

# 2B

EL PASO



COUNTY

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO:** El Paso County Planning Commission  
Jim Egbert, Chair

**FROM:** Kari Parsons, PM/Planner II  
Jeff Rice, PE Engineer III  
Craig Dossey, Executive Director

**RE:** Project File #: SF-17-012  
Project Name: Hannah Ridge at Feathergrass Filing No. 3  
Parcel No.: 53324-03-007

OWNER:	REPRESENTATIVE:
Feathergrass Investments, LLC 4715 N. Chestnut Street Colorado Springs Co. 80907	M.V.E. Inc 1903 Lelaray Street, Suite 200 Colorado Springs, CO. 80909

**Commissioner District: 2**

Planning Commission Hearing Date:	10/3/2017
Board of County Commissioners Hearing Date	10/10/2017

#### EXECUTIVE SUMMARY

Feathergrass Investments, LLC, request approval of a final plat for the Hannah Ridge at Feathergrass Filing No. 3 subdivision to authorize the development of 39 single-family lots and the creation of rights-of-way. The proposed 8.31 acre plat area is included in the approved Hannah Ridge at Feathergrass PUD development plan and preliminary plan. The final plat area is located north of Constitution Avenue, west of Akers Drive and is within Section 32, Township 13 South, Range 65 West of the 6th P.M.. The final plat area is not located within the boundaries of a small area plan.

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



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

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The Hannah Ridge at Feathergrass Filing No. 3 final plat is consistent with the approved Hannah Ridge at Feathergrass PUD development plan and preliminary plan. The final plat application meets the submittal and review criteria for a final plat as well as the general development standards of Chapter 6, the final plat review criteria of Chapter 7, and the subdivision design requirements of Chapter 8 of the El Paso County Land Development Code (2016).

Water and wastewater services will be provided by Cherokee Metropolitan District. A finding of water sufficiency is requested with this application.

#### **A. REQUEST/WAIVERS/AUTHORIZATION**

**Request:** Feathergrass Investments, LLC, request approval of a final plat for the Hannah Ridge at Feathergrass Filing No. 3 subdivision to authorize the development of 39 single-family lots and the creation of rights-of-way. A finding of water sufficiency is requested with this application.

**Waiver(s):** No waivers are requested with this application.

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

#### **B. PLANNING COMMISSION SUMMARY**

**Request Heard:**

**Recommendation:**

**Waiver Recommendation:**

**Vote:**

**Vote Rationale:**

**Summary of Hearing:**

**Legal Notice:**

#### **C. APPROVAL CRITERIA**

In approving a final plat, Section 7.2.1.D.3 states that the BoCC shall find that:

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the approved preliminary plan;
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;

- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;
- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
- The subdivision meets other applicable sections of Chapter 6 and 8; and
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §34-1-302(1), et seq.]

#### **D. LOCATION**

North: PUD (Planned Unit Development)	Single-family/Vacant
South: PUD (Planned Unit Development)	Commercial/Vacant
East: PUD (Planned Unit Development)	Single-family/Hannah
Ridge at Feathergrass Filing No. 2	
West: PUD (Planned Unit Development)	Single-family/Proposed
Hannah Ridge at Feathergrass Filing No. 4 (in review)	

## **E. BACKGROUND**

The Hannah Ridge at Feathergrass preliminary plan (SP-07-012) and Planned Unit Development (PUD-07-007) plan were approved by the Board of County Commissioners on January 24, 2008, both of which included the following: 355 single-family lots, three (3) open space tracts to be owned and maintained by the home owners association, multiple trail connections to the regional trail corridor known as the Rock Island Trail, which is owned and maintained by the City of Colorado Springs, four (4) commercial and multi-family future development tracts, rights-of-way, and two hammerhead-style roads to be privately owned and maintained.

The applicant requested a Planned Unit Development amendment (PUD-13-004), to eliminate the private hammerhead-style roads and provided a public cul-de-sac to be built to El Paso County standards, which was administratively approved by the Development Services Director on July 29, 2013.

An amendment to the preliminary plan (SP-13-006) eliminated the private hammerhead roads and included a public cul-de-sac to be built to El Paso County standards to be consistent with the amended PUD plan. The amendment was approved by the Board of County Commissioners on October 8, 2013, and resulted in a reduction of three (3) single-family lots within the subsequently approved and recorded Hannah Ridge at Feathergrass Filing No. 2 subdivision.

The Hannah Ridge at Feathergrass Filing No. 1 subdivision plat (SF-13-013) was approved by the Board of County Commissioners on April 22, 2014, and identified this parcel as Tract FF for future development. The Hannah Ridge at Feathergrass Filing No. 2 subdivision plat (SF-15-013) was approved by the Board of County Commissioners on October 27, 2015. Hannah Ridge at Feathergrass Filing Nos. 1 and 2 are fully built out.

The Hannah Ridge at Feathergrass Filing No. 3 final plat request is in conformance with the amended PUD and preliminary plan. The vacation of the existing Cherokee Metropolitan District sanitary sewer easement will be completed after the newly designed, sanitary sewer infrastructure is installed by the developer and accepted by the District a separate instrument (see Condition of Approval No. 15 below).

## **F. ANALYSIS**

### **1. Land Development Code Compliance**

This final plat application meets the final plat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (2016).

### **2. Zoning Compliance**

The Hannah Ridge at Feathergrass Filing No. 3 final plat is consistent with the approved PUD development plan and PUD development guidelines. The Hannah Ridge at Feathergrass Filing No. 3 PUD development plan provides allowed and permitted uses; use, density, and dimensional standards such as setbacks, maximum lot coverages, and maximum building heights; as well as landscaping requirements.

### **3. Policy Plan Analysis**

A finding of consistency with the El Paso County Policy Plan (1998) was made with the previously approved Hannah Ridge at Feathergrass PUD development plan and preliminary plan. The proposed final plat is consistent with the approved PUD development plan and preliminary plan.

### **4. Small Area Plan Analysis**

The proposed Hannah Ridge at Feathergrass Filing No. 3 final plat is not within the boundaries of a small area plan.

### **5. Other Master Plan Elements**

The proposed Hannah Ridge at Feathergrass Filing No. 3 final plat is consistent with or does not create negative impacts to elements depicted on the El Paso County Wildlife Habitat Descriptors Map (1996), the El Paso County Community Services Parks Master Plan (2014), the Master Plan for Mineral Extraction (1996), and the Major Transportation Corridors Plan (2016).

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

A geology, soils, and hazards report was submitted and reviewed with the approved PUD development plan and preliminary plan. The report did not identify any hazards that would preclude development.

### **2. Wildlife**

Potential impacts to wildlife are generally low as depicted in the El Paso County Wildlife Descriptors Map (1996).

### **3. Floodplain**

As indicated on FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0752F, the property is located entirely outside of the current 100-year regulatory floodplain.

### **4. Drainage and Erosion**

The proposed development is located within the Sand Creek Drainage Basin. The basin has been studied and drainage and bridge fees have been adopted; fees due are as listed in the conditions of approval. If the Developer receives credit for basin improvements within the Hannah Ridge at Feathergrass development prior to recording the plat, that credit may be applied toward reducing the drainage fees due with this subdivision, as addressed in the subdivision improvements agreement.

Drainage from the site generally flows from north to south, towards Constitution Avenue, in a combination of storm drains and open channels. Major drainageways and storm drains, excepting water quality facilities, are proposed to be dedicated to and maintained by El Paso County in tracts and easements. Filing No. 3 will add approximately 2,000 linear feet of storm drain to County maintenance. The homeowners association will maintain the Filing No. 3 water quality facilities as documented in the revised maintenance agreement and easement.

Per the Hannah Ridge at Feathergrass (HRAFG) Master Development Drainage Plan (MDDP), Preliminary Drainage Report, and Filing 3 Final Drainage Report, no detention is required with HRAFG Filing Nos. 3 or 4 because the downstream facilities are capable of handling the minor increase in runoff and there is incidental detention storage volume upstream along the north side of the Rock Island Trail (former railroad) embankment. Detention will be required with future filings following Filing No. 4, subject to analyses in the applicable drainage reports.

The existing detention/ponding area, which is located on property owned by El Paso County, is upstream of the former railroad embankment (currently owned by the City of Colorado Springs and designated as a regional trail). El Paso County Department of Public Works' upcoming wetland bank project will provide a public drainage easement to protect the ponding area from future development/infringement to preserve the detention function of the current drainage system. The existing seven-foot by seven-foot box-shaped culvert

under the City's Rock Island Trail will be repaired to City standards by the Developer as part of the Filing No. 3 construction to ensure proper functioning of the drainage system through the HRAFG site. Maintenance of the incidental detention area and seven-foot by seven-foot culvert were specifically addressed in a 2007 amendment to the Sand Creek Drainage Basin Planning Study (DBPS), providing for reduced flowrates and reduced channel improvement costs downstream. The incidental detention area shall be owned and maintained by El Paso County. The regional trail and box culvert shall be owned and maintained by the City of Colorado Springs Parks Department.

The Hannah Ridge at Feathergrass Filing No. 3 Final Drainage Report concludes that stormwater runoff from this project will not "negatively impact the adjacent properties and downstream drainage facilities."

## **5. Transportation**

The Hannah Ridge at Feathergrass development takes access from the County road system at Constitution Avenue (a principal arterial roadway) to the south and Akers Drive (nonresidential collector) to the east. The internal street classifications vary from local low volume (50 foot right-of-way) roadways to collector (80 foot right-of-way) roadways, including Hannah Ridge Drive, Winslow Park Drive and Hunter Jumper Drive. This filing connects to, extends and takes access from Winslow Park Drive and Hunter Jumper Drive, both of which have been planned and designed as local streets within this filing.

Traffic generated from this filing will be approximately 371 average daily trips (ADT). This traffic will contribute to the need for a traffic signal at the intersection of Hannah Ridge Drive and Constitution Avenue, requiring the applicant to escrow funds toward the cost of signal construction as addressed in the conditions of approval. (Transportation impact fees do not apply to intersection signalization.) The development has requested inclusion into the 10 mil PID of the County Road Impact Fee Program.

Filing No. 3 will add approximately 2,200 linear feet of local roads to County maintenance.

## **H. SERVICES**

### **1. Water**

Sufficiency: Cherokee Metropolitan District has committed to serve the development.

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The County Attorney's Office makes a favorable recommendation for a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health has made a favorable recommendation regarding water quality. The Board of County Commissioners is anticipated to make a finding for water sufficiency, including quality, quantity, and dependability, with approval of this final plat.

## **2. Sanitation**

The Cherokee Metropolitan District provides wastewater service and has committed to serve the property. El Paso County Public Health has made a favorable recommendation regarding wastewater disposal.

## **3. Emergency Services**

The property is within in two overlapping districts that provide emergency services. Both the Falcon Fire Protection District and the Cimarron Hills Fire Department have committed to serve the proposed subdivision. The future lot owners will be taxed by one district only.

## **4. Utilities**

Mountain View Electric Association will provide electrical service and Black Hills Energy will provide natural gas service to the development. Public utility easements have been depicted on the final plat.

## **5. Metropolitan Districts and Other Special Districts**

The site lies within the Cherokee Metropolitan District which provides water and wastewater services to the proposed development. The property is also within the Constitution Heights Metropolitan District which was established to construct public infrastructure.

The applicant is requesting inclusion into the Public Improvement District No. 2.

## **6. Parks/Trails**

Regional park fees (Region 2) of \$15,873 and urban park fees (Urban Area 3) of \$10,023.00 in lieu of land dedication shall be paid at the time of final plat recordation.



## **7. Schools**

School fees in the amount of \$9,360.00 in lieu of land dedication shall be paid at the time of final plat recordation for the benefit of Falcon School District No. 49.

## **I. APPLICABLE RESOLUTIONS**

Approval            Page 19

Disapproval        Page 20

## **J. STATUS OF MAJOR ISSUES**

There are no outstanding issues with this request.

## **K. CONDITIONS AND NOTATIONS**

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2016) staff recommends the following conditions and notation:

### **CONDITIONS**

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.

6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the ECM Administrator, shall be filed at the time of recording the Final Plat.
8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
9. The subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 16-454), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
10. Developer has opted to be included in the Public Improvement District (PID) #2 at 10 mils. Additionally, it is subject to the 2009 Intergovernmental Agreement between the Constitution Height's Metropolitan District and the County, Resolution Number 09-342. A fee of \$923.00 per unit (lot) shall be due at time of building permit application. The final plat shall not be recorded until the plat has been reviewed and approved by the El Paso County Assessor.
11. Park fees in lieu of land dedication for regional parks (Area 2) and urban park (Area 3) fees shall be paid at time of plat recordation.
12. Fees in lieu of school land dedication shall be paid to El Paso County for the benefit of Falcon School District No. 49 at time of plat recording.
13. The developer shall participate in a fair and equitable manner in the design and future construction of traffic signalization improvements at Constitution Avenue and Hannah Ridge Drive. The fair share attributed to Hannah Ridge at Feathergrass Filing No. 3, as identified in the applicant's traffic study, is escrow to be deposited in the amount of \$8,513.00. Documentation that this amount has been deposited in the existing escrow account for the signal improvements shall be provided prior to recording the final plat.

14. Drainage and bridge fees, for the Sand Creek Basin, in the amounts of \$68,953.89 and \$20,889.59, respectively, shall be paid at the time of final plat recording. If credits are established prior to recordation of the final plat, the credits may be used towards the drainage fees due upon final plat recordation.
15. Developer shall provide evidence of vacation/extinguishment of the portions of the utility easements recorded at Book 6916, Page 68 and Book 3896, Page 66 within this subdivision prior to preliminary acceptance of the roads within this subdivision by El Paso County.
16. Offsite sidewalk/trail improvements within the Rock Island Trail corridor shall be completed by the developer with the construction of the subdivision improvements in order to connect the sidewalk along Hunter Juniper Drive to the existing sidewalk along the north side of Constitution Avenue adjacent to the James Irwin Charter Academy School as agreed to by the developer and the successor (builder).

#### **NOTATIONS**

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.

#### **L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified three (3) adjoining property owners on September 13, 2017, for the Planning Commission meeting. Responses will be provided at the hearing.

#### **M. ATTACHMENTS**

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

# El Paso County Parcel Information

File Name: SF-17-012

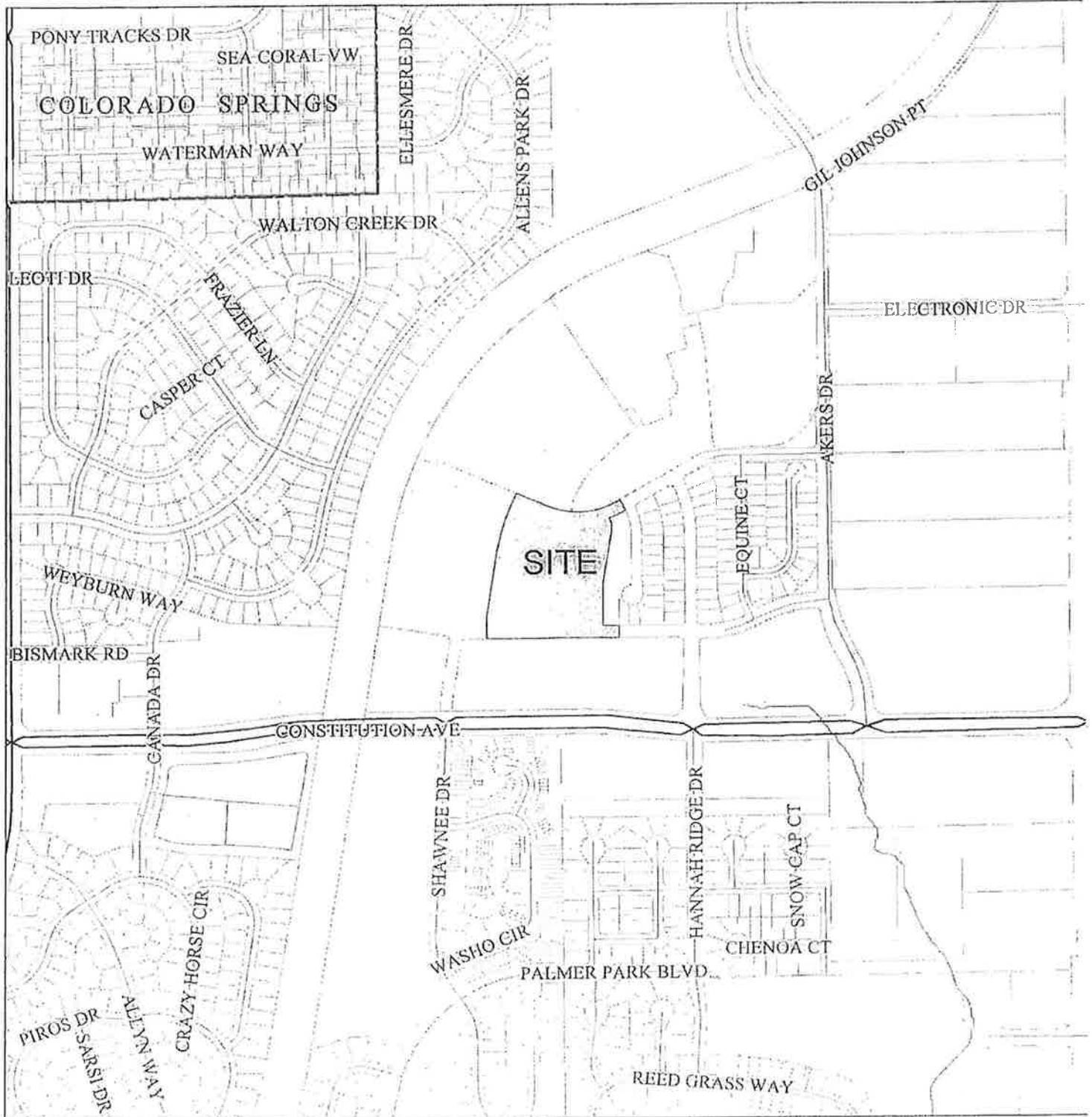
PARCEL	NAME
5332403007	FEATHERGRASS INVESTMENTS LLC

Zone Map No: --

ADDRESS	CITY	STATE
4715 N CHESTNUT ST	COLORADO SPRINGS	CO

ZIP	ZIPUS
80907	3531

Date: September 13, 2017



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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March 30, 2017  
Revised September 5, 2017

**LETTER OF INTENT**  
**Hannah Ridge at Feathergrass Filing No. 3 Final Plat**

**Owner:**

Feathergrass Investments, LLC  
4715 N. Chestnut Street  
Colorado Springs, CO 80907  
Kenny Driscoll  
(719)-593-8367

**Developer:**

Elite Properties of America  
6385 Corporate Drive, Suite 200  
Colorado Springs, CO 80919  
Jim Boulton  
(719)-785-3259

**Applicant / Consultant:**

M.V.E., Inc.  
1903 Lelaray Street, Suite 200  
Colorado Springs, CO  
(719) 635-5736  
Attn: Dave Gorman

**Site Location Size and Zoning:**

The site is 8.31± acres located in the South one-half of Section 32, Township 13 South, Range 65 West of the 6th P.M. in El Paso County, Colorado. The property is zoned PUD. The proposed subdivision is a replat of Tract FF, Hannah Ridge at Feathergrass Filing No. 1 as recorded under Reception Number 214713468 of the records of El Paso County, Colorado. The property is El Paso County Tax Schedule No. 53324-03-007 located north of Constitution Avenue, west of Akers Drive and south of the Rock Island Trail right of way.

The site location, size and zoning of the proposed Hannah Ridge at Feathergrass Filing No. 3 is identical to Phase 3 of the amended Hannah Ridge at Feathergrass Preliminary Plan (SP-13-006), approved by the El Paso County Board of County Commissioners by Resolution Number 13-427 and recorded under Reception Number 213127098. The site is located just west of Hannah Ridge at Feathergrass Filing No. 2 which was recorded under Reception Number 216713822 on July 28, 2016.

**Request and Justification:**

*Engineers • Surveyors*

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Fax 719-635-5450 • e-mail [mve@mvecivil.com](mailto:mve@mvecivil.com)

Letter of Intent - Hannah Ridge at Feathergrass Filing No. 3 Final Plat  
March 30, 2017  
Revised September 5, 2017  
Page 2

The request is for approval of the Final Plat of Hannah Ridge at Feathergrass Filing No. 3, which consists of Phase 3 as shown on the approved Hannah Ridge at Feathergrass Preliminary Plan. This Final Plat will create 39 single-family lots along with public street rights-of-ways including the westerly extensions of both Hunter Jumper Drive and Winslow Park Drive from Hannah Ridge at Feathergrass Filing No. 2. The proposed subdivision contains 8.31± acres of land. This request includes the vacation of any remaining easements shown on the vacated Aker's Acres subdivision as recorded in Plat Book H-2 at Page 48. These easements are obsolete with the filing of the Hannah Ridge at Feathergrass plats and are replaced with new and relocated easements as required. This request also includes the vacation of a drainage easement granted by separate instrument recorded in Book 5122 at Page 995. This drainage easement is made obsolete by the new development configuration of Hannah Ridge at Feathergrass Filing No. 3. Appropriate replacement drainage easements are provided by the existing Hannah Ridge at Feathergrass Filing No. 1 Final Plat along with additional easements being provided with the new development.

The proposed Final Plat is the third phase of developing the Hannah Ridge at Feathergrass site in accordance with the approved Hannah Ridge at Feathergrass Preliminary Plan. Development will also be in accordance with the approved Hannah Ridge at Feathergrass PUD Plan. The PUD Guidelines, with which the development will conform, are recorded under Reception Number 208091456.

The proposed development will provide necessary residential housing lots at lower mid-range pricing. The future park & open space acreage, mixed lot widths allowing for varied residential structure plans, improved provisions for site access, adequate provisions for drainage and utilities and continued build-out of the approved amended Preliminary and PUD plan will enhance the public health, safety and general welfare within this portion of El Paso County.

The owner understands and agrees to Conditions of Approval including payment of School Fees, payment of Park Fees, payment of Drainage and Bridge Fees, and escrow of contribution to the future Constitution Avenue and Hannah Ridge Drive traffic signal. The fees and escrow will be paid at time of plat recording.

This application meets the final plat submittal requirements; the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (2016). Final Plats are reviewed and approved in consideration of the review criteria found in the El Paso County Land Development Code.

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

The Master Plan is comprised of several elements. One of the elements is the El Paso County Policy Plan (1998), which does not include site-specific land use policies, but establishes broad policies and goals which are intended to serve as a framework for decision-making regarding development of the County. The project satisfies the following relevant policies from the Policy Plan as they specifically relate to this request: **Policy 6.1.3** - Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access. **Policy 6.1.4** - Encourage the logical timing and phasing of development to allow for the efficient and economical provision of facilities and services. **Policy 6.2.1** - Utilize buffer zones to provide mutually compatible transitions between neighborhoods and adjoining development with differing uses or densities. **Policy 6.2.11** - Encourage compatible physical character, density and scale in existing neighborhoods.

The proposed subdivision is consistent with the surrounding residential zoned properties to the north, east and west. The proposed subdivision is adjacent to and is the logical extension of the recently platted Hannah Ridge at Feathergrass Filing No's 1 and 2. A pre-cast wall along the

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southern boundary of the site will mitigate the impacts to the residential development within this plan from the proposed multi-family and commercial land uses to the south. The proposed subdivision is the continuation of the ongoing Hannah Ridge at Feathergrass development with similar lot sizes and densities as the completed phases of Hannah Ridge as well as existing residential development in the immediate vicinity. The site is not contained within any Small Area Plans of the County. The proposed subdivision plat is in compliance with the Parks Master Plan, which does not call for trails or parks in the site vicinity. The proposed subdivision is also in compliance with the Master Plan for Mineral Extraction as no separate mineral estate owners were found for the property and the existing development on surrounding properties is not compatible with any potential mineral extraction operations.

2. *The subdivision is in substantial conformance with the approved preliminary plan.*  
The proposed Final Plat is consistent and in conformance with the previously approved 2013 Preliminary Plan Amendment for the Hannah Ridge at Feathergrass development.
3. *The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.*  
The proposed Final Plat is prepared in accordance with all applicable subdivision design standards.
4. *A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code.*  
The site is contained within the service area of Cherokee Metropolitan District and the District has agreed to serve the property. The Owner has secured water rights for the district, which are reserved for use in this development. The Office of the State Engineer has reaffirmed adequate water supply for the last two Final Plat applications contained within the operable Preliminary Plan.
5. *A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code.*  
The site is contained within the service area of Cherokee Metropolitan District and the District has agreed to serve the property. The sanitary sewer mains to serve the proposed site will be extended from mains already constructed in Filing No.'s 1 and 2, which were approved by the District.
6. *All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)].*  
A soils report has been prepared for the site and the owner will comply with the recommendations of the report.
7. *Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM.*  
The Hannah Ridge at Feathergrass development has planned a comprehensive drainage system that continues to be developed as each project phase is constructed. Filing No. 3 will add adequate drainage improvements necessary to serve this subdivision as well as the future phases of the project. The drainage improvements will be consistent with the operable Drainage Basin Planning Study (DBPS), The Master Development Drainage Plan (MDDP) for Hannah Ridge at Feathergrass, the Preliminary Drainage Report and the Final Drainage Reports for each

*M.V.E., Inc. • Engineers • Surveyors*

*1903 Lelaray Street, Suite 200 • Colorado Springs, CO 80909 • Phone 719-635-5736*

*Fax 719-635-5450 • e-mail mve@mvecivil.com*

- subdivision filing.
8. *Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM.*  
Each proposed lot on the site will access a public street and benefit from multiple exit and entry points available for the safety of the future residents, including routes to Hannah Ridge Drive and Constitution Avenue, Winslow Park Drive to Akers Drive, and Hunter Jumper Drive to Akers Drive.
  9. *Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.*  
The site is located within the jurisdiction of the El Paso County Sheriff's Office. The Sheriff's office currently provides police protection for the site and surrounding area. Hannah Ridge at Feathergrass Filing No. 3 is located within two fire protection districts, the Cimarron Hills Fire Department on the west and the Falcon Fire Protection District on the east. Fire Hydrant locations for the site are being reviewed and approved by both fire departments. Water and Sanitary Sewer infrastructure is being provided by the developer in accordance with Cherokee Metropolitan District standards. The completed development will include natural open space and a park area. Transportation is provided by the adjacent existing and proposed roadway system.
  10. *The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code.*  
Hannah Ridge at Feathergrass Filing No. 3 is located within two fire protection districts, the Cimarron Hills Fire Department on the west and the Falcon Fire Protection District on the east. The water main system is designed to provide adequate fire flows at the site as reviewed by Cherokee Metropolitan District. Fire Hydrant locations for the site are being reviewed and approved by both fire departments.
  11. *Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8.*  
Offsite transportation and drainage impacts are considered and mitigated by the recommendations of the Final Drainage Report and updated Traffic Impact Study. The owners of the subdivision have constructed Akers Drive and made necessary turn lane improvements on Constitution Avenue. The developer will contribute to escrow funds for a traffic signal at Hannah Ridge Drive and Constitution Avenue. Furthermore, the developers will pay the required Road Impact Fee upon obtaining individual residential building permits. This plat will enter Public Improvements District No. 2 (the 10 mil PID).
  12. *Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated.*  
The Subdivision Improvement Agreement (SIA) includes provision to guarantee construction of the necessary infrastructure. The platting of the site will include the collection of the applicable Drainage Fees, School Fees and Park Fees.
  13. *The subdivision meets other applicable sections of Chapter 6 and 8.*  
The subdivision meets the requirements of the Land Development Code and previous subdivision plat filings were approved by the BOCC in 2014 and 2016.
  14. *The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et seq.]. No separate mineral estate owners were found for the property and the existing development on surrounding properties is not compatible with any potential mineral extraction operations.*

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**Existing and Proposed Facilities:**

Existing offsite roads include Constitution Avenue (160' row) to which this developer has made previous improvements, Akers Drive (80' row) constructed by this owner/developer in cooperation with El Paso County. Other existing facilities include the storm drain line along the north side of Constitution Avenue, the box culvert crossing of Constitution Avenue at Akers Drive and various utility line stub-outs in Akers Drive and Constitution Avenue that were previously constructed by this owner/developer. The existing 7'x7' Concrete Box Culvert located north of the site in the Rock Island Trail will be repaired and rehabilitated by the developer during the construction of this subdivision. The trail and the culvert are owned and maintained by City of Colorado Springs. The City has agreed to allow the repairs and will process a Revocable Permit for the work.

Existing facilities provided in Hannah Ridge at Feathergrass Filing No. 1 include portions of Hunter Jumper Drive (60'-80' row), Winslow Park Drive (60' row), Equine Court (60' row) and all of Farrier Court (50' row) as well as the associated mainline utilities and utility services for the lots. Storm drainage and stormwater quality facilities were also been provided.

Existing facilities provided in adjacent Hannah Ridge at Feathergrass Filing No. 2 include a portion of Hunter Jumper Drive (60'-80' row), a portion of Winslow Park Drive (60' row), all of Half Chaps Court (60' row), and a portion of Hannah Ridge Drive (60'-90' row) as well as the associated mainline utilities and utility services for the lots. Storm drain in Hannah Ridge Drive and Half Chaps Court, the Hanna Ridge Drive concrete box culvert, and stormwater quality facilities were also provided.

Proposed facilities for Filing No. 3 include a portion of Hunter Jumper Drive (60' row), a portion of Winslow Park Drive (60' row), a portion of Grand Prix Court (50' row), and all of Horsemanship Court (50' row). Filing No. 3 facilities will include the associated mainline utilities and utility services for the lots. The major storm drain line that will convey the Sand Creek Tributary 6 storm flows south to the Constitution Avenue channel will be constructed along with storm drain lines in Hunter Jumper Drive and the necessary stormwater quality facilities. These new facilities will be connected to the recent improvements of Filing No. 2 as appropriate. All improvements will be in compliance with the approved PUD, Preliminary Plan and El Paso County engineering criteria. Drainage Easements are being provided for the tracts which are to contain the proposed public drainage facilities.

**EASEMENT VACATIONS:**

The site contains existing drainage easements and utility easements which are to be vacated. A drainage easement for the previous drainage pathway of the Sand Creek tributary, recorded in Book 5122 at Page 995, will be vacated by separate instrument in conjunction with the subject Final Plat Application. Also, two utility easements for an existing Cherokee Metropolitan District sanitary sewer mains are located within the site (Book 3896, Page 66 & Book 6916, Page 68). The existing sanitary sewer main, located within these easements, is to be relocated and the easements will be vacated by separate instrument. Cherokee Metropolitan District has provided consent that the existing easements will be vacated after construction of the new sanitary sewer main during development of the proposed subdivision. Any other easements which were created by the previous plat of Aker's Acres Subdivision No. 1, as found in Plat Book H-2 at Page 48, were already vacated in 2013 with the recording of Hannah Ridge at Feathergrass Filing No. 1 under Reception Number 214713468.

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Letter of Intent - Hannah Ridge at Feathergrass Filing No. 3 Final Plat  
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Page 6

**TOTAL NUMBER OF RESIDENTIAL UNITS AND DENSITIES:**

The gross area of the Filing 3 Residential Tract is 8.31+/- acres and will contain 39 Single Family Units. An area of 5.40+/- acres will be single-family residential lots. Street rights-of-way take up the remaining 2.91+/- acres. The average lot size for the 39 lots is 6,036 square feet (sf.). The gross density of the said Filing No. 3 is 4.7+/- units per acre, while the net density, subtracting out the areas of street rights-of-way and landscape tracts is 7.2+/- units per acre.

**TYPICAL LOT SIZE:**

The proposed subdivision exhibits a mixture of 50 feet wide and 60 feet wide lots. The typical Single Family Residential lot size is 50 feet wide by 100 feet deep. The minimum lot area in Hannah Ridge at Feathergrass Filing No. 3 is 5,000 s.f. A significant portion of lots are larger, ranging up to 8,439 sf.

**APPROXIMATE ACREAGE AND PERCENT OF LAND TO BE SET ASIDE AS OPEN SPACE:**

No land contained within Hannah Ridge at Feathergrass Filing No. 3 is being set aside for open space. However, Tract F, Hannah Ridge at Feathergrass Filing No. 1 is adjacent on the east side. This tract consists of open space to be used as drainage overflow route and corridor leading to the future park tract to be developed north of Winslow Park Drive during future phase 5. An additional natural open space is located north of the future park. All the proposed land uses and open spaces are in accordance with the approved Preliminary Plan.

**PHASED CONSTRUCTION AND ANTICIPATED DEVELOPMENT SCHEDULE:**

Hannah Ridge at Feathergrass Filing No. 3 represents the 39 lots as the third phase of the eight phases for the single family residential development shown in the preliminary plan. The phasing began on the east side of the site between Hunter Jumper Drive and Winslow Park Drive at Akers Drive as Filing No. 1 (2014) and is proceeding from east to west (2013-2017); then to the east side in the area of Akers Drive and Under Saddle Street (2018-2019), then to the west side and finally the north central portion (2018-2020). The park will be constructed as part of Phase 5 residential construction (2018-2019). Other open space tracts will be developed with the adjacent residential phases as they occur. Multi-family phases along Constitution Avenue shall be designed and constructed approximately 2017 - 2019. Commercial phases are to be designed and developed approximately 2018 - 2020.

**UTILITIES – WATER AND SEWER:**

Water and sewer will be provided by Cherokee Metropolitan District. The district has provided a detailed Service Commitment letter which explains how capacity is available for the planned development. The developer has purchased water rights and transferred these right to Cherokee Metropolitan District, which has in turn reserved this water for use in the Hannah Ridge at Feathergrass development. The developer will construct all street, utilities and storm drainage improvements. Utilities will be routed underground in the public streets and utility easements per El Paso County design standards. Cherokee Metropolitan District will provide maintenance of proposed water and sewer system.

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#### **FIRE PROTECTION:**

The Hannah Ridge at Feathergrass property is located in two fire protection districts, the Cimarron Hills Fire Department on the west and the Falcon Fire Protection District on the east. The boundary between the two is located through Hannah Ridge at Feathergrass Filing No. 3, extending to the north and south.

#### **PROPOSED USES, RELATIONSHIP BETWEEN USES AND DENSITIES:**

Single-family parcels are located the east and north of the site. There is an existing single-family neighborhood located to the west and northwest on the opposite side of the Rock Island Trail. The parcels south of Hunter Jumper Drive is zoned for multi-family residential development. Densities of this proposal are comparable to densities to the existing surrounding subdivisions. This subdivision provides for a pre-cast ornamental wall and landscaping located along the north side of Hunter Jumper Drive as a buffer with the multi-family property to the south as noted on the PUD plan.

#### **LANDSCAPING AND BUFFERING:**

Frontage of Hunter Jumper Drive will be landscaped in accordance with the approved PUD plan. Landscape trees will be planted and a pre-cast concrete wall will be constructed along the north side of Hunter Jumper Drive which will serve as the required buffer to the multi-family and commercial zones to the south.

Regarding the Hannah Ridge development as a whole, significant open space and landscaping will be provided. The future park and open space parcels will be landscaped. The northeastern portion and southern portion ending at the commercial boundary will be designed to be native grassland parks with natural trails. The central park parcel will be more formalized with landscaping and recreational amenities. Street right-of-ways and entries will also be landscaped as indicated on the PUD Plan. The landscaping, wall and open space tracts are to be installed by the Developer of the project and will be maintained by The Communities at Feathergrass Homeowners Association, an existing HOA.

#### **PROPOSED ACCESS LOCATIONS:**

All access locations already exist at the surrounding streets with with curb cuts and have been previously identified by El Paso County. A full movement access is proposed at Akers Drive/Under Saddle Street., A 3/4 movement intersection exists at Winslow Park Drive/Akers Drive as well as the Hunter Jumper Drive/Akers Drive intersection. A Full Movement intersection exists at Akers Drive/Constitution Avenue. A Full Movement access at Hannah Ridge Drive/Constitution Avenue is being completed as part of Filing No. 2 construction and a ¾ movement at Shawnee Drive/Constitution Avenue is planned for Filing No. 4. A Traffic Impact Study update of the proposed development is provided with this application.

#### **TRAFFIC IMPACT FEES:**

This development is subject to fees established by the El Paso County Road Impact Fee Program per El Paso County Resolution Number 12-382. The owner is petitioning for inclusion of the new residential lots into the Public Improvements District No. 2 (the 10 mil PID). The fee per Single-family Detached

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Letter of Intent - Hannah Ridge at Feathergrass Filing No. 3 Final Plat

March 30, 2017

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dwelling in the 10-mil PID is \$923.00. This fee will be paid at the time of building permit issuance. The Hannah Ridge at Feathergrass property is also contained within the Constitution Heights Metropolitan District and lots subject to traffic impact related building permit fees pursuant to a 2009 IGA. The fee in Hannah Ridge at Feathergrass is \$637.15 per single-family residential lot to be paid at the time of building permit issuance. However, the lots in Hannah Ridge at Feathergrass are also eligible for credit in the El Paso County Road Impact Fee Program as established by El Paso County Resolution Number 12-389. The credit is designed to offset the contribution mandated by the IGA as well as amounts already contributed to the County's transportation system in the form of road construction and dedication of right of way for portions of Constitution Avenue and Akers Drive by the developer.

A summary of the fees for each single-family lot in the subdivision is provided below:

The development enters Public Improvements District No. 2 (the 10-mil PID) and is subject to the requirements thereof. The developer will pay the \$923.00 Fee to El Paso County pursuant to the 2009 IGA and Resolution 12-389. The County will reimburse Pikes Peak Rural Transportation Authority from this fee payment. The accrual and use of any credits in the El Paso County Road Impact Fee Program is governed according to Resolution 12-389.

This project will also escrow a fair share contribution for the installation of the future traffic signal located at Hannah Ridge Drive and Constitution Avenue as determined in the Traffic Study for the subdivision.

Should County staff or officials require more information. Please use the contact information below to reach me.

Very truly yours,

M.V.E., Inc.



David R. Gorman, P.E.

DRG:cwg

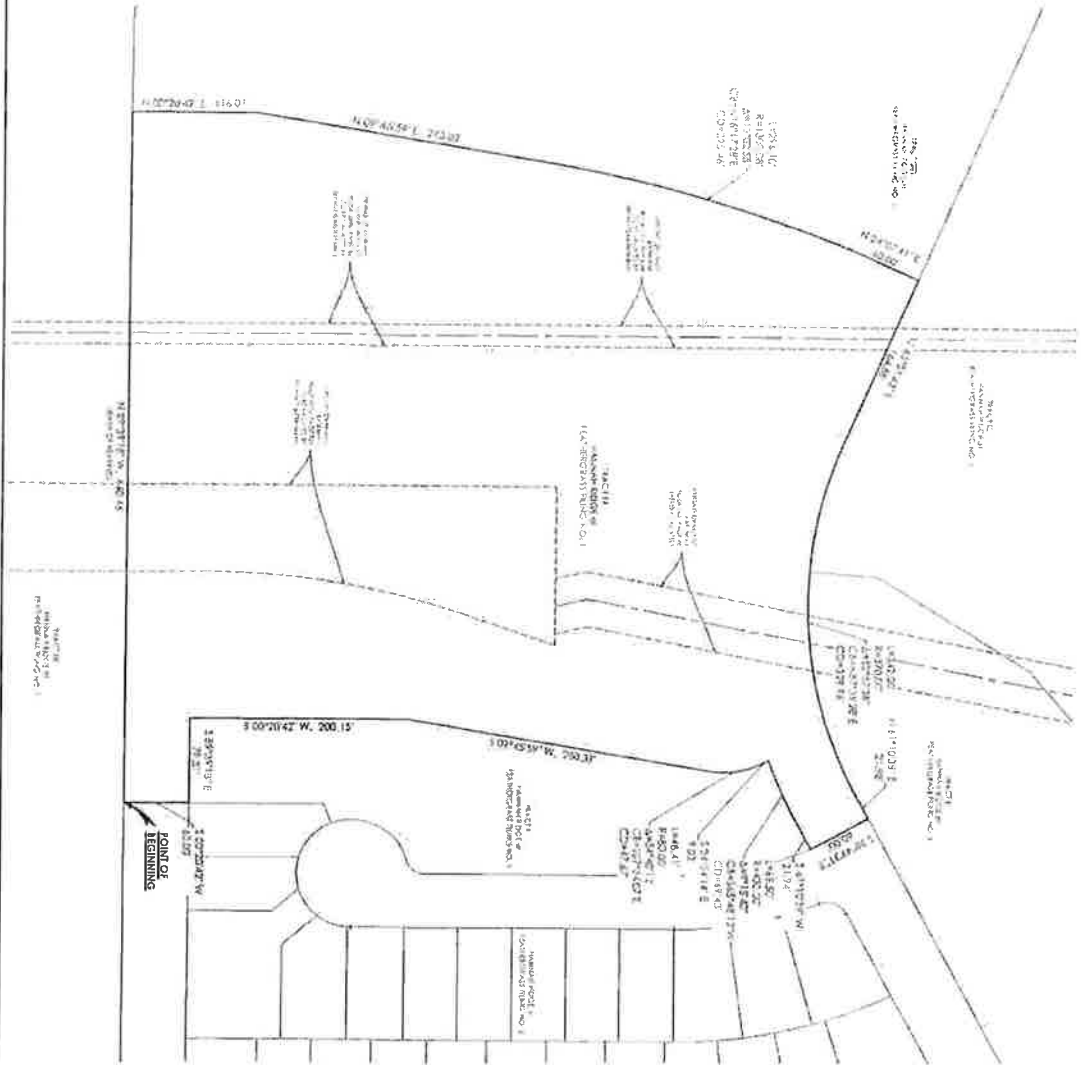
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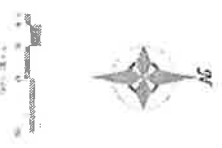


# HANNAH RIDGE at FEATHERGRASS FILING NO. 3

A RE-PLAT OF TRACT FF, HANNAH RIDGE AT FEATHERGRASS FILING NO. 1, SECTION 32, TOWNSHIP 13 SOUTH, RANGE 65 WEST of the 6th PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO



POINT OF BEGINNING



AS PLATED

HANNAH RIDGE AT FEATHERGRASS	
FILING NO. 3	
<b>MVE, INC.</b>	REGISTERED PROFESSIONAL SURVEYOR
1000 N. 10th St., Suite 100	Fort Collins, CO 80504
970-221-1234	www.mveinc.com

# HANNAH RIDGE at FEATHERGRASS FILING NO. 3

A RE-PLAT OF TRACT FF, HANNAH RIDGE AT FEATHERGRASS FILING NO. 1, SECTION 32, TOWNSHIP 13 SOUTH, RANGE 65 WEST of the 6th PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO





**COLORADO**  
Division of Water Resources  
Department of Natural Resources

John W. Hickenlooper  
Governor

Robert Randall  
Executive Director

Dick Wolfe, P.E.  
Director/State Engineer

May 31, 2017

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

RE: Hannah Ridge at Feathergrass Filing No. 3  
Final Plat  
Sec. 32, Twp. 13S, Rng. 65W, 6<sup>th</sup> P.M.  
Water Division 2, Water District 10  
CDWR Assigned Subdivision No. 21286

To Whom It May Concern:

We received your submittal concerning the Final Plat for Hannah Ridge at Feathergrass Filing No. 3. Our office previously provided comments for the Hannah Ridge at Feathergrass Preliminary Plan Amendment on May 13, 2013. The proposed Hannah Ridge at Feathergrass Filing No. 3 is a replat of Tract FF, Hannah Ridge at Feathergrass Filing No. 1, and consists of 39 single-family lots along with street right-of-ways on 8.31 +/- acres. The proposed supply of water and wastewater disposal is to be served by the Cherokee Metropolitan District (Cherokee).

Water Supply Demand

The Water Supply Information Summary, Form No. GWS-76, included with the submittal provides an estimated water demand of 0.42 acre-feet/year per lot for 39 lots and 2.73 acre-feet/year for irrigation of 1.3 acres, for a total estimated water demand of 19.11 acre-feet/year.

Source of Water Supply

The proposed source of water is to be served by Cherokee, and a March 31, 2017 letter of commitment was included with the submittal. Additionally, a February 20, 2013 letter of commitment was included with the previous Preliminary Plan Amendment submittal. According to the letters, there are two sources of water that were purchased by Sand Creek Investments North, LLC for Hannah Ridge at Feathergrass (formerly Hannah Ridge Subdivision).

The first source of water is 60.5 acre-feet per year of the Kane Water Right, as documented by the October 11, 2006 "Water and Sewer Service Agreement" between Cherokee and Sand Creek Investments North, LLC. The Kane Water Right is not a separate water right, but rather a contractual water right for a portion of water removed under contract from the Sweetwater Well Field operated by Cherokee. The Kane Water Right is not viewed by this office as a commitment from Cherokee, but a pre-existing "first-in-line" delivery that Cherokee accepted upon assuming control of the Sweetwater Well Field. Since Sweetwater Nos. 1-3, 5, 8-9, 11, 13 and 15-16 are currently the only wells that may legally be used to supply water outside of the Designated Basin, the State Engineer's Office based its opinion on the understanding that the 200 acre-feet would come from Sweetwater Nos. 1-3, 5, 8-9, 11, 13 and 15-16.

The second source of water is 76 acre-feet per year of Tipton Water, as documented by the December 4, 2006 "Water and Sewer Service Agreement" between Cherokee and Sand Creek

Office of the State Engineer

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www.water.state.co.us





Investments North, LLC. The 76 acre-feet is part of 225 acre-feet of fully consumable and exportable water adjudicated to the Tipton Well in Colorado Ground Water Commission Case No. 91GW01, for use and export outside of the Upper Black Squirrel Creek Designated Ground Water Basin.

### Additional Comments

The application materials indicate that the project will collect storm flows in an onsite drainage/water quality pond. The Applicant should be aware that, unless the proposed improvements to the existing storm water structure can meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR's *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, available on DWR's website at: <http://water.state.co.us/DWRIPub/Documents/DWR%20Storm%20Water%20Statement.pdf>, to ensure that the notice, construction and operation of the proposed structure meets statutory and administrative requirements.

### State Engineer's Office Opinion

At this time, it appears that Cherokee has 136.5 acre-feet per year of obligation to deliver for the proposed development. This amount of water satisfies the total estimated demand of 19.95 acre-feet/year for Filing No. 1 (which has been reduced from this office's comments dated September 19, 2013), 16.38 acre-feet/year for Filing No. 2 (comments from our office dated August 10, 2015 were previously proved), 1.68 acre-feet/year for Shops at Feathergrass Filing No. 1 (comments from our office dated January 21, 2014 were previously provided), 19.11 acre-feet/year for Filing No. 3 (the subject of this submittal), and leaves 79.38 acre-feet per year of obligation for future filings in Hannah Ridge at Feathergrass.

Pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply for Filing No. 3 of Hannah Ridge at Feathergrass can be provided without causing injury to decreed water rights and is expected to be adequate.

The Sweetwater Wells (from which the Kane Water Right is withdrawn from) and the Tipton Well (from which the Tipton Water is withdrawn from) are constructed into the Quaternary alluvium, which is considered to be annually renewable with no administrative life span. The long term adequacy of any ground water source may be subject to fluctuations due to hydrological and climatic trends.

Should you have any questions concerning this matter, please feel free to contact me directly.

Sincerely,



Caleb Foy, P.E.  
Water Resources Engineer

cc: Steve Witte, Division 2 Engineer (via email)  
Doug Hollister, District 10 Water Commissioner (via email)

CRF:crf

# EL PASO COUNTY

## OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

**Amy R. Folsom, County Attorney**

### Assistant County Attorneys

M. Cole Emmons  
Lori L. Seago  
Diana K. May  
Kenneth R. Hodges  
Lisa A. Kirkman  
Steven A. Klaffky

June 23, 2017

SF-17-012 Hannah Ridge at Feathergrass Filing No. 3  
Final Plat

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



1. This is a proposal by Feathergrass Investments, LLC ("Applicant") for approval of a Final Plat to subdivide approximately 8.31 +/- acres into 39 single-family residential lots, plus right-of-way for streets. This is a re-plat of Tract FF, Hannah Ridge at Feathergrass Filing No. 1, which Tract FF was then so platted for future development. The property is currently zoned PUD.

2. The Applicant has provided that the source of water for the subdivision will come from the Kane Water Right and Tipton Water, both as served by the Cherokee Metropolitan District ("District") pursuant to Water and Sewer Service Agreements that Sand Creek Investments North, LLC entered into with the District. Sand Creek Investments North, LLC, entered into Assignment of Water and Sewer Service Agreements with Feathergrass Investments, LLC, whereby Sand Creek assigned all of its rights and obligations under its Agreements with the District to Feathergrass and Feathergrass accepted the same. The Applicant estimates its annual water requirement to serve 39 single family residential lots at 0.42 acre-feet per lot for a total water requirement of 16.38 acre-feet per year, plus 2.73 acre-feet for irrigation of 1.3 acres for a total water demand of 19.11 acre-feet per year for the subdivision. Based on this estimate, the Applicant would need to provide a supply from the District of 5,733 acre-feet (19.11 acre-feet x 300 yrs.) to meet the County's 300 year water supply requirement. Because the State Engineer has determined that both water sources are annually renewable, the water supply is presumed to meet the County's 300 year aquifer life requirement.

3. The General Manager of the District provided an updated formal commitment letter dated June 19, 2017, and the Water Resources Report dated March 30, 2017, which reviewed the water available for the development. The Water Resources Report stated that the developer "purchased water rights from the Kane and



Tipton water rights, which are reserved exclusively for this subdivision developers' use" and which water is "sufficient to supply Phases 1 through 6 of the Hannah Ridge at Feathergrass development." The Water Resources Report indicates there is 136.50 acre-feet of water available from the District and further delineates the water supply provided to Hannah Ridge at Feathergrass Filing 1 at 19.95 acre-feet, Filing 2 at 16.38 acre-feet, and Shops at Feathergrass at 1.68 acre-feet, providing an available water supply of 98.49 acre-feet for Filing 3 and future filings in Hannah Ridge at Feathergrass. The District commits to serve the 19.11 acre-feet of water annually required by this development. Therefore the General Manager of the District stated the "District is able and willing to provide water and sewer services for Hannah Ridge at Feathergrass, Filing No. 3."

4. In a letter dated May 31, 2017, the State Engineer reviewed information for the Filing 3 Final Plat based on subdividing approximately 8.31 +/- acres into 39 single family residential lots, plus street right-of-ways. The Engineer reviewed the two sources of water to be provided by the District. Regarding the Kane Water Right, the Engineer states the following:

"The Kane Water Right is not a separate water right, but rather a contractual water right for a portion of water removed under contract from the Sweetwater Well Field operated by Cherokee. The Kane Water Right is not viewed by this office as a commitment from Cherokee, but a pre-existing 'first-in-line' delivery that Cherokee accepted upon assuming control of the Sweetwater Well Field. Since Sweetwater Nos. 1-3, 5, 8-9, 11, 13 and 15-16 are currently the only wells that may legally be used to supply water outside of the Designated Basin, the State Engineer's Office based its opinion on the understanding that the 200 acre-feet would come from Sweetwater Nos. 1-3, 5, 8-9, 11, 13 and 15-16."

Regarding the Tipton Water, the Engineer states the following:

"The second source of water is 76 acre-feet per year of Tipton Water, as documented by the December 4, 2006 'Water and Sewer Service Agreement' between Cherokee and Sand Creek Investments North, LLC. The 76 acre-feet is part of 225 acre-feet of fully consumable and exportable water adjudicated to the Tipton Well in Colorado Ground Water Commission Case No. 91GW01, for use and export outside of the Upper Black Squirrel Creek Designated Ground Water Basin."

The State Engineer's opinion is that "[a]t this time, it appears that Cherokee has 136.5 acre-feet of obligation to deliver for the proposed development. This amount of water satisfies the total estimated demand of 19.95 acre-feet/year for Filing No. 1 ... 16.38 acre-feet/year for Filing No. 2 ... 1.68 acre-feet/year for Shops at Feathergrass Filing No. 1 .... 19.11 acre-feet/year for Filing No. 3 (the subject of this submittal), and leaves 79.38 acre-feet per year of obligation for future filings in Hannah Ridge at

Feathergrass. Pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply for Filing No. 3 of Hannah Ridge at Feathergrass can be provided without causing injury to decreed water rights and is expected to be adequate." Finally, the Engineer notes that the Sweetwater Wells and the Tipton Well are constructed into the Quaternary alluvium, which is considered annually renewable.

NOTE: The State Engineer's Office also provided an advisory to the Applicant related to the project's onsite drainage/water quality pond. The Engineer advised the Applicant that ". . . unless the proposed improvements to the existing storm water structure can meet the requirements of a 'storm water detention and infiltration facility' . . . the structure may be subject to administration by this office. The applicant should review the *DWR's Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado* . . . to ensure that the notice, construction and operation of the proposed structure meets statutory and administrative requirements."

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

6. Analysis and Recommendation. With 136.5 acre-feet of water supply contracted to be served by Cherokee Metropolitan District, a proposed annual demand of 19.11 acre-feet for this Filing No. 3, and previous commitments for Filing No. 1 of 19.95 acre-feet, Filing No. 2 of 16.38 acre-feet, and Shops at Feathergrass Filing No. 1 of 1.68 acre-feet, there is a remaining surplus of 79.38 acre-feet; thus, there appears to be a sufficient supply available to meet the demands of this Filing No. 3. Therefore, based on the finding of sufficiency and no injury to existing water rights by the State Engineer, on the commitment to serve by the District, and subject to the conditions set forth below, the County Attorney's Office recommends a finding of **sufficiency** as to water quantity and dependability for this proposal of 39 single-family lots of Hannah Ridge at Feathergrass Filing No. 3. The El Paso County Health Department will need to make a recommendation as to water quality.

#### CONDITION OF COMPLIANCE:

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, and specifications set by the District, including the District's requirement that the project "must achieve appropriate zoning and a final plat land use entitlement from the El Paso County Development Services within 12 months of the date of this letter" [letter dated June 19, 2017].

- B. It is Applicant's responsibility to comply with the advisory by the State Engineer's Office regarding its onsite drainage/water quality pond to ensure that the structure meets the requirements of a 'storm water detention and infiltration facility' and that notice, construction and operation of the proposed structure meets statutory and administrative requirements.

cc: Karl Parsons, Project Manager, Planner II