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PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Brian Risley, Chair

FROM: Ryan Howser, AICP Planner III
Jeff Rice, PE Senior Engineer
Meggan Herington, Executive Director

RE: Project File #: PUDSP-21-005
Project Name: Waterbury Filing Nos. 1 and 2
Parcel Nos.: 42000-00-366; 42000-00-368; 42000-00-417

OWNER:	REPRESENTATIVE:
4-Way Ranch Joint Venture, LLC PO Box 50223 Colorado Springs, CO, 80949-0223	William Guman & Associates, Ltd. 731 North Weber Street, Suite 10 Colorado Springs, CO, 80903

Commissioner District: 2

Planning Commission Hearing Date:	1/19/2023
Board of County Commissioners Hearing Date:	2/7/2023

EXECUTIVE SUMMARY

A request by 4-Way Ranch Joint Venture, LLC for approval of the Waterbury Filing Nos. 1 and 2 PUD Development Plan and Preliminary Plan, which consists of a map amendment (rezoning) from PUD (Planned Unit Development) to PUD (Planned Unit Development) and a preliminary plan for 198 single-family residential lots and eleven (11) tracts. The Waterbury PUD and Preliminary Plan was approved by the Board of County Commissioners on January 15, 2013 (BoCC Resolution No. 13-44). The previously approved plan included an alley-loaded residential product, which the current request proposes to remove in favor of a traditional lot layout. The current proposal also includes

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modifications to the previously approved road layout. If the proposed PUD and Preliminary Plan are approved, the applicant will be required to receive approval for final plat(s) prior to commencement of construction.

The 61.86-acre property is located northwest of the intersection of Stapleton Drive and US Highway 24 and within Sections 28, 29, and 33, Township 12 South, Range 64 West of the 6th P.M. (Parcel Nos. 42000-00-366; 42000-00-368; 42000-00-417) (Commissioner District No. 2).

A. REQUEST/MODIFICATIONS/AUTHORIZATION

Request: A request by 4-Way Ranch Joint Venture, LLC for approval of a map amendment (rezoning) from PUD (Planned Unit Development) to PUD (Planned Unit Development) and approval of a preliminary plan for 198 single-family residential lots and eleven (11) tracts. In accordance with Section 4.2.6.E of the El Paso County Land Development Code (2021), a PUD Development Plan May be Approved as a Preliminary Plan; the applicant is also requesting the PUD development plan be approved as a preliminary plan.

Modification of Existing Land Development Code (LDC) or Engineering Criteria Manual (ECM) Standard:

For approval of a modification of a general development standard in the LDC or standard of the ECM, the BoCC shall find that the proposal provides for the general health, safety, and welfare of the citizens and at least one of the following benefits:

- Preservation of natural features;
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;
- Provision of a more efficient pedestrian system;
- Provision of additional open space;
- Provision of other public amenities not otherwise required by the Code; or
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.

The applicants are not requesting any modification(s) of the ECM; however, three roadway design deviations are proposed, two of which (a and c) were previously approved with the existing PUD development plan:

- a. The proposed intersection of Saybrook Road and Stapleton Drive does not meet intersection spacing requirements along Stapleton Drive. Per ECM Section 2.2.5.B.1, intersection spacing along an Urban Principal Arterial is 2,640 feet



(1/2 mile). The proposed intersection spacing is 2,200 feet from U.S. Highway 24 and 1,345 feet from future Dumont Drive. Because safety issues are unlikely and no other access locations exist besides the planned Dumont Drive and Saybrook intersections, which have been planned since the original PUD, Staff has no objection to this deviation request.

- b. The proposed cross-section of Saybrook Road, a planned Urban Collector, allows for direct lot access and on-street parking where ECM Sections 2.2.4.B.5 and 2.3.2 do not allow parking and direct lot access. Because there is no other way to access the lots, the traffic on this road is anticipated to be low (similar to a local road) and the proposed design allows adequate space for parking, a bike lane, a through lane in each direction, and a median. Staff does not object to the deviation.
- c. The proposed turn lane lengths for Saybrook Road approaching Stapleton Drive do not meet the requirements of ECM Sections 2.3.7.E.1 and 2, in conjunction with the location of the on-street parking in the previously mentioned deviation. The proposed lengths for the left and right turn lanes, including tapers, are 160 feet where the ECM requires minimum lengths of 285 feet. The design engineer's queuing analysis indicates that the right turn lane will have sufficient length and the left turn lane has sufficient length for 95% of the anticipated queues. Because of the urban cross-section, low design speed, and relatively low anticipated traffic volumes on Saybrook Road, along with the potential for a future traffic signal at the intersection with Stapleton Drive, Staff do not object to the deviation. The deviation effectively eliminates the standard deceleration distance included in turn bay tapers, where driver expectancy on this lower-volume road would be to decelerate upon approaching the stop-controlled intersection in any case.

Staff recommends that the deviation requests associated with the PUD (Planned Unit Development) as prepared are acceptable contingent upon the approval of the PUD by the Board of County Commissioners.

Authorization to Sign: PUD Development Plan and any other documents required to finalize the approval

B. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

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Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

The Planning Commission and BOCC shall determine that the following criteria for approval outlined in Section 4.2.6, and Section 7.2.1 of the El Paso County Land Development Code (2021) have been met to approve a PUD zoning district and preliminary plan:

- The proposed PUD district zoning advances the stated purposes set forth in this section.
- The application is in general conformity with the Master Plan;
- The proposed development is in compliance with the requirements of this Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County;
- The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment, and will not have a negative impact upon the existing and future development of the surrounding area;
- The proposed development provides adequate consideration for any potentially detrimental use to use relationships (e.g. commercial use adjacent to single family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site which may include innovative treatments of use to use relationships;
- The allowed uses, bulk requirements and landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community;
- Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;
- Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities;
- The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g. fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed;



- The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy efficient site design;
- The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner;
- Any proposed exception or deviation from the requirements if the zoning resolution or the subdivision regulation is warranted by virtue of the design and amenities incorporated in the development plan and development guide; and
- The owner has authorized the application.

The applicants have also requested the proposed PUD be reviewed and considered as a preliminary plan. The requirements identified in Chapter 7 and Chapter 8 of the El Paso County Land Development Code (2021) for a preliminary plan requires the Planning Commission and the BoCC find that the following additional criteria for approval of a preliminary plan have also been met:

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

D. LOCATION

North: PUD (Planned Unit Development)	Vacant
South: PUD (Planned Unit Development)	Vacant
East: PUD (Planned Unit Development)	Vacant
West: RR-2.5 (Residential Rural)	Single-Family Residential

E. BACKGROUND

The Waterbury PUD Development Plan was approved by the Board of County Commissioners on January 15, 2013 (BoCC Resolution No. 13-44). The Waterbury



Phase 1 Preliminary Plan was approved by the BoCC on August 27, 2013 (BoCC Resolution No. 13-379). The Waterbury PUD consists of 1,010 single-family residential units on approximately 322 acres and has a proposed gross density of 3.14 dwelling units per acre. The Waterbury Phase 1 Preliminary Plan consists of 196 single-family residential units on 61.85 acres and has a proposed gross density of 3.17 dwelling units per acre.

To date, no final plats have been recorded within the Waterbury Phase 1 Preliminary Plan area. The Waterbury Filing No. 1 Final Plat was approved by the BoCC on January 24, 2017 (BoCC Resolution No. 17-039). The final plat was not recorded and has therefore expired.

The proposed Waterbury Filing Nos. 1 and 2 PUD Development Plan and Preliminary Plan consists of 198 single-family residential lots on 61.86 acres. This is substantially similar to the previously approved Waterbury Phase 1 Preliminary Plan and includes two (2) additional lots and a proposed gross density of 3.20 dwelling units per acre.

The previously approved plan included an alley-loaded residential product, which the current request proposes to remove in favor of a traditional lot layout. The current proposal also includes modifications to the previously approved road layout. The applicant also proposes to update the PUD development plan and preliminary plan to be consistent with the current standards and regulations for the area identified within the boundary of the proposed Waterbury Filing Nos. 1 and 2.

If the Waterbury Filing Nos. 1 and 2 PUD Development Plan and Preliminary Plan are approved, and a finding of water sufficiency for water quality, quantity, and dependability is made by the Board of County Commissioners, then it is anticipated that the applicant will request administrative approval by the Planning and Community Development Department Executive Director of all subsequent final plats.

F. ANALYSIS

1. Land Development Code Analysis

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 as well as the Planned Unit Development (PUD) requirements outlined in Chapter 4 of the El Paso County Land Development Code (2021).



Section 4.2.6.F.8 of the Land Development Code requires a minimum of ten (10) percent of the overall residential PUD be set aside as open space area. The PUD area is 61.86 acres in size, which would require a total of 6.18 acres of open space area. The applicant is providing 10.22 acres (16.5 percent) of designated open space tracts which include: drainage, utilities, associated easements, and an existing 2.5-acre park within the PUD boundary.

2. Zoning Compliance

The PUD Development Plan identifies allowed and permitted uses; use, density, and dimensional standards such as setbacks, maximum lot coverage, and maximum building height; and overall landscaping requirements. The PUD Development Plan is consistent with the proposed PUD development guidelines and with the submittal and processing requirements of the Land Development Code.

G. MASTER PLAN ANALYSIS

1. Your El Paso Master Plan

a. Placetype: Suburban Residential

Placetype Character

“Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally supports accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern.

Although primarily a residential area, this placetype includes limited retail and service uses, typically located at major intersections or along perimeter streets. Utilities, such as water and wastewater services are consolidated and shared by clusters of developments, dependent on the subdivision or area of the County.

Some County suburban areas may be difficult to distinguish from suburban development within city limits. Examples of the Suburban Residential placetype in El Paso County are Security, Widefield, Woodmen Hills, and similar areas in Falcon.”



Recommended Land Uses:

Primary

- Single-Family Detached Residential with lots sizes smaller than 2.5 acres per lot, up to 5 units per acre

Supporting

- Single-family Attached
- Multifamily Residential
- Parks/Open Space
- Commercial Retail
- Commercial Service
- Institutional

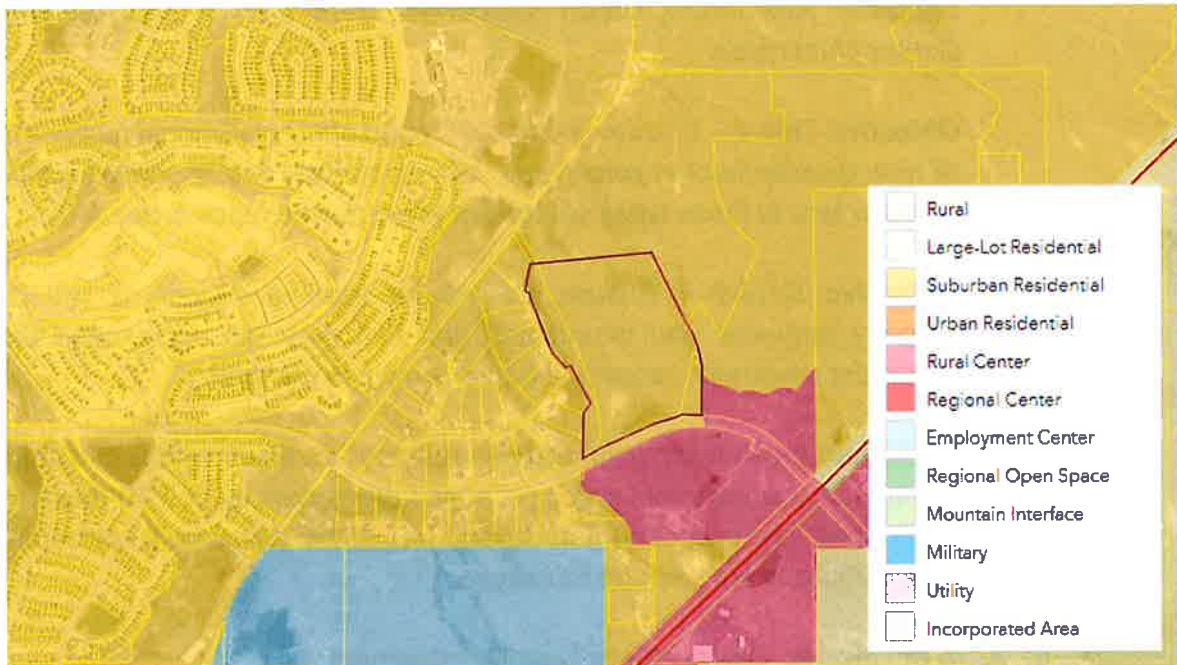


Figure G.1: Placetype Map

Analysis:

The property is located within the Suburban Residential placetype. The Suburban Residential placetype comprises the County's traditional residential neighborhoods with supporting commercial uses at key intersections. Relevant goals and objectives are as follows:

Goal LU3 – *Encourage a range of development types to support a variety of land uses.*

Objective LU3-1 – Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.

Objective LU3-3 – The Suburban Residential placetype should be characterized by predominantly residential areas with mostly single-family detached housing.

Goal HC1 – Promote development of a mix of housing types in identified areas.

Objective HC4-1 – Denser housing development should occur in Suburban Residential, Urban Residential, Rural Center, and Regional Center placetypes.

Objective TM1-4 – Encourage sidewalks and other multimodal facilities in all new development in placetypes, as appropriate, and upgrade existing infrastructure to these types of facilities when maintenance is needed.

Objective CFI3-9 – Ensure wastewater treatment systems will be properly operated and maintained and that they will not exceed the maximum treatment capacity if future growth is planned.

The PUD and preliminary plan depict a range in lot sizes with a minimum lot size of 5,300 square feet and a proposed gross density of 3.20 dwelling units per acre. The proposed density and use of the property is consistent with the Suburban Residential Placetype.

b. Area of Change Designation: New Development

These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built-out area will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.



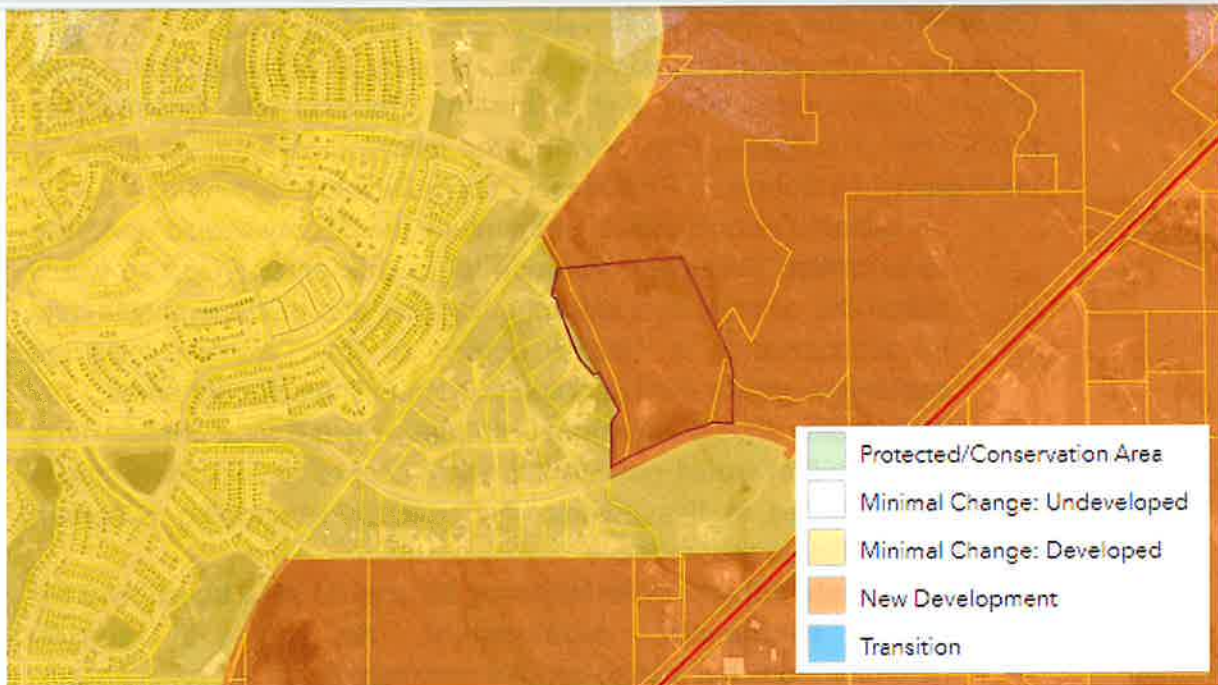


Figure G.2: Area of Change Map

Analysis:

The proposed rezone is located in an area which is expected to completely or significantly change in character. A relevant priority is as follows:

Goal LU3 Specific Strategy Priority – The New Development areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built-out area should be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.

The proposed development is located adjacent to the existing 4 Way Ranch subdivision, which consists of single-family residential development with a minimum lot size of 2.5 acres. The proposed development is planned to match the character of the adjacent developed area.

c. Key Area Influences

The property is not located within or in close proximity to a Key Area.

d. Other Implications (Priority Development, Housing, etc.)

The subject property is located within the Highway 24 Suburban Residential Priority Development Area and within the Housing and Communities Framework. The Master Plan provides the following recommendations for the Highway 24 Suburban Residential Priority Development Area:

- To sustain Falcon's growth momentum, the County should **continue to prioritize Suburban Residential in this area**. Doing so would match the community's existing character and utilize available land to accommodate a sizable portion of the County's expected population growth without negatively impacting adjacent areas.
- The County should **emphasize Stapleton Road as a connectivity corridor** that would provide important access to necessary goods and services in this community, generally supporting suburban residential development.
- **Immediate adjacency to Highway 24 should also be utilized for larger commercial development**, not only to support neighborhoods but also to capture commuters.

2. Water Master Plan Analysis

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

Goal 1.1 – *Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*

Goal 1.2 – *Integrate water and land use planning.*

Goal 3.1 – *Promote cooperation among water providers to achieve increased efficiencies on infrastructure.*

Policy 4.1.4 – *Work collaboratively with water providers, stormwater management agencies, federal agencies, and State agencies to ensure drinking water sources are protected from contamination and meet or exceed established standards.*

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



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

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

The subject property is located within Region 3, Falcon Area, and is located within an estimated area of development. Region 3 is identified as potentially having issues regarding long term sustainable draw from the Denver Basin aquifers.

The Plan identifies the current demand for Region 3 to be 4,494 acre-feet per year (AFY) (Figure 5.1) with a current supply of 7,164 AFY (Figure 5.2). The projected demand in 2040 is 6,403 AFY (Figure 5.1) with a projected supply of 7,921 AFY (Figure 5.2). The projected demand at build-out in 2060 is 8,307 AFY (Figure 5.1) with a projected supply of 8,284 AFY (Figure 5.2), which means by 2060 there is anticipated to be a small water supply deficit of 23 AFY (Figure 5.3, Table 5-2).

The Plan identifies a potential concern with drawing water from the Denver Basin aquifers by drilling additional wells over time. Section 4.4 of the Plan states:

“The Denver Basin aquifers provide a great source of water supply because they are protected from surface contamination and are drought-proof; however, the groundwater levels are declining while the costs to pump water from the aquifers continue to increase.”

The Waterbury Filing Nos. 1 and 2 PUD Development Plan and Preliminary Plan are proposed to be served by the 4 Way Ranch Metropolitan District No. 2. Developments served by centralized utilities can minimize the number of new wells being drilled to access nonrenewable aquifers by utilizing a small number of high-capacity wells. The Plan references a cascading effect whereby additional wells accessing the Denver Basin aquifers are depleting the water levels more quickly than single high-capacity wells and resulting in increased cost to draw water as the water levels decline.

4 Way Ranch Metropolitan District No. 2 has furnished a commitment letter for 73.35 AFY for residential use (198 units) and irrigation. The applicant's water resource report indicates the District has an ample supply of water to serve this development and future developments within the District. Please see the Water



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

3. Other Master Plan Elements

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

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

Please see the attached Park Advisory Board recommendations which include an analysis regarding conformance with The El Paso County Parks Master Plan (2013). Those recommendations include the following:

“The Park Advisory Board recommends that the Planning Commission and the Board of County Commissioners include the following conditions when considering and/or approving Waterbury Filings No. 1 and 2 PUD Development Plan and Preliminary Plan: (1) recommend establishing an internal trail system to connect residents to the centrally located community park and other destinations beyond the subdivision boundary; (2) recommend that the applicant provide detailed plans of the proposed community park in forthcoming Landscape Plans or as part of a separate Site Development Plan; (3) recommend the addition of buffers to the wetland and floodplain open space corridors as a means to allow for enhanced preservation of critical open space and the addition of passive recreational amenities; (4) fees in lieu of land dedication for regional park purposes in the amount of \$91,080 and urban park purposes in the amount of \$57,420 will be required on all forthcoming Final Plat(s). A Park Lands Agreement may be an acceptable alternative to urban park fees provided the agreement is approved by the County and executed prior to recording the forthcoming Final Plat(s).”

H. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the review of the combined PUD Development Plan and Preliminary Plan.



2. Floodplain

As shown on FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0552G, effective December 7, 2018, the majority of the proposed development is located within Zone X, or areas outside the Special Flood Hazard Area (SFHA). The eastern and western property boundaries contain drainageways, with a portion of the site along the western boundary lying within Zone A, 100-year floodplain without studied base flood elevations. The area of disturbance for proposed pre-development site grading is located within the Zone X area except for a culvert crossing. Studied, FEMA-approved base flood elevations will be required to be shown on the final plats.

3. Drainage and Erosion

The proposed development area is located within the Geick Ranch (CHMS0400) and Haegler Ranch (CHMS0200) drainage basins, ultimately tributary to Black Squirrel Creek. The Haegler Ranch drainage basin is a studied basin and is included in the El Paso County drainage basin fee program; however, the portion of the basin the property falls within is the “Haegler-Geick Diversion” to the Geick Ranch basin and therefore is not subject to fees. The Geick Ranch drainage basin does not have an approved drainage basin planning study and is not included in the El Paso County drainage basin fee program.

The property generally drains to the southwest and southeast into two drainageways. As stated in the Preliminary Drainage Report/Master Development Drainage Plan, full-spectrum detention (FSD) facilities are proposed to provide detention and water quality for developed areas of the site in accordance with County criteria. The proposed drainage plan is in general compliance with previous drainage plans for the development. The need for channel stabilization improvements for the two drainageways adjacent to and within the project site will be further analyzed with the Final Drainage Report for the respective final plats.

Approvals of an erosion and stormwater quality control permit (ESQCP), a grading and erosion control plan, a financial assurance estimate (FAE) and a stormwater management plan (SWMP), reviewed with the pre-development site grading submittals, are required prior to grading the site in accordance with the requirements of the El Paso County Engineering Criteria Manual (2020). Approval for pre-subdivision site grading (without utility installation) has been requested with the preliminary plan.



4. Transportation

The proposed Waterbury Filing Nos. 1 and 2 development is located northwest of the intersection of U.S. Highway 24 and Stapleton Drive approximately one-half mile east of Eastonville Road, along the east boundary of the rural 4 Way Ranch Filing No. 1 subdivision.

Traffic generated from the 198 proposed single-family homes in this development is estimated to be 1,867 average daily trips. The proposed interior roads will be public urban local roads which will be dedicated to the County for ownership and maintenance. The proposed roads in the Waterbury Filing Nos. 1 and 2 Traffic Impact Study (TIS) are in conformance with the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP) and the existing roads serving the proposed development will be adequate with the improvements noted in the TIS. The MTCP identifies one roadway improvement project in the vicinity of the subject property, upgrades to Stapleton Drive (Project ID C12) from a 2-lane Minor Arterial to a 4-Lane Principal Arterial.

In accordance with Recommended Condition of Approval No. 7 below, the developer will be required to participate in construction of the offsite road improvements necessary for safe access and adequate levels of service for the traffic generated by this development. Tables 5 and 6 of the TIS summarize the anticipated necessary improvements in the area, timing of construction, and potential responsible parties.

Approximately 8,400 linear feet of Urban Local public roads and 875 linear feet of an Urban Residential Collector road are proposed to be constructed with this subdivision, as shown on Figure 13 of the TIS. These roads will connect to Stapleton Drive and the road infrastructure constructed with 4 Way Ranch Filing No. 1 to the west and planned future subdivisions to the north and east.

The development will be subject to the El Paso County Road Impact Fee program (Resolution 19-471), as amended.

I. SERVICES

1. Water

Water is provided by 4 Way Ranch Metropolitan District No. 2.

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

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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 recommendation for a finding of sufficiency with regards to water quantity and dependability. El Paso County Public Health is recommending a finding of sufficiency with regard to water quality.

2. Sanitation

Wastewater is provided by Grandview Metropolitan District No. 1.

3. Emergency Services

The property is within the Falcon Fire Protection District. The district was sent a referral and has no outstanding comments.

4. Utilities

Mountain View Electrical Association (MVEA) is proposed to provide electric service and Black Hills Energy (BHE) is proposed to provide gas service. MVEA and BHE were each sent referrals; MVEA has no outstanding comments and BHE did not provide a response.

5. Metropolitan Districts

The property is located within the 4 Way Ranch Metropolitan Districts No. 1 and 2.

6. Schools

Land dedication and fees in lieu of school land dedication are not required for a rezone or preliminary plan application. Fees in lieu of school land dedication will be due at the time of recording the final plat.

J. STATUS OF MAJOR ISSUES

There are no major issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 4.2.6, and Section 7.2.1 of the El Paso County Land Development Code (2021), staff recommends the following conditions and notations:

CONDITIONS

1. Development of the property shall be in accordance with this PUD development plan. Minor changes in the PUD development plan, including a reduction in residential density, may be approved administratively by the Director of the Planning and Community Development Department consistent with the Land



Development Code. Any substantial change will require submittal of a formal PUD development plan amendment application.

2. Approved land uses are those defined in the PUD development plan and development guide.
3. All owners of record must sign the PUD development plan.
4. The PUD development plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any final plats for hearing by the Planning Commission. The development guide shall be recorded in conjunction with the PUD development plan.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado 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 threatened species.
6. Applicable park, school, drainage, bridge, and traffic fee shall be paid to El Paso County Planning and Community Development at the time of final plat(s) recordation.
7. The applicant/developer and/or property owner shall be required to participate in a fair and equitable manner in upgrading/construction of the surrounding roads and intersections impacted by this development's traffic, including U.S. Highway 24, Stapleton Drive, Eastonville Road, and any other offsite impacts as identified in the applicable traffic impact analysis and as necessary to provide safe and adequate access to the development. With the respective final plats, the developer's design and/or financial responsibilities for offsite improvements may include a pro-rata share of the following, if not previously completed by others:
 - a. U.S. Highway 24/Stapleton Drive intersection: Additional design, construction and/or deposit of escrow funds per Colorado Department of Transportation access permit conditions.



- b. U.S. Highway 24/Judge Orr Road intersection: Additional design, construction and/or deposit of escrow funds per Colorado Department of Transportation access permit conditions.
 - c. Eastonville Road/Stapleton Drive intersection: Design, construction, contribution and/or escrow of funds as appropriate for intersection improvements and traffic signals, as warranted.
 - d. Eastonville Road: Construction, contribution, and/or escrow of funds for final grading and asphalt paving from Latigo Boulevard to Stapleton Drive.
 - e. Stapleton Drive/Bandanero intersection: Design and construction of intersection reconfiguration improvements.
 - f. Stapleton Drive/Saybrook Road intersection: Design and construction of intersection improvements.
 - g. Stapleton Drive:
 - i. Design, construction, contribution, and/or escrow of funds for the second two lanes from Eastonville Road to Highway 24.
 - ii. FEMA approvals and/or Letter of Map Revision, if required due to changes in the 100-year floodplain at Stapleton Drive.
 - iii. Design, construction, contribution and/or escrow of funds as appropriate to construct intersection improvements, including traffic signals, as warranted.
 - h. Other offsite impacts as identified in any new/updated traffic impact analysis for this development.
8. The drainageways adjacent to and within the Waterbury Filing Nos. 1 and 2 preliminary plan area shall be stabilized to meet the minimum standards of the Drainage Criteria Manual and the Engineering Criteria Manual.

NOTATIONS

1. Subsequent Final Plat Filings may be approved administratively by the Planning and Community Development Director.
2. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of



final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

3. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.
4. Preliminary plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.
5. Approval of the preliminary plan will expire after two (2) years unless a final plat has been approved and recorded or a time extension has been granted.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified nineteen (19) adjoining property owners on January 3, 2023, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
PUD Development Plan / Preliminary Plan
State Engineers Letter
County Attorney's Letter
El Paso County Public Health Letter
Parks Advisory Board Letter
Draft PC Resolution

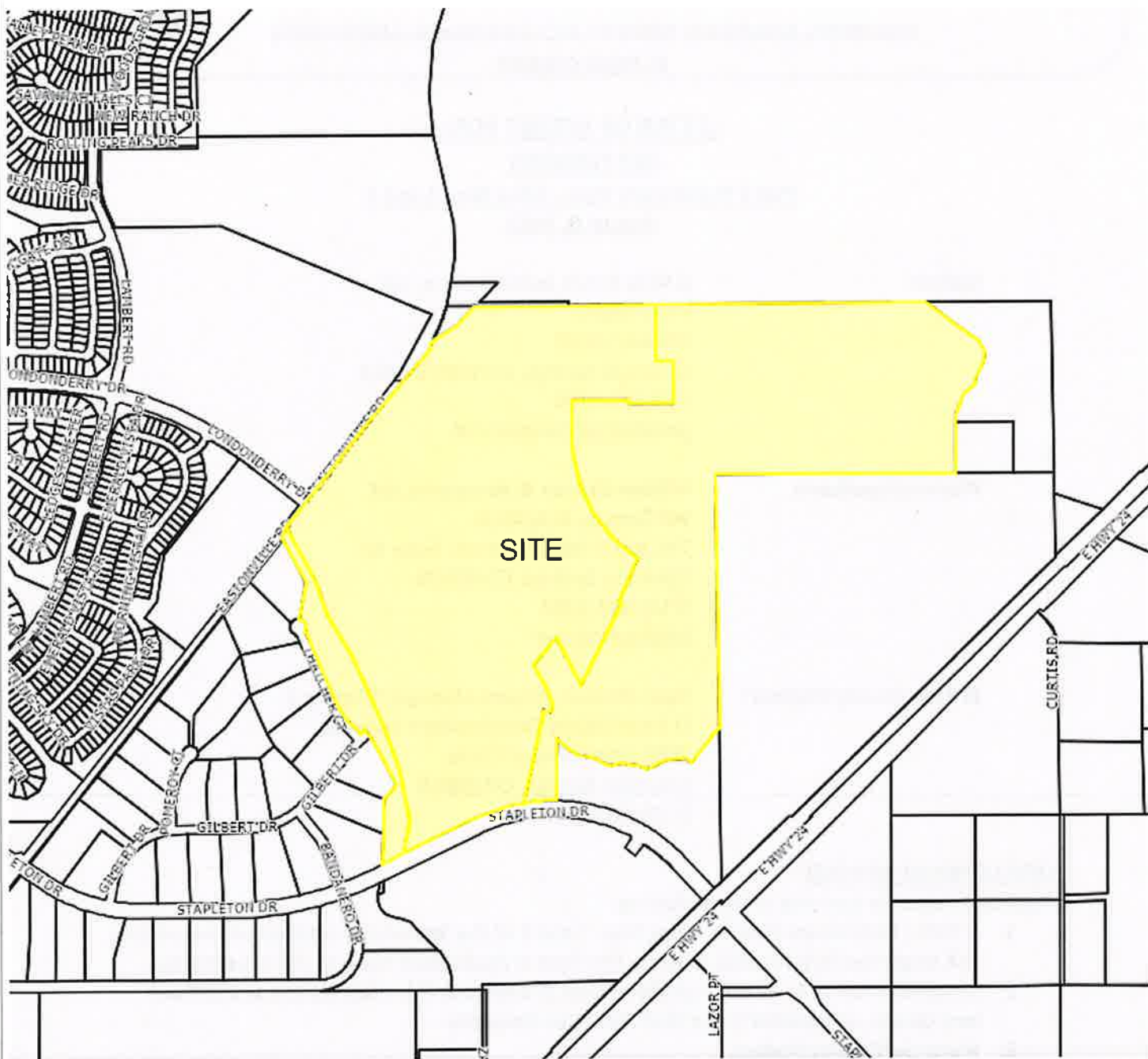


El Paso County Parcel Information

File Name: PUDSP-21-005

Date: 1-3-2023

PARCEL	NAME	ADDRESS
4200000368	4 WAY RANCH JOINT VENTURE LLC, c/o Peter Martz	STAPLETON DR
4200000417	4 WAY RANCH JOINT VENTURE LLC, c/o Peter Martz	EASTONVILLE RD
4200000366	4 WAY RANCH JOINT VENTURE LLC, c/o Peter Martz	STAPLETON DR



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



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William Guman & Associates, Ltd.

Bill Guman, RLA, ASLA | Principal
Colorado Springs City Councilman 1993-2001
Colorado Springs Planning Commissioner 1992-1993
Regional Building Commissioner 1997-2001

URBAN PLANNING | COMMUNITY DESIGN | LANDSCAPE ARCHITECTURE | ENTITLEMENT

731 North Weber Street, Suite 10 | Colorado Springs, CO 80903 | (719) 633-97
<http://www.gumanltd.com/>

MEMBERS AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS

EL PASO COUNTY



LETTER OF INTENT FOR: WATERBURY

PUD / Preliminary Plan - Filing Nos. 1 and 2

August 8, 2022

Owner:	4-Way Ranch Joint Venture, LLC Peter Martz PO Box 50223 Colorado Springs, CO 80949-0223 719-491-3150 pmartzlrg@comcast.net
Planner/Applicant:	William Guman & Associates, Ltd. Bill Guman, RLA/ASLA 731 North Weber Street, Suite 10 Colorado Springs, CO 80903 (719) 633-9700 bill@guman.net
El Paso County Planner:	Ryan Howser, Project Manager/Planner II El Paso County Development Services 2880 International Circle Colorado Springs, CO 80910 (719) 520-6313

DEVELOPMENT REQUEST

Applicant requests approval of the following:

1. A PUD / Preliminary Plan for Filing Nos. 1 and 2 of the Waterbury subdivision, requesting 198 single-family lots on 61.9 acres. The Type D Application Form (1-2C) is submitted.
2. Deviations for: 1) Saybrook Full Movement 2) Saybrook Rd. cross section and 3) Turn lane design, as detailed in the filed Deviation Requests.
3. Water Sufficiency finding.
4. Early grading operations request (grading only, no utilities).

5. Subsequent administrative approval of final plats for Waterbury Filing Nos. 1 and 2.

PROJECT LOCATION/DESCRIPTION OF PROPERTY:

The project site is located at 1000 Eastonville Rd., Peyton CO 80831, a portion of El Paso County Tax Parcel 4200000417. It is approximately 12 miles east of downtown Colorado Springs, northeast of Falcon, Colorado. The parcel is approximately 2,000 feet west of the intersection of highway 24 and Stapleton Rd. It is bordered on the west by single family residential sites and Eastonville Road. Adjacent parcels to the southwest and east of this project are large, multi-acre sites with existing homes and outbuildings (loafing shed/ stable), driveways, and barns. Any existing off-site residences, outbuildings, dirt roads, etc., are scheduled to remain and will not be relocated or removed as a result of the Waterbury development.

Filings 1 and 2 of this PUD/Preliminary Plan are located in the southwest corner of the Waterbury project with primary access from Stapleton Drive. A secondary access point will be via an extension of existing Gilbert Drive at the northwest corner of Filing 1. The existing 4-Way Ranch Filing 1 project borders Waterbury to the southwest. Parcel 4200000366, part of the overall Waterbury PUD, is vacant and borders to the north and east. A public high school borders the project across Eastonville Rd.

The existing land use for the site is vacant and contains multiple drainage ways flowing in a southeasterly direction along the western and eastern boundaries of the preliminary plan land area. The site includes several unimproved dirt roads used for ranching purposes, native stands of vegetation, utility easements, and an existing water line running north-south through the site which is outside the boundaries of this preliminary plan.

PROPOSED IMPROVEMENTS

Proposed improvements will include the construction of public (county-owned) and maintained asphalt roadways with concrete curb and gutter and concrete sidewalks. Drainage and storm water detention facilities will be constructed in conformance with County standards and specifications and maintained by 4-Way Ranch Metropolitan District No. 2. Electric, natural gas, water, wastewater, and communication service points-of-connection will be extended from the roadways and other points as needed to all new lots. The Noise Mitigation Study suggests that by the year 2040 the traffic decibel level may exceed allowable limits for some lots along the Stapleton Drive corridor. If a noise mitigation barrier is required, it will be constructed and maintained by 4-Way Ranch Metropolitan District No. 2.

Landscaping as required by the LDC will be installed along Stapleton Drive, Gilbert Drive, Saybrook Road, and the roundabout intersection of Saybrook and Sunken Meadow Roads. Plant material will consist of a mix of low-water trees, shrubs, and ornamental grasses and will be watered via drip irrigation. Ground cover along the Stapleton landscape area will be a native prairie grass mix, with temporary overhead irrigation for establishment. A centrally located community park will be equipped with shade and evergreen trees, weather-resistant benches

and picnic tables, a manufactured play structure, and a permanent shade/picnic pavilion. A major portion of the park will be bluegrass turf for residents' outdoor activities, irrigated with permanent overhead irrigation.

Lot sizes: a minimum of 50' wide at the 20' front yard setback, and a minimum of 110' in depth. Lots on knuckles/curves are a minimum of 40' at the 20' setback and 114' minimum depth.

ANTICIPATED SCHEDULE FOR DEVELOPMENT

Construction of Filing 1 is planned to start within 90 days of county approval of the final plat. There is no current schedule for Filing 2.

JUSTIFICATION FOR REQUEST

The PUD/Preliminary Plan is in general conformance with the formerly approved Waterbury PUD Development Plan and the originally approved Zoning and Conceptual Plan (ZCP). As discussed below, the project plan shows compatibility with adjacent existing and proposed residential communities.

CONFORMANCE WITH THE LAND DEVELOPMENT CODE – SECTION 4.2.6 PUD, PLANNED USE DEVELOPMENT DISTRICT

The Waterbury PUD / Preliminary Plan is consistent with **Section 4.2.6 (A) - Purpose of a PUD**, in the specific points as follows:

- *To improve the design, character and quality of new development with flexibility by varying lot size, building heights, setback controls and other site development requirements;*

Waterbury will provide multiple lot sizes to accommodate a latitude of housing products from multiple builders.

- *To encourage more efficient use of land services reflecting changes in the technologies and economies of land development;*

Smaller lot sizes make more efficient use of utilities and infrastructure, including streets, open spaces, and storm water management.

- *To provide housing of all types and designs to be located in proximity to employment and activity centers such as shopping, recreational, and community centers, healthcare facilities, and public transit;*

Waterbury is conveniently located three miles from the center of Falcon, a rapidly growing community base and commercial center, 2 miles from an established golf course, and in direct proximity to the Falcon High School with its playing fields and other amenities.

- *To promote layout, design and construction of development that is sensitive to the natural land form and environmental conditions of the immediate and surrounding area, including scenic vistas, natural features and environmental resources;*

Waterbury incorporates the existing natural land features of an emergent palustrine wetland and a USACE floodplain into the design of Filings 1 and 2 by preserving these landforms and in no-build tracts. These open space areas are also a critical resource to be preserved for wildlife habitat and natural storm water infiltration and clarification.

- *To ensure that provision is made for beneficial open space, to provide for active, usable open spaces, and to preserve open areas;*

Of the approximately 62 acres of land area, 15.6% (approximately 9.7 acres) of Waterbury Filing Nos. 1 and 2 are developed park and undeveloped, useable open space available for resident activities .

- *To establish a basis for vested property rights for multi-year projects.*

Waterbury is designed and planned to be a multi-phased development that will be constructed over multiple years, with full buildout anticipated to be within 5 years from commencement.

The Waterbury PUD / Preliminary Plan is consistent with **Section 4.2.6 (D) - Criteria for Approval of PUD zoning**, in the specific points as follows:

- *The proposed PUD District zoning advances the stated purposes set forth in this Section;*

Waterbury Filing Nos. 1 and 2 are consistent with purposes of a PUD, as discussed above.

- *The proposed development is in compliance with the requirements of this Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County;*

With the exception of the requested deviations, all public improvements are designed according to ECM and LDC standards and are adequate to serve the needs of the residents.

- *The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment; and will not have a negative impact upon the existing and future development of the surrounding area;*

The Preliminary Plan for Filing Nos. 1 and 2 consists of 61.9 Acres, a portion of the overall Waterbury PUD (159.9 acres in Parcel 4200000417.) The preliminary plan proposes 115 lots in Filing 1 and 83 lots in Filing 2 – a total of 198 single-family lots, for a density of 3.20 DU/ Acre. This is within the approved density range for Waterbury at 3-5 DU/ Acre as approved in the Concept PUD.

In addition to the residential lots, Filings 1 and 2 include 11.84 acres of public rights-of-way, and 9.61 Acres of open space/ landscaped areas in 11 tracts (approximately 15.5% of the area and excluding storm water detention) which will be owned and maintained by 4-Way Ranch Metropolitan District No. 2.

The proposed preliminary plan's use, density, and layout are in conformance with the subdivision design standards and establish an adequate level of compatibility with existing residential areas surrounding the Waterbury project.

LAND USE TABLE

TYPE OF USE	ACRES	% OF PROPERTY
DETACHED SINGLE FAMILY LOTS (198 UNITS)	37.26	60.2%
RIGHTS OF WAY	11.82	19.1%
DEVELOPED PARKS	2.60	4.2%
OPEN SPACE (FLOODPLAIN, UTILITY, DRAINAGE)*	10.22	16.5%
	61.90	100%
USABLE OPEN SPACE ANALYSIS		
DEVELOPED PARKS (FROM ABOVE)	2.60	4.2%
* PASSIVE RECREATION	3.09	5.0%
* FLOODPLAINS AND WETLANDS	3.98	6.4%
TOTAL USEABLE AREA: PASSIVE, PARKS, FLOODPL	9.67	15.6%
DENSITY		
GROSS (198 UNITS/61.9 AC TOTAL)	3.20	DU/ACRE
NET (198 UNITS/37 AC)	5.31	DU/ACRE

- *The proposed development provides adequate consideration for any potentially detrimental use to use relationships (e.g., commercial use adjacent to single family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site which may include innovative treatments of use-to-use relationships;*

The project is bounded by existing residential lots to the west, proposed residential development to the north (per the approved Waterbury Concept PUD), private ranch land to the east, and a major arterial to the south. There are no detrimental use-to-use adjacencies that would require transition or buffering.

- *The allowed uses, bulk requirements and required landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community;*

The proposed single-family development is an allowed use with density below the approved du/acre and is similar in nature to adjacent existing (Meridian Ranch) and proposed (Grandview) subdivisions. Landscaping as required by the LDC will be installed along Stapleton Drive, Gilbert Drive, Saybrook Road, and the roundabout intersection of Saybrook and Sunken Meadow Roads.

- *Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;*

There are no existent historical or cultural features on the property.

Significant natural features consist of a FEMA-designated floodplain to the west and a palustrine emergent wetland to the east. These ecologically sensitive areas have been placed in tracts, designated as no-build areas, and add 4 acres of accessible passive recreation areas for the residents of the community.

- *Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide a reasonable walking and biking opportunities;*

All roads will be constructed with paved sidewalks and ADA ramps at intersections. There is adequate access to passive recreation open space tracts from public rights of way without the use of inter-lot access points. Falcon High School is adjacent to the project is across Eastonville Rd., allowing students easy bicycle access to school and associated sports fields. The Rock Island Regional Trail, connecting Falcon and Peyton along Highway 24, is 0.25 mi away and easily accessed via Stapleton Drive. A community park will be developed in Filing 1 incorporating amenities such as play structure, benches and picnic tables, maintained turf areas, and a shade pavilion.

- *The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g., fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed;*

The submitted Traffic Impact Study determines that the project will not adversely affect existing and proposed roads.

A sufficient water supply has been established through wells owned and operated by the 4-Way Ranch MD, as presented in the Water Supply Information Summary and Water Resource Report by HR Green, submitted in conjunction with this LOI.

Public sewage disposal system will be provided by Grandview Reserve Metro District in agreement with the Cherokee Metro District and is in compliance with state and local laws and regulations. A Wastewater Disposal Report by HR Green is submitted in conjunction with this LOI.

Letters of Commitment to Serve all the area within the PUD have been provided with this submittal for public safety, gas, and electric. No new facilities for fire protection or schools are proposed or required for this application.

- *The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy efficient site design;*

All roads will be constructed with paved sidewalks and ADA ramps at intersections, allowing both internal and nearby residents opportunities for biking and walking to community focal points such as the proposed community park, Falcon High School, the Rock Island Regional Trail, and the Falcon Library at the end of the Rock Island Trail. The existing significant environmental features, passive recreation open space tracts consisting of a FEMA-designated floodplain to the west and a palustrine emergent wetland to the east, have adequate access from public rights of way without the need of inter-lot access points.

- *The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner;*

There are no commercial mineral rights claims on this property.

- *Any proposed exception or deviation from the requirements of the zoning resolution or the subdivision regulations is warranted by virtue of the design and amenities incorporated in the development plan and development guide;*

Deviations from ECM standard 2.2.4.B.5 *Roadway Functional Classifications and Urban/Rural Designations Urban Residential Collector* and 2.3.2 *Design Standards by Functional Class*, which have been reviewed and approved by the fire authority, are requested for the following:

Deviation No. 1 – Saybrook Full Movement: The Waterbury residential project has limited street frontage on Stapleton Drive and Eastonville Road and there is an existing neighborhood to the east, private property, and no opportunity for access to US Highway 24 to the east. The access to US Highway 24 needs to be via Stapleton.

Deviation No. 2 – Saybrook Cross section: Request is to allow direct driveway access to Saybrook Drive, a Residential Collector. Direct access is needed as there would be no other local or private streets or alleys adjacent to these lots.

Deviation No. 3 – Turn Lane Design: The deviation is requested in order to minimize the impact to on-street parking and lots facing Saybrook. Deceleration distance is not necessary as explained in the submitted separate Deviation Request document. Compact tapers are also reasonable and preferred on this planned urban street.

Deviation Request documents are submitted separately and as addenda to the Traffic Impact Study.

- *The owner has authorized the application.*

The owner, 4-Way Ranch Joint Venture, LLC, has authorized this application through its agent, Peter Martz.

Additional approval criteria as outlined in 7.2.1.D-(2)E (Criteria for approval of Preliminary Plan):

- *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)];*

Soil/Topographical conditions – a Soils and Geology Report has been prepared and submitted by Entech Engineering. This report addresses the potential existence of several geo-hazards in some areas on the site, as follows: seasonal shallow groundwater, floodplains, unstable slopes, artificial fill, potential for shallow bedrock, loose soils, and expansive soils. The Preliminary Plan overall design considers applicable hazards (floodplain, wetlands), and the report suggests remediation for other hazards during construction as needed for individual lots. These lots are identified in the PUD/Preliminary Plan plan set.

- *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*

An engineered drainage plan has been submitted in conjunction with this LOI.

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

All residential lots shall have access to paved roads in the public ROW, maintained by El Paso County.

A Wildfire Hazard and Fire Protection Report has been prepared and submitted ascertaining compliance with Chapter 6 of the LDC.

**ADHERENCE WITH THE YOUR EL PASO COUNTY MASTER PLAN (2021) AND
PARKS MASTER PLAN**

Land Use & Development, Core Principle: Manage growth to ensure a variety of compatible land uses that preserve all character areas of the County.

The 2021 Your El Paso County Master Plan (the “Master Plan”) addresses issues directly related to the Preliminary Plan and development of the Waterbury PUD. The policies specifically related to the Preliminary Plan request include:

Goal 1.1 - *Ensure compatibility with established character and infrastructure capacity*

The Waterbury PUDSP proposes new single family residential lots compatible with adjacent developments (e.g. existing Meridian Ranch subdivision, Grandview approved sketch plan.)

New lots will be similar in size, and the paved roads and sidewalks serving the new lots will be compatible with streets in the adjacent neighborhoods.

Goal 1.4 – *Continue to encourage policies that ensure “development pays for itself”.*

Construction costs for all new utilities and infrastructure (roads, drainage and detention facilities, erosion control, etc.) will be included as part of the development of Waterbury Filings 1 and 2.

Housing & Communities, Core Principle: *Preserve and develop neighborhoods with a mix of housing types.*

Goal 2.2 – *Preserve the character of rural and environmentally sensitive areas.*

Filings 1 and 2 of the Waterbury subdivision are bounded by a USACE floodplain on the west and a jurisdictional wetland on the east. These two environmentally sensitive drainage areas will be protected from damage during construction, and afterward protected in non-development tracts maintained by the 4 Way Ranch MD, offering passive recreation areas for the residents and preserving wildlife habitat.

Goal 2.3 – *Locate attainable housing that provides convenient access to goods, services, and employment.*

The Waterbury subdivision is located 3 miles north of the primary commercial center of Falcon, a rapidly growing community outside of Colorado Springs. Both Eastonville Rd. and Highway 24 provide direct access to goods and services via vehicular travel, and the Rock Island Regional Trail that parallels the highway allows for safe bicycle travel to the town center, public library, and other needs of the residents. Direct travel into Colorado Springs is provided by East Woodmen Road.

Transportation & Mobility, Core Principle: *Connect all areas of the County with a safe and efficient multimodal transportation system.*

Goal 4.2-*Promote walkability and bikability where multimodal transportation systems are feasible.*

All roads will be constructed with paved sidewalks and ADA ramps at intersections to promote walkability. Falcon High School is adjacent to the project is across Eastonville Rd., allowing students easy pedestrian and bicycle access to the school and sports fields. The Rock Island Regional Trail, connecting Falcon and Peyton along Highway 24, is 0.25 mi away and easily accessed via Stapleton Drive.

Goal 4.3- Foster transit-supportive development and coordinate to expand public transportation options.

As public transportation options expand eastward to service Falcon and its surrounding communities, residents of Waterbury, being adjacent to the established subdivision of Meridian Ranch, will be in a convenient location to access these services.

Community Facilities & Infrastructure, Core Principle: Continue to coordinate with local and regional agencies to provide well-managed, high-quality community facilities and services.

Goal 5.3 – Ensure adequate provision of utilities to manage growth and development.

Residential Water service will be provided via a central water system to be developed by the Owner and will be operated and maintained by the 4-Way Ranch Metropolitan District No.2.

Sanitary sewer service will be provided by an agreement with the Grandview Metropolitan District No. 1 and its sanitary sewer treatment provider, Cherokee Metropolitan District, in accordance with El Paso County Department of Health policy guidelines.

Fire protection will be provided by Falcon Fire Protection District, and the development plan has been reviewed and approved by the fire authority. Fire hydrants will be provided in locations approved by the fire authority.

Natural gas supply has been committed by Black Hills Energy.

Electric supply has been committed by Mountain View Electric Association.

Public infrastructure to serve the new lots, including roads, drainage facilities, and utilities will all be constructed in compliance with applicable county standards, regulations, and criteria in effect at the time of this application. Internal circulation will be paved roads with concrete curb and gutter and 5' concrete sidewalks.

Goal 5.4-Use best management practices to protect water quality, conserve water, minimize impacts of flooding, and beautify El Paso County.

As addressed by the County Water Master Plan, water usage for landscaping in tract areas will be reduced by the following methods: utilization of native and other low-water plant material irrigated by drip systems; utilization of native prairie grasses for groundcover in low use areas with limited overhead irrigation for establishment; limitation of high-water bluegrass turf to only those areas which are directly useable by the residents (i.e. developed community park.)

The site is in the Upper Black Squirrel Creek Ground Water District, and water from engineered drainage systems will be recharged back into the ground water system via an injection pit.

To minimize runoff from impervious surfaces and potential erosion, all lots that are directly adjacent to wetlands and floodplain areas have the following restriction:

Runoff Reduction: Minimize Directly Connected Impervious Areas (MDCIA): Impervious areas such as roofs and backyard patios should drain to pervious areas. Lots 35-42, 131-137, and 150-162 will route downspouts across pervious areas, and incorporate vegetation in areas that generate and convey runoff using non-hardened drainage conveyances such as pervious side yard swales to direct runoff offsite. These Lots are constrained and cannot have any impervious improvements constructed within the rear setback (i.e. patios, hardscape, recreational facilities, etc.) One key BMP includes the use of grass buffers and encouraging the planting of grass in these rear yards.

A drainage report, preliminary grading and erosion control plan and a stormwater management report have been submitted to support the development of Waterbury Filing Nos. 1 and 2.

Recreation and Tourism, Core Principle: Maintain and expand the County's tourism and recreation options.

Goal 7.1- *Support high-quality, sustainable outdoor recreation as a key amenity for residents and visitors.* and

Goal 7.3- *Plan for and provide a variety of parks, trails and open space within the region.*

There is a 2.5-acre park included in the plans for Filing No. 1, which will include a central lawn/playing field, a picnic pavilion, play structure, benches and picnic tables, and groves of trees. The project is bounded on two sides by floodplain and wetlands, critical environmental habitat which will be preserved as open space and available to residents for passive recreation. The project is located .25 mi from the Rock Island Regional Trail which provides for biking opportunities, and approximately 2 miles for the Antler Creek Golf Course. The sports fields of the Falcon High School are located directly across Eastonville Road, adjacent to the site.

Environment & Natural Resources, Core Principle: Prioritize and protect the County's natural environment.

Goal 9.1- *Consider the environmental impacts related to natural resource conservation, air quality, water quality, wildlife habitat, and waste management during any planning process.*

The project is bounded on two sides by floodplain and wetlands, two critical environmental resources which will be preserved for wildlife habitat and water quality. Lots adjacent to these drainage areas will control and reduce stormwater runoff with the policy of "Minimize Directly Connected Impervious Areas (MDCIA)" whereby impervious areas such as roofs and backyard patios will drain to pervious areas. These lots will incorporate vegetation in areas that generate and convey runoff using non-hardened drainage conveyances such as pervious side yard swales to direct runoff offsite. These lots are additionally constrained and cannot have any impervious

improvements constructed within the rear setback (i.e. patios, hardscape, recreational facilities, etc.) One key BMP includes the use of grass buffers and encouraging the planting of grass in these rear yards.

The site is in the Upper Black Squirrel Creek Ground Water District, and water from engineered drainage systems will be recharged back into the ground water system via an injection pit. Sump pumps, if used, will drain onto pervious surfaces and not onto public roadways.

Goal 9.2- *Promote sustainable best practices with regard to development and infrastructure.*

The surrounding area of Waterbury Filing Nos. 1 and 2 has sufficient carrying capacity to support the new development with regard to roadway capacity, water supply, septic suitability, educational facilities, and organized structural fire protection. Commitment Letters from entities that would supply this development with essential services have been submitted with this application.

ADHERENCE WITH THE EL PASO COUNTY WATER MASTER PLAN

The site is located in Region 3 (Falcon Area) as defined in the Water Master Plan, in the Upper Black Squirrel Creek Basin District. Water to the development will be provided by 4-Way Ranch Metro District No.2.

Storm water runoff will be collected in a system of recharge basins, per the submitted engineering documents, and water from engineered foundation drainage systems will be recharged back into the ground water system via an injection pit.

Goal 1.1: *Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*

And

Goal 1.2: *Integrate water use and land planning.*

Policy 1.1.1- *Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.*

A sufficient water supply has been established through wells owned and operated by the 4-Way Ranch MD No. 2, as presented in the Water Supply Information Summary and Water Resource Report by HR Green, submitted in conjunction with this LOI.

Goal 6.0: *Require adequate water availability for proposed development.*

Policy 6.0.8 - *Encourage development patterns and higher density... that propose to incorporate meaningful water conservation measures.*

Smaller lot sizes will restrict sizes of private lawn areas.

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

The Waterbury development will have central water service provided by 4-Way Ranch Metro District #2.

Goal 6.1.2: *Promote water conservation.*

Policy 6.0.4 - *Encourage development that incentivizes and incorporates water efficient landscaping principles. AND*

Policy 6.1.2.12 – *Support proposed developments that incorporate water efficiency measures for open spaces and lawns.*

Open Space areas will be maintained by the Metro District; natural drainage ways will be protected and existing native vegetation preserved. These areas have a native water supply will not be additionally irrigated. The Community Park will have a centrally-located turf area with overhead irrigation maintained for resident use, but otherwise all landscaping (streetscapes, etc.) will be irrigated with drip systems. The Stapleton Drive frontage will utilize native grasses of the region as ground cover.





Goal 6.1.3: *Identify ways to provide landscaping flexibility in design where requiring strict compliance with the County's landscaping standards would be contrary to the goal of this Plan.*

Policy 6.1.3.3 – *Encourage sustainable landscaping that is tailored to the variations of climate zones across the County.*

Selection of landscape species for public spaces/common areas of this development carefully considers the local climate and habitat, including altitude, solar and wind exposure, and minimal natural rainfall. Preference is given to native species (trees, shrubs, and grasses) and species closely related to native. Irrigation of trees and shrubs will be via drip systems; larger native grass areas will use overhead irrigation for establishment purposes, but will not receive regular irrigation water once established.

END.

A PARCEL OF LAND BEING A PORTION OF SECTION 28, SECTION 33 AND SECTION 29 ALL IN TOWNSHIP 12 NORTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO.

	Floodplain/wetland within proposed boundary - located in Florida
	Non floodplain wetland areas
	Palatka Emergent Jurisdictional Wetlands
	Non jurisdictional Wetland - to be abandoned

Permanent wetlands disturbance

Prescribed fire activities in RWMA

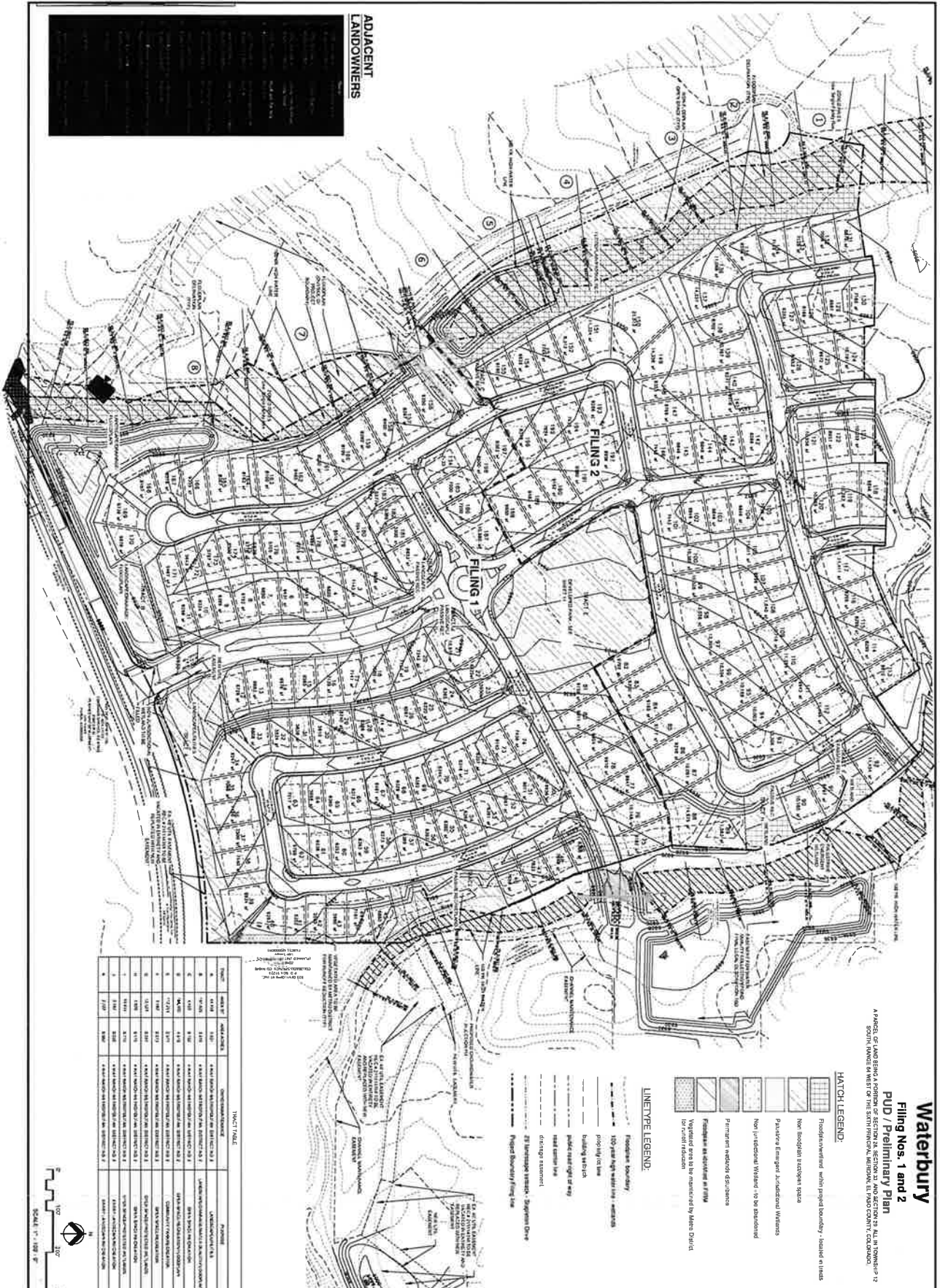
Vegetated areas to be maintained by Metro District for runoff reduction

Foodstore boundary
150' and large water line - westward
pip into lot line
building setback
paved road right of way
road easement line
drainage easement
25' landscape setback - Dapkins Dr
Project Boundary/Filing line

TWO-TWO TABLE		
Person	and/or	Person
1	110	1
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The image shows a document page with a grid of text, likely a table or list. The text is organized into columns and rows. Some text is highlighted in red, possibly indicating a specific section or item. The overall appearance is that of a printed document with a structured layout.



PUD - PRELIMINARY PLAN

[illegible][illegible]

A PARCEL OF LAND BEING A PORTION OF SECTION 28, SECTION 22, AND SECTION 29, ALL IN TOWNSHIP 12 SOUTH RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN EL PASO COUNTY, COLORADO.

- Recent Alluvium of Quaternary Age:
 - recent water deposits
 - Alluvium Two of Quaternary Age:
 - lower stream terrace sands
 - Alluvium Three of Quaternary Age:
 - stream terrace sands
- unstable slope
- floodplain
- potentially seasoned shallow groundwater area
- seasonal shallow groundwater area

The following lists may have additional registration conditions:
12, 13, 32-35, 43-49, 55, 56, 59, 60, 93, 95, 107-112, and 115-118.
pen the Soil, Ecotone and Geopore Hazards Addressed
prepared by: Engineering and Geopore Hazards Addressed
The developer is required to disclose this information to
potential end users. Requirements are not allowed for
students on these soils. This includes, but is not limited to,
felling determine that this content is not necessary, the
developer may choose to apply for an amended development
plan that lists: If required, land use planning system
is required for these projects, they shall be maintained by a Way
Main Martin District #2.

Runoff Reduction: Minimize Directly Connected Impervious Areas (MDCA): Impervious areas such as roofs and backyard patios should drain to pervious areas.

Lots 35-42, 131-137, and 150-162 may not have any important improvements constructed within the next six months (i.e. parking, handicap, recreational facilities, etc.) and shall route downspouts across pervious areas. Incorporating vegetation in areas that generate and convey runoff using non-hardened drainage conveyances such as pervious side yard swales to direct runoff offsite. One key BMP includes the use of grass buffers and encouraging the planting of grass in these rear yards.

TB-APPROXIMATE TEST BORING LOCATIONS AND NUMBERS

[illegible]



Waterbury
 Filing Nos. 1 and 2
 PUD / Preliminary Plan
 A PARCEL OF LAND BEING A PORTION OF SECTION 23, AND SECTION 29, ALL IN TOWNSHIP 12
 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, T3, R66, S12W, COLOMBO

TRACT TABLE			
TRACT	ACRES	SECTION	OWNER
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WATERBURY - Filing Nos. 1 and 2
 1000 EASTONVILLE ROAD
 PEYTON, CO 80000
 PUD - PRELIMINARY PLAN

Waterbury
 Filing Nos. 1 and 2
 PUD / Preliminary Plan

4
 PUD05P21.5

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 PUD05P21.5

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 PUD05P21.5



Filing Nos. 1 and 2
PUD / Preliminary Plan

PUD - PRELIMINARY PLAN

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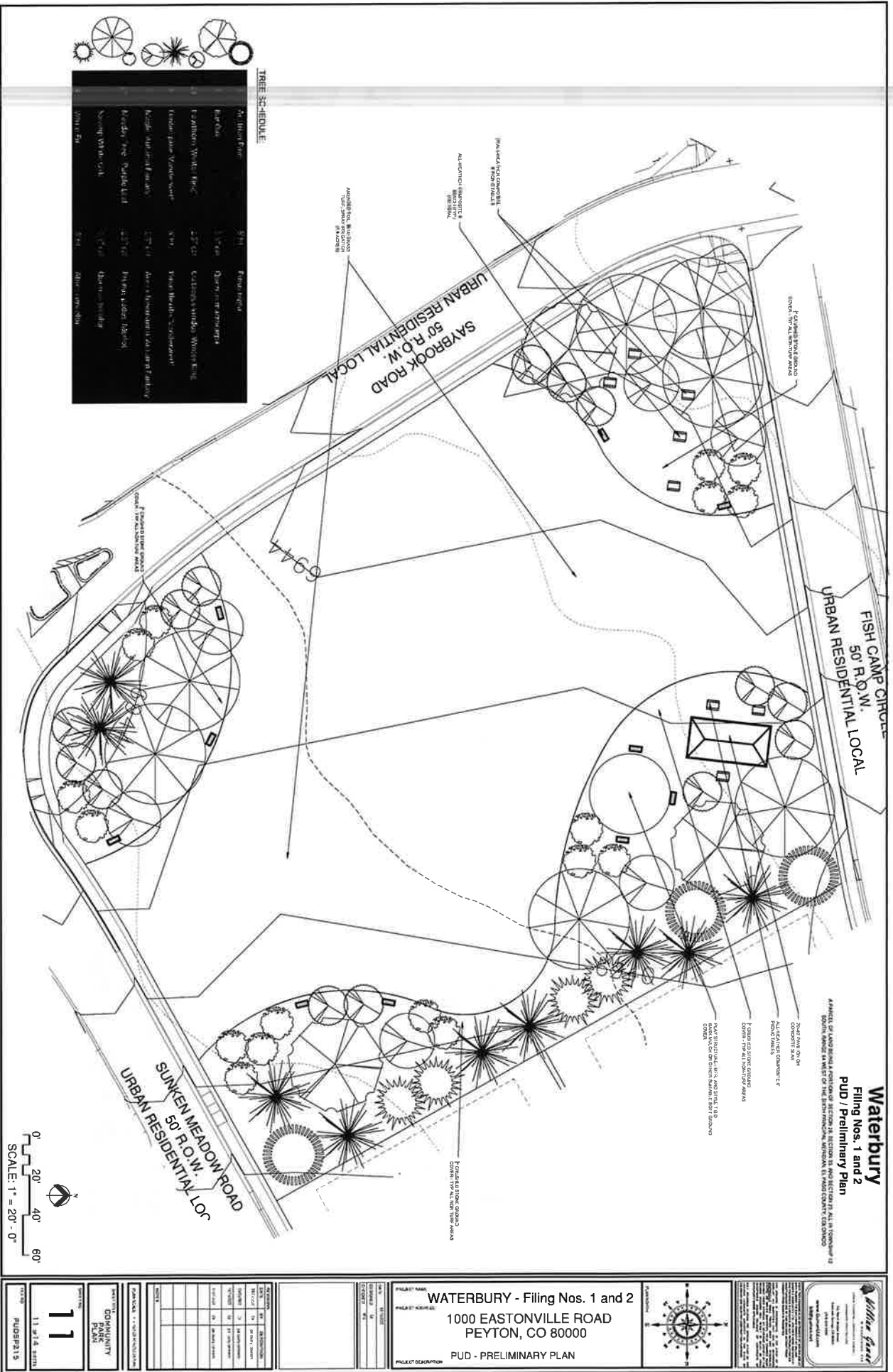


- LINE/TYPE LEGEND:**
- Proposed boundary
 - 100-year high water line - wetlands
 - Property line
 - Building footprint
 - Product of dig or any
 - Final survey line
 - Developer's estimate
 - DTI boundary - shown - Superscript One
 - Project Boundary - Ring line
 - Street Match Line

Waterbury
 Filing Nos. 1 and 2
 PUD / Preliminary Plan
 A PARCEL OF LAND BEING A PORTION OF SECTION 13, AND SECTION 23, ALL IN TOWNSHIP 17 NORTH, RANGE 64 WEST OF THE 10TH PRINCIPAL MERIDIAN IN ADAMS COUNTY, COLORADO

8
 EAST AREA
 DEVELOPMENT PLAN
 PUDSP215

WATERBURY - Filing Nos. 1 and 2
 1000 EASTONVILLE ROAD
 PEYTON, CO 80000
 PUD - PRELIMINARY PLAN



GILBERT DRIVE ENTRY LANDSCAPE

SCALE: 1" = 30' - 0"

TREE SCHEDULE



LANDSCAPE: 100% WHITE PINE (P. RESINOSA)
SEE TREE SCHEDULE FOR DETAILS

Waterbury PUD / Preliminary Plan Filing Nos. 1 and 2

A PORTION OF LAND BEING A PORTION OF SECTION 12 AND SECTION 13, ALL IN TOWNSHIP 13
SOUTH, RANGE 64 WEST OF THE 10TH PRINCIPAL MERIDIAN, EL PASO COUNTY, TEXAS

STAPLETON DRIVE - SETBACK LANDSCAPE WEST

SCALE: 1" = 30' - 0"

STAPLETON DRIVE - SETBACK LANDSCAPE EAST

SCALE: 1" = 30' - 0"

TREE SCHEDULE - EAST

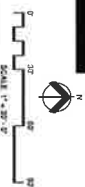
Symbol	Quantity	Plant Name	Plant Size	Plant Spacing
(Symbol)	1	White Pine (P. resinosa)	10' x 12'	10' x 12'
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(Symbol)	1	White Pine (P. resinosa)	10' x 12'	10' x 12'

TREE SCHEDULE - WEST

Symbol	Quantity	Plant Name	Plant Size	Plant Spacing
(Symbol)	1	White Pine (P. resinosa)	10' x 12'	10' x 12'
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LANDSCAPE: 100% WHITE PINE (P. RESINOSA) SEE TREE SCHEDULE FOR DETAILS

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(Symbol)	1	White Pine (P. resinosa)	10' x 12'	10' x 12'
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PUDSP215

PLANTING
SCHEDULE

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White Pine (P. resinosa)	10' x 12'	10' x 12'

WATERBURY SUBDIVISION
1000 EASTONVILLE ROAD
PEYTON, CO 80000
PUD - PRELIMINARY PLAN



Plant Name	Plant Size	Plant Spacing
White Pine (P. resinosa)	10' x 12'	10' x 12'
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White Pine (P. resinosa)	10' x 12'	10' x 12'





March 21, 2022

Kari Parsons, Project Manager, Planner III
Elbert County Community & Development Services
Transmitted via the EPC EDARP Portal: <https://epcdevplanreview.com>

Re: Waterbury PUD Preliminary Plan - Amendment to Filings 1 & 2 - 2nd Letter
Case No. PUDSP215
Part of the SE ¼ of Sec. 29, SW ¼ of Sec. 28, and NW ¼ of Sec. 33, T12S, R64W, 6th P.M.
Upper Black Squirrel Creek Designated Basin
Water Division 2, Water District 10

Dear Kari Parsons:

We have reviewed the March 17, 2022 above-referenced proposal for a Major Amendment to the existing PUD and for a combined PUD preliminary plan approval to develop 198 single-family residential lots for the Waterbury Subdivision Filing Nos. 1 & 2. The subject land area is 61.9 acres, of which 37.26 acres is single-family lots and the remaining area is dedicated to rights-of-way, developed parks, and open space, located in the SE ¼ of Sec. 29, SW ¼ of Sec. 28, and NW ¼ of Sec. 33, T12S, R64W, 6th P.M. The application proposes a revised PUD, preliminary plan, and final plat of Waterbury Filing Nos. 1 & 2. This office previously reviewed the water supply plan for the Waterbury Preliminary Plan on May 2, 2013 and Filings 1 & 2 on November 4, 2021.

Water Supply Demand

According to the Subdivision Summary Form dated March 9, 2022 and the Water Resource Report prepared by HR Green and updated March 3, 2022 ("Report"), the estimated water demand is 73.35 acre-feet/year for single-family residential use including irrigation of 1.4 acres (65,481 gallons/day). The estimated water demand for the single-family residential use is based on a rate of 0.353 acre-feet/year per Single Family Equivalent (SFE).

Source of Water Supply

The proposed water supply source is service provided by the 4-Way Metropolitan District No. 2 ("District").

Water Rights Owned and Controlled by the District

According to the Report, the District controls 610 acre-feet/year (based on a 300-year water supply) of nontributary Denver Basin groundwater. The District plans to provide such supply using well permit nos. 64017-F and 64018-F and new Arapahoe and Laramie-Fox Hills wells which will operate pursuant to Determination of Water Right Nos. 510-BD and 511-BD, summarized as follows:

- Determination of Water Right no. 510-BD allocated 2,429 acre-feet/year, based on a 100 year aquifer life, from the nontributary Laramie-Fox Hills aquifer allowing municipal use by 4-Way Ranch Metropolitan District and Woodmen Hills Metropolitan District on the 8,905-acre Overlying Land.
- Determination of Water Right no. 511-BD allocated 2,615 acre-feet/year, based on a 100 year aquifer life, from the nontributary Arapahoe aquifer allowing municipal use by 4-Way Ranch Metropolitan District and Woodmen Hills Metropolitan District on the 8,905-acre Overlying Land.

According to the Report the 610 acre-feet/year is described in the Second Amendment to the 2006 lease agreement. Based that lease agreement if the purchase described in the lease agreement was not executed



by May 7, 2018, then the first amended lease would be in full force and effect, and the amount leased would be amended to be 71,400 acre-feet of Arapahoe aquifer water (238 acre-feet/year based on a 300-year supply) and 111,600 acre-feet of Laramie-Fox Hills aquifer water (372 acre-feet/year based on a 300-year supply), or a total of 183,000 acre-feet (610 acre-feet/year based on a 300-year supply).

Present and Anticipated Demand

According to the January 21, 2021 letter, the District is committed to providing 78 acre-feet/year to serve the proposed water uses for Filings 1 & 2. According Report, the District has a present demand of 17.64 acre-feet per year based on its current commitment to serving 42 developed residential lots. The anticipated demand due to its future commitments consist of serving the Waterbury Filings 1 & 2 is 73.35 acre-feet/year. Therefore the total anticipated demand of future commitments by the District is 90.99 acre-feet/year.

Uncommitted Firm Supply

Based on a firm supply of 610 acre-feet/year and a present commitment of 90.99 acre-feet/year, the amount of uncommitted firm supply is 519.01 acre-feet/year.

The proposed source of water for this subdivision is a bedrock aquifer in the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which this source will be a physically and economically viable source of water. According to 37-90-107(7)(a), C.R.S., "Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years." Based on this allocation approach, the annual amounts of water determined in 510-BD and 511-BD 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.

The *El Paso County Land Development Code*, Section 8.4.7.(B)(7)(b) states:

"(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."

The State Engineer's Office does not have evidence regarding the length of time for which this source will "meet the average annual demand of the proposed subdivision." However, treating El Paso County's requirement as an allocation approach based on three hundred years, the allowed average annual amount of withdrawal of 1,830 acre-feet/year would be reduced to one third of that amount, or 610 acre-feet/year, which is greater than the anticipated annual demand for this subdivision and the District's present commitments. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

Additionally, the proposed filings are within the allowed place of use of Determination of Water Right Nos. 510-BD and 511-BD, and the proposed uses are uses allowed by those Determinations.

State Engineer's Office Opinion

Based upon the above and pursuant to sections 30-28-136(1)(h)(I) and 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.

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

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

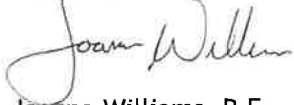
Our opinion is qualified by the following:

The 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 Wenli Dickinson at (303) 866-3581 x8206 or at Wenli.Dickinson@state.co.us.

Sincerely,



Joanna Williams, P.E.
Water Resource Engineer

Ec: Referral No. 27684
Upper Black Squirrel Ground Water Management District

County Attorney

Kenneth R. Hodges, County Attorney
719-520-6485
Centennial Hall
200 S. Cascade, Suite 150
Colorado Springs, CO 80903
www.ELPasoCo.com

Board of County Commissioners
Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

November 1, 2022

SP-21-5 Waterbury Filings Nos. 1 and 2
Preliminary Plan

Reviewed by: Lori L. Seago, Senior Assistant County Attorney
April Willie, Paralegal

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal by William Guman & Associates, LTD ("Applicant"), for a PUD preliminary plan of 198 residential lots on 61.9 acres of land (the "Property"). The preliminary plan parcels are zoned PUD (Planned Unit Development).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary ("WSIS"), the subdivision demand is 69.89 acre-feet for the 198 lots (0.3529 acre-feet/year) for household use, plus 3.46 acre-feet for irrigation of open space, for a total of 73.35 acre-feet/year for the subdivision. Based on these figures, the Applicant must be able to provide a supply of 22,005 acre-feet of water (73.35 acre-feet per year x 300 years) to meet the County's 300-year water supply requirement.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the 4 Way Ranch Metropolitan District No. 2 ("District"). As detailed in the *Water Resource Report for Waterbury PUD Development and Preliminary Plan* as updated March 3, 2022 ("Report"), the average daily use for each of the 198 lots will be 0.353 acre-feet/year for a water demand of 69.89 acre-feet/year, plus irrigation of open space of 3.46 acre-feet/year for a total water demand of 73.35 acre-feet/year. The *Report* states that the District has the rights to 610 annual acre-feet of Laramie – Fox Hills and Arapahoe

ASSISTANT COUNTY ATTORNEYS

NATHAN J. WHITNEY
CHRISTOPHER M. STRIDER

STEVEN A. KLAFFKY
TERRY A. SAMPLE

LORI L. SEAGO
DOREY L. SPOTTS

BRYAN E. SCHMID
STEVEN W. MARTYN

aquifer water and existing commitments of 17.64 annual acre-feet, for commitments totaling 90.99 annual acre-feet including this project. This leaves a balance of 519 annual acre-feet of uncommitted water for the District.

4. The District's Manager provided a letter of commitment for the Waterbury Filings Nos. 1 and 2 development dated October 5, 2022, in which the District committed to providing water service to the 198 single-family detached homes. The District Manager stated that the development is located within the service boundaries of District No. 2. The Manager stated that as "the District will commit to serve and has sufficient capacity within its existing water system that can provide water for the buildout of Filing 1 and Filing 2."

State Engineer's Office Opinion

5. In a letter dated March 21, 2022, the State Engineer reviewed the proposal to develop the 61.9 +/- acre parcel into 198 single-family lots. The State Engineer stated that the "proposed water supply source is service provided by 4-Way Metropolitan District No. 2." The State Engineer indicates that "[a]ccording to the Subdivision Summary Form dated March 9, 2022 and the Water Resource Report . . . the estimated water demand is 73.35 acre-feet/year for single-family residential use including irrigation of 1.4 acres." The State Engineer summarizes the water rights owned and controlled by the District as furnished in the Water Resource Report. The District controls 610 acre-feet/year of nontributary Denver Basin groundwater. The District will furnish the water supply through well permit nos. 64017-F and 64018-F. This includes determination of Water Right no. 510-BD which allocated 2,429 acre-feet/year from the nontributary Laramie-Fox Hills aquifer and determination of Water Right no. 511-BD which allocated 2,615 acre-feet/year from the nontributary Arapahoe aquifer, both amounts being based on a 100-year aquifer life. Further, the State Engineer included that according to the District Letter, the "District is committed to providing 78 acre-feet/year to serve the proposed water uses for Filings 1 & 2."¹ The State Engineer states that "[o]ur 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." Finally, "[p]ursuant to sections 30-28-136(1)(h)(I) and 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."

Recommended Findings

6. Quantity and Dependability. Applicant's water demand for the Waterbury Filings Nos. 1 and 2 development is 73.35 acre-feet per year to be supplied by the 4 Way Ranch Metropolitan District No. 2.

Based on the water demand of 73.35 acre-feet/year for the development and the District's availability of water sources, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for the Waterbury Filings Nos. 1 and 2 development.

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

¹ In the letter dated October 5, 2022, the District commits to serve the subdivision and identifies the total water demand for the buildout as 73.35 acre-feet/year.

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the Water Supply Information Summary dated October 13, 2022, the *Water Resource Report* as updated March 3, 2022, the 4 Way Ranch Metropolitan District No. 2 District letter dated October 5, 2022, and the State Engineer Office's Opinion dated March 21, 2022. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

REQUIREMENTS:

- A. Prior to recording the final plat, Applicant shall update the Water Resources Report to indicate whether the purchase of water rights described in Recital F of the Second Amended Water Rights Lease occurred and include proof thereof, and whether the Second Amended Water Rights Lease or the First Amended Lease is currently in effect. If the First Amended Lease is the operative lease now in effect, Applicant shall add both the 2 missing pages of the Amendment to First Amended Water Rights Lease and the First Amended Water Rights Lease to the Water Resources Report exhibits.
- B. 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.

cc. Ryan Howser, Planner III



Prevent • Promote • Protect

Environmental Health Division
1675 W. Garden of the Gods Road
Suite 2044
Colorado Springs, CO 80907
(719) 578-3199 *phone*
(719) 578-3188 *fax*
www.elpasocountyhealth.org

Waterbury Filing No 1 and 2, PUDSP-21-5 (Updated)

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

- **The proposed 159.9-acre, 198-lot residential development will be provided water services through 4-Way Ranch Metropolitan District. There is a finding for sufficiency in terms of water quality for water obtained from 4-Way Ranch Metro District which is a Colorado Department of Public Health and Environment, Water Quality Control Division, regulated central water supply. The Colorado Department of Public Health and Environment assigned PWSID# is CO0121111 to the District.**
- **Per the HRGreen, Wastewater Disposal Report dated 08Sep2021 and updated 3March2022, and the 4-Way Joint Venture, LLC., Commitment Letter, wastewater will feed to a Grandview Reserve Metro District No. 1 trunkline via gravity and lift stations to a Cherokee Metropolitan District interceptor located near Curtis Road and Highway 94 for wastewater treatment service at Cherokee Metropolitan District.**
- **Radon resistant construction building techniques/practices are encouraged to be used in this area. The EPA has determined that Colorado, and the El Paso County area, have potentially higher radon levels than other areas of the country.**
- **Earthmoving activities greater than 25 acres require a Construction Activity Permit from the Colorado Department of Public Health and Environment, Air Pollution Control Division. Go to:**
<https://www.colorado.gov/pacific/cdphe/general-air-permits>
- **El Paso County Public Health encourages planned walkability of residential communities. Please consider appropriate connections to commercial areas using sidewalks, and bike trails. Walkability features help reduce obesity and associated heart diseases.**
- **The water quality basins must have mosquito control responsibilities included as a part of the construction design and maintenance plan to help control mosquito breeding habitat and minimize the potential for West Nile Virus.**

Mike McCarthy
El Paso County Public Health
719.575-8602
mikemccarthy@elpasoco.com
22Oct2021



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

COLORADO

HOLLY WILLIAMS
CARRIE GEITNER
LONGINOS GONZALEZ, JR.

COMMUNITY SERVICES DEPARTMENT

PARK OPERATIONS ~ ENVIRONMENTAL SERVICES ~ RECREATION/CULTURAL SERVICES

April 14, 2022

Ryan Howser
Project Manager
El Paso County Development Services Department
2880 International Circle
Colorado Springs, CO 80910

Subject: Waterbury Filings No. 1 & 2 PUD Preliminary Plan, Review #2 (PUDSP-21-005)

Hello Ryan,

The Park Operations Division of the Community Services Department has reviewed the Waterbury Filings No. 1 and 2 PUD Development Plan and Preliminary Plan, Review #2, development application and has the following additional comments of behalf of El Paso County Parks. Staff acknowledges the reduction in the number of residential housing units from 201 to 198 and has therefore adjusted the previously endorsed regional and urban park fees. The adjusted fees are reflected on the attached Development Application Permit Review form, as well as being highlighted in the original endorsed recommendations below.

Furthermore, staff has reviewed the second submittal of the PUD Development Plan and Preliminary Plan and is disappointed with the overall lack of recreational amenities in Waterbury Filings No. 1 and 2. Previous El Paso County Parks recommendations included an internal trail system to connect residents to the community park and surrounding open space tracts, as well as expanded and readily useable open space areas. While staff is pleased with the inclusion of the centralized 2.6-acre community park and appreciates the inclusion of detailed landscape plans for the park, the lack of neighborhood trail connections as well as trails through the open space areas limits residential recreational choices and does not include possible future connections into adjacent and nearby neighborhoods. As originally outlined and highlighted below, staff continues to strongly recommend the overall enhancement of recreational facilities and open spaces in the Waterbury development.

The following comments and recommendations were originally submitted on December 8, 2021:

"This is a request for endorsement by William Guman and Associates, Ltd., on behalf of 4-Way Ranch Joint Venture, LLC, for the Waterbury Filings No. 1 and 2 PUD Development Plan and Preliminary Plan, consisting of 198 single-family residential lots and open space tracts on 61.9 acres, with a minimum lot size of approximately 5,400 square feet. The property is zoned PUD, and is located near Falcon, at the intersection of Stapleton Road and Eastonville Road, northwest of Highway 24.

The El Paso County Parks Master Plan (2013) shows no existing or proposed parks, trails, or open space facilities directly impacted by or within the project area. Falcon Regional Park is located 0.65 mile north of the project site. The existing Rock Island Primary Regional Trail is located 0.35 mile southeast of the project site. The proposed Eastonville Road Primary Regional Trail is located approximately 0.15-mile northwest of the site, while the proposed Arroyo Lane Primary Regional Trail is located approximately 0.25 north and east of the filing. The Curtis Road Bicycle Route is located immediately south of the



project site. A dedicated public right-of-way already exists along Stapleton Road and the aforementioned bicycle route, so no easement requests are necessary at that location; however, the applicant is advised that multi-modal transportation options may be developed within the rights-of-way in the future.

The Open Space Master Plan of the Parks Master Plan shows that the project site is located partially within the Judge Orr Road Candidate Open Space. Natural resource values include wetland vegetation and wildlife habitat, as well as tallgrass and bluestem grasslands, some species of which are globally vulnerable. Water quality protection is a concern in this area that drains ultimately to Black Squirrel Creek. The project would not be in conflict with the plan, as long as operations do not adversely affect water quality or negatively impact surrounding grasslands and wetlands. While the applicant has included approximately 3.46 acres of open space areas that encompass both jurisdictional and non-jurisdictional wetland and floodplain areas, as shown in the PUD Preliminary Plan, minimal buffers exist between the floodplain and wetlands and the proposed adjacent residential lots and building envelopes, thus limiting the preservation of these open space areas, as well as restricting the use of the open space as a possible location for neighborhood trails and other passive recreational amenities.

Waterbury Filings No. 1 and 2 PUD Preliminary Plan includes tracts designated for open space, floodplains, stormwater drainage, and landscaping, totaling approximately 10.4 acres, or 16.8% of the total project area, including the 2.75-acre Tract A designated for a centrally located community park. Although the applicant does state that, "Paved, detached sidewalks allow for safe use of bicycle travel around the park and neighborhood," staff does not generally recognize residential sidewalks as a viable alternative to a multi-use trail system for use by walkers, runners, cyclists, or even equestrian users. Wide, detached, meandering, and landscaped sidewalks, like those located along Londonderry Drive in Meridian Ranch, have been accepted as viable alternatives to standard regional trails due to their aforementioned characteristics and lack of multiple and hazardous driveway crossings.

Parks staff strongly recommends that the applicant consider the establishment of an internal trail system as a means to connect residents to not only the centralized neighborhood park and its recreational amenities, but potentially to the Eastonville Primary Regional Trail, Falcon High School, Falcon Regional Park, and proposed and existing residential communities located to the north and west of Waterbury, such as Grandview Reserve and Meridian Ranch. With modifications to the wetland and floodplain open areas, trails could be established within these open spaces to allow for north-south pedestrian travel on either side of the filing. Staff also recommends that the applicant provide detailed plans of the proposed community park in the Landscape Plans or as a separate Site Development Plan.

As no trail easement dedications are necessary for Waterbury Filings No. 1 and 2 PUD Development Plan and Preliminary Plan, parks staff recommends fees in lieu of land dedication for regional and urban park purposes on forthcoming Final Plat(s).

Recommended Motion (PUD Development Plan / Preliminary Plan):

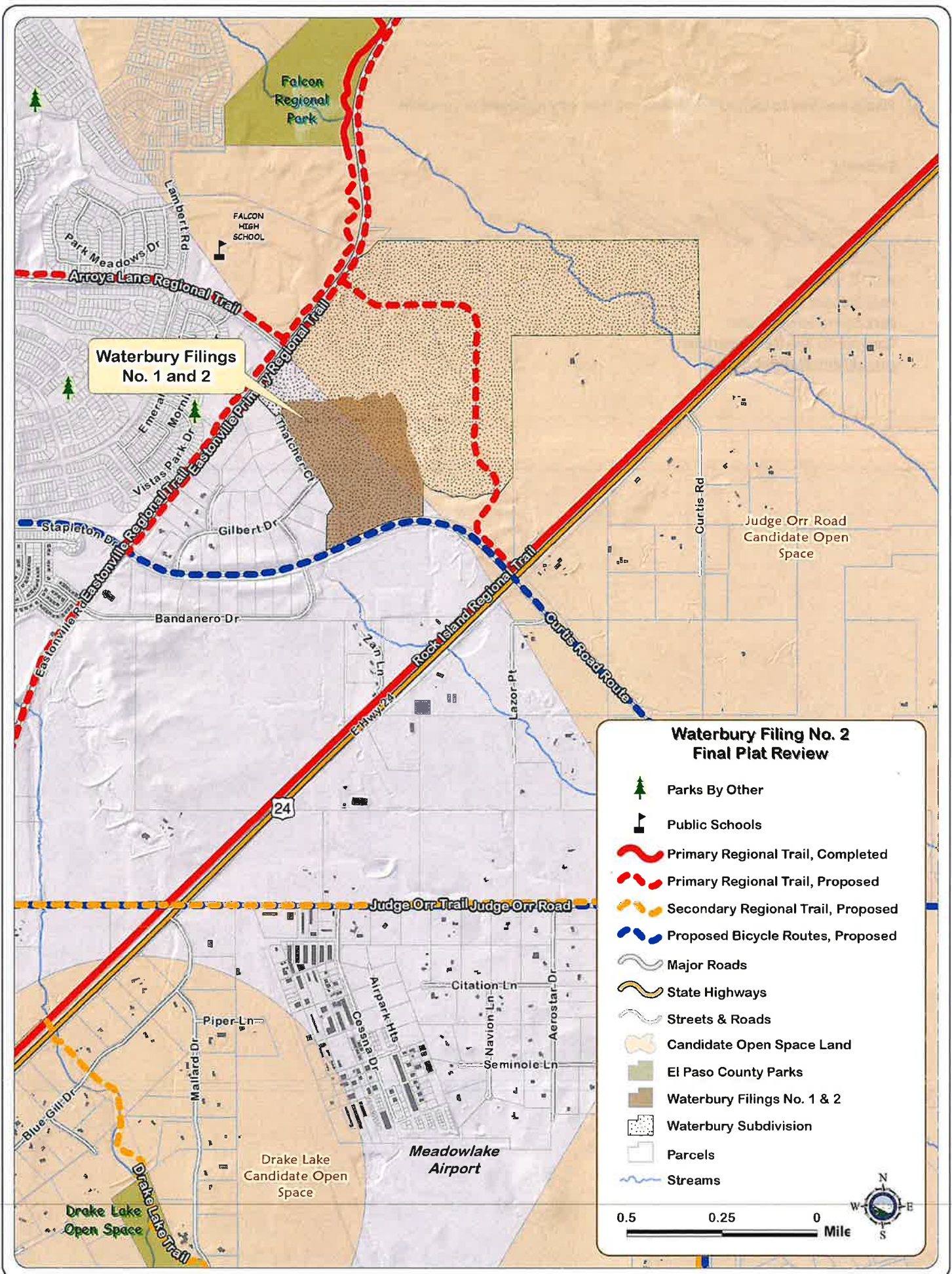
The Park Advisory Board recommends that the Planning Commission and the Board of County Commissioners include the following conditions when considering and/or approving Waterbury Filings No. 1 and 2 PUD Development Plan and Preliminary Plan: (1) recommend establishing an internal trail system to connect residents to the centrally located community park and other destinations beyond the subdivision boundary; (2) recommend that the applicant provide detailed plans of the proposed community park in forthcoming Landscape Plans or as part of a separate Site Development Plan; (3) recommend the addition of buffers to the wetland and floodplain open space corridors as a means to allow for enhanced preservation of critical open space and the addition of passive recreational amenities; (4) fees in lieu of land dedication for regional park purposes in the amount of \$91,080 and urban park purposes in the amount of \$57,420 will be required on all forthcoming Final Plat(s). A Park Lands Agreement may be an acceptable alternative to urban park fees provided the agreement is approved by the County and executed prior to recording the forthcoming Final Plat(s)."

Please feel free to contact me should you have any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ross A. Williams", with a long, sweeping horizontal line extending to the right.

Ross A. Williams
Park Planner
Park Operations Division
Community Services Department
rosswilliams@elpasoco.com



Waterbury Filings
No. 1 and 2

Waterbury Filing No. 2 Final Plat Review



Parks By Other



Public Schools



Primary Regional Trail, Completed



Primary Regional Trail, Proposed



Secondary Regional Trail, Proposed



Proposed Bicycle Routes, Proposed



Major Roads



State Highways



Streets & Roads



Candidate Open Space Land



El Paso County Parks



Waterbury Filings No. 1 & 2



Waterbury Subdivision



Parcels



Streams

0.5 0.25 0
Mile



Development Application Permit Review



COMMUNITY SERVICES DEPARTMENT

Park Operations - Community Outreach - Environmental Services
Veterans Services - Recreation / Cultural Services

Updated: 04/14/2022

Subdivision requirements referenced in Section 8.5.2 of the El Paso County Land Development Code. Fees are based on average land values within designated areas. See El Paso County Board of County Commissioners (BoCC) Resolution for fees established on an annual basis. The Park Advisory Board meets the second Wednesday of each month, 1:30 p.m., BoCC Auditorium, second floor of Centennial Hall, 200 South Cascade Avenue, Colorado Springs.

Name: Waterbury Filings No. 1 and 2 PUD Preliminary Plan
PCD Reference #: PUDSP-21-005

Application Type: PUD / Prelim Plan

Total Acreage: 61.90

Total # of Dwelling Units: 198

Applicant / Owner: 4-Way Ranch Joint Venture, LLC
Peter Martz
PO Box 50223
Colorado Springs, CO 80949-0223

Owner's Representative: Willam Guman and Associates, Ltd.
Bill Guman
731 North Weber Street, Suite 10
Colorado Springs, CO 80903

Dwelling Units Per 2.5 Acres: 8.00

Regional Park Area: 2

Urban Park Area: 3

Existing Zoning Code: PUD

Proposed Zoning Code: PUD

REGIONAL AND URBAN PARK DEDICATION AND FEE REQUIREMENTS

Regional Park land dedication shall be 7.76 acres of park land per 1,000 projected residents, while Urban Park land dedication shall be 4 acres of park land per 1,000 projected residents. The number of projected residents shall be based on 2.5 residents per dwelling unit.

The EPC Land Development Code defines urban density as land development of higher density and intensity which is characteristically provided with services of an urban nature. This category of development includes residential uses with densities of more than one dwelling unit per 2.5 acres.

LAND REQUIREMENTS

Regional Park Area: 2

0.0194 Acres x 198 Dwelling Units = 3.841
Total Regional Park Acres: 3.841

Urban Density (≥ 1 Dwelling Unit Per 2.5 Acres): YES

Urban Park Area: 3

Neighborhood: 0.00375 Acres x 198 Dwelling Units = 0.74
Community: 0.00625 Acres x 198 Dwelling Units = 1.24
Total Urban Park Acres: 1.98

FEE REQUIREMENTS

Regional Park Area: 2

\$460 / Dwelling Unit x 198 Dwelling Units = \$91,080
Total Regional Park Fees: \$91,080

Urban Park Area: 3

Neighborhood: \$114 / Dwelling Unit x 198 Dwelling Units = \$22,572
Community: \$176 / Dwelling Unit x 198 Dwelling Units = \$34,848
Total Urban Park Fees: \$57,420

ADDITIONAL RECOMMENDATIONS

Staff Recommendation:

The Park Advisory Board recommends that the Planning Commission and the Board of County Commissioners include the following conditions when considering and/or approving Waterbury Filings No. 1 and 2 PUD Development Plan and Preliminary Plan: (1) recommend establishing an internal trail system to connect residents to the centrally located community park and other destinations beyond the subdivision boundary; (2) recommend that the applicant provide detailed plans of the proposed community park in forthcoming Landscape Plans or as part of a separate Site Development Plan; (3) recommend the addition of buffers to the wetland and floodplain open space corridors as a means to allow for enhanced preservation of critical open space and the addition of passive recreational amenities; (4) fees in lieu of land dedication for regional park purposes in the amount of \$91,080 and urban park purposes in the amount of \$57,420 will be required on all forthcoming Final Plat(s). A Park Lands Agreement may be an acceptable alternative to urban park fees provided the agreement is approved by the County and executed prior to recording this the forthcoming Final Plat(s).

Park Advisory Board Recommendation:

Originally PAB Endorsed on 12/08/2021

MAP AMENDMENT (REZONE) – PLANNED UNIT DEVELOPMENT (PUD) AND
PRELIMINARY PLAN (RECOMMEND APPROVAL)

_____ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. PUDSP-21-005
WATERBURY FILING NOS. 1 AND 2

WHEREAS, 4-Way Ranch Joint Venture, LLC did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference, from PUD (Planned Unit Development) zoning district to PUD (Planned Unit Development) zoning district with a preliminary plan proposing 198 single-family residential lots and eleven (11) tracts; and

WHEREAS, a public hearing was held by this Commission on January 19, 2023; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, the Planning Commission and Board of County Commissioners shall determine that the following criteria for approval outlined in Section 4.2.6 and Section 7.2.1 of the El Paso County Land Development Code (2021) have been met to approve a PUD zoning district and preliminary plan:

1. The proposed PUD district zoning advances the stated purposes set forth in Chapter 4 of the Land Development Code.
2. The application is in general conformity with the Master Plan;
3. The proposed development is in compliance with the requirements of the Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County;
4. The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment, and will not have a negative impact upon the existing and future development of the surrounding area;
5. The proposed development provides adequate consideration for any potentially detrimental use to use relationships (e.g. commercial use adjacent to single family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site which may include innovative treatments of use to use relationships;
6. The allowed uses, bulk requirements and landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community;
7. Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;
8. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities;
9. The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g. fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed;

10. The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy efficient site design;
11. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner;
12. Any proposed exception or deviation from the requirements if the zoning resolution or the subdivision regulation is warranted by virtue of the design and amenities incorporated in the development plan and development guide; and
13. The owner has authorized the application.

WHEREAS, the applicants have also requested the proposed PUD be reviewed and considered as a preliminary plan, the requirements identified in Chapter 7 and Chapter 8 of the El Paso County Land Development Code (2021) for a preliminary plan requires the Planning Commission and the Board of County Commissioners find that the following additional criteria for approval of a preliminary plan have also been met:

1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
2. The subdivision is consistent with the purposes of the Code;
3. The subdivision is in conformance with the subdivision design standards and any approved sketch plan;
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 the Code;
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 the Code;
6. 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)];
7. Adequate drainage improvements complying with State law [C.R.S. §30-28- 133(3)(c)(VIII)] and the requirements of the Code and the ECM are provided by the design;
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;

9. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Code and the ECM;
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;
11. Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
12. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code; and
13. The proposed subdivision meets other applicable sections of Chapter 6 and 8 of the Code.

WHEREAS, 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 the Land Development Code.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of 4-Way Ranch Joint Venture, LLC for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from PUD (Planned Unit Development) zoning district to PUD (Planned Unit Development) zoning district with a preliminary plan proposing 198 single-family residential lots and eleven (11) tracts be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

1. Development of the property shall be in accordance with this PUD development plan. Minor changes in the PUD development plan, including a reduction in residential density, may be approved administratively by the Director of the Planning and Community Development Department consistent with the Land Development Code. Any substantial change will require submittal of a formal PUD development plan amendment application.
2. Approved land uses are those defined in the PUD development plan and development guide.

3. All owners of record must sign the PUD development plan.
4. The PUD development plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any final plats for hearing by the Planning Commission. The development guide shall be recorded in conjunction with the PUD development plan.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado 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 threatened species.
6. Applicable park, school, drainage, bridge, and traffic fee shall be paid to El Paso County Planning and Community Development at the time of final plat(s) recordation.
7. The applicant/developer and/or property owner shall be required to participate in a fair and equitable manner in upgrading/construction of the surrounding roads and intersections impacted by this development's traffic, including U.S. Highway 24, Stapleton Drive, Eastonville Road, and any other offsite impacts as identified in the applicable traffic impact analysis and as necessary to provide safe and adequate access to the development. With the respective final plats, the developer's design and/or financial responsibilities for offsite improvements may include a pro-rata share of the following, if not previously completed by others:
 - a. U.S. Highway 24/Stapleton Drive intersection: Additional design, construction and/or deposit of escrow funds per Colorado Department of Transportation access permit conditions.
 - b. U.S. Highway 24/Judge Orr Road intersection: Additional design, construction and/or deposit of escrow funds per Colorado Department of Transportation access permit conditions.
 - c. Eastonville Road/Stapleton Drive intersection: Design, construction, contribution and/or escrow of funds as appropriate for intersection improvements and traffic signals, as warranted.
 - d. Eastonville Road: Construction, contribution, and/or escrow of funds for final grading and asphalt paving from Latigo Boulevard to Stapleton Drive.
 - e. Stapleton Drive/Bandanero intersection: Design and construction of intersection reconfiguration improvements.
 - f. Stapleton Drive/Saybrook Road intersection: Design and construction of intersection improvements.
 - g. Stapleton Drive:
 - i. Design, construction, contribution, and/or escrow of funds for the second two lanes from Eastonville Road to Highway 24.
 - ii. FEMA approvals and/or Letter of Map Revision, if required due to changes in the 100-year floodplain at Stapleton Drive.
 - iii. Design, construction, contribution and/or escrow of funds as appropriate to construct intersection improvements, including traffic signals, as warranted.

h. Other offsite impacts as identified in any new/updated traffic impact analysis for this development.

8. The drainageways adjacent to and within the Waterbury Filing Nos. 1 and 2 preliminary plan area shall be stabilized to meet the minimum standards of the Drainage Criteria Manual and the Engineering Criteria Manual.

NOTATIONS

1. Subsequent Final Plat Filings may be approved administratively by the Planning and Community Development Director.
2. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
3. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.
4. Preliminary plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.
5. Approval of the preliminary plan will expire after two (2) years unless a final plat has been approved and recorded or a time extension has been granted.

BE IT FURTHER RESOLVED that the Planning Commission recommends approval of the Planned Unit Development (PUD) as a Preliminary Plan of the Waterbury Subdivision, Filing Nos. 1 and 2.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

_____ seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Brian Risley	aye / no / abstain / absent
Thomas Bailey	aye / no / abstain / absent
Tim Trowbridge	aye / no / abstain / absent
Becky Fuller	aye / no / abstain / absent

Sarah Brittain Jack	aye / no / abstain / absent
Jay Carlson	aye / no / abstain / absent
Eric Moraes	aye / no / abstain / absent
Joshua Patterson	aye / no / abstain / absent
Bryce Schuettepelz	aye / no / abstain / absent
Christopher Whitney	aye / no / abstain / absent
Brandy Merriam	aye / no / abstain / absent

The Resolution was adopted by a vote of ____to____ by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 19th day of January 2023, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
Brian Risley, Chair

DATED: January 19, 2023

EXHIBIT A

A PARCEL OF LAND BEING A PORTION OF SECTION 28, A PORTION OF SECTION 29, AND A PORTION SECTION 33, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTH LINE OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MONUMENTED AT EACH END BY A 3-1/4" ALUMINUM SURVEYOR'S CAP STAMPED "PSINC LS 30087" AND ASSUMED TO BEAR S89°47'04"E A DISTANCE OF 5,285.07 FEET.

COMMENCING AT THE SOUTHEASTERLY CORNER OF LOT 15 AS PLATTED IN 4 WAY RANCH FILING NO. 1, RECORDED UNDER RECEPTION NO. 206712416, RECORDS OF EL PASO COUNTY, COLORADO, SAID POINT BEING ON THE WESTERLY RIGHT OF WAY LINE OF STAPLETON DRIVE AS DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NO. 212064636; THENCE N01°31'24"E, ON THE EASTERLY BOUNDARY OF SAID LOT 15 AND THE SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 5.63 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF SAID STAPLETON ROAD SAID POINT BEING THE POINT OF BEGINNING;

THENCE ON THE EASTERLY BOUNDARY OF SAID 4 WAY RANCH FILING NO. 1, THE FOLLOWING TWELVE (12) COURSES;

1. N01°31'24"E, A DISTANCE OF 230.23 FEET;
2. N01°58'45"E, A DISTANCE OF 267.96 FEET;
3. N38°56'07"E, A DISTANCE OF 145.18 FEET;
4. N28°06'29"W, A DISTANCE OF 415.84 FEET;
5. N40°37'02"W, A DISTANCE OF 70.00 FEET TO A POINT ON CURVE;
6. ON THE ARC OF CURVE TO THE LEFT WHOSE CENTER BEARS S40°37'02"E, HAVING A DELTA OF 02°07'07", A RADIUS OF 1,135.00 FEET, A DISTANCE OF 41.97 FEET TO A POINT ON CURVE;
7. N44°30'10"W, A DISTANCE OF 104.01 FEET TO A POINT OF CURVE;
8. ON THE ARC OF CURVE TO THE RIGHT, HAVING A DELTA OF 21°00'17", A RADIUS OF 565.00 FEET, A DISTANCE OF 207.13 FEET TO A POINT OF TANGENT;
9. N23°29'53"W, A DISTANCE OF 586.57 FEET TO A POINT OF CURVE;
10. ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 41°24'35", A RADIUS OF 40.00 FEET AND A DISTANCE OF 28.91 FEET TO A POINT OF REVERSE CURVE;
11. ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 98°17'54", A RADIUS OF 60.00 FEET, A DISTANCE OF 102.94 FEET TO A POINT ON CURVE;
12. N09°36'47"E, A DISTANCE OF 181.35 FEET;

THENCE S84°51'41"E, A DISTANCE OF 156.95 FEET, THENCE N81°05'30"E, A DISTANCE OF 114.50 FEET; THENCE N08°54'30"W, A DISTANCE OF 13.30 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF 00°22'06", A RADIUS OF 475.00 FEET, A DISTANCE OF 3.05 FEET TO A POINT ON CURVE; THENCE N80°43'23"E, A DISTANCE OF 50.00 FEET; THENCE S88°55'30"E, A DISTANCE OF 118.82 FEET; THENCE S09°08'33"E, A DISTANCE OF 24.43 FEET; THENCE N89°59'53"E, A DISTANCE OF 125.65 FEET TO A POINT ON CURVE, THENCE ON THE ARC OF A CURVE TO THE RIGHT WHOSE CENTER BEARS N89°59'53"E, HAVING A DELTA OF 01°10'07", A RADIUS OF 225.00 FEET, A DISTANCE OF 4.59 FEET TO A POINT OF TANGENT; THENCE N01°10'00"E, A DISTANCE OF 22.47 FEET, THENCE S88°50'00"E, A DISTANCE OF 50.00 FEET; THENCE N89°55'04"E, A DISTANCE OF 152.16 FEET; THENCE N00°04'56"W, A DISTANCE OF 30.14 FEET; THENCE S88°15'00"E, A DISTANCE OF 201.01 FEET; THENCE S01°45'00"W, A DISTANCE OF 27.39 FEET; THENCE S88°35'57"E, A DISTANCE OF 70.97 FEET; THENCE N68°36'47"E, A DISTANCE OF 62.85 FEET; THENCE N65°20'20"E, A DISTANCE OF 62.85 FEET; THENCE N62°03'54"E, A DISTANCE OF 62.85 FEET; THENCE N58°57'56"E, A DISTANCE OF 65.28 FEET; THENCE S32°58'22"E, A DISTANCE OF 124.73 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS N32°58'22"W, HAVING A DELTA OF 08°00'18", A RADIUS OF 1,225.00 FEET, A DISTANCE OF 171.15 FEET TO A POINT ON CURVE; THENCE S41°02'14"E, A DISTANCE OF 144.45 FEET; THENCE S34°05'25"E, A DISTANCE OF 72.65 FEET; THENCE

S30°56'30"E, A DISTANCE OF 81.87 FEET; THENCE S21°08'32"E, A DISTANCE OF 89.56 FEET; THENCE S19°08'47"E, A DISTANCE OF 73.79 FEET; THENCE S03°18'02"W, A DISTANCE OF 205.74 FEET; THENCE S17°29'03"E, A DISTANCE OF 124.83 FEET; THENCE S16°09'50"E, A DISTANCE OF 50.00 FEET; THENCE S16°07'17"E, A DISTANCE OF 73.88 FEET; THENCE S27°50'37"E, A DISTANCE OF 65.16 FEET; THENCE S25°07'25"E, A DISTANCE OF 66.02 FEET; THENCE S22°21'31"E, A DISTANCE OF 66.20 FEET; THENCE S19°54'11"E, A DISTANCE OF 51.22 FEET; THENCE S16°26'35"E, A DISTANCE OF 114.20 FEET; THENCE S21°00'38"E, A DISTANCE OF 85.08 FEET TO A POINT ON THE BOUNDARY LINE OF THE PARCEL DESCRIBED IN THE WARRANTY DEED RECORDED UNDER RECEPTION NUMBER 214007733, RECORDS OF EL PASO COUNTY, COLORADO; THENCE S00°00'00"E ON SAID BOUNDARY LINE, A DISTANCE OF 472.54 FEET TO A POINT ON CURVE, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF STAPLETON DRIVE AS DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NO. 212064636; THENCE ON SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS S00°23'33"W, HAVING A DELTA OF 26°14'01", A RADIUS OF 1,405.00 FEET, A DISTANCE OF 643.30 FEET TO A POINT OF TANGENT,
2. S64°09'32"W, A DISTANCE OF 777.32 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 2,694,934 SQUARE FEET OR 61.867 ACRES.