

Longinos Gonzalez, Jr. Holly Williams Carrie Geitner

Commissioners: Stan VanderWerf (Chair) Cami Bremer (Vice-Chair)

#### PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT CRAIG DOSSEY, EXECUTIVE DIRECTOR

- TO: El Paso County Planning Commission Brian Risley, Chair
- FROM: Kari Parsons, Planner III Gilbert LaForce, PE Engineer III Craig Dossey, Executive Director
- RE: Project File #: SP-20-006 Project Name: Paint Brush Hills Filing No. 14 Parcel No.: 52261-01-009

OWNER:	REPRESENTATIVE:
Aeroplaza Fountain, LLC, and Heidi, LLC	Matrix Design Group, Inc.
212 N. Wahsatch Ave, Suite 301	2435 Research Parkway, Suite 300
Colorado Springs, CO 80903	Colorado Springs, CO 80920

#### Commissioner District: 2

Planning Commission Hearing Date:	5/6/2021	
Board of County Commissioners Hearing Date	5/11/2021	

#### **EXECUTIVE SUMMARY**

A request by Aeroplaza Fountain, LLC, and Heidi, LLC, for approval of a preliminary plan to create 224 single-family residential lots. The 88.63- acre property is zoned RS-6000 (Residential Suburban) and RS-20000 (Residential Suburban), and is located at the northwest corner of the Keating Drive and Devoncove Drive intersection, approximately 1.25 miles northwest of the Meridian Road and Londonderry Drive intersection, and is within Section 26, Township 12 South, Range 65 West of the 6th P.M. The property is located within the boundaries of both the <u>Falcon/Peyton Small</u> <u>Area Master Plan</u> (2008) and the <u>Black Forest Preservation Plan</u> (1987).The applicants'

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Colorado Springs, CO 80910-3127 Fax: (719) 520-6695 request also includes a request that the Board of County Commissioners make a finding of water sufficiency in terms of quality, quantity, and dependability. A request to authorize the County Engineer to issue a construction permit for pre-development site grading including installation of wet utilities. 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 Aeroplaza Fountain, LLC, and Heidi, LLC, for approval of a preliminary plan to create 224 single-family residential lots, two (2) tracts, and public right-of-way; pre-development site grading to include installation of wet utilities, and for a finding of sufficient water quality, quantity, and dependability, thereby authorizing administrative approval of subsequent final plats.

**Waiver(s)/Deviation(s):** No waiver of the <u>EI Paso County Land Development Code</u> (2019) (LDC) is requested with the Paint Brush Hills Filing No. 14 Preliminary Plan. The following deviations from the <u>Engineering Criteria Manual</u> (2020) (ECM) are requested:

- <u>ECM</u> Section 2.3.2 Design Standards by Classification, Table 2-7 Intersection spacing, on an Urban Local; to allow for 161 feet intersection spacing between the intersection of Country Manor Drive/Keynes Drive and Keating Drive (centerline to centerline), where 175 feet is the minimum length allowed by the <u>ECM</u> for urban conditions. The deviation request was approved by the ECM Administrator.
- <u>ECM</u> Section 2.3.7.D.1 Exclusive Left Turn Lane Required and 2.3.7.D.2 Exclusive Right Turn Lane; to allow for elimination of an exclusive southbound and eastbound right turn lanes and exclusive eastbound and northbound left turn lane at the intersection on Londonderry Drive and Rockingham Drive. A left turn lane is required for any access with a projected peak hour left turning volume of 25 VHP (vehicles per hour) or greater. A right turn lane is required for any access with a projected peak hour right turning volume of 50 VPH or greater. A reference within the <u>ECM</u> to the <u>Colorado State Highway Access Code</u> is applicable. The <u>Colorado State Highway Access Code</u>, Section 3.5 (5) states:

"The auxiliary lanes required in the category design standards may be waived when the 20th year predicted roadway volumes conflicting with the turning vehicle are below the following minimum volume thresholds. The right-turn deceleration lane may be dropped if the design hour volume (DHV) in the travel lane is predicted to be below 150 vehicles per hour (VPH). The left turn acceleration lane may be dropped if the volume in the inside lane in the direction of travel is predicted to be below 120 DHV."

The intersection meets the refericed CDOT standards; therefore, the associated deviation request was approved by the ECM Administrator minus the northbound left turn lane. There is sufficient pavement within the existing Londonderry Drive to install the northbound left turn lane.

**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

In approving a preliminary plan, Section 7.2.1.D.2 of the <u>EI Paso County Land</u> <u>Development Code</u> (2019) states the BoCC shall find that:

- 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: RR-2.5 (Residential Rural) South: RS-20000 (Residential Suburban) East: RS-6000 (Residential Suburban) Single-family Residential Single-family Residential Single-family Residential West: RR-5 (Residential Rural)

#### E. BACKGROUND

The subject parcel was zoned A-4 (Agricultural) on September 20, 1965 when that portion of El Paso County was zoned. In 1984, the property was rezoned from the A-4 (Agricultural) to the R (Residential) zoning district (PCD File No. P-84-026Z). Over the years, the nomenclature in the Code has changed, and the R zoning district has been renamed to the RS-20000 (Residential Suburban) zoning district. In 2004, the property was included in the Paint Brush Hills 2 Preliminary Plan (PCD File No. SP-04-006), which depicted residential lot sizes ranging from approximately 20,000 square feet to 46,000 square feet. The 88.63-acre parcel is currently platted as Tract E of Paint Brush Hills Filing No.13E (PCD File No. SF-18-009). The Board of County Commissioners approved a map amendment (rezone) of a 55.898-acre portion of the 88.63-acre development area from RS-20000 (Residential Suburban) to RS-6000 (Residential Suburban) (PCD File No.P-18-005) on November 10, 2020. The RS-20000 zoned property is located within the northern and western portions of the development area, and is intended to transition the urban RS-6000 zoned lots from the adjacent RR-2.5 (Rural Residential) properties to the north and west of the development area. The existing development to the east and south is also zoned RS-6000.

The applicants have submitted a request for approval of a preliminary plan to create 224 single-family residential lots, two (2) tracts totaling 1.56-acres, and public rightof-way; to authorize the County Engineer to issue a construction permit for predevelopment site grading including installation of wet utilities, and for a finding of sufficient water quality, quantity, and dependability, thereby authorizing administrative approval of subsequent final plats. A final plat for the development area is under concurrent review.

#### 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 <u>EI Paso County Land Development Code</u> (2019).

The development is not within a PUD (Planned Unit Development) zoning district. There is not a minimum open space requirement in the RS-6000 (Residential Suburban) or in the RS-20000 (Residential Suburban) zoning districts. The applicant has depicted 1.56 acres (2%) of open space to be utilized for a trail corridor, drainage, and utilities.

#### 2. Zoning Compliance

The RS-6000 (Residential Suburban) zoning district is intended to accommodate single-family residential development. The density and dimensional standards for the RS-6000 (Residential Suburban) zoning district are as follows:

- Minimum lot size 6,000 square feet
- Minimum width at the front lot line 50 feet
- Setbacks 25 feet in the front and rear, 5 on the sides
- Maximum height 30 feet
- Maximum lot coverage 40 percent / 45 percent\*

\*Where a single-story ranch style residence is proposed, the maximum lot coverage may be 45 percent of the total lot area.

The RS-20000 (Residential Suburban) zoning district is intended to accommodate larger lot, single-family residential development with available urban services. The density and dimensional standards for the RS-20000 (Residential Suburban) zoning district are as follows:

- Minimum lot size 20,000 square feet
- Minimum width at the front lot line 100 feet
- Setbacks 40 feet in the front and rear, 15 feet on the sides
- Maximum height 30 feet
- Maximum lot coverage 20 percent

The proposed preliminary plan will create 224 single-family residential lots, which as depicted will meet the above listed zoning district dimensional standards. Individual residential site plans will be required prior to building permit authorization to ensure all proposed structures will meet the dimensional standards of the <u>Code</u>.

#### 3. Policy Plan Analysis

The <u>El Paso County Policy Plan</u> (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 6.1.3-** Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use, and access.

**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.

The preliminary plan is comprised of property zoned as RS-20000 (Residential Suburban) and the RS-6000 (Residential Suburban) with an overall density of 2.5 dwelling units per acre. The proposed lots depicted on the preliminary plan along the northern and western boundaries exceed the RS-20000 dimensional standard and are a minimum of one (1) acre in size. The interior lots also exceed the RS-6000 dimensional standard for lot size by at least 50 percent, with the smallest lot depicted at 9,100 square feet.

The property to the west is zoned RR-5 (Residential Rural) and is undeveloped. The property to the north is zoned RR-2.5 (Residential Rural) and is platted as the Paintbrush Hills Filing No. 3 subdivision which has an average lot size of three (3) acres (0.3 dwelling units per acre). The larger one (1) acre lots depicted on the perimeter of the preliminary plan are intended to provide a transition from the adjacent rural residential lots to the urban lots proposed within the center of the proposed development. There is an additional 25-foot wide tract to be used for a Arroya Lane Primary Regional Trail Corridor, drainage and utilities along the northern property line that provides a buffer and also aids in the density transition. The single-family development to the south and east is also within the overall Paint Brush Hills development and is zoned RS-6000.

The development of these parcels is a logical extension and provides a density transition from the existing development in this area and is compatible in terms of proposed uses and densities. The proposed subdivision is contiguous to and compatible with the previously developed areas.

According to the water and wastewater resources reports submitted in support of the preliminary plan, Paint Brush Hills Metropolitan District has available water

supply and wastewater treatment capacity to provide adequate service to the development.

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 availability of water and wastewater.

#### 4. Small Area Plan Analysis

The property is located within the <u>Falcon/Peyton Small Area Master Plan</u> (2008) and the <u>Black Forest Preservation Plan</u> (1987). Both plans should be considered in review of this preliminary plan application. More specifically, the property is located within the Black Forest Cooperative Planning Area as depicted on the <u>Falcon/Peyton Small Area Master Plan</u> (2008) Recommendations Map.

The Falcon/Peyton Small Area Master Plan states the following:

"The primary purpose of this plan is to set forth a framework within which proposed new land uses may be analyzed. This document describes the characteristics and features which are unique to this planning area. The plan is intended to serve as an advisory planning tool to guide future land use decisions." (Page 1)

"Development proposals that are located within the Black Forest Cooperative Planning Area should be evaluated according to both the current <u>Black Forest Preservation Plan</u> and the <u>Falcon/Peyton Small Area</u> <u>Master Plan</u>. Proposals in this area should comply with both <u>Plans.</u>" (page 4-28)

Figure 4-5 - Recommendations Plan, shows this area as being recommended for urban density development. The <u>Plan</u> defines "Urban Density" as:

"Parcel sizes are less than 2.5 acres, typically less than 1 acre. These areas are served by urban level infrastructure, including roadways, water distribution, and wastewater treatment."

The applicants have proposed urban density to include lot sizes within the preliminary plan ranging from a minimum lots size of 9,100 square feet to over an acre. Paint Brush Hills Metropolitan District has committed to provide water and sewer to the proposed development. The proposed preliminary plan is generally consistent with the recommendations of the <u>Falcon/Peyton Small Area Master Plan</u>.

Map 12 of the <u>Black Forest Preservation Plan</u> designates the subject parcel as being within Sub-area 9 – Southeastern Mixed-Use Area. The Concept Plan designates this area to be a "balanced mix of urban density uses phased from south to north" and recommends that "adequate buffers be provided around existing low-density residential development". Relevant policies are as follows:

- Policy 9.12 Encourage the joint utilization of regional water and sanitation systems in urban density areas and discourage the proliferation of small individual systems.
- Policy 1.2 Allow nodes of higher density residential, commercial, and industrial development only in those area specifically designated on the Concept Plan and described in the Land Use Scenario.

The land use scenario for the Southeastern Mixed-Use area recommends that the urban densities be buffered from the surrounding lower density residential development. The applicant has provided a density transition from the rural residential lots to the north by depicting a 25-foot tract between the RR-2.5 (Rural Residential) properties to the north (Paint Brush Hills Filing No. 3) and the one (1) acre lots along the northern and western boundary of the development. As stated above, Paint Brush Hills Metropolitan District has committed to provide water and wastewater services to the development area. The proposed map amendment (rezone) is generally consistent with the <u>Black Forest Preservation Plan</u>.

#### 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 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 4.4 – Protect and enhance the quality, quantity, and dependability of water supplies.

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

The proposed development includes lots to be served by Paint Brush Hills Metropolitan District. Water sufficiency has been analyzed with the review of the proposed Paint Brush Hills Filing No.14 Preliminary Plan. Please see the Water section below for a summary of the water findings and recommendations for the proposed development. The State Engineer and the County Attorney's Office have recommended that the proposed development has an adequate water supply in terms of quantity and dependability.

Paint Brush Hills is an urban residential development and is within Region 3, the Falcon Area, of the <u>Water Master Plan</u>, which is anticipated to experience significant growth through 2060. Region 3 primarily draws from nonrenewable resources from the Denver Basin.

The <u>Plan</u> identifies the current demands for Region 3 to be 4,494 AFY (Figure 5.1) with the projected need at build-out in 2060 at 8,307 AFY (Figure 5.3). Region 3 currently has 7,164 AFY in supplies, which means by 2060 there is anticipated to be a deficiency of 1,143 AFY (Table 5-2).

The water resources report submitted in support of the proposed development identifies that the District has adequate water rights to serve the proposed development. The total demand is 80.64 AFY for the proposed development. The <u>Plan</u> specifically identifies this area as an anticipated area of development by 2060. The timing of the proposed development is in line with the anticipated growth schedule included in the <u>Plan</u>. Additionally, the applicants have provided a commitment letter and water resources report documenting that the District has adequate capacity to serve the additional lots. 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 by limiting urban level development to those areas served by centralized utilities.

#### 6. Other Master Plan Elements

The <u>El Paso County Wildlife Habitat Descriptors</u> (1996) identifies the parcels as having a moderate wildlife impact potential. The El Paso County Community Services Department, Environmental Services Division, and Colorado Parks and Wildlife were each sent a referral and have no outstanding comments.

The <u>Master Plan for Mineral Extraction</u> (1996) identifies potential 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 <u>The El Paso County Parks Master Plan</u> (2013).

Please see the Transportation section below for information regarding conformance with the <u>El Paso County 2016 Major Transportation Corridors Plan</u> <u>Update</u> (MTCP).

#### G. PHYSICAL SITE CHARACTERISTICS

#### 1. Hazards

No hazards were identified during the review of the preliminary plan application that would impede development. The following note has been added to Sheet No. 1 of the preliminary plan as recommended by the Colorado Geological Survey (CGS):

"A geotechnical investigation was prepared by RMG dated October 16, 2020 with additional information provided December 31,2020. The report identified no geologic hazards that would preclude development of the site for construction of residential structures; however, the report identified existing geologic and engineering geologic conditions that may require special consideration for development and construction. It is noted that these conditions can be mitigated with engineering design and construction methods commonly employed in the area. These conditions and construction recommendations include:

- 1. Expansive Soils and Bedrock: Mitigation of expansive soils may include a 3 to 4 foot over-excavation and replacement with non-expansive structural fill. (See Section 8.1 of the Report)
- Uncontrolled/Undocumented Fill: If undocumented/uncontrolled fill is encountered below the proposed residences, it will require removal and replacement with structural fill that has been selected, placed and compacted. To verify the condition of the compacted soils, density tests should be performed during placement. (See Section 8.4 of the Report)
- 3. Foundation Drains: A subsurface perimeter drain is recommended around portions of the structures that will have habitable or storage space located below the finished ground surface. This includes crawlspace areas if applicable. (See Section 12.3 of the Report)"

#### 2. Wildlife

The <u>El Paso County Wildlife Habitat Descriptors</u> (1996) identifies the parcels as having a moderate wildlife impact potential.

#### 3. Floodplain

FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0535G, which has an effective date of December 7, 2018 indicates the subject parcel is located within Zone X, areas outside of the 500-year floodplain.

#### 4. Drainage and Erosion

The Paint Brush Hills development is located within the Falcon drainage basin (CHWS1400) which is studied and is included in the El Paso County Drainage Basin Fee program. The drainage fee shall be paid at the time of plat recordation.

The development generally drains to the south. Stormwater runoff is conveyed by curb and gutter and a storm drain system into two existing extended detention basins (Pond C and Pond D) for water quality and flood control storage. Pond C was constructed with Paint Brush Hills Filing No. 12 and Pond D was constructed with Paint Brush Hills Filing No. 13E. Both ponds are owned and maintained by Paint Brush Hills Metropolitan District. Pond C will require modification to function as a full spectrum detention pond meeting current <u>ECM</u> standards. No record of a pond maintenance agreement was found for Pond C; therefore, a pond maintenance agreement will be required with Paint Brush Hills Filing No. 14. The Preliminary and Final Drainage Report for Paint Brush Hills Filing No. 14 concludes that "the proposed discharge from the subject site will not adversely affect the downstream infrastructure or affect water quality."

Pre-development grading was requested with the preliminary plan. The applicant will be required to secure approvals of an Erosion and Stormwater Quality Control Permit (ESQCP), a grading and erosion control plan, and a financial assurance estimate. The applicant is also required to provide Pre-Development Site Grading Acknowledgement and Right of Access Forms, a Stormwater Management Plan, and financial assurance to secure performance of the grading and erosion control in accordance with the requirements of the <u>El Paso County</u> <u>Engineering Criteria Manual</u> (2019).

#### 5. Transportation

The 2016 <u>EI Paso County Major Transportation Corridors Plan Update</u> does not depict roadway improvement projects in the immediate vicinity of the development.

The proposed development is located northwest of the Keating Drive and Rockingham Drive intersection. All internal streets are planned to be public roads and will be dedicated to the County. Specific deviation requests from the design standards in the <u>ECM</u> are described in Section A above. This subdivision will result in the dedication of approximately two (2) miles of developer constructed urban local roadways. Offsite improvements consist of completing the sidewalk connection from the development to the existing sidewalk on Londonderry Drive and restriping for an auxiliary lane at the Londonderry Drive and Rockingham Drive intersection.

The applicants' traffic impact study estimates this development to generate 2,115 vehicle trips on the average weekday. The study projects a 2040 level of service D or better along Londonderry Drive and Towner Avenue. The threshold for acceptable LOS in the <u>ECM</u> is D or better.

The development is subject to the El Paso County Road Impact Fee Program (Resolution 19-471), as amended. Per the traffic impact study, the development is intending to be included in the 10-mill public improvement district.

#### **H. SERVICES**

#### 1. Water

Paint Brush Hills Metropolitan District provides water supply service and has committed to serve the property.

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 has made a favorable recommendation of a finding of sufficiency with regard to water quantity and

dependability. El Paso County Public Health has made a favorable recommendation regarding water quality.

#### 2. Sanitation

Wastewater service is anticipated to be provided by the Paint Brush Hills Metropolitan District. The District has provided a wastewater commitment letter demonstrating the District has adequate capacity to serve the development.

#### 3. Emergency Services

The property is within the Falcon Fire Protection District. The District was sent a referral for the preliminary plan and responded indicating they have no comments. The District provided a commitment letter to serve the proposed residential development.

#### 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 located within the Paintbrush Hills Metropolitan District, which was created in 1986 and currently has a debt service mill levy of 59.96 mills. A service plan amendment was approved by the Board of County Commissioners in 2004; however, the staff report package for amendment did not provide a revised maximum debt cap or mill levy cap. The statutory purposes of the Districts include: 1) street improvements and safety protection; 2) design, construction, and maintenance of drainage facilities; 3) design, land acquisition, construction, and maintenance of recreation facilities; 4) mosquito control; and 5) design, construction, and maintenance of public water and sanitation systems. As discussed above, the District has provided a commitment letter for water and wastewater services.

#### 6. Parks/Trails

Fees in lieu of park land dedication will be due at the time of recording the final plat(s). The <u>EI Paso County Parks Master Plan</u> (2013) shows there are no El Paso County parks in the vicinity of the subject parcel; however, Paintbrush Hills Filing No. 13E has depicted a 25-foot wide regional trail easement which is located along the northern property line within Tract A on the preliminary plan . The Parks Division of the El Paso County Community Services Department has made a recommendation that the proposal is in conformance with the <u>Plan</u>.

#### 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

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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 <u>El Paso County Land Development Code (2021)</u> 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.

#### NOTATIONS

- 1. Subsequent final plat filings may be approved administratively by the Planning and Community Development Director.
- 2. Approval of the Preliminary Plan by the Board of County Commissioners will expire after twenty-four (24) months unless a final plat has been approved and recorded or a time extension has been granted.
- 3. 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 30 adjoining property owners on April 14, 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



Please report any parcel discrepancies to: El Paso County Assessor 1675 W. Garden of the Gods Rd. Colorado Springs, CO 80907 **17** (719) 520-6600



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# Paint Brush Hills Filing 14 Preliminary Plan & Pre-Development Early Grading Letter of Intent



VICINITY MAP

#### Developer:

Aeroplaza Fountain LLC 212 N Wahsatch Ave., Suite 301 Colorado Springs, Colorado 80903 Ph: (719) 635-3200

#### Planners:

Matrix Design Group 2435 Research Pkwy, Suite 300 Colorado Springs, CO 80920 Ph: (719) 575-0100

#### **Civil Engineers:**

M&S Civil Consultants, Inc. 20 Boulder Crescent, Suite 110 Colorado Springs, CO 80903 Ph: (719) 955-5485

#### Site Location, History, Size, Zoning:

The Paint Brush Hills subdivision encompasses approximately 300 acres and illustrates over 500 residential units. The previously approved 2006 preliminary plan for Paint Brush Hills Filing 14 illustrated approximately 124 residential units and was zoned entirely RS-20,000. The Paint Brush Hills Filing 14 is an 88-acre site in total located at the far northwest corner of Londonderry Drive, west of Meridian Road and north of Stapleton Drive. The site is currently vacant and does not contain any natural features such as streams, creek corridors, rock outcroppings, and does not contain any significant stands of vegetation.

As part of the 2006 approval the perimeter lots to the north and west were a minimum 1 acre in size to act as a transitional buffer from the adjacent larger rural lots. These perimeter lots along the northern and western boundary are zoned RS-20,000 retaining the lot size of 1-acre. The interior portion of Filing 14 is zoned RS-6,000 permitting lot sizes of 6,000 square feet and larger as approved by the El Paso County Board of County Commissioners on October 15, 2020.

#### **Request & Justification:**

The purpose of this application is to request approval of a Preliminary Plan, Pre-Development Early Grading Request, and request for findings of water sufficiency at the Preliminary Plan stage. As mentioned above, a rezone application was approved on October 15, 2020 to rezone 55.898 acres of the total 88.632 acres from RS-20,000 to RS-6,000 to permit a minimum size lot of 6,000 square feet. The remaining 32.734 acres is zoned RS-20,000 with a minimum lot size of 20,000 square feet of which most are one acre in size. The preliminary plan illustrates 224 total units on 88.632 acres for a density of 2.53 Dwelling Units per Acre. The approved densities for this area of Paint Brush Hills offers a mix from 1 DU/ Acre up to 6 DU/ Acre for the Paint Brush Hills Phase 2 area of which this proposed development is located. The perimeter lots, shaded red in the exhibit below, remain as originally approved of which most of these lots are a minimum 1-acre in size following the existing 2006 plans. The portions shaded in yellow indicates the area with lot sizes to be a minimum 6,000 square feet per the RS-6,000 zone design standards. The preliminary plan shows the detailed design of the single-family detached residential community and describes the lot sizes, transportation systems, public rights-of way, and easements necessary for development. As part of separate and future final plat submittals, construction documents and utility plans will be provided for review. Although the minimum lot size permitted per the RS-6,000 zone district, the smallest lot size within the 56-acre yellow highlighted area is designed at 8,450 square feet with many of the lots being 9,000- 11,000 square foot in size.



The site is located within the Falcon/ Peyton Small Area Master Plan and per section 4.4.10 is part of the Black Forest Boundary Area. The site meets several goals of the Falcon/ Peyton Small Area Master Plan including Goal 3.1.2 promote the concepts of urban cores and community identity; Goal 3.1.4 provide a variety of different densities of development options; and Goal 3.3.1 encourage diversity and variety in housing types, sizes, locations, and prices to meet the needs of existing and new residents. The project type and intensity of land uses in the vicinity of the shared boundary with Black

Paint Brush Hills Filing 14

Forest should be compatible with the long- standing policies of the Black Forest Preservation Plan.

The proposed Paintbrush Hills Filing 14 is located within the southern area of the Black Forest Preservation Plan, Planning Unit 9. The Black Forest Preservation Plan was adopted in 1987 and several key planning units are based upon the unique features of Black Forest. The Black Forest Preservation Plan Unit 9 is known as the Southeastern Mixed-Use Area. The southern portion of this planning unit, including the Paint Brush Hills site, recommends a balanced mix of urban density uses if compatible with adjacent existing development. Any existing rural residential uses should be provided with an adequate buffer. The proposed preliminary site plan meets this provision by retaining the originally approved 1-acre sized lots along the perimeter to the north and west.



In addition, the site is bordered to the west by The Black Forest Preservation Plan Unit 10 identified as the Southern Transitional and Cooperative Planning Area. Key elements of this planning area relate to major transportation corridors and density transitions. One element of this unit is low density residential buffer areas. Overall densities are expected to decrease closer to the Timber Area Edge and large lot clusters should be used to maximize open space. As with the buffering to Unit 9 described above, the proposed preliminary site plan meets this provision by retaining the originally approved 1acre sized lots along the perimeter to the north and west.

The existing topography is gently rolling, draining to the south/ southwest where an existing off-site detention facility will capture stormwater runoff from this development. A small natural drainage way flows in a southwesterly direction; however, this drainage way is minor in nature and will not be utilized to capture stormwater runoff nor does this drainageway prevent development of this parcel. The review and approval of the utility construction drawings will be provided as part of the future final plat submittals.

The proposed Paintbrush Hills Filing 14 meets the intent of the El Paso County Policy Plan by remaining consistent with and mutually supportive of the Falcon/ Peyton Small Area Master Plan and the Black Forest Preservation Plan. The proposed site balances development goals of the Small Area Master Plans as well as the broader goals and policies of the El Paso County Policy Plan as outlined below. The proposed single-family residential use will not overburden the capacities of existing or planned roads, utilities or other public features, drainage and grading, police protection, emergency services, and water/ wastewater services as these services have been planned for in advance with previous area studies even though the density does increase. Water and wastewater sufficiency will be provided with future preliminary plan and final plat submittals. A storm sewer system will convey the flows from the inlets to an existing detention facility found off-site.

#### Geotechnical Investigation:

A geotechnical investigation was prepared by RMG dated October 16, 2020 with additional information provided December 31, 2020. This report identified no geologic hazards that would preclude development of the site for construction of residential structures; however, the report identified existing geologic and engineering geologic conditions that may require special consideration for development and construction. It is noted that these conditions can be mitigated with engineering design and construction methods commonly employed in the area. These conditions and construction recommendations include:

- Expansive Soils and Bedrock: Mitigation of expansive soils may include a 3 to 4 foot overexcavation and replacement with non-expansive structural fill. (See Section 8.1 of the Report)
- Uncontrolled/Undocumented Fill: If undocumented/uncontrolled fill is encountered below the proposed residences, it will require removal and replacement with structural fill that has been selected, placed and compacted. To verify the condition of the compacted soils, density tests should be performed during placement. (See Section 8.4 of the Report)
- Foundation Drains: A subsurface perimeter drain is recommended around portions of the structures that will have habitable or storage space located below the finished ground surface. This includes crawlspace areas if applicable. (See Section 12.3 of the Report).

**Total Number of Residential Units, Density, and Lot Sizes:** 224 Single Family Detached Residential Units with a Gross Density of 2.53 DU/ Acre. The minimum lot size shall be 6,000 SF and 20,000 SF as required under the zoning guidelines.

#### Types of Proposed Recreational Facilities:

There are no recreational facilities being proposed with this application for Filing 14. Trail corridors within the proposed project limits will be coordinated during the preliminary plan and final plat submittals as part of the detailed lot layout. Any recreational facilities being provided are within the overall Paint Brush Hill development.

#### **Total Number of Industrial or Commercial Sites:**

There are no proposed commercial or industrial sites proposed as a part of the plan.

#### Traffic and Proposed Access Locations:

Primary access to Filing 14 will be via existing Londonderry Drive providing connections to the site from Devoncove Drive and Keating Drive which are being constructed with previous filings of Paint Brush Hills. All roadways are to be public utilizing the residential local cross-section. There are no proposed arterial or collector roadways being provided within Paint Brush Hills Filing 14. Internal streets will provide for a looped circulation pattern through the development. There is no cut-through traffic or additional access beyond the access points provided.

#### **Phasing Plan:**

There is no phasing plan for this development as it will be developed in one phase.

#### Areas of Required Landscaping:

The proposed development does not require any landscaping; however, a 25' landscape tract is being provided along the northernmost property line for future incorporation of a regional trail as requested by the El Paso County Parks Department. All tracts shall be owned and maintained by the Paint Brush Hills Metropolitan District.

#### Approximate Acres and Percent of Land Set Aside for Open Space:

There is no open space required with the Rezone. Any land set aside for open space will be illustrated with future preliminary plan submittals.

#### Water and Wastewater Services:

Water and Wastewater municipal services will be supplied by the Paint Brush Hills Metropolitan District. Letters of intent to provide these services have been provided as part of the submittal. Any required utility easements to be provided on adjacent properties will be acquired as necessary to allow for the proper utility installation. Approval and granting of any required utility easements will be completed as necessary.

#### EL PASO COUNTY WATER MASTER PLAN:

The Paintbrush Hills Filing No. 14 development is located within the Paint Brush Hills Metropolitan District (PBHMD) and will rely upon municipal services for water supply. These municipal services have been provided in previous Paint Brush Hills filings and will be extended to this proposed development. There are no proposed wells or individual septic systems within this development. The Paint Brush Hills Filing No. 14 development will seek the Colorado State Engineer's sufficiency of water finding for both quantity and quality with the Preliminary Plan permitting administrative review of future final plats.

The PBHMD water distribution system is a constant pressure system containing two storage tanks to meet fire flow and peak flow demands. Water supply for the district is provided primarily by the Denver Basin Aquifer; however, the district also utilizes purchased water from Meridian Service Metropolitan District during times of peak demand. The raw water wells are located throughout the district and are equipped with sodium hypochlorite disinfection equipment at each well house. In total PBHMD's water distribution system consists of approximately 46,000 LF of 8-inch finished water pipe; 20,000 LF of 12-inch finished water pipe; 12,700 LF of raw water transmission pipe; eleven wells, and two water storage tanks. The district currently has an annual allocation of 1,010 AF-year.

Water Demand calculations were completed based on the proposed zoning and densities. Water demand is 44.35 ac-ft/year for each household use and 36.29 ac-ft/ yr for irrigation use. The new water commitments total 80.64 ac-ft per year for the proposed development. The PBHMD has capacity in their existing water supply system to serve this subdivision. The Paint Brush Hills Filing No. 14 development meets the stated master plan Goals and Policies:

- Goal 1.2 Integrate water and land use planning
- Goal 4.2 Support the efficient use of water supplies
- Goal 6.1.2 Promote water conservation

through integrated master planning of site planning, landscape and water resource best management practices. The open space areas emphasize water conservation using native vegetation, turf seeds and limited high water sod.

#### Master Plan for Mineral Extraction:

The 1996 Master Plan for Mineral Extraction updates and supersedes the 1975 El Paso County Master Plan for Mineral Extraction of Commercial Mineral Deposits as amended in 1978 and 1982. This updated plan has two primary purposes, the first is to facilitate continued compliance with the mineral resource protection mandates outlined in the "Preservation of Commercial Mineral Deposits Act" of 1973 and the second is to provide guidance to the EL Paso County Planning Commission and Board of County Commissioners in evaluating land use proposals involving new or expanded mining and mineral resource processing operations. Per the El Paso County Master Plan for Mineral Extraction Aggregate Resource Maps, this site is identified as 'Upland Deposits' containing sand and gravel with silt and clay; remnants of older streams deposited on topographic highs or bench like features. Therefore, the proposed project does not contain any mineral deposits of commercial value and does not permit the use of any area containing a commercial mineral deposit which would unreasonably interfere with the present or future extraction of such deposits.

#### Proposed Services:

- 1. Water: Paint Brush Hills Metropolitan District
- 2. Wastewater: Paint Brush Hills Metropolitan District
- 3. Gas: Black Hills Energy
- 4. Electric: Mountain View Electric Association (MVEA)
- 5. Fire: Falcon Fire Protection District
- 6. Police Protection: El Paso County Sheriff's Department
- 7. School: Falcon School District #49

#### **Preliminary Plan Review Criteria:**

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan; The site is located within the Falcon/ Peyton Small Area Master Plan and section 4.4.10 of the Black Forest Boundary Area. The proposed development meets several goals of the Falcon/ Peyton Small Area Master Plan including Goal 3.1.2 promote the concepts of urban cores and community identity; Goal 3.1.4 provide a variety of different densities of development options; and Goal 3.3.1 encourage diversity and variety in housing types, sizes, locations, and prices to meet the needs of existing and new residents. Compliance with existing goals, objectives, and Master Plan policies is described in more detail above.
- 2. The subdivision is consistent with the purposes of this Code; The subdivision is consistent with the purposes of this Code and does not affect the health, safety, or welfare of the general area.
- 3. The subdivision is in conformance with the subdivision design standards and any approved sketch plan; The subdivision is in conformance with the previously approved 2006 preliminary plan for Paint Brush Hills Filing 14 as well as the recently approved rezone. The proposed project maintains a minimum 1-acre lot size along the perimeter of the project. Compliance with the subdivision design standards is described in more detail above.
- 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 (this finding may not be deferred to final plat if the applicant intends to seek administrative final plat approval}: A sufficient water supply has been committed to and will be provided for by the Paint Brush Hills Metropolitan District (PBHMD). District provided water commitment letters have been provided as part of this application indicating capacity to provide sufficient quantity and quality of water for this development.
- 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; A public wastewater system will be provided for by the Paint Brush Hills Metropolitan District (PBHMD). District provided commitment letters have been provided as part of this application indicating capacity to provide wastewater disposal services for this development.
- 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)];

Paint Brush Hills Filing 14

A geotechnical investigation was prepared by RMG dated October 16, 2020 with additional information provided December 31, 2020. This report identified no geologic hazards that would preclude development of the site for construction of residential structures; however, the report identified existing geologic and engineering geologic conditions that may require special consideration for development and construction. It is noted that these conditions can be mitigated with engineering design and construction methods commonly employed in the area. These conditions and construction recommendations include:

- Expansive Soils and Bedrock: Mitigation of expansive soils may include a 3 to 4 foot overexcavation and replacement with non-expansive structural fill. (See Section 8.1 of the Report)
- Uncontrolled/Undocumented Fill: If undocumented/uncontrolled fill is encountered below the proposed residences, it will require removal and replacement with structural fill that has been selected, placed and compacted. To verify the condition of the compacted soils, density tests should be performed during placement. (See Section 8.4 of the Report)
- Foundation Drains: A subsurface perimeter drain is recommended around portions of the structures that will have habitable or storage space located below the finished ground surface. This includes crawlspace areas if applicable. (See Section 12.3 of the Report).
- 7. 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; Adequate drainage improvements; complying with State law, this Code and the ECM are proposed and illustrated on the drawings. A preliminary drainage report for this development has been included for review and approval by El Paso county.
- 8. 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; The location and design of the proposed public improvements are adequate to serve the needs and mitigate the effects of the development. Internal streets will provide for a looped circulation pattern through the development. There is no cut-through traffic or additional access beyond the access points provided. Public sidewalks will be constructed as necessary to provide pedestrian connections throughout the development.
- 9. 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; Legal and physical access will be provided to all parcels by public rights-of-way.
- 10. 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; There are no significant natural features on-site. A 25' regional trail easement has been provided for along the northern boundary of the proposed development as requested by the El Paso County Parks Department. Natural drainageways are preserved where possible with proposed open rail fencing to help mitigate obstruction of overland runoff. Additional consideration is described in more detail above.

- 11. Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision; All necessary public services will be available to serve the proposed subdivision as this area has been master planned with anticipation of development such as this for several years. More detailed information regarding the necessary services provided for this development has been illustrated in the above text.
- 12. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; The proposed subdivision complies with the fire protection standards of Chapter 6 including water supply, roads and access. A fire protection report illustrating the available fire protection measures has been provided with this submittal. In addition, a fire protection district commitment to serve this development has been provided.
- 13. The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code. The proposed subdivision meets other applicable design standards of Chapter 6 and 8 of this Code, including any proposed deviation request.

### LEGAL DESCRIPTION: PAINT BRUSH FILING 14

A PARCEL OF LAND IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 26, T12S, R65W OF THE 6TH P. M., EL PASO COUNTY, COLORADO, SAID PARCEL BEING TRACT E, "PAINT BRUSH HILLS FILING NO. 13E", RECORDED UNDER RECEPTION NO. 219714420 IN THE RECORDS OF EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE QUARTER CORNER COMMON TO SECTIONS 23 AND 26, T12S, R65W OF THE 6TH P. M.; THENCE N88°44'51"E ALONG THE SOUTH LINE OF "PAINT BRUSH HILLS FILING NO. 3" RECORDED IN PLAT BOOK U-3 AT PAGE 79 OF THE EL PASO COUNTY RECORDS 2289.18 FEET;

THENCE S00°23'09"E ALONG THE WEST LINE OF TRACT A "PAINT BRUSH HILLS FILING NO. 3" A DISTANCE OF 847.61 FEET;

- THENCE ALONG THE NORTHERLY LINES OF LOTS 117 THROUGH 120, "PAINT BRUSH HILLS FILING NO. 3" THE FOLLOWING FIVE (5) COURSES; 1. THENCE N60°39'45"W A DISTANCE OF 136.44 FEET;
- 2. THENCE N75°42'34"W A DISTANCE OF 136.62 FEET;
- 3. THENCE S82°53'35"W A DISTANCE OF 58.52 FEET; 4. THENCE \$74°48'58"W A DISTANCE OF 68.80 FEET;

5. THENCE \$25°20'15"W A DISTANCE OF 45.28 FEET TO THE RIGHT-OF-WAY LINE OF DEVENCOVE DRIVE AS PLATTED ON "PAINT BRUSH HILLS FILING NO. 3"; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES;

- 1. THENCE N64°40'00"W A DISTANCE OF 56.87 FEET;
- THENCE S25°20'00"W A DISTANCE OF 50.00 FEET;

3. THENCE S64°40'00"E A DISTANCE OF 16.86 FEET TO THE WEST RIGHT-OF-WAY LINE OF KEATING DRIVE AS PLATTED ON "PAINT BRUSH HILLS FILING NO. 3"; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING FIVE (5) COURSES: 1. THENCE S25°20'15"W A DISTANCE OF 823.72 FEET TO A POINT OF CURVE;

- 2. THENCE 264.76 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 470.00 FEET, A CENTRAL ANGLE OF 32°16'34", THE CHORD OF 261.28 FEET BEARS S41°28'32"W TO A POINT OF REVERSE CURVE;
- 3. THENCE 430.28 FEET ON THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 861.00 FEET, A CENTRAL ANGLE OF 28°38'00", THE CHORD OF 425.82 FEET BEARS \$43°17'49"W TO A POINT OF COMPOUND CURVE;
- 4. THENCE 123.89 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 530.00 FEET, A CENTRAL ANGLE OF 13°23'34", THE CHORD OF 123.60 FEET BEARS S22°17'02"W TO A POINT OF TANGENT;
- 5. THENCE S15°35'15"W A DISTANCE OF 76.75 FEET;

THENCE ALONG THE NORTH LINES OF LOT 2 THROUGH LOT 5 AND ALONG THE NORTH LINE OF TRACT A "PAINT BRUSH HILLS FILING NO. 12" AS RECORDED UNDER RECEPTION NO. 205077511 IN THE EL PASO COUNTY RECORDS THE FOLLOWING SIX (6) COURSES;

- 1. THENCE N74°25'08"W A DISTANCE OF 231.02 FEET;
- 2. THENCE S34°46'45"W A DISTANCE OF 75.34 FEET;
- THENCE S62°22'54"W A DISTANCE OF 141.21 FEET;
- THENCE N80°50'04"W A DISTANCE OF 149.93 FEET; 5. THENCE N42°52'08"W A DISTANCE OF 142.64 FEET;
- 6. THENCE S89°26'02"W A DISTANCE OF 299.04 FEET TO THE NORTH-SOUTH CENTERLINE OF SECTION 26;

THENCE N00°34'35"W ALONG SAID NORTH-SOUTH CENTERLINE 2169.63 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 3,860,479 S. F. (88.624 ACRES MORE OR LESS).

#### **BASIS OF BEARING:**

THE SECTION LINE BEING THE NORTH LINE OF TRACT A, TRACT E, AND A PORTION OF TRACT F "PAINT BRUSH HILLS FILING NO. 13E", AS RECORDED UNDER RECEPTION NO. 219714420, BEING MONUMENTED AT THE QUARTER CORNER COMMON TO SECTIONS 23 AND 26, T12S, R65W OF THE 6TH P. M. WITH A 2.5" ALUMINUM CAP ON NO. 6 REBAR STAMPED "1/4 COR, S23 S26, 1999, PLS 4842", AND AT THE SECTION CORNER COMMON TO SECTIONS 23, 24, 25 AND 26 WITH A 1.5" ALUMINUM CAP ON NO. 5 REBAR STAMPED "(PARTIALLY ILLEGIBLE) LS 9646", SAID LINE BEARS N88°44'51"E A DISTANCE OF 2640.30 FEET.



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PROPOSED EASEMENT PROPERTY BOUNDARY ZONING LINE (RS-6000/ RS-20,000) SHEET MATCHLINE PUBLIC IMPROVEMENT EASEMENT PROPOSED UTILITY STRUCTURES PROPOSED CONTOURS EXISTING CONTOURS — — — — — — — 100' WIDTH FRONT SETBACK (NONSTANDARD) SIGHT DISTANCE TRIANGLE

# **ABBREVIATION LIST**



SF





# PAINT BRUSH HILLS FILING 14 PRELIMINARY PLAN

THE NORTHEAST QUARTER (NE 1/4) OF SECTION 26, T12S, R65W OF THE 6TH P. M., EL PASO COUNTY, COLORADO.

#### PR( PAINT GENERAL NOTES: 224 LC 1. Fees in lieu of land will be provided for schools and parks RES 2. Pedestrian ramp locations and design will be finalized at plan and profile. SITE L 3. Public improvement and utilities to be provided with this project include new roadways, water lines and connections, wastewater services, storm water drainage, and landscaping. Pedestrian ramps will conform to the ramp details in the El Paso County Engineering Criteria Manual Appendix F. TAX S All Electric Service shall be provided by Mountain View Electric Association. Utility easements will be provided as required. SITE A All Gas Service shall be provided by Black Hills Energy. Utility easements will be provided as required. See Grading Plan for proposed site grading. Site lighting will meet the requirements set forth in Section 6.2.3 of the El Paso County Land Development Code. EXIST PROP NUMB DENS SCHE Curb and gutter to be per the Civil Drawings. 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 listed species (e.g., Preble's Meadow Jumping Mouse). 10. Water and wastewater services for this subdivision are provided by the Paint Brush Hills Metropolitan District subject to the district's rules, regulations, and specifications. 11. The sight distance easement as illustrated on the Preliminary Plan shall be dedicated to the County at time of Final Plat.
- Maintenance of a sight distance easement shall be the responsibility of the Paint Brush Hills Metropolitan District and/ or the homeowner. Any object within the sight distance triangle or easement more than 30 inches above the flowline elevation of the adjacent roadway shall constitute a sight obstruction, and shall be removed or lowered. The object may include but are not limited to berms, buildings, parked vehicles on private property, cut slopes, hedges, trees, bushes, utility cabinets or tall crops. 12. 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.
- 13. Stormwater Drainage: All property owners are responsible for maintaining proper storm water drainage in and through their property. Public drainage easements as specifically noted on the plat shall be maintained by the individual lot owners unless otherwise indicated. Structures, fences, materials or landscaping that could impede the flow of runoff shall not be placed in drainage easements.
- 14. Easements: Unless otherwise indicated, all side, front, and rear lot lines are hereby platted on either side with a 5' public utility and drainage easement unless otherwise indicated. All exterior subdivision boundaries are hereby platted with a 7' public utility and drainage easement. The sole responsibility for maintenance of these easements is hereby vested with the individual property owners.
- 15. Lots 1-30 (RS-20000) to allow split rail fence only along rear and side lot lines.

### WOODMEN ROAD DISTRICT NOTE:

1. All property within this subdivision is within the boundaries of the Woodmen Road Metropolitan District and, as such, is subject to a mill levy, platting fees and building permit fees for the purpose of financing construction of specified improvements to Woodmen Road.

### FLOODPLAIN NOTES:

This property is not located within a designated FEMA Floodplain as determined by the flood insurance rate map, community map number '08041C0535G' effective date December 7th, 2018.

### PHASING PLAN:

PAINT BRUSH HILLS FILING 14 Preliminary Plan will be developed in one phase.

#### **GEOLOGIC CONDITIONS:**

- 1. A geotechnical investigation was prepared by RMG dated October 16, 2020 with additional information provided December 31,2020. The report identified no geologic hazards that would preclude development of the site for construction of residential structures; however, the report identified existing geologic and engineering geologic conditions that may require special consideration for development and construction. It is noted that these conditions can be mitigated with engineering design and construction methods commonly employed in the area. These conditions and construction recommendations include:
- 1.1. Expansive Soils and Bedrock: Mitigation of expansive soils may include a 3 to 4 foot overexcavation and replacement with non-expansive structural fill. (See Section 8.1 of the Report)
- Uncontrolled/Undocumented Fill: If undocumented/uncontrolled fill is encountered below the proposed residences, it will 1.2. require removal and replacement with structural fill that has been selected, placed and compacted. To verify the condition of the compacted soils, density tests should be performed during placement. (See Section 8.4 of the Report)
- 1.3. Foundation Drains: A subsurface perimeter drain is recommended around portions of the structures that will have habitable or storage space located below the finished ground surface. This includes crawlspace areas if applicable. (See Section 12.3 of the Report).

### TRACT TABLE

TRACT	SIZE	TYPE/ USE	OWNERSHIP & MAINTENANCE
TRACT A	57,339 SF	LANDSCAPE/OPEN SPACE/ LINE OF SIGHT/ DRAINAGE/ UTILITIES/ 25' REGIONAL TRAIL EASEMENT	PAINT BRUSH HILLS METRO DISTRICT
TRACT B	10,781 SF	LANDSCAPE/OPEN SPACE/ LINE OF SIGHT/ DRAINAGE/ UTILITIES	PAINT BRUSH HILLS METRO DISTRICT

#### LAND USE TABLE:

TYPE OF USE		# ACRES PROVIDED	% OF PROPERTY
SINGLE-FAMILY RESIDENTIAL (224 LOTS)		74.20 AC	84%
TRACTS/OPEN SPACE		1.56 AC	2%
STREET RIGHTS-OF-WAY		12.87 AC	14%
	TOTAL	88.63 AC	100%

## RS-

Minim Maxim Maxim

\*Lot ( compa additio variab

Minim Minim Front Side ` Rear Corne

RS-

Minim Maxin Minim Minim Front Side ` Rear Corne Non-S





			CONSULTANTS:
			PLANNER:
			2435 RESEARCH PARKWAY, SUITE 300
			COLORADO SPRINGS, CO 80920 PHONE: (719) 575-0100
			FAX : (719) 575-0208
OJECT DESCR	IPTION:		
BRUSH HILLS IS A SINGLE	E-FAMILY RESIDENTIAL DEVELOPM	ENT WITH	
DIS UN 66.05 ACRES.			
SIDENTIAL SITE	DATA:		
LOCATION:	VACANT LAND, LONDONDERRY FALCON,COLORADO	ĎRIVE,	
	5006404007		
ACREAGE:	88 632 AC		
	RS-6000 (55.898 AC.).		
	RS-20000 (32.734 AC)		
TING LAND USE:			
BER OF UNITS:	224		
GITY: (224 DU/ 88.632 AC)	2.53 DU / AC.		
DULE FOR CONSTRUCTION	N: 2021		
			OWNER/DEVELOPER:
		_	AEROPLAZA FOUNTAIN LLC
-6000 DEVELO	PMENT STANDARD	<u>S:</u>	212 N WAHSATCH AVE STE 301
num Lot Size: 6,000 SF			COLORADO SPRINGS CO 80903 PHONE: (719) 635-3200
num Building Height: T	nırty ⊢eet (30')		
num Lot Coverage: 409	% for lots with a 1 story homes	S tyle home	
-45 <sup>9</sup>	ion ious with a in-story ranch si	เม่ายาการ	
Coverage flexibility is be pared to two-story (above	eng provided for single level hole e-grade) homes: the intent is to	mes o allow	
ional lot coverage for sir	ngle level homes while providing	ga	
ble architectural mix on	similar sized lots.		
num Width at Front setb	ack line: Fifty Feet (50')		
num Street Frontage: T	hirty Feet (30')		
Yard Setbacks: Twent	y Five Feet (25')		
Yard Setbacks: Five Fe	eet (5')		
Yard Setbacks: Twenty	/ Five Feet (25')		
er Yard Setbacks (Non-	Garage Side): Fifteen Feet (15	')	
-20,000 DEVEL	OPMENT STANDAR	<u>(DS:</u>	
num Lot Size: 20,000 SI	F		
mum Building Height: T	hirty Feet (30')		
mum Lot Coverage: 20%		1000	
num Width at Front setb	back line: One Hundred Feet (1	00')	
num Street Frontage: I	$Dirty Feet(30^\circ)$		
Vard Setbacks: Fifteen	Feet $(40)$		
Yard Setbacks: Forty F	Feet (40')		
er Yard Setbacks (Non-	Garage Side): Twenty Feet (20	0')	
Standard Building Setba	acks:	- ,	
The following lots have	e not standard front setbacks in	the RS-20000 zoning	
district. Refer to plan fo	or setback information: LOTS 4	, 7, 8 & 30	
			PAINT BRUSH HILLS FILING 14
I	I	١	
	AYER RD.	$\backslash$	FALCON, CO
RGESS RD.	BURGESS RD.	Ŕ	03/08/2021 THIRD SUBMITTAL
+		MULLE	REVISION HISTORY:
		2820	NO. DATE DESCRIPTION BY
/		~́ (	0 08/24/2020 EPC SUBMITTAL JRA
(	OT MERAV	INDONDERRY DR.	1 12/30/2020 EPC SECOND SUBMITTAL RAF
)		× 124	2 03/08/2021 EPC THIRD SUBMITTAL RAF
RR	LONDONDERRY DR	TON DR.	
JOI ME	I .		
1			
	WOUDMENHILLS DR.	JUDGE ORR RD.	
	/	JUNA 24 STA	
		OHO PLETC	APPROVED BY: JRA
	$ \overrightarrow{\gamma}$	N DR	SHEET TITLE:
VICINITY	MAP	· 1	
	N.T.S. NORTH		
-			
S	SHEET INDEX	▲	
	SHEET	C.S01	
SHE	PLAN	5201 - 5202	
ELIM GRADIN	G AND EROSION	PGEC1	
CONTRO	OL PLAN		
PRFI IM LITILI			CS01
			SHEELT OF 3
			PCD FILE NO.: SP206
			-





![](_page_30_Figure_0.jpeg)

# GRADING AND EROSION CONTROL NOTES:

- STORMWATER DISCHARGES FROM CONSTRUCTION SITES SHALL N OF STATE WATERS. ALL WORK AND EARTH DISTURBANCE SHALL OFF-SITE WATERS, INCLUDING WETLANDS. NOTWITHSTANDING ANYTHING DEPICTED IN THESE PLANS IN WORE
- ROADS, STORM DRAINAGE AND EROSION CONTROL SHALL CONFO THE RELEVANT ADOPTED EL PASO COUNTY STANDARDS, INCLUDI DRAINAGE CRITERIA MANUAL, AND THE DRAINAGE CRITERIA MANU REQUESTED, AND APPROVED, IN WRITING. 3. A SEPARATE STORMWATER MANAGEMENT PLAN (SMWP) FOR THIS
- CONTROL PERMIT (ESQCP) ISSUED PRIOR TO COMMENCING CONST RESPONSIBILITY OF THE DESIGNATED QUALIFIED STORMWATER MA LOCATED ON SITE AT ALL TIMES DURING CONSTRUCTION AND SH ONCE THE ESQCP IS APPROVED AND A "NOTICE TO PROCEED" HA AND SEDIMENT CONTROL MEASURES AS INDICATED ON THE APPR
- ENGINEER, AND EL PASO COUNTY WILL BE HELD PRIOR TO ANY THE MEETING TIME AND PLACE WITH COUNTY STAFF. CONTROL MEASURES MUST BE INSTALLED PRIOR TO COMMENCEME CONTROL MEASURES FOR ALL SLOPES, CHANNELS, DITCHES, AND
- ALL TEMPORARY SEDIMENT AND EROSION CONTROL MEASURES S PERMANENT SOIL EROSION CONTROL MEASURES ARE IMPLEMENTE DISTURBANCE ACTIVITIES SHALL ASSESS THE ADEQUACY OF CON MEASURES ARE NEEDED TO ENSURE THE CONTINUED EFFECTIVE SEDIMENT AND EROSION CONTROL MEASURES MUST BE INCORPO
- TEMPORARY STABILIZATION SHALL BE IMPLEMENTED ON DISTURBE HAS PERMANENTLY CEASED OR TEMPORARILY CEASED FOR LONG 8. FINAL STABILIZATION MUST BE IMPLEMENTED AT ALL APPLICABLE OF 70 PERCENT OF PRE-DISTURBANCE LEVELS ESTABLISHED OR ALL TEMPORARY SEDIMENT AND EROSION CONTROL MEASURES SI
- THAT EFFECT THE DESIGN OR FUNCTION OF PERMANENT STORMW ADMINISTRATOR PRIOR TO IMPLEMENTATION. 10. EARTH DISTURBANCES SHALL BE CONDUCTED IN SUCH A MANNE SEDIMENTATION. ALL DISTURBANCES SHALL BE DESIGNED, CONST SHALL BE LIMITED TO THE SHORTEST PRACTICAL PERIOD OF TIM HORIZONTAL FEET OF A WATERS OF THE STATE UNLESS SHOWN
- 11. COMPACTION OF SOIL MUST BE PREVENTED IN AREAS DESIGNATI BE ACHIEVED BY VEGETATIVE COVER. AREAS DESIGNATED FOR SEDIMENTATION DURING CONSTRUCTION UNTIL FINAL STABILIZATIO CONSTRAINTS, ALL AREAS DESIGNATED FOR INFILTRATION AND V
- 12. ANY TEMPORARY OR PERMANENT FACILITY DESIGNED AND CONSTI THE EARTH DISTURBANCE AREA SHALL BE A STABILIZED CONVEY
- 13. CONCRETE WASH WATER SHALL BE CONTAINED AND DISPOSED O OR ALLOWED TO ENTER STATE WATERS, INCLUDING ANY SURFACE WASHOUTS SHALL NOT BE LOCATED IN AN AREA WHERE SHALLO
- 14. DURING DEWATERING OPERATIONS OF UNCONTAMINATED GROUND FORM OF SURFACE RUNOFF UNLESS AN APPROVED STATE DEWA 15. EROSION CONTROL BLANKETING OR OTHER PROTECTIVE COVERING
- 16. CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF AL LOCAL AND STATE REGULATORY REQUIREMENTS. NO CONSTRUC MATERIALS SHALL BE BURIED, DUMPED, OR DISCHARGED AT THE 17. WASTE MATERIALS SHALL NOT BE TEMPORARILY PLACED OR STO
- WITH AN APPROVED TRAFFIC CONTROL PLAN. CONTROL MEASUR BASED ON SPECIFIC CONDITIONS AND CIRCUMSTANCES. 18. TRACKING OF SOILS AND CONSTRUCTION DEBRIS OFF-SITE SHALL PROPERLY DISPOSED OF IMMEDIATELY.
- 19. THE OWNER/DEVELOPER SHALL BE RESPONSIBLE FOR THE REMOV SAND THAT MAY ACCUMULATE IN ROADS, STORM DRAINS AND C
- 20. THE QUANTITY OF MATERIALS STORED ON THE PROJECT SITE SH PERFORM THE WORK IN AN ORDERLY SEQUENCE. ALL MATERIAL
- ORIGINAL CONTAINERS, WITH ORIGINAL MANUFACTURER'S LABELS. 21. NO CHEMICAL(S) HAVING THE POTENTIAL TO BE RELEASED IN S USE OF SUCH CHEMICAL(S) IS GRANTED IN WRITING BY THE ECM SPECIAL CONDITIONS AND MONITORING MAY BE REQUIRED.
- 22. BULK STORAGE OF ALLOWED PETROLEUM PRODUCTS OR OTHER ADEQUATE SECONDARY CONTAINMENT PROTECTION TO CONTAIN STATE WATERS, ANY SURFACE OR SUBSURFACE STORM DRAINAG 23. NO PERSON SHALL CAUSE THE IMPEDIMENT OF STORMWATER FLO
- 24. OWNER/DEVELOPER AND THEIR AGENTS SHALL COMPLY WITH THE THE "CLEAN WATER ACT" (33 USC 1344), IN ADDITION TO THE RE APPENDIX I. ALL APPROPRIATE PERMITS MUST BE OBTAINED BY FUGITIVE DUST, ETC.). IN THE EVENT OF CONFLICTS BETWEEN TH FEDERAL, STATE, LOCAL, OR COUNTY AGENCIES, THE MOST REST
- 25. ALL CONSTRUCTION TRAFFIC MUST ENTER/EXIT THE SITE ONLY
- 26. PRIOR TO CONSTRUCTION THE PERMITTEE SHALL VERIFY THE LOC
- 27. A WATER SOURCE SHALL BE AVAILABLE ON SITE DURING EARTHW EARTHWORK EQUIPMENT AND WIND. 28. THE SOILS REPORT FOR THIS SITE HAS BEEN PREPARED BY ENT PRELIMINARY SUBSURFACE SOIL INVESTIGATION STERLING RANCH,
- 29. AT LEAST TEN (10) DAYS PRIOR TO THE ANTICIPATED START OF THE OWNER OR OPERATOR OF CONSTRUCTION ACTIVITY SHALL S DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, WATER QUA STORMWATER MANAGEMENT PLAN (SWMP), OF WHICH THIS GRADI APPLICATION MATERIALS CONTACT:
- COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
- 4300 CHERRY CREEK DRIVE SOUTH

![](_page_30_Figure_29.jpeg)

CONTROL NOT ONSTRUCTION SITES SHA DEARTH DISTURBANCE S LANDS. TED IN THESE PLANS IN DSION CONTROL SHALL O COUNTY STANDARDS, IN THE DRAINAGE CRITERIA RITING. EMENT PLAN (SMWP) FO PRIOR TO COMMENCING D QUALIFIED STORMWAT URING CONSTRUCTION A ND A "NOTICE TO PROCE S AS INDICATED ON THE WILL BE HELD PRIOR TO COUNTY STAFF. TALLED PRIOR TO COMM PES, CHANNELS, DITCHE ROSION CONTROL MEASU DU MEASURES ARE IMPLE SESS THE ADEQUACY O THE CONTINUED EFFE MEASURES MUST BE INO BE IMPLEMENTED ON DIS MPORARILY CEASED FOR LEMENTED AT ALL APPLE ETE AND ALL DISTURBE	<b>TES:</b> ALL NOT CAUSE OR THREATEN TO CONSTALL BE DONE IN A MANNER THAT WORDS OR GRAPHIC REPRESENTAT CONFORM TO THE STANDARDS AND NCLUDING THE LAND DEVELOPMENT OF A MANUAL VOLUME 2. ANY DEVIATI OR THIS PROJECT SHALL BE COMPLE CONSTRUCTION. MANAGEMENT OF THE ER MANAGER OR CERTIFIED EROSION ND SHALL BE KEPT UP TO DATE WI EED" HAS BEEN ISSUED, THE CONTRA EAPPROVED GEC. A PRECONSTRUCT O ANY CONSTRUCTION. IT IS THE RI ENCEMENT OF ACTIVITIES THAT COU S, AND DISTURBED LAND AREAS SH RES SHALL BE MAINTAINED AND RE EMENTED AND FINAL STABILIZATION IN F CONTROL MEASURES AT THE SITE CTIVE PERFORMANCE OF THE CONTRA STURBED AREAS AND STOCKPILES WA CONGER THAN 14 DAYS. ICABLE CONSTRUCTION SITES. FINA D AREAS EITHER HAVE A UNIFORM	CAUSE POLLUTION, C MINIMIZES POLLUTI TION, ALL DESIGN AN REQUIREMENTS OF CODE, THE ENGINEEI ONS FROM REGULAT TED AND AN EROSIG HE SWMP DURING C CONTROL INSPECT ITH WORK PROGRESS ACTOR MAY INSTALL TION MEETING BETW ESPONSIBILITY OF TH LD CONTRIBUTE POL ALL BE INSTALLED MAIN IN EFFECTIVE IS ESTABLISHED. A AND IDENTIFY IF C COL MEASURES. AL MANAGEMENT PLA (HERE GROUND DIST L STABILIZATION IS VEGETATIVE STABULTZ	CONTAMINATION, OR DEGRADATION ON OF ANY ON-SITE OR ND CONSTRUCTION RELATED TO THE MOST RECENT VERSION OF RING CRITERIA MANUAL, THE TIONS AND STANDARDS MUST BE ON AND STORMWATER QUALITY CONSTRUCTION IS THE OR. THE SWMP SHALL BE S AND CHANGES IN THE FIELD. THE INITIAL STAGE EROSION VEEN THE CONTRACTOR, HE APPLICANT TO COORDINATE LUTANTS TO STORMWATER. IMMEDIATELY UPON COMPLETION OPERATING CONDITION UNTIL LL PERSONS ENGAGED IN LAND CHANGES TO THOSE CONTROL L CHANGES TO TEMPORARY N. URBING CONSTRUCTION ACTIVITY ACHIEVED WHEN ALL GROUND WITH INDIVIDUAL PLANT DENSITY	PAINT BRUSH HILLS FILING NO. 14	PRELIM GRADING PLAN	PROJECT NO. 10-014 FILE: \dwg\ <folder>\<subfolder>\10014-PGEC.dwg</subfolder></folder>	DESIGNED BY: DLM SCALE DATE: 03-05-21 DRAWN BY: CP HORIZ: 1"=100' SHEET 1 OF 1 PGEC1 CHECKED BY: VAS VERT: N/A SHEET 1 OF 1 PGEC1
ANCE LEVELS ESTABLISH ROSION CONTROL MEASU NAGEMENT FACILITIES SH CTION OF PERMANENT S INTATION. CONDUCTED IN SUCH A I S SHALL BE DESIGNED, ST PRACTICAL PERIOD OF F THE STATE UNLESS S EVENTED IN AREAS DESIGNATED TION UNTIL FINAL STABIL INTED FOR INFILTRATION FACILITY DESIGNED AND TALL BE A STABILIZED OF CONTAINED AND DISPO TERS, INCLUDING ANY SI D IN AN AREA WHERE S OF UNCONTAMINATED GF S AN APPROVED STATE OTHER PROTECTIVE CO BLE FOR THE REMOVAL EQUIREMENTS. NO CONSI IPED, OR DISCHARGED A TEMPORARILY PLACED OF ROL PLAN. CONTROL M ND CIRCUMSTANCES. CTION DEBRIS OFF-SITE	ED OR EQUIVALENT PERMANENT ALL RES SHALL BE REMOVED UPON FINA IALL BE INSTALLED AS DESIGNED IN FORMWATER MANAGEMENT STRUCTUR MANNER SO AS TO EFFECTIVELY MIN CONSTRUCTED, AND COMPLETED SO OF TIME. PRE-EXISTING VEGETATION SHOWN TO BE INFEASIBLE AND SPEC IGNATED FOR INFILTRATION CONTROL FOR INFILTRATION CONTROL MEASU LIZATION IS ACHIEVED. IF COMPACT AND VEGETATION CONTROL MEASURE CONSTRUCTED FOR THE CONVEYANCE CONVEYANCE DESIGNED TO MINIMIZE SED OF IN ACCORDANCE WITH THE URFACE OR SUBSURFACE STORM DR SHALLOW GROUNDWATER MAY BE PR ROUND WATER MAY BE DISCHARGED DEWATERING PERMIT IS IN PLACE. VERING SHALL BE USED ON SLOPES OF ALL WASTES FROM THE CONSTRUCTION DEBRIS, TREE SLASH, BU AT THE SITE. OR STORED IN THE STREET, ALLEY, O HEASURES MAY BE REQUIRED BY EL SHALL BE MINIMIZED. MATERIALS	ERNATIVE STABILIZATION AN THE APPROVED PL RES MUST BE APPR IMIZE ACCELERATED THAT THE EXPOSED SHALL BE PROTECT IFICALLY REQUESTED MEASURES OR WH IRES SHALL ALSO B TION PREVENTION IS ES MUST BE LOOSED CE OF STORMWATER EROSION AND THE SWMP. NO WASH WA ANAGE SYSTEM OR ESENT, OR WITHIN S ON SITE, BUT SHALL STEEPER THAN 3: JCTION SITE FOR DI UILDING MATERIAL W OR OTHER PUBLIC W PASO COUNTY ENG TRACKED OFF-SITE	ATION METHOD IS IMPLEMENTED. ND BEFORE PERMIT CLOSURE. ANS. ANY PROPOSED CHANGES ROVED BY THE ECM D SOIL EROSION AND RESULTING D AREA OF ANY DISTURBED LAND CTED AND MAINTAINED WITHIN 50 D AND APPROVED. HERE FINAL STABILIZATION WILL DE PROTECTED FROM NOT FEASIBLE DUE TO SITE NED PRIOR TO INSTALLATION OF AROUND, THROUGH, OR FROM DISCHARGE OF SEDIMENT OFF ATER SHALL BE DISCHARGED TO FACILITIES. CONCRETE 50 FEET OF A SURFACE WATER LL NOT LEAVE THE SITE IN THE 1. SPOSAL IN ACCORDANCE WITH ASTES OR UNUSED BUILDING WAY, UNLESS IN ACCORDANCE SINEERING IF DEEMED NECESSARY, SHALL BE CLEANED UP AND		102 PIKES PEAK AVE, SUITE 500 COLORADO SPRINGS, CO 80903 PHONE: 719.955.5485		CIVIL CONSULTANTS, INC.
ELY. RESPONSIBLE FOR THE ROADS, STORM DRAINS RED ON THE PROJECT S LY SEQUENCE. ALL MA VAL MANUFACTURER'S L. ENTIAL TO BE RELEASED IN WRITING BY THE ING MAY BE REQUIRED. DLEUM PRODUCTS OR O NT PROTECTION TO CON SUBSURFACE STORM WAT PEDIMENT OF STORMWAT ENTS SHALL COMPLY WI 1344), IN ADDITION TO RMITS MUST BE OBTAINE NT OF CONFLICTS BETWE TY AGENCIES, THE MOST ENTER/EXIT THE SITE ( MITTEE SHALL VERIFY TH	REMOVAL OF ALL CONSTRUCTION D AND OTHER DRAINAGE CONVEYANCE ITE SHALL BE LIMITED, AS MUCH AS TERIALS STORED ON-SITE SHALL BE ABELS. IN STORMWATER ARE TO BE STORE IE ECM ADMINISTRATOR. IN GRANTH THER ALLOWED LIQUID CHEMICALS IN ITAIN ALL SPILLS ONSITE AND TO P RAINAGE SYSTEM OR OTHER FACILITI ER FLOW IN THE CURB AND GUTTER TH THE "COLORADO WATER QUALITY THE REQUIREMENTS OF THE LAND IC ED BY THE CONTRACTOR PRIOR TO THE ED DY THE CONTRACTOR PRIOR	EBRIS, DIRT, TRASH SYSTEMS AND STO SPRACTICAL, TO THE STORED IN A NEA ED OR USED ONSITE NG APPROVAL FOR N EXCESS OF 55 GA REVENT ANY SPILLE ES. R OR DITCH EXCEPT CONTROL ACT" (TIT DEVELOPMENT CODE, CONSTRUCTION (104 ER LAWS, RULES, O GULATIONS SHALL A ACCESS POINTS.	, ROCK, SEDIMENT, SOIL, AND DRMWATER APPURTENANCES AS A HAT QUANTITY REQUIRED TO T, ORDERLY MANNER, IN THEIR TUNLESS PERMISSION FOR THE THE USE OF SUCH CHEMICAL(S), ALLONS SHALL REQUIRE TO MATERIALS FROM ENTERING WITH APPROVED SEDIMENT FLE 25, ARTICLE 8, CRS), AND , DCM VOLUME II AND THE ECM H, NPDES, FLOODPLAIN, 404, R REGULATIONS OF OTHER APPLY.	VIRGIL A. SANCHEZ, COLORADO P.E. NO. 37160	FOR AND ON BEHALF OF	M&S CIVIL CONSULTANTS, INFC	
ABLE ON SITE DURING I HAS BEEN PREPARED E VESTIGATION STERLING F O THE ANTICIPATED STA ISTRUCTION ACTIVITY SH IND ENVIRONMENT, WATE (SWMP), OF WHICH THIS C HEALTH AND ENVIRON TYPE A R LOT DR SW	ARTHWORK OPERATIONS AND SHALL BY ENTECH ENGINEERING, INC., ENTIT RANCH, DATED OCTOBER 31, 2006, ART OF CONSTRUCTION, FOR PROJEC HALL SUBMIT A PERMIT APPLICATION ER QUALITY DIVISION. THE APPLICATI GRADING AND EROSION CONTROL P MENT TYPE T TYPE B R R R R R R R R R R R R R R R R R R R	L BE UTILIZED AS R LED GEOLOGIC HAZ AND SHALL BE CO STS THAT WILL DISTU FOR STORMWATER ON CONTAINS CERT LAN MAY BE A PAP	POINT ELEV. (TYP) ON OF FLOW (TYP)	APRV'D. BY: DATE:			to or Preparer
6920 6918 6918 SF 	LEG EXISTING MAJOR CONTOUR EXISTING MINOR CONTOUR PROPOSED MAJOR CONTOUR PROPOSED MINOR CONTOUR FILING BOUNDARY LINE RIGHT-OF-WAY LINE PROPOSED PROPERTY LINE SILT FENCE PROPOSED STORM DRAIN EXISTING STORM DRAIN SWALE VEHICLE TRACKING CONTROL	END "A" "B" "T" "W/O" "G" "C" L.P./H.P. (2.0)% 	TYPE A LOT TYPE B LOT TRANSITION LOT WALK-OUT LOT GARDEN LOT CUSTOM/NATIVE LOT LOW POINT/HIGH POINT FLOW DIRECTION & SLOPE FLOW DIRECTION ARROW/ EMERGENCY OVERFLOW EXISTING FLOW DIRECTION ARROW EMERGENCY OVERFLOW DIRECTION	REVISIONS: BY: DESCRIPTION:			OF THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE, OR LIABLE FOR, UNAUTHORIZED CHANGES USES OF THESE PLANS. ALL CHANGES TO THE PLANS MUST BE IN WRITING AND MUST BE APPROVED BY THE OF THESE PLANS.

![](_page_31_Figure_0.jpeg)

# GENERAL NOTES

- 1. THE LOCATION OF EXISTING UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND MAY NOT INCLUDE ALL UTILITIES. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. THE CONTRACT TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY PRESERVE ANY AND ALL UTILITIES.
- 2. BEFORE COMMENCING ANY EXCAVATION, CALL I-800-922-1987 FOR EXISTING UTILITY LOCATIONS.
- 3. THE CONTRACTOR WILL TAKE THE NECESSARY PRECAUTIONS TO PROTECT EXISTING UTILITIES FROM DAMAGE DUE TO THIS ANY DAMAGE TO THE UTILITIES WILL BE REPAIRED AT THE CONTRACTOR'S EXPENSE. AND ANY SERVICE DISRUPTION WILL BE THE CONTRACTOR. 4. ALL BACKFILL, SUB-BASE AND/OR BASE COURSE (CLASS 6) MATERIAL SHALL BE COMPACTED TO THE SOILS
- RECOMMENDATIONS, AND APPROVED BY EL PASO COUNTY DEVELOPMENT SERVICES ENGINEERING DIVISION.
- 5. ALL STATIONING IS CENTERLINE UNLESS OTHERWISE INDICATED. ALL ELEVATIONS ARE CENTERLINE UNLESS OTHERWISE INDICATE 6. THE CONTRACTOR SHALL REVEGETATE ALL DISTURBED AREAS AS SOON AS POSSIBLE AND EROSION CONTROL SHALL BE INST MAINTAINED IN A FUNCTIONAL MANNER AT ALL TIMES. DEVELOPER RESPONSIBLE FOR MAINTAINING DISTURBED AREAS UNTIL RE IS COMPLETE.
- 7. ALL DISTURBED PAVEMENT EDGES SHALL BE CUT TO NEAT LINES. REPAIR SHALL CONFORM TO THE EPC ECM APPENDIX K-1.2 8. ADDITIONAL EROSION CONTROL STRUCTURES MAY BE REQUIRED AT THE TIME OF CONSTRUCTION.
- 9. BUILDING CONTRACTORS WILL BE RESPONSIBLE FOR CONSTRUCTING POSITIVE DRAINAGE AWAY FROM ALL STRUCTURES.
- 10. ASPHALT THICKNESS AND BASE COURSE THICKNESS 9COMPACTED) FOR ROADS SHALL BE PER DESIGN REPORT GEOTECHNICAL ENGINEER. OWNER'S GEOTECHNICAL ENGINEER TO BE ON SITE AT TIME OF ROAD CONSTRUCTION TO EVA CONDITIONS AND DETERMINE IF ADDITIONAL MEASURES ARE NECESSARY TO ASSURE STABILITY OF THE NEW ROADS. PAVEMI SHALL BE APPROVED BY DEVELOPMENT SERVICES DEPARTMENT PRIOR TO CONSTRUCTION.
- 11. THE CONTRACTOR SHALL REVEGETATE ALL DISTURBED AREAS WITHIN 21 DAYS OF SUBSTANTIAL GRADING COMPLETION. EROSIG SHALL BE INSTALLED AND MAINTAINED IN A FUNCTIONAL MANNER AT ALL TIMES. DEVELOPER IS RESPONSIBLE FOR DISTURBED AREAS UNTIL REVEGETATION IS COMPLETE.
- 12. TYPE M RIP-RAP WITH 4" OF TYPE II GRANULAR BEDDING AND MIRIFI 180N OR EQUAL MAY BE SUBSTITUTED WHERE TYPE WITH MIRIFI FW 700 OR EQUAL IS SPECIFIED.
- 13. ALL MATERIALS AND INSTALLATION PRODECURES SHALL BE IN COMPLIANCE WITH ANY AND ALL APPLICABLE EL PA STANDARDS AND WITH PAINT BRUSH HILLS METRO DISTRICT CONSULTING ENGINEER APPROVAL.
- 14. ALL WATER MAINS SHALL BE AWWA C900-SDR18 PVC WITH PUSH-ON SINGLE GASKET TYPE JOINTS.
- 15. ALL WATER MAIN FITTINGS SHALL BE MADE FROM GRAY-IRON OR DUCTILE IRON AND FURNISHED WITH MECHANICAL JOINT FITTINGS SHALL HAVE A PRESSURE RATING OF 250 PSI. 16. ALL WATER LINE BENDS, TEES, BLOW-OFFS AND PLUGS AT DEAD-END MAINS SHALL BE PROTECTED FROM THRUST BY USING
- THRUST BLOCKS AND/OR RODDING AND RESTRAINED PIPE PER THE PAINT BRUSH HILLS METRO DISTRICT CONSULTIN APPROVAL
- 17. MAXIMUM DEFLECTION OF 8" & 12" PVC WATER MAIN JOINTS IS 4 DEGREES. CORRESPONDING MINIMUM CURVE RADIU ADDITIONAL 11.25' OR 22.5' BENDS MAY BE REQUIRED FOR PROPER ALIGNMENT.
- 18. CONTRACTOR IS RESPONSIBLE FOR PROVIDING DETAILED AS-BUILTS OF ALL WATER MAIN, STORM SEW AND SAN. INSTALLATIONS, INCLUDING ACCURATE DISTANCES OF MAIN LINES, VALVES, FITTINGS, MANHOLES AND LOCATIONS OF WATER SERVICES.
- 19. SANITARY SEWER PIPE AND FITTINGS: PVC 4"-8" ASTM D3034, TYPE PSM, SDR 35: PUSH-ON JOINTS AND MOLDED RUBBI MAXIMUM HORIZONTAL DEFLECTION, AFTER INSTALLATION AND BACK FILLING SHALL NOT EXCEED 3% OF THE PIPE DIAMETE CURVE RADIUS IS 100' FOR 8" PVC SAN. SEW. MAIN.

# STANDARD NOTES FOR EL PASO COUNTY CONSTRUCTION PLANS

- 1. ALL DRAINAGE AND ROADWAY CONSTRUCTION SHALL MEET THE STANDARDS AND SPECIFICATIONS OF THE CITY OF COLORADO PASO COUNTY DRAINAGE CRITERIA MANUAL, VOLUMES 1 AND 2, AND THE EL PASO COUNTY ENGINEERING CRITERIA MANUAL.
- 2. CONTRACTOR SHALL BE RESPONSIBLE FOR THE NOTIFICATION AND FIELD NOTIFICATION OF ALL EXISTING UTILITIES, WHETHER THE PLANS OR NOT, BEFORE BEGINNING CONSTRUCTION. LOCATION OF EXISTING UTILITIES SHALL BE VERIFIED BY THE CONTRAC TO CONSTRUCTION. CALL 811 TO CONTACT THE UTILITY NOTIFICATION CENTER OF COLORADO (UNCC).
- 3. CONTRACTOR SHALL KEEP A COPY OF THESE APPROVED PLANS, THE GRADING AND EROSION CONTROL PLAN, THE MANAGEMENT PLAN (SWMP), THE SOILS AND GEOTECHNICAL REPORT, AND THE APPROPRIATE DESIGN AND CONSTRUCTION AND SPECIFICATIONS AT THE JOB SITE AT ALL TIMES, INCLUDING THE FOLLOWING: a. EL PASO COUNTY ENGINEERING CRITERIA MANUAL (ECM) b. CITY OF COLORADO SPRINGS/EL PASO COUNTY DRAINAGE CRITERIA MANUAL, VOLUMES 1 AND 2 c. COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCT d. CDOT M & S STANDARDS.
- 4. NOTWITHSTANDING ANYTHING DEPICTED IN THESE PLANS IN WORDS OR GRAPHIC REPRESENTATION, ALL DESIGN AND CO RELATED TO ROADS, STORM DRAINAGE AND EROSION CONTROL SHALL CONFORM TO THE STANDARDS AND REQUIREMENTS RECENT VERSION OF THE RELEVANT ADOPTED EL PASO COUNTY STANDARDS, INCLUDING THE LAND DEVELOPMENT ENGINEERING CRITERIA MANUAL, THE DRAINAGE CRITERIA MANUAL, AND THE DRAINAGE CRITERIA MANUAL VOLUME 2. ANY FROM REGULATIONS AND STANDARDS MUST BE REQUESTED, AND APPROVED, IN WRITING. ANY MODIFICATIONS NECESSAR' CRITERIA AFTER-THE-FACT WILL BE ENTIRELY THE DEVELOPER'S RESPONSIBILITY TO RECTIFY.
- 5. IT IS THE DESIGN ENGINEER'S RESPONSIBILITY TO ACCURATELY SHOW EXISTING CONDITIONS, BOTH ON-SITE AND OFF-SI CONSTRUCTION PLANS. ANY MODIFICATIONS NECESSARY DUE TO CONFLICTS, OMISSIONS, OR CHANGED CONDITIONS WILL BE E DEVELOPER'S RESPONSIBILITY TO RECTIFY.
- 6. CONTRACTOR SHALL SCHEDULE A PRE-CONSTRUCTION MEETING WITH EL PASO COUNTY PLANNING AND COMMUNITY DEVEL INSPECTIONS, PRIOR TO STARTING CONSTRUCTION.
- 7. IT IS THE CONTRACTOR'S RESPONSIBILITY TO UNDERSTAND THE REQUIREMENTS OF ALL JURISDICTIONAL AGENCIES AND TO ( REQUIRED PERMITS, INCLUDING BUT NOT LIMITED TO EL PASO COUNTY EROSION AND STORMWATER QUALITY CONTROL PERM REGIONAL BUILDING FLOODPLAIN DEVELOPMENT PERMIT, U.S. ARMY CORPS OF ENGINEERS-ISSUED 401 AND/OR 404 PE COUNTY AND STATE FUGITIVE DUST PERMITS.
- 8. CONTRACTOR SHALL NOT DEVIATE FROM THE PLANS WITHOUT FIRST OBTAINING WRITTEN APPROVAL FROM THE DESIGN EN PCD. CONTRACTOR SHALL NOTIFY THE DESIGN ENGINEER IMMEDIATELY UPON DISCOVERY OF ANY ERRORS OR INCONSISTENCIES
- 9. ALL STORM DRAIN PIPE SHALL BE CLASS III RCP UNLESS OTHERWISE NOTED AND APPROVED BY PCD.
- 10. CONTRACTOR SHALL COORDINATE GEOTECHNICAL TESTING PER ECM STANDARDS. PAVEMENT DESIGN SHALL BE APPROVED COUNTY PCD PRIOR TO PLACEMENT OF CURB AND GUTTER AND PAVEMENT.
- 11. ALL CONSTRUCTION TRAFFIC MUST ENTER/EXIT THE SITE AT APPROVED CONSTRUCTION ACCESS POINTS. 12. SIGHT VISIBILITY TRIANGLES AS IDENTIFIED IN THE PLANS SHALL BE PROVIDED AT ALL INTERSECTIONS. OBSTRUCTIONS GREAT
- INCHES ABOVE FLOWLINE ARE NOT ALLOWED WITHIN SIGHT TRIANGLES.
- 13. SIGNING AND STRIPING SHALL COMPLY WITH EL PASO COUNTY DEPARTMENT OF PUBLIC WORKS AND MUTCD CRITERIA. 14. CONTRACTOR SHALL OBTAIN ANY PERMITS REQUIRED BY EL PASO COUNTY DEPARTMENT OF PUBLIC WORKS, INCLUDING WORK
- RIGHT-OF-WAY AND SPECIAL TRANSPORT PERMITS. 15. THE LIMITS OF CONSTRUCTION SHALL REMAIN WITHIN THE PROPERTY LINE UNLESS NOTED. THE OWNER/DEVELOPER SH WRITTEN PERMISSION AND EASEMENTS, WHERE REQUIRED, FROM ADJOINING PROPERTY OWNER(S) PRIOR TO ANY OFF-SITE D GRADING, OR CONSTRUCTION.

\*LOT 5 & LOT 3 STORM SEWER EASEMENT NOTE:

![](_page_31_Figure_36.jpeg)

![](_page_31_Figure_37.jpeg)

![](_page_31_Figure_38.jpeg)

![](_page_31_Figure_39.jpeg)

SCALE: NTS

E EXCAVATION CTOR AGREES LOCATE AND S OPERATION. SETTLED BY ENGINEER'S ED. STALLED AND REVEGETATION 2C. BY OWNER'S ALUATE SOIL MENT DESIGN ION CONTROL MAINTAINING		PAINT BRUSH HILLS FILING NU. 14	PRELIM UTILITY & PUBLIC FACILITY PLAN	PROJECT NO. 10-014 FILE: \dwg\ <folder>\<subfolder>\10014-PUT.dwg</subfolder></folder>	DESIGNED BY: DIM SCALE DATE: 03-16-21	DRAWN BY: CP HORIZ: 1"=100' SHEET 1 OF 1 PUT1 CHECKED BY: VAS VERT: N/A
E L RIP-RAP ASO COUNTY T ENDS. ALL IG CONCRETE NG ENGINEER IUS IS 286'. SEW. MAIN AND SEWER BER GASKETS ER. (MINIMUM		102 E. PIKES PEAK AVE, SUITE 500	COLORADO SPRINGS, CO 80903 PHONE: 719.955.5485			CIVIL CONSULTANTS, INC.
R SHOWN ON ACTOR PRIOR STORMWATER STANDARDS TION ONSTRUCTION OF THE MOST CODE, THE Y DEVIATIONS RY TO MEET SITE, ON THE ENTIRELY THE FELOPMENT - OBTAIN ALL	VIRGIL A. SANCHEZ, COLORADO P.E. NO. 37160		FOR AND ON BEHALF OF	M&S CIVIL CONSULTANTS,	INC.	
MIT (ESQCF), ERMITS, AND NGINEER AND S. BY EL PASO TER THAN 18 K WITHIN THE HALL OBTAIN DISTURBANCE,		APRV'D. BY: DATE:				SPONSIBLE, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR UST BE IN WRITING AND MUST BE APPROVED BY THE PREPARER
LITY MT DR C TER S	REVISIONS:	NO. DATE: BY: DESCRIPTION:				THE ENGINEER PREPARING THESE PLANS WILL NOT BE REAUNES OF THESE PLANS. ALL CHANGES TO THE PLANS MULL NOT DE THESE PLANS.

![](_page_32_Picture_0.jpeg)

March 24, 2021

Lindsay Darden El Paso County Development Services Department DSDcomments@elpasoco.com

> RE: Paint Brush Hills Filing No. 14 Part of the NE ¼, 26 T12S, R65W, 6<sup>th</sup> P.M. Water Division 2, Water District 10 Upper Black Squirrel Creek Designated Basin

Dear Lindsay Darden:

We have reviewed the additional information submitted on March 9, 2021 concerning the above referenced proposal for the development of 88 acres into 224 single family lots and tracts for landscaping, open space and utilities. This office previously commented on the above referenced referral in a letter dated November 25, 2020, this letter supersedes the previous letter.

#### Water Supply Demand

According to the Water Supply Information Summary, the total estimated water demand is 80.64 acre-feet/year (44.35 acre-feet per year for household use and 36.29 acre-feet per year for irrigation use).

#### Source of Water Supply

Paint Brush Hills Metropolitan District ("District") is the proposed water supplier. The District has provided a letter dated January 29, 2021 committing to serve the 224 single family lots within the proposed Paint Brush Hills Filing 14 subdivision. The subdivision lies within the allowed place of use of the District's water supplies.

The District's sources of water are a combination of bedrock aquifer allocations from the Denver Basin operating pursuant to both 37-90-107(7)(a) and 37-90-107(7)(b), C.R.S. 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 <u>allocation</u> approach, the annual amounts of water determined are 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.

According to 37-90-107(7)(b), C.R.S., "Any right to the use of groundwater entitling its owner or user to construct a well, which right was initiated prior to November 19, 1973, as evidenced by a current decree, well registration statement, or an unexpired well permit issued prior to November 19, 1973, shall not be subject to the provisions of paragraph (a) of this subsection (7)." Therefore, the annual amount of the water right operating pursuant to 107(7)(b) may be withdrawn in that amount indefinitely so long as there is water in the aquifer physically available to the well.

In the El Paso County Land Development Code, effective May 2016 states:

![](_page_32_Picture_14.jpeg)

Chapter 8, Section 8.4.7(B)(5):

"Finding of Sufficient Dependability - The proposed water supply shall meet the following criteria to be found sufficient in terms of dependability:

• The supply is of sufficient quantity to meet the needs of the proposed subdivision for 300 years."

Chapter 8, Section 8.4.7.(B)(7)(b):

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

Chapter 8, Section 8.4.7.(A)(2):

"Applicability" ...

• The effective date of this Section is originally November 20, 1986, and this Section shall fully apply to any subdivision which does not have preliminary plan approval prior to that date;"

Our files indicate that the District supplies subdivisions for which preliminary plat approval occurred prior to November 20, 1986. It is our understanding that El Paso County required the water supply of such subdivisions to be sufficient for a period of 100 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 <u>allocation</u> approach based on three hundred years, the annual amounts of water available from the bedrock aquifers that may be withdrawn from a maximum period of 300 years are equal to one-third of one percent of the total amount.

Due to the fact that the District's rights operate pursuant to both 107(7)(a) and 107(7)(b), the review entails quantifying the water available from those rights over 300 years, and comparing that volume to the volume of commitments to supply water the District has made over 300 years, as described below.

- 1. The water rights available to the District total 147,550 acre-feet over a period of 300 years (= 98,050 acre-feet plus 24,000 acre-feet plus 25,500 acre-feet, as described below).
  - a. The water rights that are subject to an allocation based approach pursuant to 107(7)(a) total a volume of 98,050 acre-feet. These rights may be withdrawn at a maximum rate of 981 acre-feet per year for a maximum of 100 years, or at a maximum rate of 327 acre-feet per year for a period of 300 years.
  - b. The water right that is subject to 107(7)(b) may withdraw water at a rate of 80 acrefeet per year indefinitely so long as there is water in the aquifer physically available to the well. This right may produce 24,000 acre-feet over a period of 300 years.
  - c. The District has a contract with Meridian Service Metropolitan District for 85 acre-feet per year. The contract may withdraw 25,550 acre-feet over a period of 300 years.
- 2. The District's commitments to supply water total 138,490 acre-feet over a period of 300 years (= 31,432 acre-feet plus 107,058 acre-feet, as described below).
  - a. The District supplies subdivisions for which preliminary plat approval occurred prior to November 20, 1986, and schools, and greenbelt and park irrigation, for which it has a 100 year commitment to serve. Those commitments total 31,432 acre-feet over 100 years.

Paint Brush Hills Filing No. 14 March 24, 2021 Page 3 of 3

b. The District has committed to supply subdivisions for which preliminary plat approval occurred after November 20, 1986, for which it has a 300 year commitment to serve. Those commitments total 107,058 acre-feet over 300 years. Those commitments include this subdivision, Paint Brush Hills, Filing No. 14.

The District has 9,060 acre-feet of water rights remaining uncommitted (= 147,550 acre-feet minus 138,490 acre-feet).

#### State Engineer's Office Opinion

Based upon the above and pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights, so long as the District is committed to supplying 80.64 acre-feet per year (24,192 acrefeet total) to Paint Brush Hills Filing No. 14.

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 those rights operated pursuant to 107(7)(a), 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 Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the above-referenced decree, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifer, and identified in this letter, are calculated based on estimated current aquifer conditions. The source of water is from a non-renewable aquifer, the allocations of which are based on a 100 year aquifer life. 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.

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

Sincerely, pam Willer

Joanna Williams Water Resource Engineer

cc: Upper Black Squirrel Creek GWMD

Paint Brush Hills Filing 14.docx SEO referral no. 27424

![](_page_35_Picture_0.jpeg)

OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

#### Diana K. May, County Attorney

Assistant County Attorneys Lori L. Seago Lisa A. Kirkman Steven A. Klaffky Peter A. Lichtman Mary Ritchie Bryan E. Schmid Nathan J. Whitney Michael J. Desmond Christopher M. Strider Terry A. Sample

April 2, 2021

SP-20-6 Paint Brush Hills Filing No. 14 Preliminary Plan

Reviewed by:

Lori L. Seago, Senior Assistant County Attorney Edi Anderson, Paralegal, ACP

#### FINDINGS AND CONCLUSIONS:

- This is a proposal by Aeroplaza Fountain, LLC ("Applicant") for approval of a preliminary plan for development of 224 lots, plus tracts for landscaping, open space, and utilities, in the PaintBrush Hills Filing 14 subdivision on 88.63 +/- acres. 32.734 acres of the property site is zoned RS-20000 (Residential Suburban) and 55.898 acres is zoned RS-6000 (Residential Suburban) (approved by the Board of County Commissioners on October 15, 2020).
- 2. The Applicant has provided for the source of water to derive from the Paint Brush Hills Metropolitan District ("District" or "PBHMD"). Applicant submitted a Water Supply Information Summary ("WSIS") which estimates its annual water needs to serve household use for the 224 single family lots as follows: 44.35 acre-feet annually for household use and 36.29 acre-feet for irrigation for a total water demand of 80.64 acre-feet/year for the subdivision. Based on these figures, Applicant must be able to provide a supply of 24,192 acre-feet of water (80.64 acre-feet/year x 300 years) to meet the County's 300 year water supply requirement.
- 3. In a letter dated January 29, 2021, the District's Manager committed to serve water to Paint Brush Hills Filing 14. The District Manager stated that the District "has reviewed the plans for 224 single-family residences contained in Paint Brush Hills Filing No. 14 .... The District has the capacity, ability and will provide domestic water service to the Project." The District Manager noted that Filing 14 will require

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

![](_page_35_Picture_13.jpeg)

COLORADO SPRINGS, CO 80903 FAX: (719) 520-6487 80.64 acre-feet, including irrigation: 44.35 acre-feet for inside household use; and 36.29 acre-feet for irrigation. Finally, the District Manager said that "PBHMD will have a surplus of 53.98 af upon completion of filing 14."

- 4. Applicant submitted a Water Master Plan for Paint Brush Hills Metropolitan District Update ("Plan") dated September 2020 by RG and Associates, LLC, detailing the water resources for the District. The Plan states "the district's existing water rights are sufficient to provide water to meet the current and future demands of the district" which includes Paint Brush Hills Filing 14.
- 5. In a letter dated March 24, 2021, the State Engineer reviewed the proposal to subdivide 88 acres of land into 224 lots, plus tracts for landscaping, open space, and utilities. The State Engineer reviewed the WSIS and a District letter dated January 29, 2021, committing to serve the subdivision in the amount of 80.64 acrefeet/year. The State Engineer noted that the "water rights available to the District total 147,550 acrefeet over a period of 300 years.... The District's commitments to supply water total 138,490 acrefeet of water over a period of 300 years.... Those commitments include this subdivision, PaintBrush Hills, Filing No. 14." The State Engineer indicated that the District has sufficient water resources to supply the proposed development and states that pursuant to "Section 30-28-136(1)(h)(II), it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights, so long as the District is committed to supplying 80.64 acrefeet per year (24,192 acrefeet total) to Paint Brush Hills Filing No. 14."
- 6. Section 8.4.7(B)(10)(g), of the El Paso County Land Development Code allows for the presumption of acceptable water quality for projects such as this where water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary that may be provided by the El Paso County Health Department.
- <u>Analysis</u>: With a proposed annual demand of 80.64 acre-feet and given the commitments of the District and the State Engineer's opinion that this demand is within the remaining supply limits of the District, it appears the proposed water supply will be sufficient.
- 8. Therefore, based on the above analysis, the County Attorney's Office recommends a finding that the proposed water supply is *sufficient* in terms of quantity and dependability as to the 224 lots in Paint Brush Hills Filing 14 preliminary plan.

#### **REQUIREMENTS:**

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the District; including the specific requirements detailed in the District's January 29, 2021 "Will Serve Letter" for PaintBrush Hills Filing No. 14.
- B. The Water Master Plan for Paint Brush Hills Metropolitan District Update dated September 2020 must be updated and uploaded to EDARP prior to recording of the final plat, indicating that Filing 14 is 224 lots, which requires a correction to page 13 of the Master Plan which currently reads 227 lots.

cc: Kari Parsons, Planner III