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May 22, 2019

El Paso County Planning and Community Development Department
Attn: Nina Ruiz, Project Manager
2880 International Circle
Colorado Springs, CO 80910

**SUBJECT: Walden Preserve 2 Filing No. 4
Response to NEPCO Comments
SF-18-034**

Dear Nina:

In conjunction with the Final Plat re-submittal, this letter provides responses to the letter from the Northern El Paso County Coalition of Community Associations, Inc. (NEPCO) dated May 5, 2019. These comments are specifically addressed as follows **(Applicant responses are annotated in bold / blue / parenthesis following each comment):**

NEPCO's general comments related to Walden Preserve 2 Filing No.4 Final Plat

1. Walden Preserve 2 Filing No. 4 still is not in accordance with the Black Forest Preservation Plan (as NEPCO has reported for the previous 2 applications). NEPCO finds it interesting that the Black Forest Land Use Committee has raised no objections or issues with any of the Walden Preserve 2 applications. **(The Walden Preserve 2 Filing No. 4 Final Plat is in conformance with the Walden Preserve 2 PUD previously approved by El Paso County. The previous PUD approval establishes the overall subdivision layout and total number of residential units in the Walden Preserve 2 PUD, and the previous BOCC approval of the PUD is understood to establish conformance with the master plan. Opinions regarding master plan conformance are not re-evaluated at the final plat stage.)**
2. In accordance with the LDC, 7.2.1. (D)(3), for a final plat, the BoCC must find that the 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. NEPCO agrees that the off-site impacts generated by the development of Filing No. 4 are primarily related to traffic impacts (along with water impacts) including off-site roadway

and intersection capacities and improvements required to mitigate any identified capacity deficiencies (see LSC's Traffic Memorandum).

- a. In this vein, can the BoCC really find that off-site impacts were appropriately "evaluated" if they are relying on almost 5-year old traffic counts and data? The ECM, B.1.3, notes that if the original TIS is older than 3 years, an entirely new TIS shall be prepared. NEPCO agrees wholeheartedly with the EPC comments (see LSC Response to Comments document) that state "either comply with this section or submit a deviation request. If the deviation request is approved then a condition of approval will likely be placed to note that an entirely new TIS shall be prepared (w/ new traffic counts) with the subsequent final plat application." In addition, EPC should require that the new TIS make an assessment as to whether Filings 1-3 actual traffic results are comparable with the 2014 TIS report. **(LSC has addressed the County review comments pertaining to the traffic study. LSC has also prepared a "CDOT Access Permit Technical Memorandum" to further address traffic planning issues.)**
- b. As mentioned above, other off-site impacts include water consumption. According to the Water Resources Report, Walden Corporation obtains its water supply from Denver Basin aquifers.
 - i. As the State Engineer keeps reminding us, the amounts of water in the Denver Basin aquifers, and identified for this application, are calculated based on estimated current aquifer conditions (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). For planning purposes, the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 100 years (or 300 years) used for allocation due to anticipated water level declines. Since the State recommends 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, EPC should actually do this – and do it soon! **(The State Engineer's Office has provided an updated Finding of Water Sufficiency letter dated April 2, 2019, re-affirming the previous findings of water sufficiency for the Walden Preserve 2 PUD.)**
 - ii. As to other off-site impacts, the Letter of Intent noted that "Additional off-site improvements related to Filing No. 4's water distribution and wastewater collection systems will be required (see JPS Engineering's Utility Plans and Construction Documents)." NEPCO cannot locate JPS Engineering's Utility Plans and Construction documents in order to comment on

these off-site effects. **(Subdivision Construction Drawings are posted on EDARP, including Utility Plans which show the water and sewer main connections to the existing Walden central water and wastewater system. The off-site sanitary sewer main serving the Filing No. 4 area has been completed.)**

3. The Final Plat Drawings, Note 23, states that some driveways off of Pinehurst Circle will need to be specifically approved by the Tri-Lakes Monument Fire Protection district (due to their length). Shouldn't this be in the Covenants and Restrictions? Since we only have an amendment of the C&Rs in the documents for this application, NEPCO cannot tell whether it is. **(The plat note provides a reference to specific County Land Development Code provisions for extended driveway lengths.)**
4. Bottom Line: It is unclear whether this Walden Preserve 2 Filing (or others associated with it), meet the criteria in the LDC for a final plat, due to failure to conform to the Master Plan and due to inability to evaluate off-site impacts. The BoCC will be held accountable by the community for letting development such as this exceed reasonable infrastructure, natural resource, and fiscal (tax) limitations. **(The proposed WP2 Filing No. 4 final plat is in conformance with the Walden Preserve 2 PUD which was previously approved by the BoCC. All County review comments will be satisfied as required to demonstrate conformance with LDC criteria for final plat prior to approval of this item.)**

Please call if you have any questions or need any additional information.

Sincerely,
JPS Engineering, Inc.

John P. Schwab, P.E.

cc: Matt Dunston, Walden Holdings I, LLC
Dave Jones, Land Resource Associates