Colorado Ground Water Commission Findings and Order – Replacement Plan No. 2 – Determination of Water Right No. 1692-BD, and any assignments, and warranty deeds regarding the water rights, and Declaration of Covenants in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

G. Applicant and/or lot owners must obtain well permits pursuant to Colorado Ground Water Commission Findings and Order – Replacement Plan No. 2 – Determination of Water Right No. 1692-BD.

H. It is Applicant's responsibility, and not the County's, to comply with the advisory by the State Engineer's Office regarding any storm water collection and/or conveyance facilities that may be included in the development to ensure that any such structures meet the requirements of a 'storm water detention and infiltration facility,' and that notice, construction, and operation of the proposed structure meets statutory and administrative requirements.

I. The following plat note shall be added that addresses the State Engineer's admonition to advise landowners of potential limited water supplies in the Denver Basin:

"Water in the Denver Basin aquifers is allocated based on a 100 year aquifer life; however, for El Paso County planning purposes, water in the Denver Basin aquifers is evaluated based on a 300 year aquifer life. Applicants and all future owners in the subdivision should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than either the 100 years or 300 years used for allocation indicated due

to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply.”

cc: Nina Ruiz, Project Manager, Planner III



Prevent • Promote • Protect

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Winsome Flg. #1, SF-20-3

Please accept the following revised comments from El Paso County Public Health (EPCPH) regarding the project referenced above:

- The proposed 766.66-acre, 143-residential lot and 1-commercial lot development will be served water by individual private wells, and wastewater service by onsite wastewater treatment systems (OWTS). The first phase proposed is for 47 residential lots on 163 acres.
- Water service for the development will be provided by individual private wells, and wastewater service will be provided by onsite wastewater treatment systems (OWTS). El Paso County Public Health has determined there is a finding for sufficiency in terms of water quality based on the 05Mar2019 sample results reported by Hazen Research, Inc., and the 21Feb2019, Colorado Analytical Laboratories, Inc. water quality report. However, future residents should be aware the sample result for radium was above the maximum contaminant limit (MCL) of the State of Colorado Primary Drinking Water Regulations. In addition, the sample result for manganese was above the secondary maximum contaminant limit (SMCL). Residents are encouraged to resample for both constituents, as a single sample result is not 100% indicative of source water contamination throughout the site. Radium and manganese, if found, can be removed with the installation of residential reverse osmosis (RO) units, or ion exchange water softeners.
- The Entech Engineering, Inc., Preliminary Soil, Geology, Geologic Hazard and Wastewater Study dated 02Oct2018 (revised 11Jan2019), for Winsome Subdivision was reviewed for the determination of suitability of the site for onsite wastewater treatment systems (OWTS) installations. There were ten soil test pits excavated in Phase 1 for the 47 proposed lots. This is following the required number of tests for the area.
- Note: The soil test pits within the report did indicate that ground water was not encountered; however, the report did show most of the soil in the area is not suitable for conventional onsite wastewater treatment systems and will require professional engineer designs.
- El Paso County Public Health encourages planned walkability of residential communities with sidewalks, walking paths, and bike trails to surrounding neighborhood parks, schools and commercial areas. Walk-ability features promote exercise, help reduce obesity and lower the risk of heart disease.

Winsome Flg. #1, SF-20-3

- **Radon resistant construction building techniques/practices are encouraged in this area. The EPA has determined that Colorado, and specifically the El Paso County area, have higher radon levels than other areas of the country.**
- **Earthmoving activities Earthmoving activities greater than 25 acres require a Construction Activity Permit from the Colorado Department of Public Health and Environment, Air Pollution Control Division. Go to:
<https://www.colorado.gov/pacific/cdphe/general-air-permits>**
- **Water quality basins must have mosquito control responsibilities included as a part of the construction design and maintenance plan to help control mosquito breeding habitat and minimize the potential for West Nile Virus.**

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