

COMMISSIONERS: STAN VANDERWERF (CHAIR) CAMI BREMER (VICE-CHAIR)

LONGINOS GONZALEZ, JR. HOLLY WILLIAMS CARRIE GEITNER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Planning Commission

Brian Risley, Chair

FROM: Kari Parsons, Planner III

Jeff Rice, PE Engineer III

Craig Dossey, Executive Director

RE: Project File #: SP-19-003

Project Name: Windermere

Parcel Nos.: 53291-11-002, 53294-00-016, and 53291-00-004

| OWNER: | REPRESENTATIVE: |
|---------------------------------|--------------------------------|
| James Todd Stevens, | Tim McConnell |
| Eagle Development Company & | Drexel, Barrell & Company |
| Yes Antelope Ridge, LLC | 3 South 7 th Street |
| 4164 Austin Bluffs Parkway #361 | Colorado Springs, CO 80905 |
| Colorado Springs, CO. 80918 | |

Commissioner District: 2

| Planning Commission Hearing Date: | 3/4/2021 | |
|--|-----------|--|
| Board of County Commissioners Hearing Date | 3/23/2021 | |

EXECUTIVE SUMMARY

A request by James Todd Stevens, Eagle Development Company, and Yes Antelope Ridge, LLC, for approval of a preliminary plan to create 203 single family residential lots, public rights-of-way, and seven (7) tracts for open space, park, detention, and utilities. The three (3) parcels, totaling 55.58 acres, are zoned RS-5000 (Residential Suburban)



and are located at the northwest corner of the Marksheffel Boulevard and North Carefree Circle intersection and is within Section 29, Township 13 South, Range 65 West of the 6th P.M. The properties are also within the CAD-O (Commercial Airport Overlay District). The properties are not included within the boundaries of a small area plan.

The applicants are also requesting approval to perform pre-development site grading to include installation of wet utilities and a finding by the Board of County Commissioners for water sufficiency in terms of quality, quantity, and dependability. Approval by the Board of County Commissioners of the preliminary plan with a finding of sufficiency for water quality, quantity, and dependability authorizes the Planning and Community Development Department Director to administratively approve all subsequent final plat(s).

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by James Todd Stevens, Eagle Development Company, and Yes Antelope Ridge, LLC, for approval of a preliminary plan to create 203 single family residential lots and for a finding of sufficient water quality, quantity, and dependability, thereby authorizing administrative approval of subsequent final plats. Additionally, the applicants are also requesting approval to perform pre-development site grading to include installation of wet utilities.

Waiver(s)/Deviation(s): The applicants are not requesting any waiver(s) or deviation(s) of the El Paso County Land Development Code (2021) or Engineering Criteria Manual (2020) with this application.

Authorization to Sign: There are no items requiring signature associated with this request.

B. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

The Planning Commission and Board of County Commissioners shall determine that the following criteria for approval outlined in Section 7.2.1 of the <u>El Paso County Land</u> Development Code (2021), have been met to approve a preliminary plan:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of this Code;
- The subdivision is in conformance with the subdivision design standards and any approved sketch plan;
- 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 the proposed subdivision is compatible with such conditions.
 [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;
- The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;
- Legal and physical access is or will be provided to all parcels by public rights-ofway or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;

- Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and
- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

D. LOCATION

North: PUD (Planned Unit Development) Single-family Residential South: City of Colorado Springs Natural Gas Utility Facility East: City of Colorado Springs Commercial/Residential West: RS-6000 (Residential Suburban) Single-family Residential

E. BACKGROUND

The Board of County Commissioners approved a map amendment (rezone) of the three (3) parcels from RR-5 (Residential Rural) to the RS-5000 (Residential Suburban) on April 28, 2015 (PCD File No. P-14-004).

The Chateau at Antelope Ridge is located to the north of the proposed development area and is zoned PUD (Planned Unit Development) (PUD-96-004). The Chateau at Antelope Ridge PUD consist of 338 manufactured homes on two parcels totaling 65.51-acres. An off-site 3.51-acre detention pond tract was included in the approval of The Chateau at Antelope Ridge development and provides detention for the development. The 3.51-acre tract is now included within the requested Windermere Preliminary Plan. The applicants are proposing to expand the pond to a 10.275-acre drainage tract and update it to current County criteria. The applicant has submitted a drainage report and grading and erosion control plan demonstrating that the proposed expanded pond, to be owned and maintained by the Windermere Metropolitan District, meets the applicable criteria and is being designed to meet the anticipated needs of both the Windermere Preliminary Plan and Chateau at Antelope Ridge development.

The Preliminary Plan depicts 203 single family detached residential lots, public rights-of-way, and tracts for open space, park, drainage, and utilities. The overall density of the Preliminary Plan area is 3.7 dwelling units per acre and is proposed to be developed in two (2) phases. Phase 1 is proposed to include 163 single-family lots and Phase 2 is proposed to include 40 single-family lots. The applicants are proposing to expand and update the existing detention pond with Phase 1.

The applicants have indicated in their letter of intent that a request for approval of a Title 32 Special District Service Plan to create the Windermere Metropolitan District is forthcoming, if the requested preliminary plan is approved.

F. ANALYSIS

1. Land Development Code Compliance

This application meets the preliminary plan 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 (2021).

Section 8.4.B.2.2,b. Noise, Roadway and Railroad Mitigation of the <u>Land Development Code</u> requires the applicants to depicted a noise wall along Marksheffel Road to mitigate the potential roadway noise levels impacting the future lot owners. Additionally, Recommended Condition of Approval No. 6 requires an updated noise study to analyze roadway noise levels adjacent to North Carefree Circle to determine if a noise barrier will be required to mitigate potential roadway noise levels impacting the future lot owners at the time of the final plat submittal. More specifically, the <u>Code</u> states:

"Mitigation in Residential Subdivisions. Noise mitigation may be required for any residential subdivision, and shall be required for single-family and duplex residential subdivisions, which contain lots that will be individually owned, and are located adjacent to expressways, principal arterials or railroads. Where required, mitigation shall reduce the existing or projected exterior noise levels at the building site location and outdoor areas for patios and decks closest to the noise generator to 67 dBA Leq (Decibels-Equivalent Continuous Level). A noise study to determine the area of potential impact is required where a subdivision includes or borders an expressway, principal arterial or railroad."

The properties are also within the CAD-O (Commercial Airport Overlay District) zoning overlay. The CAD-O was adopted by the Board of County Commissioners pursuant to C.R.S §30-28-113 et seq. and 41-4-101 et seq. The purpose of the CAD-O district is to ensure compliance with the Federal Aviation Administration, to ensure free and unobstructed passage of all aircraft through and over airspace, and to acknowledge that private property owners have a property interest in usable airspace above the surface of their property. A referral was sent to the Colorado Springs Airport Advisory Commission (CSAAC) for review and comment. The CSAAC provided comment that an avigation easement is requested at the time of plat recordation. Section 4.3.1 CAD-O, Commercial

Airport Overlay District of the <u>Land Development Code</u> requires an Airport Activity Notice and Disclosure to be recorded against the title of the property at the time of the final plat, but does not require provision of an avigation easement. More specifically, Section 4.3.1 of the <u>Code</u> states:

"The following are required prior to approval of any rezoning or subdivision plat:

- The request shall be referred to Airport Advisory Commission for review and comment.
- Airport Activity Notice and Disclosure shall be required to be recorded against the title of the property as a condition of approval. "

The applicants have, however, agreed to provide the requested avigation easement in addition to filing an Airport Activity Notice and Disclosure to be recorded against the title of the property at the time of the final plat.

2. Zoning Compliance

The RS-5000 (Residential Suburban) zoning district is intended to accommodate single-family and two-family residential development. The density and dimensional standards for the RS-5000 (Residential Suburban) zoning district are as follows:

- Minimum lot size 5,000 square feet
- Minimum width at the front lot line 50 feet
- Setbacks 25 feet in the front and rear, 5 feet on the sides
- Maximum height 30 feet

The preliminary plan demonstrates compliance with the lot size and minimum lot width at the front setback line requirements of the RS-5000 zoning district. The applicant will be required to demonstrate compliance with the RS-5000 (Residential Suburban) zoning district dimensional standards in association with each residential site plan application.

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. Relevant policies are as follows:

Policy 2.1.7- Encourage the adoption of noise level standards which will limit or mitigate adverse impacts to landowners.

Policy 6.1.4 - Encourage the logical timing and phasing of development to allow for the efficient and economical provision of facilities and services.

Policy 6.1.11 - Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.

Policy 10.2.2- Carefully consider the availability of water and wastewater services prior to approving new development.

Policy 11.3.2- When possible, safely design and incorporate drainage facilities as an aesthetic element with developments.

According to the water and wastewater resources reports submitted in support of the preliminary plan, Cherokee Metropolitan District has available water supply and wastewater treatment capacity to provide adequate service to the development.

The property to the west is zoned RS-6000 (Residential Suburban) and has a density of 3.7 dwelling units per acre. The property to the north is the Antelope at Chateau Ridge PUD (Planned Unit Development) (PUD-96-004), which includes 338 manufactured homes on two (2) parcels totaling 65.51-acres resulting in a density of 5.15 dwelling units per acre. The property to the east lies within the City of Colorado Springs and is planned for both commercial and residential uses. The density of the proposed development is 3.7 dwelling units per acre, which is compatible with the adjacent urban single-family residential land use to the north and west.

The property to the south is owned by the City of Colorado Springs and includes a Colorado Springs Utilities (CSU) Propane/Air Plant, a critical component of CSU's natural gas operations. The proposed residential development is anticipated to include roadway landscaping along North Carefree Circle, which will help buffer the public utility land use from the proposed residential land use.

A noise study prepared by LSC Transportation Consultants, dated February 8, 2019 was submitted in support of the Windermere Preliminary Plan application. The noise study identified the projected exterior noise levels at the building site

locations adjacent to Marksheffel Road are anticipated to be greater than 66 dBA Leq (Decibels-Equivalent Continuous Level). The applicants have depicted a noise wall along Marksheffel Road to mitigate roadway noise levels impacting the future lot owners within the proposed development adjacent to Marksheffel Road. Additionally, Recommended Condition of Approval No. 6 requires an updated noise study to analyze roadway noise levels adjacent to North Carefree Circle to determine if a noise barrier will be required to mitigate potential roadway noise levels impacting the future lot owners at the time of the final plat submittal.

The applicants have depicted a one (1)-acre pocket park in the center of the development, and they proposed to expand the existing detention pond to mitigate drainage flows in the area, which provides 10.275-acres of open space between the urban single-family residential development to the north anticipated to reduce the massing and mitigate visual impacts in addition to conserving open space.

Staff recommends that the Preliminary Plan is consistent with the policies pertaining specifically to the concept of integrating new compatible land uses in terms of density and the policies promoting conservation of open space.

4. Small Area Plan Analysis

The properties are not included within a small area plan.

5. Water Master Plan Analysis

The <u>El Paso County Water Master Plan</u> (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best management practices for water demand management through the comprehensive planning and development review processes. Relevant Policies are as follows:

- **Goal 1.1** Ensure an adequate water supply in terms of quantity, dependability, and quality for existing and future development.
- **Goal 1.2** Integrate water and land use planning.
- **Goal 3.1** Promote cooperation among water providers to achieve increased efficiencies on infrastructure.
- **Policy 4.1.4** Work collaboratively with water providers, stormwater management agencies, federal agencies, and State agencies to ensure

drinking water sources are protected from contamination and meet or exceed established standards.

Policy 6.0.11 – Continue to limit urban level development to those areas served by centralized utilities.

Policy 6.4.1.3 – Support efforts by water providers to obtain renewable water supplies through collaborative efforts and regionalization.

Policy 6.4.1.4 – Promote long-term planning by water providers for sustainable water supplies serving new development.

The subject properties are located within Region 5, Cherokee Metropolitan District Service Area, which is not expected to experience significant growth in the County by 2060. Specifically, the <u>Plan</u> states:

"Region 5 consists of areas served by the Cherokee Metropolitan District and is not expected to experience significant growth by 2060. But the District could consider expanding water and sewer service to growth areas outside of Region 5. No specific growth map was created for Region 5; these areas are shown on other maps."

Region 5 has a current water supply of 4,849-acre feet per year and a current demand of 4,396-acre feet per year. The 2040 water supply is projected to be 6,800-acre feet per year and the projected 2040 demand is 6,468-acre feet per year for the Region.

Cherokee Metropolitan District participated in the water provider surveys in conjunction with developing the <u>Water Master Plan</u>. The needs analysis in the <u>Plan</u> states that the District will need to obtain additional water supplies required for the 2040 and 2060 horizons compared to the supplies currently available today. The District's participation in the planning effort indicates that the District is aware of their future water needs and anticipates adding water supplies incrementally to meet the growing and projected demands.

Cherokee Metropolitan District has provided a water and wastewater commitment letter to serve the development. The applicant's water resource report indicates the District has an ample supply of water to serve this development and future developments within the District. The report summarizes that the majority of the

District's water supply comes from the Upper Black Squirrel Creek Designated Groundwater Basin, which is considered a renewable water source. However, the District also receives supplies from the Sundance Ranch well field, which draws from Denver Basin aquifers, a nonrenewable water source. The District assumes that the Denver Basin will not be reliable beyond 2050. Therefore, the District has implemented three methods to provide a sustainable water supply to its customers:

- Water efficiency: The District set a goal of reducing demand by 3 to 5
 percent per capita and already has one of the lowest per capita usages
 in the State.
- ii. Water reuse: The District recharges the Upper Black Squirrel Creek Alluvial Aquifer with wastewater treated by the District that has been provided by the District and by Meridian Service Metropolitan District via intergovernmental agreement.
- iii. Additional renewable water supplies: The District is part of the Pikes Peak Regional Water Authority; whose goal is to provide water suppliers with a new regional water supply system.

As stated in the applicants' water resource report, this development is projected to have a demand of 66.5 acre-feet of water per year. As of 2020, the District had a surplus of 316.8 acre-feet of water per year before committing to the subject development. After commitment of 66.5 acre-feet of water per year, the District will be left with a surplus of 250.3 acre-feet of water for future developments. The District's accounting of current water demands and water supply is anticipated to be updated annually in order to appropriately evaluate the District's ability to increase water resources in conjunction with development applications and to show that the District is taking steps to address future projected water supply deficiencies. The District has indicated in the Water Provider Supplement to Water Resource Report for Windermere Subdivision, dated February 9, 2021, that the District does not intend to further development in the Denver Basin, and is focusing on acquiring new renewable supplies proximate to existing infrastructure.

Please see the Water section below for a summary of the water findings and recommendations for the proposed development with regard to water quantity, quality, and dependability.

6. Other Master Plan Elements

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

Paso County Community Services Department, Environmental Division, were each sent a referral and have no outstanding comments.

The <u>Master Plan for Mineral Extraction</u> (1996) identifies 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 El Paso County 2016 Major Transportation Corridor Plan Update (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the review of the preliminary plan application that would impede development. The Soils and Geologic Study Windermere Subdivision prepared by RMG, Inc., dated October 26, 2020, indicates that Lots 72-74 and 169-173 have very shallow ground water. The impacts to Lots 72-74 and 169-173 resulting from "very shallow groundwater" are proposed to be mitigated by the elimination of basements. The remainder of the lots may be impacted by potential groundwater, which would need to be mitigated by site grading and underdrains. The applicants have memorialized the need for the constraint mitigation via Note No. 25 on the face of the preliminary plan as stated below:

"If groundwater is encountered within 4-6 feet of finished floor elevation, an under-slab drainage layer may be required. In areas of very shallow groundwater, basement and crawlspace construction may not be feasible. Basements are prohibited on Lots 72-74 and 169-173."

2. Wildlife

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

3. Floodplain

As indicated on FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0543G, the properties are located entirely outside of the 100-year regulatory floodplain.

4. Drainage and Erosion

The proposed Windermere development is located within the Sand Creek Drainage Basin (FOFO4000), studied in 1996. This basin requires drainage and bridge fees to be paid at the time of final plat recording.

A portion of the site drains to the southeast where a private detention pond is proposed to be constructed. Most of the site generally drains to the northeast and will be routed into an existing detention pond that will be enlarged and modified for the additional drainage area. The existing detention pond currently serves the Chateau at Antelope Ridge Subdivision located directly north of the proposed site. The proposed Windermere Metropolitan District will maintain the detention ponds that include full spectrum detention outlets to meet current stormwater quality requirements.

Pre-development grading is requested with the preliminary plan request. The applicant will be required to secure approvals of an erosion and stormwater quality control permit (ESQCP), a grading and erosion control plan, a financial assurance estimate and a stormwater management plan prior to any grading, in accordance with the requirements of the El Paso County Engineering Criteria Manual (2019).

5. Transportation

The proposed Windermere development is located immediately northwest of the intersection of Marksheffel Road and North Carefree Circle, with Antelope Ridge Drive bounding the site to the west. Access to the development will be from two intersections on Antelope Ridge Drive.

The proposed Windermere roadways and traffic generation discussed and depicted in the traffic impact study (TIS) submitted by the applicant are in general conformance with the EI Paso County 2016 Major Transportation Corridors Plan Update (MTCP) as are the existing roads serving the proposed development, with identified concerns noted below. Traffic generated from the 203 dwelling units proposed in this development will be approximately 1,916 average daily trips (ADT) as discussed in the applicants TIS. Marksheffel Road and North Carefree Circle are both County-owned arterial roadways adjacent to the site, with transfer of ownership to the City of Colorado Springs anticipated in the short term, pending surveys and transfer of deeds. Marksheffel Road is shown as a 4-lane principal arterial road on the 2040 MTCP plan, and a six-lane expressway on the 2060 Corridor Preservation Plan. North Carefree Circle is shown as a minor arterial

and Antelope Ridge Drive is shown as a major collector on both the 2040 and 2060 plans. Right-of-way dedication and preservation appropriate for these road classifications is shown on the preliminary plan.

The proposed roads to be constructed within the Windermere development will be public local roads dedicated to the County for ownership and maintenance.

As outlined in the TIS, the following traffic concerns exist, along with proposed mitigation:

- 1. A southbound left-turn lane is anticipated to be warranted on Antelope Ridge Drive approaching the north site access. Southbound left turn lanes will be provided by the developer at both access points by restriping the existing center turn lane with the applicable final plat.
- 2. A right-turn lane is anticipated to be warranted on Antelope Ridge Drive approaching the north site access; the developer will construct this improvement with the applicable final plat.
- 3. The southbound left-turn movement on Antelope Ridge Drive at North Carefree Circle is currently operating at a level of service (LOS) F during the morning peak hours. With the addition of the projected short-term site-generated traffic, this movement is also projected to operate at LOS F during the mid-afternoon and LOS E during the afternoon peak hour. The intersection is not anticipated to meet the necessary signal warrants in the short term. Further coordination will be required between the City, the County, and the developer at the time of final plat review to determine the appropriate mitigation measures.
- 4. The Antelope Ridge Drive at North Carefree Circle intersection has poor sight distance for southbound left turns due to topography. This limited sight distance may also affect the poor LOS mentioned above, and likely has an effect on motorists' decisions not to use this left-turn movement. The installation of a traffic signal (if warranted) or other intersection improvements addressed in the TIS can mitigate the sight distance concerns. This will need to be addressed with review of the first Windermere final plat, also involving coordination with the City as mentioned above.
- 5. The eastbound left-turn movement at the intersection of North Carefree Circle and Marksheffel Road is currently operating at LOS F during the morning peak hour and LOS D during the afternoon peak hour. The City of Colorado Springs has recently completed a traffic signal warrant analysis for this intersection and has indicated it will be converted to traffic signal control, once funding is available. City staff have

commented that "The developer is required to remit to the City of Colorado Springs the amount of \$75,000 for the future anticipated traffic signal at the intersection of Marksheffel Road and North Carefree Circle." The applicant has responded that "The developer agrees to provide escrow or direct contribution to the City of Colorado Springs for the future anticipated signal at the intersection of Marksheffel Rd and N. Carefree Circle..."

This development is subject to the El Paso County Road Impact Fee Program (Resolution 19-471), as amended, at the time of final plat recording. Per the traffic impact study, the development intends to be included in the 10-mill public improvement district (PID #2).

H. SERVICES

1. Water

Cherokee Metropolitan District provides water service and has committed to serve the property.

Sufficiency:

Quality: Sufficiency
Quantity: Sufficiency

Dependability: Sufficiency

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 is anticipated to make a recommendation for a finding of sufficiency with regard to water quantity and dependability which will be provided at time of hearing. El Paso County Public Health has made a favorable recommendation regarding water quality sufficiency.

2. Sanitation

Wastewater service is provided by Cherokee Metropolitan District. The District has provided a wastewater commitment letter demonstrating the District has adequate capacity to serve the development.

3. Emergency Services

The properties are within the Falcon Fire Protection District. A referral was sent to the District. The District did respond and has no objection to the development. The District provided a commitment letter to serve the proposed commercial development.

4. Utilities

The Mountain View Electric Association will provide electrical service and Colorado Springs Utilities will provide natural gas service to the development.

5. Metropolitan Districts

The applicants have indicated in their letter of intent that they will request approval of a Title 32 Special District service plan for the Windermere Metropolitan District prior to final plat submittal.

6. Parks/Trails

Fees in lieu of park land dedication will be due at the time of recording the final plat(s). The El Paso County Parks Master Plan (2013) does not show any parks or trails within the proposed development area. The applicant is providing a one (1) acre park site within the development which is not eligible for urban park land fee credits due to the size. The applicant will be required to pay park fees is lieu of park land dedication at the time of final plat recordation.

7. Schools

The site is within the boundaries of the Falcon School District No. 49. Fees in lieu of school land dedication shall be paid to El Paso County for the benefit of Falcon School District No. 49 at time of recording the final plat(s).

I. APPLICABLE RESOLUTIONS

Approval Page 25 Disapproval Page 26

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners 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) staff recommends the following conditions and notations:

CONDITIONS

- 1. Applicable traffic, drainage and bridge fees shall be paid with each final plat.
- 2. Applicable school and park fees shall be paid with each final plat.

- 3. 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, Colorado Parks and 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.
- 4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 19-471), as amended, 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.
- 5. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
- 6. The applicants shall construct a 6 (six) to 8 (eight)-foot pre-cast noise wall to reduce the noise decibels below 66dB along the single-family lots adjacent to Marksheffel Road. The applicant shall provide an updated noise study adjacent to North Carefree Circle at the time of the final plat submittal to assess the noise decibel level for the lots adjacent to Carefree Circle.
- 7. The applicants shall provide a final landscape plan at the time of the final plat submittal.
- 8. Developer shall participate in a fair and equitable manner in offsite transportation improvements within unincorporated El Paso County, to be verified and approved with an updated traffic impact analysis provided with each final plat within the Windermere development.
- The private detention pond maintenance agreement, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the issuance of the Pre-development Site Grading Construction Permit.

NOTATIONS

1. Approval of the Windermere Preliminary Plan authorizes future final plat filings to be approved administratively by the Planning and Community Development Executive Director.

- 2. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a final plat has been approved and recorded or a time extension has been granted.
- 3. The City of Colorado Springs has requested the applicants participate in a fair and equitable manner in offsite transportation improvements on North Carefree Circle, including but not limited to provision of proportional escrow or direct contribution toward the anticipated traffic signal at the intersection of Marksheffel Road and North Carefree Circle, which will not be included in the County Road Fee program. The County cannot require fees to be paid to incorporated municipalities.
- 4. Preliminary plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 45 adjoining property owners on February 12, 2021, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Preliminary Plan Drawing
State Engineer's Letter
County Attorney's Letter

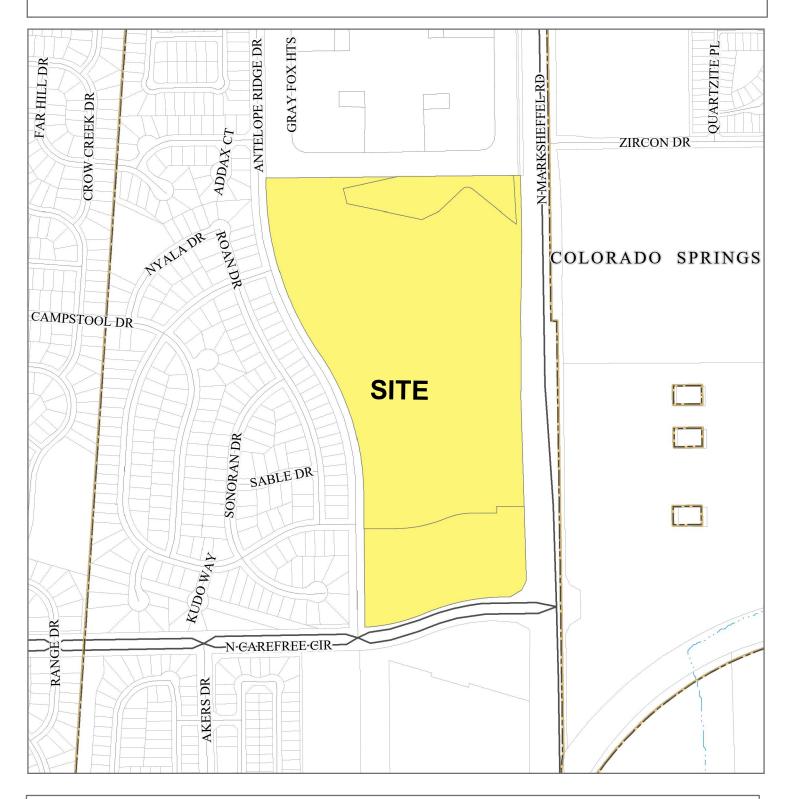
El Paso County Parcel Information

| • | |
|------------|---------------------------|
| PARCEL | NAME |
| 5329100004 | EAGLE DEVELOPMENT COMPANY |
| 5329111002 | YES ANTELOPE RIDGE LLC |
| 5329400016 | STEPHENS JAMES TODD |

File Name: SP-19-003

Zone Map No. --

Date: February 12, 2021





Engineers/Surveyors

Boulder Colorado Springs Greeley

3 S 7th Street Colorado Springs, CO 80905

719 260-0887 719 260-8352 Fax

Drexel, Barrell & Co.

February 12, 2021

El Paso County Planning & Community Development Attn: Kari Parsons, Planner 2880 International Circle Colorado Springs, CO 80910 719-373-8562 direct

RE: Letter of Intent & Justification Statement Windermere, Parcel Nos. 53291-11-002, 53294-00-016 & 53291-00-004 Preliminary Plan Amendment

Ms. Parsons,

Please accept this letter of intent and the enclosed supplemental material as Drexel, Barrell & Co's application and request for approval of an amendment to the Preliminary Plan for Windermere, on behalf of James Todd Stephens, Eagle Development Company and YES Antelope Ridge, LLC, to be developed as a single family residential property. The approximately 55.58 acre site will consist of 203 single family lots. We request approval of this amendment to the Preliminary Plan which has been prepared in accordance with El Paso County criteria. We also request pre-development overlot grading, utility installation, water sufficiency and administrative plat approval. No deviations or variances are requested at this time.

The site was considered for annexation to the City of Colorado Springs, however significant off-site utility connections required to make the project work in the City/CSU service territory were not feasible.

Location

The site consists of the three parcels noted above located at the northwest corner of Marksheffel Road and North Carefree Circle. Antelope Ridge Drive forms the western boundary, and Chateau at Antelope Ridge subdivision lies to the north. The site contains a 3.51 acre Tract A of the Chateau at Antelope Ridge Filing No. 2.

Zoning / Land Use

The site is currently zoned for RS-5000 CAD-O (Residential Suburban / Commercial Airport District) and is currently undeveloped. The land to the west of the site is zoned as suburban RS-6000, and a PUD zoned subdivision lies to the north. The land to the south opposite N. Carefree Cir. is zoned RR-5 and owned by the City of Colorado Springs. The land to the east of Marksheffel Road is zoned R5/CR PIP2/CR SS AO and R1-6 PBC/CR PIP2/CR R5/CR SS AO for use as part of the Banning Lewis Ranch Master Plan with the City of Colorado Springs.

Existing Facilities

Sanitary Sewer is located at the east central portion of the site. Water mains are located in Antelope Ridge Drive. Existing electric and communication facilities are located on the site perimeter. A natural gas main is located along Antelope Ridge Drive on the west end of the site. An existing detention facility at the north end of the project has already been temporarily capturing flows from the north. This pond is owned by Yes! Communities and will be expanded to meet current design criteria. The new pond is to be maintained by Windermere Metropolitan District. Coordination with the adjacent property owners is currently in progress.

Preliminary Plan

The project consists of 203 single family lots at a minimum of 5,000 s.f. each. The gross density of the project will be a minimum of 3.6 units per acre to a maximum of 6.2 units per acre, according to RS-5000 zoning standards. The project will be constructed in two phases.

Phase 1 will consist of approximately 26 acres and include 163 residential lots, a neighborhood park and a detention facility. The Tracts in Phase 1 are A, C, D, F and G (5 Tracts). These tracts are all used for landscape and public utilities & improvements. Tract A is also to be used for drainage and a private detention pond. Tract C is also to be used for a park, mail kiosks and drainage. Tract D and Tract F are also to be used for drainage.

Phase 2 will consist of approximately 6 acres and include 40 residential lots and a detention facility. The Tracts in Phase 2 are B and E (2 Tracts). These tracts are both used for landscape, public utilities & improvements and drainage. Tract B is also to be used for a private detention pond.

Road ROW consists of approximately 9 acres and Tracts consist of approximately 14 acres. The existing detention facility in Phase 1 has already been temporarily capturing flows from the Chateau at Antelope Ridge subdivision to the north and from Pronghorn Meadows subdivision to the west. The existing facility will be replaced with an expanded pond of larger capacity meeting current drainage criteria to include a concrete trickle channel at the bottom, an outlet structure and pipe that will reduce the release of flows, and a reinforced spillway on the east side of the facility.

Criteria for Approval

Per section 7.2.1.D.2 in the Land Development Code, this project meets the following criteria:

• The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan. The development is consistent with the intent of the Policy Plan as it is intended to provide additional housing at various densities in an urbanizing area. Annexation into the City of Colorado

Springs was explored, but found to be cost prohibitive due to offsite utility extensions needed, wastewater in particular.

- The subdivision is consistent with the purposes of this Code. The stated purpose of the Code is to preserve the improve the public health, safety, and general welfare of the citizens and businesses of El Paso County. This development will provide an additional housing option in the area in a location that is appropriate for higher density residential development.
- The subdivision is in conformance with the subdivision design standards and any approved sketch plan. There is no approved sketch plan for this property. The subdivision design standards are met.
- 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. Cherokee Metropolitan District has a sufficient water supply to support this development. The raw water supplied to the District is generally of good quality. The quality of the water is monitored, and the District has been successful in complying with regulatory limits. (Water Resources Report, June 2020). See commitment letter from Cherokee Metropolitan District
- 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. Cherokee Metropolitan District will serve the project and has sufficient capacity. Public sewage disposal is addressed in the "Wastewater Report for Windermere" prepared by Drexel, Barrell & Co. See commitment letter from Cherokee Metropolitan District.
- All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)]. The geologic hazards anticipated to affect this site are potentially seasonally high groundwater at lots 72-74 and 169-173, expansive soils, compressible soils, hard bedrock, floodplain and drainage areas, corrosive minerals, fill soils, proposed grading, erosion control, cuts and masses of fill and radon. The most significant geologic constraints to development recognized at this site are high groundwater and hard bedrock. The geologic conditions encountered at this site are relatively common to the immediate area and mitigation can be accomplished by implementing common engineering and construction practices. None of these conditions are anticipated to preclude the proposed development. See geotech report by RMG, October 26, 2020 for mitigation measures.
- Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are

provided by the design. Drainage improvements are addressed in the Preliminary Drainage Report and in the grading and erosion control plans prepared by Drexel Barrell, Inc. Detention and water quality are provided on site and meets the DCM criteria.

- The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development. Public infrastructure is to be constructed with the development to include roads, drainage and utilities and are adequate to serve and mitigate the demand produced by the development.
- Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM. Legal access to the site is provided off of existing Antelope Ridge Dr., a collector roadway, and via public roads within the development.
- The proposed subdivision has established an adequate level of compatibility by
 - (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; There are no natural physical features on the site. Open space is provided throughout the development including approximately 13.5 acres.
 - (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; Appropriate provision is made in this regard given the context of the site and surrounding area. The plan was designed to minimize cost of transportation and utility infrastructure improvements.
 - (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; Landscaping is included to buffer the development from adjacent uses where appropriate. The development provides a transition between the smaller single-family lots to the north and commercial uses to the south.
 - (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; There are no identified environmentally sensitive areas on the project site.
 - (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities. The Traffic Report prepared by LSC Transportation Consultants requires that Antelope Ridge be restriped to provide a southbound left-turn lane

for each of the two site access points and that a northbound right turn land be added to the northern access point. Once improved as such, the proposed access points will function within acceptable traffic engineering parameters. The reports relating to water supply, wastewater treatment, and drainage demonstrate that there will be no negative impact on the levels of service of County services and facilities.

- Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision. Water and sanitary sewer service are to be provided by Cherokee Metropolitan District. Mountain View Electric Association Inc. and Colorado Springs Utilities will provide electric and natural gas services to the subdivision respectively. Falcon Fire Protection District will provide fire protection and emergency services. A neighborhood park will be provided as a tract within the subdivision.
- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code. The site lies within the Falcon Fire Protection District.
- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code. The proposed subdivision meets the applicable sections of these parts of the Code for R5-5000 zoning.

Traffic / Access / Noise

It is requested the Windermere Subdivision be placed in the 10 mill Traffic Improvement District.

Windermere subdivision will be accessed via two full-movement access points from Antelope Ridge Drive on the west side of the subdivision. The southern access will line up with the existing intersection with Pronghorn Circle, approximately 540 feet north of North Carefree Circle. The north access point will be approximately 770 feet north of the southern access point.

A Traffic Analysis prepared by LSC Transportation Consultants Inc. shows that all site access points will operate at satisfactory levels of service as stop-sign-controlled intersections based on the projected short term and 2040 total traffic volumes. The intersection of North Carefree Circle & Antelope Ridge does not currently operate at an acceptable level of service for the southbound left-turn AM peak flow. Warrants for a signal however, are not currently met. Warrants for a signal are anticipated to be met by, but not before 2040. See the TIS for further explanation. The proposed road improvements required for site development will be restriping on Antelope Ridge to provide southbound left-turn lanes approaching each of the two site access points and adding a northbound right-turn lane at the north access. No other offsite traffic improvements are proposed.

LSC has also produced a noise study to analyze the impact of projected road traffic noise from traffic on Marksheffel Road and North Carefree Circle on the proposed residential development. The report concludes that the 2040 noise levels will exceed the 67 decibel req threshold in two places, and it is recommended that an 6-8 foot precast concrete panel noise fence be installed along the back of lots abutting Marksheffel Road. Further noise analysis will be completed at the final plat stage to determine whether the noise fence needs to be extended along N. Carefree Circle.

The developer agrees to provide escrow or direct contribution to the City of Colorado Springs for the future anticipated signal at the intersection of Marksheffel Rd and N. Carefree Circle. The developer will comply with the City's requirements at the final plat stage.

Utilities

Water and sanitary sewer services will be provided by Cherokee Metropolitan District. Electric and natural gas will be provided by Mountain View Electric Association Inc. and Colorado Springs Utilities respectively. The communications provider will be contracted by the developer.

Schools

The project is located within Falcon District No. 49. Sand Creek High School and Evans Elementary School are located approximately ¾ mile to the west of the site, and Springs Ranch Elementary School is located approximately ¾ mile to the north west of the site. No land dedication is required at this time; fees in lieu of land are required.

Drainage

The site currently lies within the Sand Creek Drainage Basin. Drainage improvements will be constructed in accordance with the approved Final Drainage Report and Construction Documents as applicable, including a sub-regional WQ/Detention pond on the north end of the site and a local WQ/Detention pond on the south end. The ponds will be graded at the time of pre-development overlot grading, as well as the installation of wet utilities. The detention ponds and onsite drainage shall be owned and maintained by the Windermere Metropolitan District.

Parks / Open Space

The 1.00 acre park to be constructed in Tract C will serve the entire development project. As the park is less than 3 acres, it does not qualify as an urban park for the purposes of meeting the dedication requirements as outlined in the El Paso County Parks and Open Space Standards in Section 8.5.3 of the Land Development Code. The fees per subdivision lot in lieu of park land dedication are \$116 for Urban Parks and \$467 for Regional Parks. The required fees in lieu for this project are:

| | 2019 Fees/lot | Total (203 lots) |
|-----------------------|---------------|------------------|
| Urban Neighborhood | \$113 | \$22,939 |
| Urban Community | \$175 | \$35,525 |
| Regional | \$456 | \$92,568 |
| Total | \$744 | \$151,032 |

Require fees in lieu of land for regional park purposes in the amount of \$92,568, and urban park purposes in the amount of \$58,464. Dedication of urban park improvements under a park lands agreement is an acceptable alternative to urban fees, provided that the agreement is approved by the County and executed prior to recording the final plat.

Metropolitan District

The property is located within the Cherokee Metropolitan District. The Windermere Metropolitan District will be created prior to final plat.

Deviation Requests

No deviations are requested at this time.

Contact Information

Drexel, Barrell & Co., a full service engineering and surveying firm, represents Windsor Ridge Homes. Following is the contact information for both parties.

Owner/Developer:

Windsor Ridge Homes
James Todd Stephens
4164 Austin Bluffs Pkwy #36
Colorado Springs, CO 80918
719-499-6136 phone
719-200-9594 cell
todd@windsorridgehomes.com

Owner:

Eagle Development Company 212 N. Wahsatch Ave., Suite #301 Colorado Springs, CO 80903 719-635-3200 phone jmark@lanhuisco.com

Current North Pond Owner:

Yes Antelope Ridge, LLC Craig Schellbach 5605 N. MacArthur Blvd, Suite 280 Irving, TX 75038 972-379-9616 phone cschellbach@yescommunities.com

Consultant:

Drexel, Barrell & Co. Mr. Tim McConnell, P.E., Principal, Regional Manager 3 South 7th Street Colorado Springs, CO 80905 719-260-0887 phone 719-260-8352 fax tmcconnell@drexelbarrell.com

We trust you find our application for the Windermere Preliminary Plan Amendment acceptable. We look forward to working with the County in processing the application and submittal package. Please call if you have any questions or require any additional information.

Respectfully,

Drexel, Barrell & Co.

Tim D. McConnell, P.E. Principal, Regional Manager

In OM Enel

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING WITHIN THE EAST HALF OF THE SECTION 29, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEARINGS ARE BASED ON THE SOUTH LINE OF CHATEAU AT ANTELOPE RIDGE FILING NO.2, MONUMENTED AT ITS WEST END WITH A #4 REBAR AND YELLOW PLASTIC CAP, PLS 24964

AND AT ITS EAST END WITH A #5 REBAR AND ORANGE PLASTIC CAP, PLS 38141, AND ASSUMED TO BEAR N 89°56'53" E.

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, CHATEAU AT ANTELOPE RIDGE FILING NO. 2, AS SHOWN ON THE PLAT THEREOF RECORDED UNDER RECEPTION NO. 202192387 OF THE RECORDS OF THE COUNTY OF EL PASO, STATE OF COLORADO, SAID CORNER ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF ANTELOPE RIDGE DRIVE AND CONSIDERING THE SOUTH LINE OF SAID LOT 1, AS SHOWN ON SAID PLAT, TO BEAR N89°56'53"E, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO: THENCE THE FOLLOWING TEN (10) COURSES ALONG THE SOUTH LINE OF CHATEAU AT ANTELOPE RIDGE FILING NO. 2:

- N89°56'53"E, 670.94 FEET;
- 2. S77°13'21"W, 296.79 FEET; 3. S14°41'09"E, 81.11 FEET;
- 4. S77°39'54"E, 397.87 FEET;
- N63°24'07"E, 97.95 FEET;

6. N47°01'52"E, 173.02 FEET TO A POINT OF NON-TANGENT CURVE CONCAVE TO THE SOUTH, FROM WHICH THE RADIAL LINE BEARS S26°27'56"E, 50.64 FEET;

7. 54.06 FEET ALONG THE ARC OF SAID CURVE, SAID ARC HAVING A RADIUS OF 50.64 FEET, A CENTRAL ANGLE OF 61°10'00", AND BEING SUBTENDED BY A CHORD THAT BEARS S85°52'56"E, 51.63 FEET;

- 8. S50°34'05"E, 287.41 FEET; 9. N03°10'04"W, 254.58 FEET;
- 10. N89°56'53"E, 70.30 FEET;

THENCE N89°24'24"E, 58.36 FEET TO THE WEST RIGHT-OF-WAY LINE OF MARKSHEFFE ROAD AS DESCRIBED IN THAT DOCUMENT RECORDED UNDER RECEPTION NO. 209071394 OF THE RECORDS OF EL PASO COUNTY; THENCE THE FOLLOWING FIVE (5) COURSES ALONG THE SAID WEST RIGHT-OF-WAY LINE:

S00°36'10"E, 53.57 FEET TO A POINT OF CURVE TO THE RIGHT; 460.83 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 7920.00 FEET, A CENTRAL ANGLE OF 03°20'02", AND BEING SUBTENDED BY A CHORD THAT BEARS S01°03'51"W, 460.76 FEET;

3. S02°43'52"W, 207.46 FEET TO A POINT OF CURVE TO THE LEFT; 4. 447.12 FEET ALONG THE ARC OF SAID CURVE, SAID ARC HAVING A RADIUS OF 8580.00 FEET, CENTRAL ANGLE OF 02°59'09" AND BEING SUBTENDED BY A CHORD THAT BEARS S01°14'18"W, 447.07 FEET; 5. S00°15'17"E, 553.34 FEET;

THENCE S89°45'06"W, 150.34 FEET; THENCE S00°14'54"E, 33.28 FEET; THENCE N90°00'00"W, 125.29 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE 169.67 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF REVERSE CURVE SAID ARC HAVING A RADIUS OF 475.00 FEET, A CENTRAL ANGLE OF 20°27'58" AND BEING SUBTENDED BY A CHORD THAT BEARS S79°46'01"W, 168.77 FEET; THENCE 264.28 FEET ALONG THE ARC OF SAID REVERSE CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 740.00 FEET, A CENTRAL ANGLE OF 20°27'45" AND BEING SUBTENDED BY A CHORD THAT BEARS S79°45'54"W, 262.88 FEET;

THENCE S89°59'46"W, 177.94 FEET TO THE EAST RIGHT-OF-WAY LINE OF ANTELOPE RIDGE DRIVE; THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE EAST RIGHT-OF-WAY LINE OF ANTELOPE RIDGE DRIVE:

NO0°00'18"W, 202.36 FEET TO A POINT OF CURVE TO THE LEFT 762.65 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF REVERSE CURVE; SAID ARC HAVING A RADIUS OF 1280.00 FEET, A CENTRAL ANGLE OF 34°08'17" AND BEING

SUBTENDED BY A CHORD THAT BEARS N17°04'26"W, 751.42 FEET; 928.37 FEET ALONG THE ARC OF SAID REVERSE CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 1560.00 FEET, A CENTRAL ANGLE OF 34°05'50" AND BEING SUBTENDED BY A CHORD THAT BEARS N17°05'40"W, 914.73 FEET;

4. NO0°09'38"W, 35.51 FEET TO THE POINT OF BEGINNING. THE ABOVE PARCEL CONTAINS AN AREA OF 1.865.088 SQUARE FEET (42.8165 ACRES) OF LAND, MORE OR LESS.

TOGETHER WITH

A PARCEL OF LAND LYING WITHIN THE EAST HALF OF SECTION 29, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF LOT 1, CHATEAU AT ANTELOPE RIDGE FILING NO. 2, AS SHOWN ON THE PLAT THEREOF RECORDED UNDER RECEPTION NO. 202192387, OF THE RECORDS OF THE COUNTY OF EL PASO, STATE OF COLORADO, SAID CORNER ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF ANTELOPE RIDGE DRIVE AND CONSIDERING THE SOUTH LINE OF SAID LOT 1, AS SHOWN ON SAID PLAT, TO BEAR N89°56'53"E, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE EAST RIGHT-OF-WAY-LINE LINE OF ANTELOPE RIDGE DRIVE:

S00°09'38"E, 35.51 FEET TO A POINT OF CURVE TO THE LEFT; 2. 928.37 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF REVERSE CURVE, SAID ARC HAVING A RADIUS OF 1560.00 FEET, A CENTRAL ANGLE OF 34°05'50" AND BEING SUBTENDED BY A CHORD THAT BEARS S17°05'40"E, 914.73 FEET; 3. 762.65 FEET ALONG THE ARC OF SAID REVERSE CURVE TO A POINT TANGENT; SAID

ARC HAVING A RADIUS OF 1280.00 FEET, A CENTRAL ANGLE OF 34°08'17" AND BEING SUBTENDED BY A CHORD THAT BEARS S17°04'26"E, 751.42 FEET; 4. S00°00'18"E, 202.36 FEET TO THE POINT OF BEGINNING;

THENCE N89°59'46"E, 177.94 FEET TO A POINT OF CURVE TO THE LEFT; THENCE 264.28 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF REVERSE CURVE, SAID ARC HAVING A RADIUS OF 740.00 FEET, A CENTRAL ANGLE OF 20°27'45" AND BEING SUBTENDED BY A

CHORD THAT BEARS N79°45'54"E, 262.88 FEET; THENCE 169.67 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 475.00 FEET, A CENTRAL ANGLE OF 20°27'58" AND BEING SUBTENDED BY A CHORD THAT BEARS N79°46'01"E. 168.77 FEET:

THENCE N90°00'00"E, 125.29 FEET; THENCE N00°14'54"W, 33.28 FEET; THENCE N89°45'06"E, 150.34 FEET TO THE WEST RIGHT-OF-WAY LINE OF MARKSHEFFEL ROAD AS DESCRIBED IN THAT DOCUMENT RECORDED UNDER RECEPTION NO. 209071394 OF THE RECORDS OF EL PASO COUNTY; THENCE THE FOLLOWING THREE (3) COURSES ALONG THE SAID WEST RIGHT-OF-WAY LINE

S00°15'17"E, 390.53 FEET;

S29°00'24"W, 54.00 FEET; S59°08'42"W, 73.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF NORTH CAREFREE CIRCLE AS DESCRIBED IN THAT DOCUMENT RECORDED UNDER RECEPTION NO. 205015091 OF

THE RECORDS OF EL PASO COUNTY; THENCE THE FOLLOWING THREE (3) COURSES ALONG SAID NORTH RIGHT-OF-WAY LINE: S89°48'47"W. 113.86 FEET TO A POINT OF CURVE TO THE LEFT:

407.83 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF REVERSE CURVE, SAID ARC HAVING A RADIUS OF 1060.00 FEET, A CENTRAL ANGLE OF 22°02'40" AND BEING SUBTENDED BY A CHORD THAT BEARS S78°47'28"W, 405.32 FEET; 3. 288.60 FEET ALONG THE ARC OF SAID REVERSE CURVE TO THE EAST RIGHT-OF-WAY LINE OF ANTELOPE RIDGE DRIVE, SAID ARC HAVING A RADIUS OF 940.00 FEET, A CENTRAL ANGLE OF 17°35'28" AND BEING SUBTENDED BY A CHORD THAT BEARS S76°33'51"W,

THENCE THE ALONG THE EAST RIGHT-OF-WAY LINE OF ANTELOPE RIDGE DRIVE NO0°00'18"W, 510.52 FEET TO THE POINT OF BEGINNING.

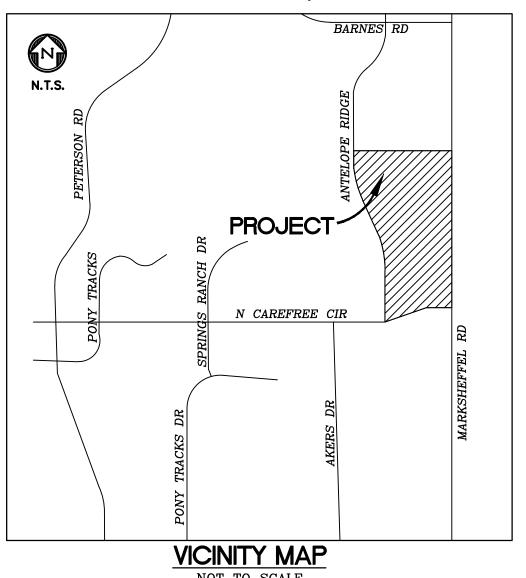
THE ABOVE PARCEL CONTAINS AN AREA OF 403,264 SQUARE FEET (9.2577 ACRES) OF LAND, MORE OR LESS.

TRACT A, CHATEAU AT ANTELOPE RIDGE FILING NO.2 AS RECORDED IN RECEPTION NO. 202192387, HAVING A CALCULATED AREA OF 3.51 ACRES OF LAND, MORE OR LESS.

FOR A TOTAL OF 55.58 ACRES, MORE OR LESS.

WINDERMERE

PRELIMINARY PLAN $E\frac{1}{2}$ OF SECTION 29, T13S, R65W OF THE 6TH P.M. EL PASO COUNTY, COLORADO



GENERAL NOTES

ALL STREETS SHALL BE CONSTRUCTED TO EL PASO COUNTY STANDARDS, UNLESS A SPECIFIC WAIVER OR DEVIATION HAS BEEN APPROVED. UPON ACCEPTANCE BY EL PASO COUNTY, ALL STREETS SHALL BE DEDICATED TO AND MAINTAINED BY EL PASO COUNTY DEPARTMENT OF TRANSPORTATION, EXCEPT FOR THE LANDSCAPING REFERRED TO IN NOTE #2.

LANDSCAPE ENTRY FEATURES, AND LANDSCAPE TRACTS SHALL BE OWNED AND MAINTAINED BY THE WINDERMERE METROPOLITAN DISTRICT. ALL DOUBLE FRONTAGE LOTS SHALL HAVE A MINIMUM OF ONE TREE PER 30 FEET OF FRONTAGE. THESE TREES CAN BE CLUSTERED ALONG THE FRONTAGE AS DETERMINED BY THE SUBDIVIDER.

THE DETENTION PONDS IN TRACTS A AND B SHALL BE DEDICATED TO AND MAINTAINED BY THE WINDERMERE METROPOLITAN DISTRICT.

4. THE NEIGHBORHOOD PARK IN TRACT C, FILING NO. 1 SHALL BE OWNED BY THE WINDERMERE METROPOLITAN DISTRICT AND MAINTAINED BY CHEROKEE METROPOLITAN DISTRICT, SUBJECT TO THE DISTRICT'S RULES AND SPECIFICATIONS,

5. CONTOUR INTERVAL SHOWN ON PLAN 2'.

6. PUBLIC UTILITY/PRIVATE DRAINAGE EASEMENTS SHALL BE PROVIDED ON ALL LOTS AS FOLLOWS UNLESS OTHERWISE INDICATED:

FRONT: FIVE (5) FEET SIDE: FIVE (5) FEET REAR: FIVE (5) FEET

SUBDIVISION PERIMETER: TWENTY (20) FEET

PUBLIC UTILITY, PUBLIC DRAINAGE AND PUBLIC IMPROVEMENT EASEMENTS SHALL BE PROVIDED AS FOLLOWS:

SEVEN (7) FEET IN WIDTH ADJACENT TO ALL PROPOSED PUBLIC ROW

THE SOLE RESPONSIBILITY FOR MAINTENANCE OF THESE EASEMENTS IS HEREBY VESTED WITH THE INDIVIDUAL PROPERTY OWNERS.

EXCEPT FOR MAINTENANCE AND EMERGENCY VEHICLES. 8. FLOOD PLAIN: THIS SITE, WINDERMERE, IS NOT WITHIN A DESIGNATED F.E.M.A. FLOODPLAIN AS

DETERMINED BY THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 08041C0543G &

7. ALL OPENSPACE / LANDSCAPE TRACTS SHALL BE LIMITED TO NON-MOTORIZED USE ONLY,

08041C0539G, EFFECTIVE DECEMBER 7, 2018. 9. WINDERMERE FILINGS 1 AND 2 SHALL BE LIMITED TO A TOTAL OF 203 LOTS. PHASES MAY BE COMBINED AND COMPLETED OUT OF ORDER WITHOUT A PRELIMINARY PLAN AMENDMENT.

10. THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THE PRELIMINARY PLAN OR FINAL PLAT FOR THIS SUBDIVISION AND ARE ON FILE AT THE COUNTY PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT: TRANSPORTATION IMPACT STUDY, PRELIMINARY DRAINAGE REPORT, WATER RESOURCE REPORT, WASTEWATER DISPOSAL REPORT, GEOLOGY AND SOILS REPORT FIRE PROTECTION REPORT, WILDFIRE HAZARD REPORT, NATURAL FEATURES REPORT, DEVELOPMENT EROSION CONTROL REPORT.

11. NO GRADING SHALL BE CONDUCTED UPON ANY LOT PRIOR TO THE APPROVAL OF THE EROSION CONTROL AND OVERLOT GRADING PLANS BY THE EL PASO COUNTY PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT.

12. WATER AND WASTEWATER SERVICE FOR THIS SUBDIVISION IS PROVIDED BY THE CHEROKEE METRO DISTRICT SUBJECT TO THE DISTRICT'S RULES AND SPECIFICATIONS.

13. MOUNTAIN VIEW ELECTRIC ASSOCIATION INC. WILL PROVIDE ELECTRIC SERVICE TO THIS SUBDIVISION.

14. COLORADO SPRINGS UTILITIES WILL PROVIDE NATURAL GAS SERVICE TO THIS SUBDIVISION.

15. WITHIN ALL SIGHT TRIANGLES: NO OBSTRUCTION GREATER THAN THIRTY INCHES (30") ABOVE THE GUTTER FLOWLINE OF THE ADJACENT ROADWAY IS ALLOWED.

16. NO STRUCTURES OR MAJOR MATERIAL STORAGE ACTIVITIES ARE PERMITTED WITHIN THE DESIGNATED DRAINAGE EASEMENTS: FENCES SHALL NOT IMPEDE RUNOFF FROM REACHING

17. ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGH THEIR PROPERTY. SIDE LOT SWALES SHALL BE CONSTRUCTED BETWEEN EACH LOT TO THE STREET BY THE HOMEBUILDERS.

18. MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT AND UNITED STATES POSTAL SERVICE REGULATIONS.

19. ALL RESIDENTIAL STREETS HAVE 5' ATTACHED SIDEWALKS WITH PEDESTRIAN RAMPS PER EL 20. THE 6'-8' HIGH CONCRETE FENCE: ALONG THE PERIMETER OF THE DEVELOPMENT SHALL BE

CONSTRUCTED BY THE DEVELOPER, AND OWNED AND MAINTAINED BY THE WINDERMERE METROPOLITAN DISTRICT. 21. NO DIRECT LOT ACCESS SHALL BE PROVIDED TO SINGLE FAMILY HOMES FROM ANTELOPE

RIDGE DRIVE, NORTH CAREFREE CIRCLE OR MARKSHEFFEL ROAD.

22. THE SHALLOW GROUNDWATER CONDITION(S) SHALL BE MITIGATED ON A LOT BY LOT BASIS AT THE TIME OF THE SUBSURFACE SOILS INVESTIGATION. UNDERDRAINS TO BE INSTALLED BY THE DEVELOPER AND MAINTAINED BY THE WINDERMERE METROPOLITAN DISTRICT.

23. 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

24. NOTICE OF POTENTIAL AIRCRAFT OVERFLIGHT AND NOISE IMPACT ASSOCIATED WITH AIRPORT: THIS SERVES AS NOTICE OF POTENTIAL AIRCRAFT OVERFLIGHT AND NOISE IMPACTS ON THIS PROPERTY DUE TO ITS CLOSE PROXIMITY TO AN AIRPORT, WHICH IS BEING DISCLOSED TO ALL PROSPECTIVE PURCHASERS CONSIDERING THE USE OF THIS PROPERTY FOR RESIDENTIAL AND OTHER PURPOSES. THIS PROPERTY IS SUBJECT TO THE OVERFLIGHT AND ASSOCIATED NOISE OF ARRIVING AND DEPARTING AIRCRAFT DURING THE COURSE OF NORMAL AIRPORT OPERATIONS. AN AVIGATION EASEMENT WILL BE OBTAINED PRIOR TO FINAL PLAT RECORDATION.

25. IF GROUNDWATER IS ENCOUNTERED WITHIN 4 TO 6 FEET OF FINISHED FLOOR ELEVATION, AN UNDERSLAB DRAINAGE LAYER MAY BE REQUIRED. IN AREAS OF VERY SHALLOW WATER, BASEMENT AND CRAWL SPACE CONSTRUCTION MAY NOT BE FEASIBLE. BASEMENTS ARE PROHIBITED ON LOTS 72-74 AND 169-173.

SOIL & GEOLOGY CONDITIONS:
THE SITE HAS BEEN FOUND TO BE IMPACTED BY GEOLOGIC HAZARDS AS NOTED BELOW. MITIGATION MEASURES AND A MAP OF THE HAZARD AREA CAN BE FOUND IN "SOILS AND GEOLOGY STUDY, WINDERMERE SUBDIVISION" BY RMG, OCTOBER 26, 2020 IN FILE NO. SP-19-003 AVAILABLE AT THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT. POTENTIALLY SEASONALLY HIGH GROUNDWATER: LOTS 72-74, 169-173 EXPANSIVE SOILS: THROUGHOUT SITE

COMPRESSIBLE SOILS: THROUGHOUT SITE HARD BEDROCK: THROUGHOUT SITE FLOODPLAIN AND DRAINAGE AREAS: NORTHEASTERN CORNER OF SITE AND DETENTION AREA CORROSIVE MINERALS: THROUGHOUT SITE FILL SOILS: SOUTHERN AND WESTERN BANKS OF EXISTING DETENTION POND

PROPOSED GRADING, EROSION CONTROL, CUTS AND MASSES OF FILL: THROUGHOUT SITE

RADON: THROUGHOUT SITE IN THE ABSENCE OF GROUNDWATER MONITORING PROGRAM AND PRIOR TO THE APPROVAL OF THE PLAT. CGS RECOMMENDS IT BE DEMONSTRATED WHERE MITIGATION OF PERSISTENT GROUNDWATER IS TAKING

- RAISING SITE GRADES:

TRACT AREA

- NO GARDEN-LEVEL BASEMENT CONSTRUCTION; AND/OR - AN UNDERDRAIN SYSTEM

TRACT A (CHATEAU ANTELOPE RIDGE) 3.510 AC LANDSCAPE, PUBLIC UTILITIES & IMPROVEMENTS, DRAINAGE, PRIVATE DETENTION POND TRACT A 6.765 AC TRACT D 0.249 AC LANDSCAPE, PUBLIC UTILITIES & IMPROVEMENTS, DRAINAGE TRACT G 0.268 AC LANDSCAPE, PUBLIC UTILITIES & IMPROVEMENTS TRACT (1.006 AC LANDSCAPE, PARK, MAIL KIOSKS, PUBLIC UTILITIES & IMPROVEMENTS, DRAINAGE TRACT 0.355 AC LANDSCAPE, PUBLIC UTILITIES & IMPROVEMENTS, DRAINAGE PHASE 2 0.872 AC LANDSCAPE, PUBLIC UTILITIES & IMPROVEMENTS, DRAINAGE, PRIVATE DETENTION POND LANDSCAPE, PUBLIC UTILITIES & IMPROVEMENTS, DRAINAGE TRACT E TOTAL= 0.480 AC 13.506 AC

TRACT USE

SHEET INDEX

COVER SHEET OVERALL SITE PHASE PLAN

PRELIMINARY SITE PLANS

PRELIMINARY UTILITY & PUBLIC FACILITY PLAN

PRELIMINARY GRADING PLAN

SITE DATA:

PROPOSED LAND USE:

JAMES TODD STEVENS, EAGLE DEVELOPMENT COMPANY & YES ANTELOPE RIDGE, LLC

(TRACT A, CHATEAU AT ANTELOPE RIDGE) WINDSOR RIDGE HOMES/JAMES TODD STEVENS

SINGLE FAMILY RESIDENTIAL

DEVELOPER: PROPOSED SITE AREA: 55.58 ACRES RS-5000 ZONING:

203 LOTS GROSS DENSITY: 3.6 DU/ACRE TAX SCHEDULE #: 53291-11-002, 53294-00-16, 53291-00-004

TOTAL LOT AREA: 32 AC (58%) 6.3 DU/AC **NET DENSITY:** 3.7 DU/AC GROSS DENSITY:

LAND USE NET DENSITY % OF LAND PHASE 1: SINGLE FAMILY 6.3 DU/AC 163 LOTS 25.88 PHASE 2: SINGLE FAMILY 6.3 DU/AC 40 LOTS 6.35 11.4% ROAD ROW N/A 9.84 17.7% 24.3% 6.3 DU/AC 203 LOTS 55.58 100%

THE FEES PER SUBDIVISION LOT IN LIEU OF PARK LAND DEDICATION ARE AS FOLLOWS. THE REQUIRED FEES IN LIEU FOR THIS PROJECT ARE:

OWNERSHIP/MAINTENANCE

WINDERMERE METRO DIST.

| | 2019 FEES/LOT | TOTAL (203 LOTS) |
|--------------------|---------------|------------------|
| URBAN NEIGHBORHOOD | \$ 113 | \$22,393 |
| URBAN COMMUNITY | \$ 175 | \$35,525 |
| REGIONAL | \$ 456 | \$ 92,568 |
| TOTAL | \$744 | \$151,032 |

WINDERMERE METRO DIST./CHEROKEE METRO DIST

DREXEL, BARRELL & CO

PREPARED BY

Engineers • Surveyors 3 SOUTH 7TH STREET CONTACT: TIM D. McCONNELL, P. (719)260-0887 BOULDER • COLORADO SPRINGS • GREELE

CLIENT:

4164 AUSTIN BLUFFS PKWY. #36° COLORADO SPRINGS, CO 80918 (719) 200-9594 CONTACT: JAMES TODD STEVENS

EL

DATE INITIAL ISSUE 2/21/19 LATEST ISSUE 2/10/21 DESIGNED BY:

CHECKED BY: TMD FILE NAME: 21187-01CV1 PREPARED UNDER MY DIRECT SUPERVISION FOR AND ON BEHALF OF DREXEL, BARRELL & CO.

SBN

DRAWN BY:

DRAWING SCALE:

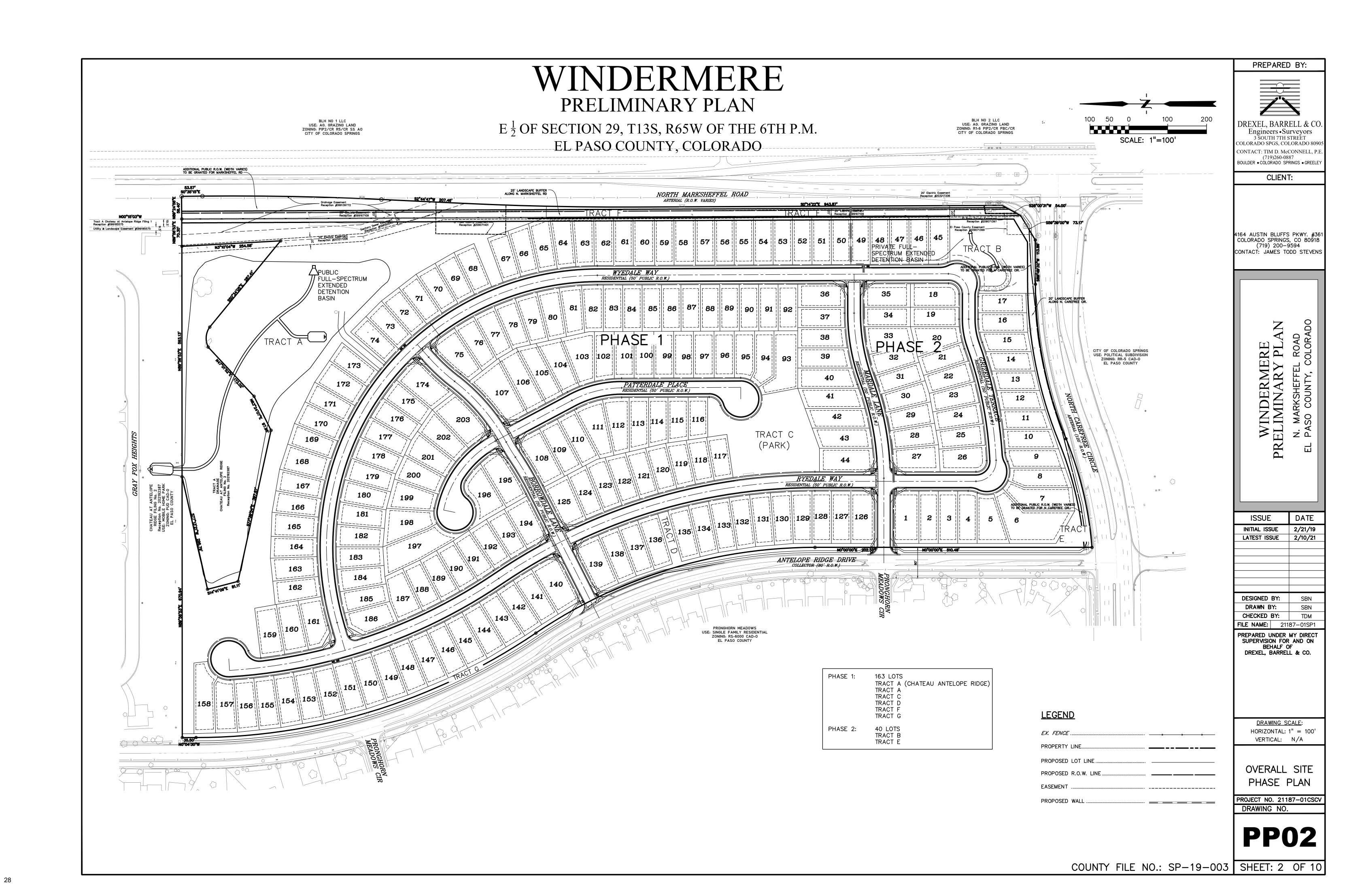
HORIZONTAL: 1"=200' VERTICAL: N/A

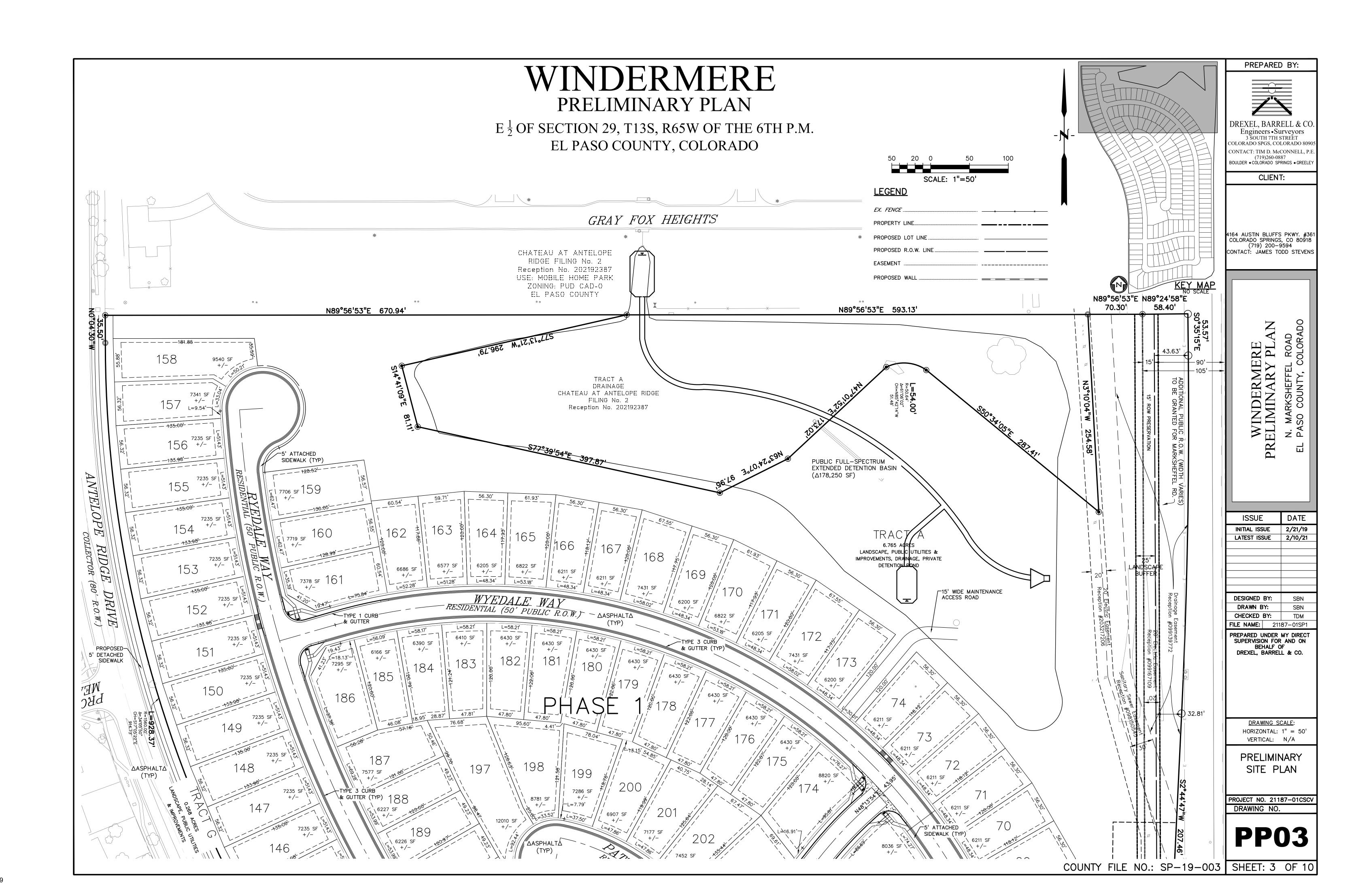
PRELIMINARY

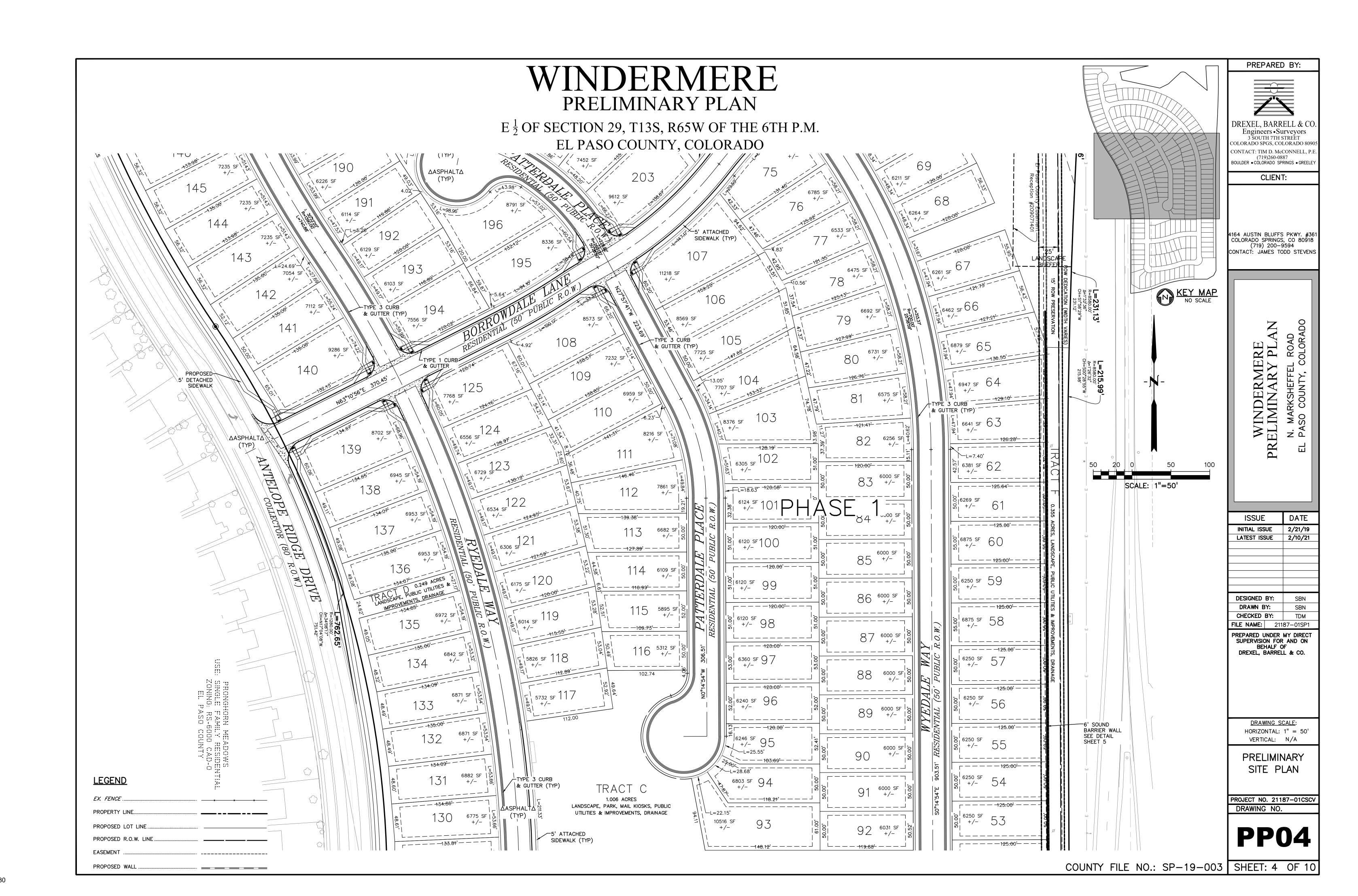
PROJECT NO. 21187-01CSCV

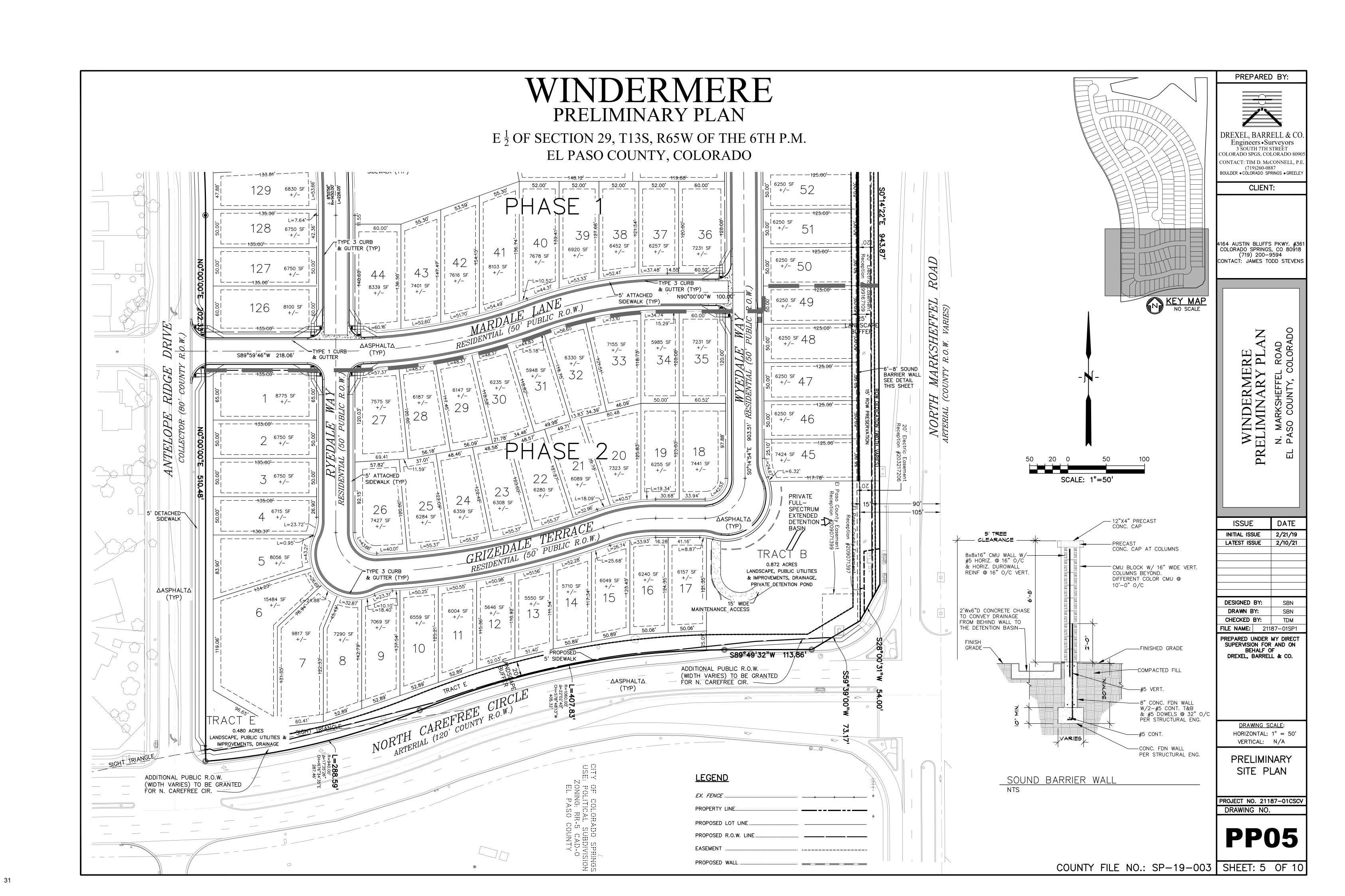
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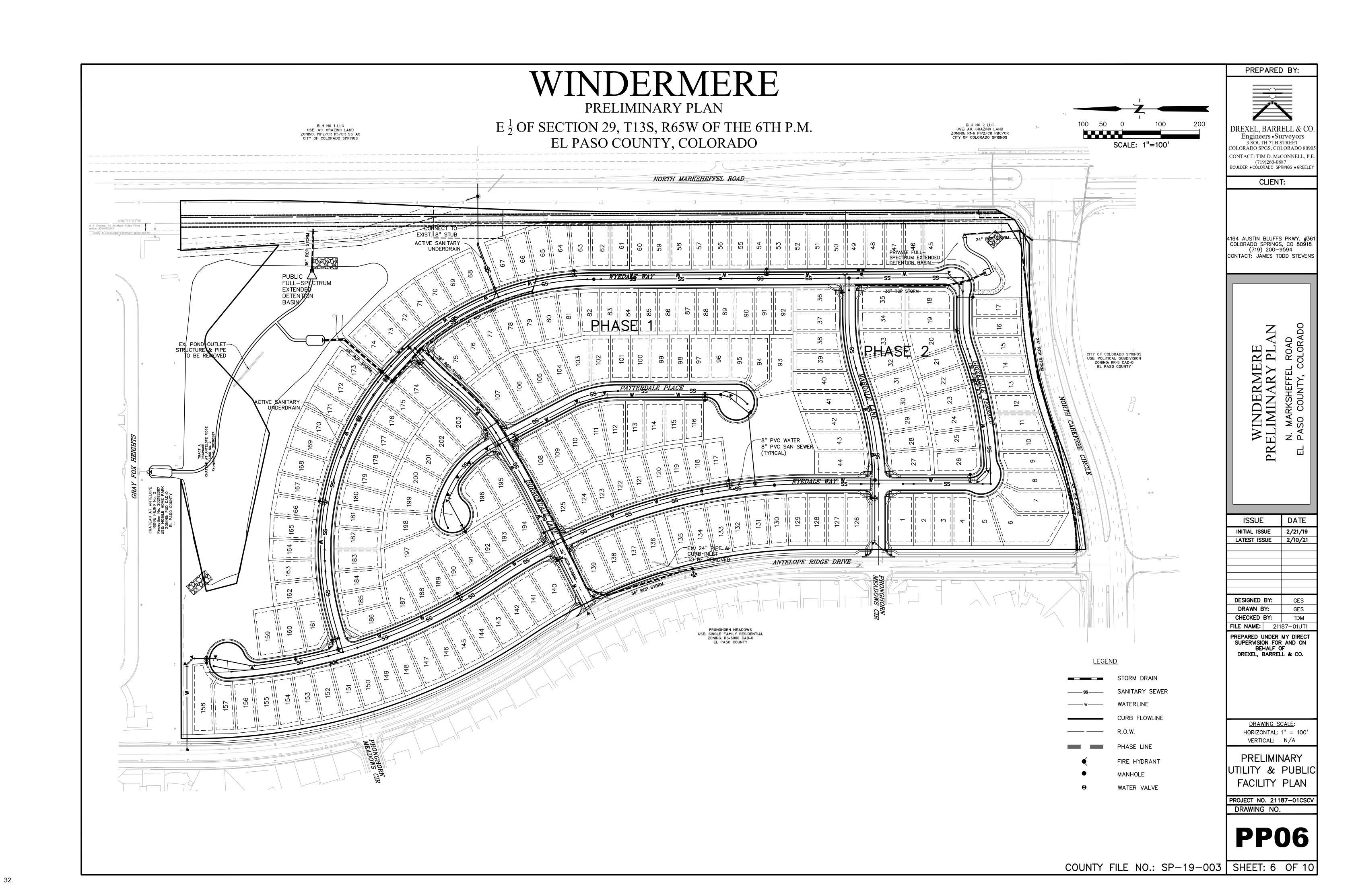
COUNTY FILE NO.: SP-19-003 | SHEET: 1 OF 10

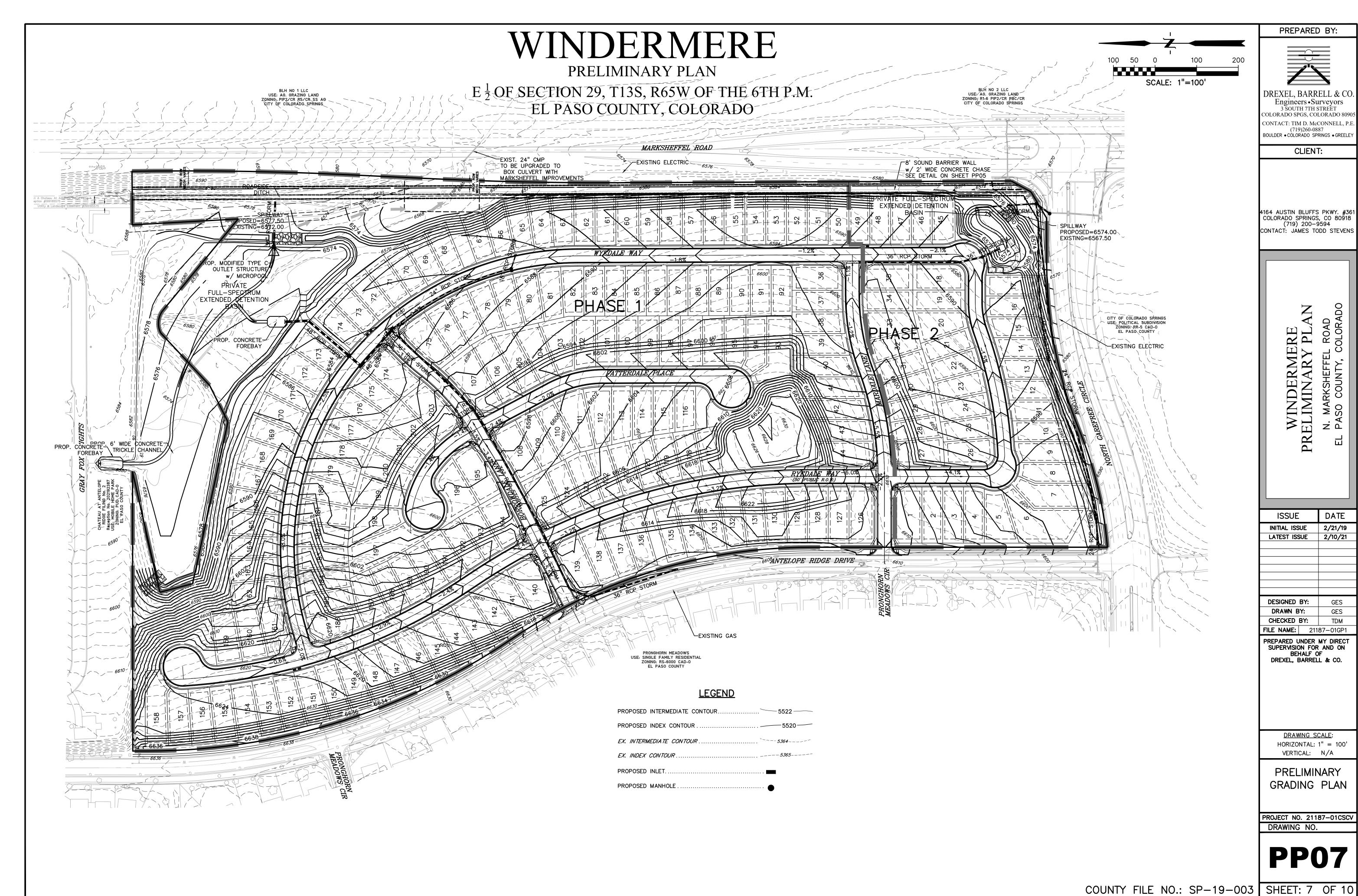


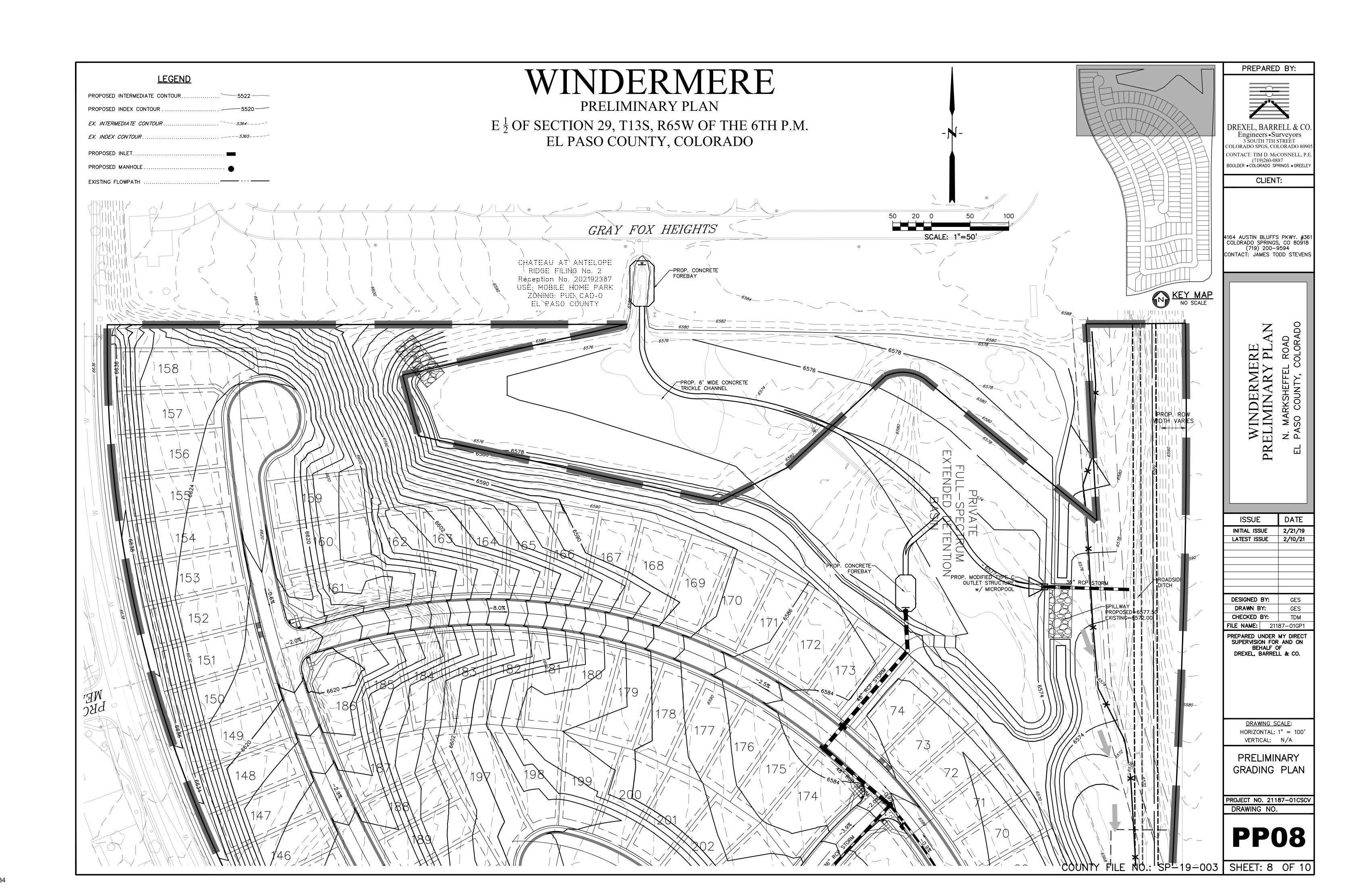


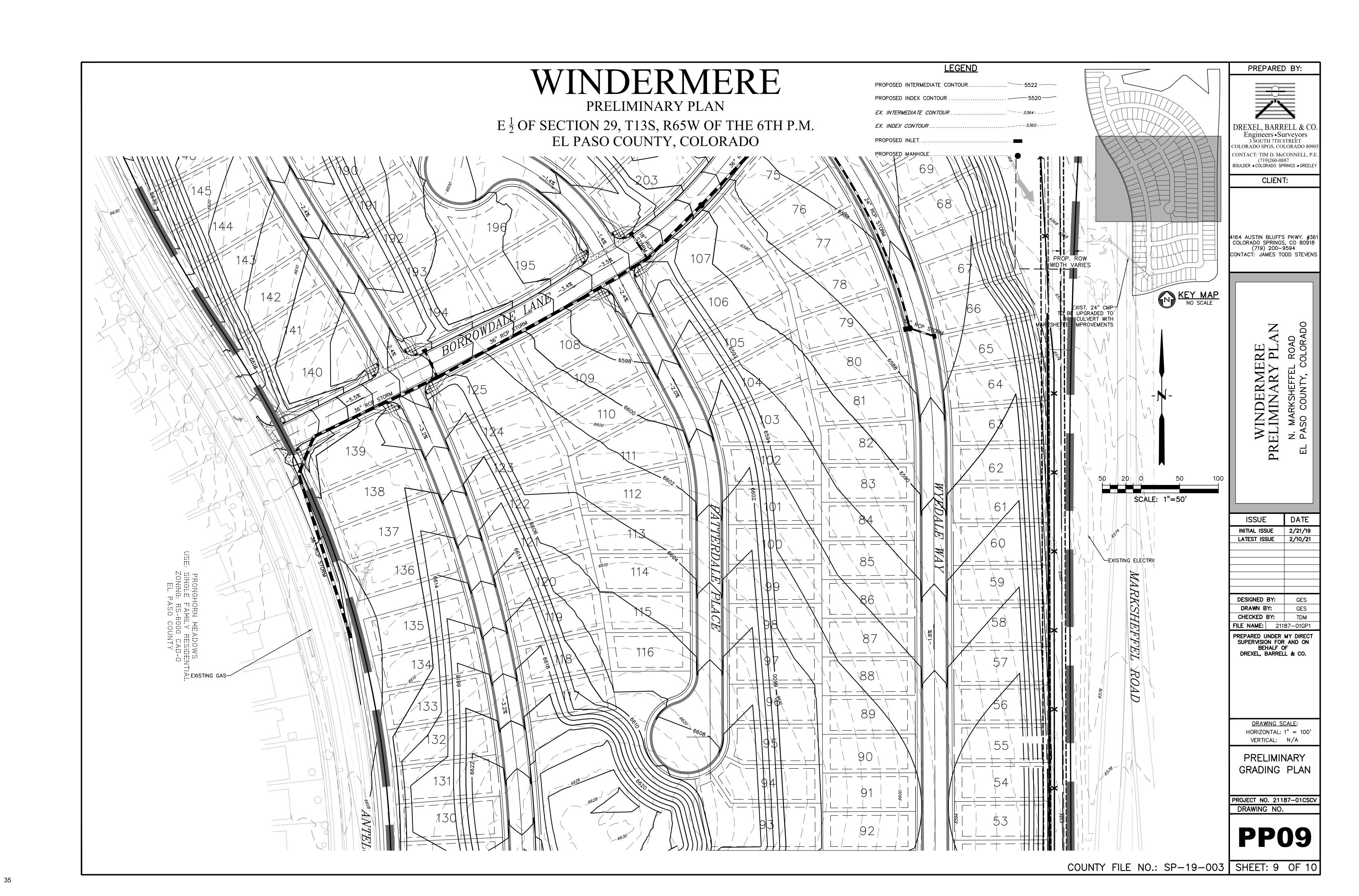


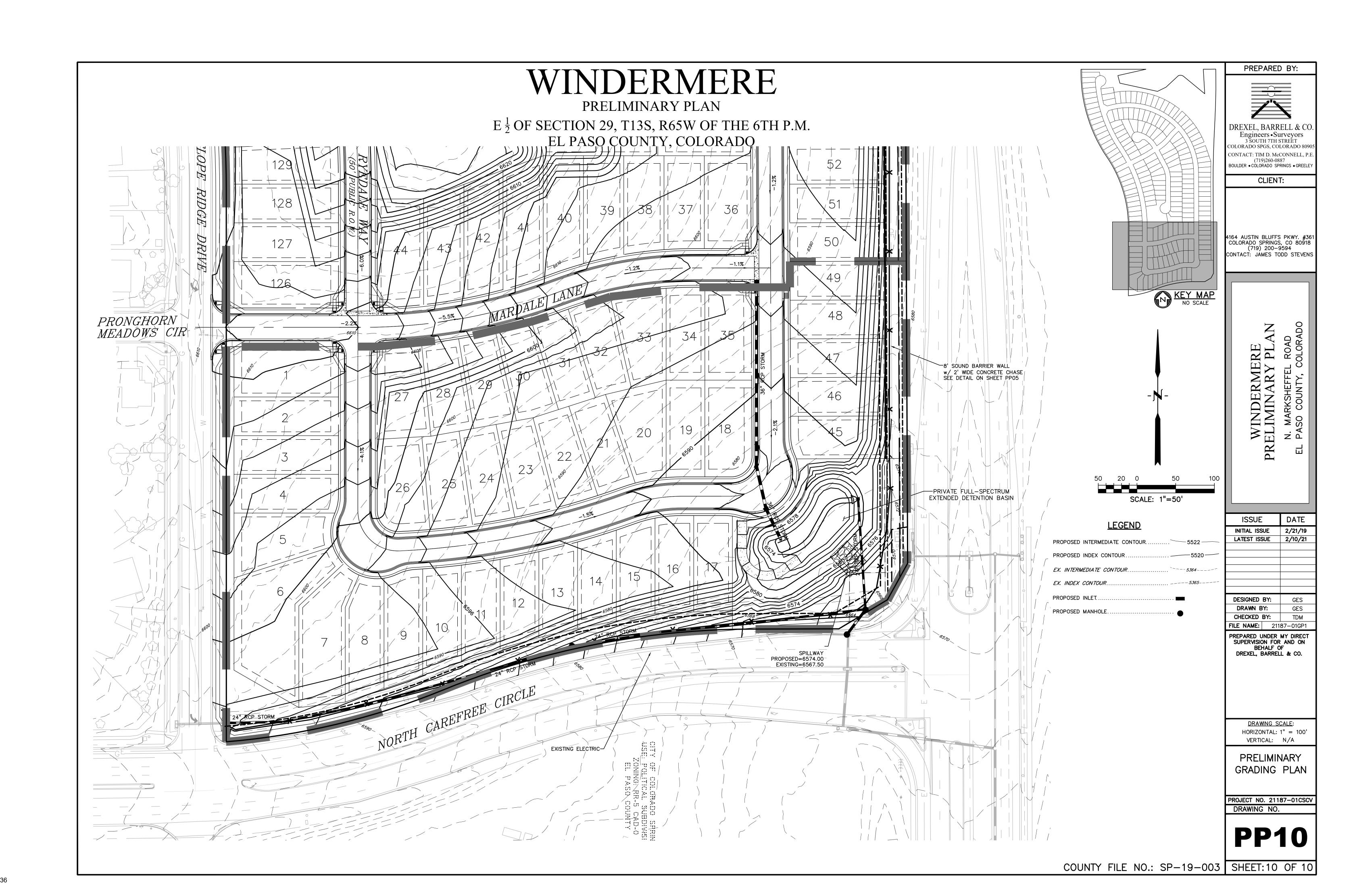












February 11, 2021

El Paso County Development Services Department 2880 International Circle, Suite 110 Colorado Springs, CO 80910-3127

RE: Windermere Subdivision
Preliminary Plan Amendment
E1/2 of Sec. 29, Twp. 13S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 23569

To Whom It May Concern:

We have received additional information for the above-referenced proposal to subdivide a 55.58 +/- acre tract of land into 203 single-family lots. This office previously provided comments regarding this subdivision on November 6, 2014, November 17, 2015, March 5, 2019, July 28, 2020 & December 28, 2020; the comments provided herein shall supersede those previous letters. The subdivision is still proposed to be constructed in only two phases. Phase 1 will consist of 26± acres and include 163 residential lots and a detention facility. Phase 2 will consist of 6± acres and include 40 residential lots. According to the submittal, the proposed supply of water and wastewater disposal is to be served by the Cherokee Metropolitan District ("Cherokee").

Water Supply Demand

The updated Water Supply Information Summary, Form No. GWS-76, provided estimates a demand of 62.9 acre-feet/year for 203 single family lots which equates to 0.31 acre-feet/household. The estimate also calculates 3.6 acre-feet/year for the irrigation of common areas. The total estimated water demand for the subdivision is 66.5 acre-feet/year.

It should be noted that standard water use rate for irrigation, as found in the *Guide to Colorado Well Permits*, *Water Rights*, *and Water* Administration, is 0.05 acre-foot per year for each 1,000 square feet of lawn and garden irrigation. This equates to approximately 2.2 acre-feet/acre of irrigation.

Source of Water Supply

The proposed source of water for the development is to be served by Cherokee and an updated letter of commitment from Cherokee, dated February 9, 2020, was included with the submittal. According to the letter, they have committed to supply 66.5 acre-feet/year to the proposed development. According to this office's records, it appears that Cherokee

has adequate water resources to serve up to 66.5 acre-feet/year for the proposed development.

Additional Comments

Should the development include construction and/or modification of any storm water structure(s), the Applicant should be aware that, unless the storm water structure(s) can meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), Colorado Revised Statutes, 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, available online at: http://water.state.co.us/DWRIPub/Documents/DWR%20Storm%20Water%20Statement.pdf, to ensure that the notice, construction and operation of the proposed structure meets statutory and administrative requirements.

State Engineer's Office Opinion

Pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply can be provided without causing injury to decreed water rights, and the supply is expected to be adequate. Should you have any questions, please feel free to contact me directly.

Sincerely,

Ivan Franco, P.E.

Water Resource Engineer

cc: Bill Tyner, Division 2 Engineer

Doug Hollister, District 10 Water Commissioner



OFFICE OF THE COUNTY ATTORNEY

CIVIL DIVISION

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Michael J. Desmond
Christopher M. Strider

Terry A. Sample

February 22, 2021

SP-19-3

Windermere Subdivision

Preliminary Plan Amendment

Reviewed by:

Lori L. Seago, Senior Assistant County Attorney

Edi Anderson, Paralegal, ACP

25

FINDINGS AND CONCLUSIONS:

- 1. This is a preliminary plan amendment proposal by Windsor Ridge Homes ("Applicant") for subdivision of 203 lots, plus right-of-way and tracts for open space, parks, drainage, and utilities on 55.58 +/-¹ acres of land (the "Property"). The Property is zoned RS-5000 CAD-O (Residential Suburban/Commercial Airport District).
- 2. The Applicant has provided for the source of water to derive from the Cherokee Metropolitan District ("District" or "Cherokee"). Pursuant to the Water Supply Information Summary ("WSIS"), the annual water demand for the development is 66.5 acre-feet per year, which equates to 62.9 acre-feet for household use and 3.6 acre-feet for community irrigation. Based on Applicant's figures, the Applicant must be able to provide a supply from the District of 19,950 acre-feet of water (66.5 acre-feet per year x 300 years) to meet the County's 300-year water supply requirement.
- 3. The General Manager of the District provided a "formal Letter of Commitment" dated February 9, 2020,² (referred to as Commitment Letter No. 2021-2) committing to provide water service for the 203 single-family lots of the Windermere Subdivision which is located within the District's boundaries. The District's commitment is delineated as follows:

200 S. CASCADE AVENUE OFFICE: (719) 520-6485



COLORADO SPRINGS, CO 80903 FAX: (719) 520-6487

¹ The Water Supply Information Summary cites acreage at 55.83.

² The letter was dated February 9, 2020; however, this appears to be a typo and the letter should be corrected to indicate February 9, 2021.

| Type of Use | Demand (AF/yr) |
|------------------------|----------------|
| Single Family Homes | 62.93 |
| Irrigated Common Areas | 3.55 |
| Total | 66.5 |

The District's commitment is only a conditional commitment. The District's General Manager states: "[t]o confirm this commitment you must provide the District with a copy of the final plat approval from El Paso County Development Services within 12 months of the date of this letter. Otherwise, the District may use this allocation for other developments requesting a water commitment."

- 4. The Applicant's proposal included a *Water Resources Report for Windermere* dated February 2021 which was prepared by Drexel, Barrell & Co. The Report detailed the District's water resources which are available to supply the 66.5 acrefeet/year for the 203 lots in the Windermere Subdivision. The Report notes that the District has "4,443.0 AFY of exportable supply and 4,126.2 AFT of commitments" and therefore has "a water balance of 316.8 AFY before the subject development. After commitment of 66.5 AFY to this development, the District will have 250.3 AFY remaining for additional commitments."
- 5. In a letter dated February 11, 2021, the State Engineer reviewed the application to subdivide 55.58 +/- acres into 203 single-family lots. The State Engineer confirmed that the Cherokee Metropolitan District has committed a water supply of 66.5 acre-feet/year and that the WSIS details the water demand for the development at 66.5 acre-feet/year. Further, the State Engineer states that "[a]ccording to this office's records, it appears that Cherokee has adequate water resources to serve up to 66.5 acre-feet/year for the proposed development."

Finally, the State Engineer declared that "[p]ursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply can be provided without causing injury to decreed water rights, and the supply is expected to be adequate."

- 6. Section 8.4.7(B)(10)(g) of the El Paso County Land Development Code allows for a presumption of water quality when water is supplied from an existing Community Water Supply which operates in conformance with the Colorado Primary Drinking Water Regulations and the CDPHE requirements, as clarified by El Paso County Public Health, and is determined to meet the required water quality standards.
- 7. Analysis: As indicated above, this review is based on a water demand of 66.5 acre-feet/year, which the District has committed to serve. The State Engineer determined that Cherokee Metropolitan District appears to have adequate water resources to serve the estimated demand of 66.5 acre-feet/year for the proposed development.

8. Therefore, based upon the finding of sufficiency and no injury to existing water rights by the State Engineer, a water demand of 66.5 acre-feet/year and a commitment from the District in the amount of 66.5 acre-feet/year for a period of 300 years, but given the conditional nature of the commitment to serve by the District, and subject to the conditions set forth below, the County Attorney's Office recommends a finding of conditional sufficiency as to water quantity and dependability for the Windermere Subdivision.

CONDITIONS OF COMPLIANCE:

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, and specifications set by the District.
- B. Cherokee Metropolitan District must upload an updated letter to EDARP correcting the date of their letter to February 9, <u>2021</u>.
- C. Prior to hearing on the preliminary plan by the Board of County Commissioners, Applicant must upload to EDARP an updated WSIS that has Sections 10-12 completed.
- D. Applicant must obtain final plat approval and provide evidence thereof to the District within 12 months of the District's commitment letter dated February 9, 2021 (See paragraph B above and footnote 2). Approval must be provided by February 9, 2022 to retain the District's water commitment. If Applicant fails to do so, this recommended finding of conditional sufficiency will be deemed moot and no longer valid. Once Applicant provides proof to the District that satisfies the District's condition of final plat approval, this conditional finding of sufficiency will automatically convert to a full sufficiency finding.

cc: Kari Parsons, Planner III