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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Board of County Commissioners
Mark Waller, Chair

FROM: Nina Ruiz, Planner III
Gilbert LaForce, PE Engineer II
Craig Dossey, Executive Director

RE: Project File #: SF-18-034
Project Name: Walden Preserve 2 Filing No. 4
Parcel No.: 61230-01-023

OWNER:	REPRESENTATIVE:
Walden Holdings I, LLC 1230 Scarsbrook Court Monument, CO 80132	Custom Castles Building Company, Inc. 17145 Colonial Park Drive Monument, CO 80132

Commissioner District: 1

Planning Commission Hearing Date:	1/7/2020
Board of County Commissioners Hearing Date	1/28/2020

EXECUTIVE SUMMARY

A request by Walden Holdings I, LLC, for approval of a final plat for the Walden Preserve 2 Filing No. 4 subdivision. The proposed final plat includes 45.27 acres of the 134.05 acre parent parcel, which is zoned PUD (Planned Unit Development), pursuant to the Walden Preserve 2 PUD Development Plan (PUD-18-007), and is located east of Highway 83, south of Walker Road, north of Hodgen Road, along the north side of the Pond View Place and Walden Way/Timber Meadow Drive intersection and is within Sections 14, 15, 22, and 23, Township 15 South, Range 66 West of the 6th P.M. The final plat includes the following: 23 single-family residential lots with a minimum lot size of one acre per lot; two tracts totaling 18.16 acres for utilities, drainage, open space,



and recreation; and three (3) acres of right-of-way. The property is included within the Black Forest Preservation Plan (1987) area.

A Park Lands Agreement, which memorialized an agreement between the County and the property owner to satisfy the park dedication and fee requirements of the County's Land Development Code, was approved by the Board of County Commissioners on March 20, 2014. The Agreement stipulated that the developer may satisfy regional park dedication and fee requirements for all 116 lots within the Walden Preserve 2 development at the time of recording the first final plat by constructing a regional trail as shown on the Regional Trail Exhibit attached to the Agreement, and by dedicating a public trail easement.

The public trail was required to be constructed in accordance with standards for a regional trail as specified in the El Paso County Parks Master Plan (2013). The Agreement also allowed the developer to satisfy urban park dedication and fee requirements by installing urban park amenities within the development. Under the Agreement, the developer would install urban park amenities that would have a value equal to or greater than the total amount of urban park fees that would otherwise be required (\$19,140 based on 2013 Urban Park fees).

The trail has been constructed but was not constructed to the regional trail standards as specified in the agreement. The revised agreement which will require the payment of fees in lieu of park land dedication for Regional Park Fees for all future filings within the Walden Preserve 2 PUD area is scheduled to be heard before the Board of County Commissioners on January 28, 2020.

Construction Drawings were approved on July 30, 2019, to allow for grading to occur from the Monument Academy site located at Highway 83 and Walker Road through the subject parcel in association with an extension of a watermain to serve the new school. On January 14, 2020, Planning and Community Development staff and Public Works Stormwater Inspections staff completed an inspection of the Walden Preserve 2 Filing 4 area as well as the watermain extension from the Monument Academy site along what will be known as "Pinehurst Circle".

During the inspection, County staff observed an overall lack of Best Management Practices (BMPs) as well as grading work that significantly exceeded the area approved for disturbance pursuant to the approved construction drawings. Staff estimated roughly 15 acres of disturbance on the subject parcel, whereas the approved area of disturbance totaled approximately 4 acres. As a result, El Paso County Department of Public Works Stormwater Division issued a Stop Work Order on January 14, 2020.

In order to resolve the issue of non-compliance, the applicant will need to submit and receive approval of revised construction drawings demonstrating that the plan for grading and earthwork meets all El Paso County standards as well as completing the installation of all necessary BMPs.

Due to the outstanding violation of the County's stormwater standards, PCD staff feels that it is appropriate to seek direction from the Board of County Commissioners regarding the stormwater violation, particularly with regard to whether this final plat application should proceed to hearing and/or approval prior to resolution of the existing stormwater and construction permit violations.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Walden Holdings I, LLC, for approval of a final plat to create twenty-three (23) single-family residential lots; two tracts totaling 18.16 acres for utilities, drainage, open space, and recreation; and three (3) acres of right-of-way.

Waiver(s)/Deviation(s): The following deviation from the standards of the El Paso County Engineering Criteria Manual (ECM) have been administratively approved by the County Engineer:

1. Appendix B Section B.1.3, Revisions and Updates, states if the original traffic impact study (TIS) is older than three years, an entirely new TIS shall be prepared. The applicant has submitted a deviation requesting that a full TIS be postponed to the next subdivision filing (Filing No. 5). The Preliminary Plan was approved with a condition limiting the subdivision to 66 lots prior to the requirement for the Pinehurst Circle connection to the north. The total platted lots for Filing Nos. 1 through 4 are 66 lots. The request has been approved since no significant changes to the internal roadway system is anticipated with Filing No. 4 and the future connection is required with Filing No. 5.

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: As a Regular item at the January 7, 2020 hearing.

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 7 to 0

Vote Rationale: N/A

Summary of Hearing: Planning Commission draft minutes are attached.

Legal Notice: N/A

C. APPROVAL CRITERIA

In approving a final plat, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2019):

- 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: RR-0.5 (Residential Rural)	Residential
South: RR-5 (Residential Rural)	Residential
East: PUD (Planned Unit Development)	Residential
West: PUD (Planned Unit Development)	Vacant (Walden)

E. BACKGROUND

On December 16, 2004, the Board of County Commissioners approved the Walden Preserve PUD development plan (PUD-04-015), which rezoned the subject property from RR-3 (Residential Rural) (which is now known as RR-5 Residential Rural) to PUD (Planned Unit Development). The Walden Preserve PUD, as applied to the subject property, called for the phased development of 66 single-family residential lots on 208.8 acres at an overall density of one dwelling unit per 3.16 acres and a minimum lot size of 2.5 acres. On March 20, 2014, the Board of County Commissioners approved a rezoning request to rezone the property from PUD, pursuant to the Walden Preserve PUD development plan having a minimum lot size of 2.5 acres, to PUD, pursuant to the Walden Preserve 2 PUD development plan having a minimum lot size of 1.0 acre.

An administrative amendment to the preliminary plan and Planned Unit Development was approved on December 17, 2019. The amendment allowed for slight variations in the lot configuration but did not result in an increase in the overall density or in the creation of additional lots.

F. ANALYSIS

1. Land Development Code Compliance

The 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 (2019).

2. Zoning Compliance

This final plat is in compliance with the current Walden Preserve 2 PUD development plan, which provides zoning and land use requirements for the entire Walden Preserve 2 development.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a

framework to tie together the more detailed sub-area elements of the County master plan. Relevant policies are as follows:

Policy 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 6.1.6- Direct development toward areas where the necessary urban-level supporting facilities and services are available or will be development concurrently.

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

Policy 6.1.13- Encourage the use of carefully planned and implemented clustering concepts in order to promote efficient land use, conservation of open space and reduction of infrastructure costs.

A finding of consistency with the Policy Plan was made at the Planned Unit Development (PUD) zoning and rezoning stages. The proposed final plat is consistent with the applicable PUD zoning and represents a logical progression of development within the overall Walden Preserve 2 development.

4. Small Area Plan Analysis

The property is located within the Black Forest Preservation Plan (1987) area, specifically within Subarea 5, Spruce Hill/Highway 83 Corridor. As noted above, a finding of conformity was made by the Board of County Commissioners at earlier stages in the planning process. The proposed final plat is consistent with those previous approvals.

5. Water Master Plan Analysis

The EI 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.

The application was submitted prior to the adoption of the Water Master Plan, therefore, consistency with the Plan is not an applicable review criteria. For background purposes, the following analysis has been provided:

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.

Water sufficiency has been analyzed with the review of the proposed subdivision. Please see the Water section below for a summary of the water findings and recommendations for the proposed subdivision. The State Engineer and the County Attorney's Office have recommended that the proposed subdivision has an adequate water supply in terms of quantity and dependability.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential. El Paso County Environmental Services, Colorado Parks and Wildlife, and El Paso County Conservation District were sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies potential stream terrace 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.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards have been identified that would preclude development.

2. Wildlife

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

3. Floodplain

No lots are impacted by a designated floodplain as indicated by FEMA Flood Insurance Rate Map No. 08041C0285G, which has an effective date of December 7, 2018.

4. Drainage and Erosion

The subdivision lies within the West Cherry Creek drainage basin (CYCY0400). The basin is unstudied and has no associated drainage or bridge fees. Drainage generally flows to the northeast. Runoff is conveyed by ditches, culverts and channels into an existing retention pond and proposed water quality facility. The applicant's engineering consultant prepared a drainage report in support of the final plat application. The report concludes that development of the proposed final plat would have no significant adverse drainage impact on downstream or surrounding areas. The drainage improvements to be constructed are proposed to be privately owned and maintained and are not eligible for reimbursement.

Grading and erosion control plans associated with the development identified permanent and temporary best management practices (BMPs) to prevent sediment and debris from affecting adjoining properties and the public drainage system before, during, and after construction. The applicants will need to obtain appropriate County permits, including an Erosion and Stormwater Quality Control Permit (ESQCP), for any proposed grading activity, along with any State-required permits, prior to construction. Pre-site development grading is not being requested.

5. Transportation

The applicant is not proposing to construct any roads that are identified in the El Paso County Major Transportation Corridors Plan Update (2016). The subdivision is accessed from Walden Way via an extension of Pinehurst Circle. All streets are planned to be public roads and will be dedicated to El Paso County. The platting of this subdivision will result in the dedication of approximately 0.35 miles of developer-constructed rural local roadways for ongoing County ownership and maintenance.

The Walden Preserve 2 Filing No. 4 subdivision is subject to the El Paso County Road Impact Fee Program (Resolution 18-471), as amended.

H. SERVICES

1. Water

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State Engineer's office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office recommended a finding of sufficiency with regard to water quantity and dependability at the time of the preliminary plan approval. El Paso County Public Health previously made a favorable recommendation regarding water quality. The Board of County Commissioners made a finding for water sufficiency, including quality, quantity, and dependability at the time of the preliminary plan approval.

2. Sanitation

Wastewater treatment will be provided via a centralized system managed by the Walden District.

3. Emergency Services

The property is within the Tri-Lakes Monument Fire Protection District. The District was sent a referral on the final plat application and have no outstanding comments or concerns.

4. Utilities

Mountain View Electric Association and Black Hills Energy will provide electrical and natural gas services, respectively.

5. Metropolitan Districts

The property is within the Walden Metropolitan District #2.

6. Parks/Trails

Fees in lieu of park land dedication will be due at the time of recording the final plat.

A Park Lands Agreement, which memorialized the agreement between the County and the property owner for satisfying the park dedication and fee requirements of the County's Land Development Code, was approved by the Board of County Commissioners on March 20, 2014. The Agreement stipulated that the developer may satisfy its regional park dedication and fee requirements for the entire 116 lots at the time of recording the first final plat within the property by constructing the regional trail within the property as shown on the Regional Trail Exhibit attached to the Agreement, and by dedicating the public trail easement.

The public trail was to be constructed in accordance with standards for a regional trail as specified in the El Paso County Parks Master Plan (2013). The developer also could satisfy its urban park dedication and fee requirements by installing urban park amenities within the property pursuant to the terms of the Agreement. Under the Agreement, the developer would install urban park amenities that would have a value equal to or greater than the total amount of urban park fees that would be required (\$19,140 based on 2013 Urban Park fees).

The trail was not constructed to regional trail standards as required in the agreement. The developer will enter into a new agreement which will require the payment of fees in lieu of park land dedication for Regional Park Fees for all future filings within the Walden Preserve 2 PUD area. The revised agreement is scheduled to be heard by the Board of County Commissioners on January 28, 2020.

7. Schools

Fees in lieu of school land dedication in the amount of \$5,520.00 shall be paid to El Paso County for the benefit of Lewis Palmer School District No. 38 at the time of final plat recording

I. APPLICABLE RESOLUTIONS

See attached Resolution.

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2019), staff recommends the following conditions and notations:

CONDITIONS

1. 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 prior to recording the final plat.
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 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 El Paso County Planning and Community Development Department, 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. 18-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
10. Fees in lieu of school land dedication in the amount of \$5,520.00 shall be paid to El Paso County for the benefit of Lewis Palmer School District No. 38 at the time of final plat recording.
11. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
12. Fees in lieu of park land dedication shall be paid to El Paso County at the time of the final plat recording.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
2. Site grading or construction, other than installation of initial temporary control measures, may not commence until a preconstruction conference is held with Planning and Community Development Inspections staff and a construction permit is issued by the Planning and Community Development Department.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 56 adjoining property owners on December 19, 2019, for the Board of County Commissioners

hearing. Responses received to date are attached, and others may 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 Public Health Recommendation Letter

Adjacent Property Owner Responses

Planning Commission Draft Minutes

Planning Commission Resolution

Board of County Commissioners' Resolution

El Paso County Parcel Information

File Name:

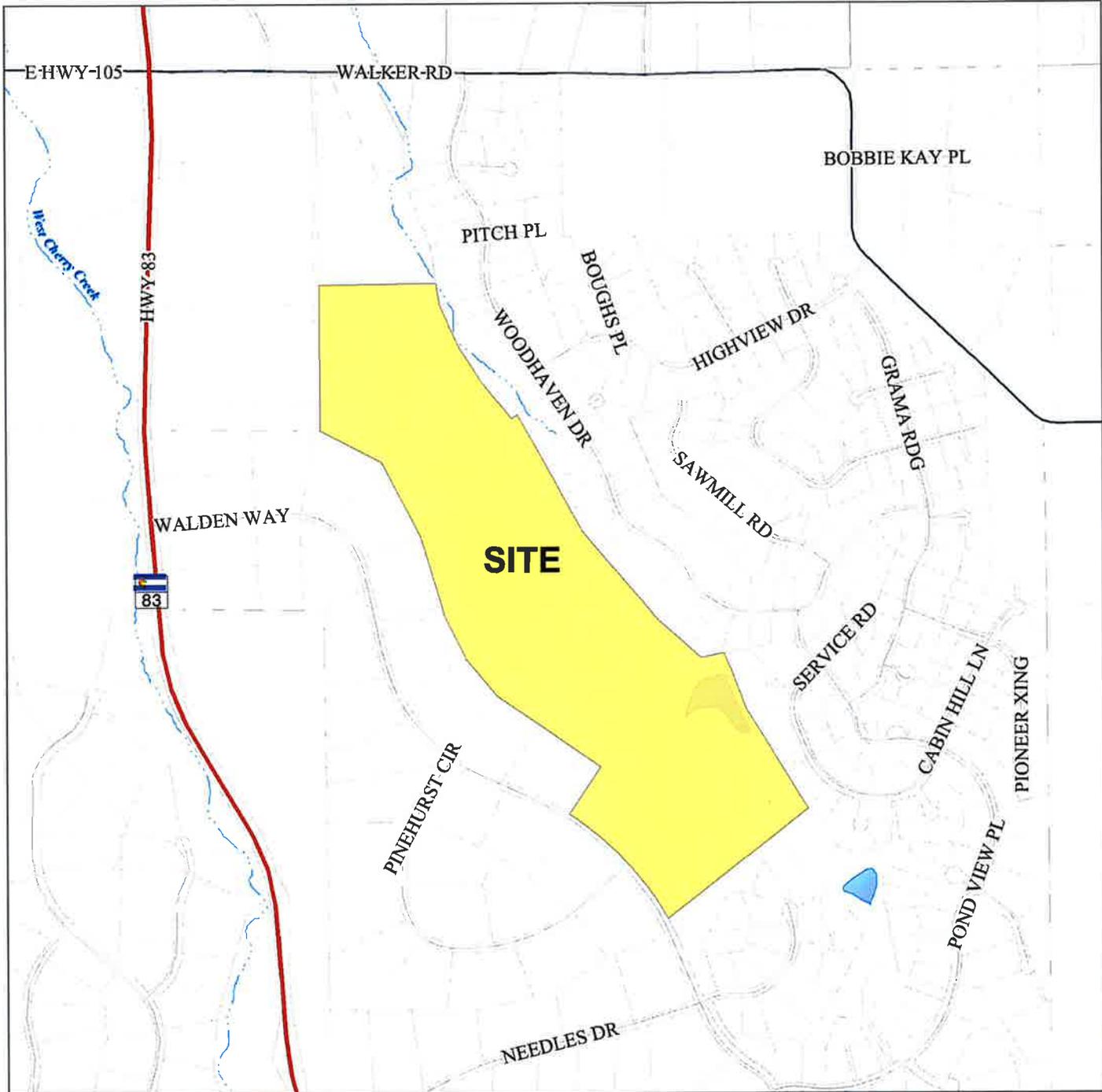
PARCEL	NAME
6123001023	WALDEN HOLDINGS I LLC

Zone Map No.

ADDRESS	CITY	STATE
1230 SCARBROOK CT	MONUMENT	CO

ZIP	ZIPLUS
80132	8487

Date:



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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LETTER OF INTENT

March 6, 2019
September 19, 2018

RE: WALDEN PRESERVE 2, FILING NO. 4, FINAL PLAT APPLICATION

PARCEL NUMBER: 61230 01 023

OWNER

Walden Holdings I, LLC a Colorado Limited Liability Company
Matthew W. Dunston, Managing Partner
17145 Colonial Park Dr.
Monument, CO 80132-8437

DEVELOPER

Custom Castles Building Company, Inc.
17145 Colonial Park Dr.
Monument, CO 80132-8487
719. 339.2410
mattdunston@hotmail.com

CONSULTANTS

Land Resource Associates, c/o David Jones
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719.684.2298
chipita1@comcast.net

JPS Engineers, John Schwab, Principal Engineer
19 East Willamette Ave.
Colorado Springs, CO 80903
719.477.9429
john@jpsengr.com

LSC Transportation Consultants, Inc., Jeff Hodsdon, Principal Engineer
545 East Pikes Peak Ave., Suite 210
Colorado Springs, CO 80903
719.633.2868
jeff@lsctrans.com

Rampart Surveys, Kevin Lloyd, RLS
1050 Tamarac Pkwy
Woodland Park, CO 80863
719.687.0920
kevin@rampartls.com

SITE INFORMATION

The Walden Preserve 2, Filing No. 4, Final Plat is located within portions Sections 14, 15, 22 and 23, T11S, R66W of the 6th PM. More specifically, the property is located north of Walden Preserve 2 Filing 2 and 3, and east of Walden Way. Vehicular access to the site is currently provided from the west via Walden Way, a 70' ROW asphalt County rural residential collector roadway. Future vehicular access from the north will be provided via a future extension of Pinehurst Circle to Walker Road, a 60' ROW asphalt County rural residential collector roadway. The 45.27 acre site is currently zoned PUD.

DEVELOPMENT REQUEST

The applicant is requesting a Final Plat approval for the Walden Preserve 2 subdivision, Filing 4 subdivision. The 45.27 acre parcel will facilitate the development of 23 single family residential lots at a minimum lot size of 1.0 acres each and the development of 18.16 acres of open space. The proposed average lot size is 1.06 acres and the proposed gross density is 1 lot per 1.97 acres.

JUSTIFICATION FOR REQUEST

This application is consistent with the goals and objectives of the Black Forest Preservation Plan, approved PUD zoning and pending administrative approval of the Walden Preserve 3 amended Preliminary Plan and PUD Development Plans.

EXISTING AND PROPOSED IMPROVEMENTS

Existing improvements within this parcel are related to existing recreational opportunities including fishing ponds, structured play areas and trails. The area contains some drainage facilities related to earlier Walden Preserve filings. Storm water facilities are estimated to be less than 10% of the subdivision's total open space areas and have been designed such that they play an integral part in the subdivision's recreational activities.

Proposed improvements within this parcel include; 23 single family residential lots, County owned and maintained asphalt roadways, expanded recreational facilities, expanded trail facilities, drainage channels, drainage detention ponds, electric service, natural gas service and telephone service.

Water service, including fire hydrants, will be provided by a central water system. Waste water collection and treatment will be provided by a central waste water system. Both systems currently exist and are owned and operated by the development company. Work is currently underway to develop a Metropolitan District which would take over ownership, maintenance and operation of the water and waste water facilities. Should the applicant be unsuccessful in obtaining the various required governmental approvals and permits necessary to implement the proposed Metropolitan District, the current central water and waste water facilities owner, the Walden Corporation, will own and maintain the central water and waste water facilities proposed within this application.

Except as otherwise noted, all open space parcels and facilities, including storm water facilities located within the open space parcels, will be owned and maintained by the proposed Metropolitan District. Should the applicant be unsuccessful in obtaining the various require governmental approvals and permits necessary to implement the proposed Metropolitan District, the Walden Corporation, will own and maintain all proposed open space parcels and open space facilities.

The property is located within the service areas of Mountain View Electric Association, Blackhills Energy Corporation, Qwest Telephone, Tri-lakes Monument Fire Protection District and the Lewis-Palmer School District.

CRITERIA FOR APPROVAL

In approving a final plat, the BoCC/PCD Staff shall find that:

- *The proposed subdivision is in general conformance with the goals, objectives and policies of the Master Plan;* The amended Walden Preserve 2 Preliminary Plan and PUD Development Plans have been found by the BoCC/ PCD Staff to be generally consistent with the goals, objectives and policies of the Black Forest Preservation Plan. As the Filing 4 Final Plat is consistent with the approved amended Preliminary Plan and PUD Development Plans, Filing 4 can be found to be in general conformance with the Master Plan.
- *The subdivision is in substantial conformance with the approved Preliminary Plan;* The Filing No. 4 Final Plat accurately reflects the previously approved amended Preliminary Plan and amended PUD Development Plans.
- *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;* Compliance with subdivision design standards, regulations and requirements is documented and ensured through the various State and County departmental and agency review responses.
- *A sufficient water supply has been acquired in terms of quantity, quality and dependability complying with all State and County water supply standards;* Water treatment, storage and distribution will be provided via a central water system currently operated by the Walden Corporation. See JPS Engineering's Water Resource Report, County Attorney's letter regarding the proposed water supply and the State Engineer's letter regarding the proposed water supply.
- *A public sewage disposal system has been established complying with all State and County sewage disposal system standards;* Waste water collection and treatment will be provided via a central waste water collection and treatment system operated by the Walden Corporation. See JPS Engineering's Waste Water Treatment Report.
- *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.* All areas containing soil hazards or requiring special precautions, including areas in excess of 30% slope, are located within the subdivision's open space areas outside of the proposed lots or roadways. See Entech Engineering's Soils, Geology and Geologic Hazards Report on file.
- *Adequate drainage improvements complying with State law and the requirements of this Code and the ECM are provided by the design;* See JPS Engineering's Master Development Drainage Report.
- *Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easements, acceptable to the County in compliance with this Code and the ECM;* All proposed lots have direct physical and legal vehicular access onto proposed dedicated public right-of-ways. See LRA's Amended Preliminary Plan and Amended PUD Development Plans.
- *Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;* Police protection for the Walden Preserve 2, Filing No. 4 subdivision will be provided by the El Paso County Sheriff's Office. The subdivision is located within and will be serviced by the Tri-lakes Monument Fire Protection District (see service commitment letter). Central water and waste water service will be provided by the Walden Corporation's existing central system. Electric service will be provided by Mountain View Electric Association and natural gas service will be provided by Black Hills Energy Corporation (see utility service commitment letters). Recreational opportunities will be provided via the subdivision's open space / trail network and will be greatly enhanced by the future YMCA facility planned at the northwest corner of the Walden community.

The public vehicular circulation network has been designed to provide safe and convenient vehicular circulation to and throughout the subdivision (see LSC's Traffic Impact Memorandum).

- *The subdivision provides evidence to show that the proposed methods of fire protection comply with Chapter 6 of the Land Development Code;* Because the Walden community's central water system includes fire hydrants and large quantities of stored fire suppression water, the developers of the Walden community work closely with the Tri-lakes Monument Fire Protection District to provide fire suppression infrastructure for the Walden community and surrounding subdivisions. The Walden Property Owners Association participates in the District's Firewise Communities Program and has integrated wildfire hazards mitigation measures into their communities Covenants and Restrictions. In addition, the developer has provided a fire break system via the subdivision's roadway and trail construction (see Fire Protection Report, District Service Commitment Letter and District application review response).
- *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;* Off-site impacts generated by the development of Filing No. 4 are primarily related to traffic impacts including off-site roadway and intersection capacities and improvements required to mitigate any identified capacity deficiencies (see LSC's Traffic Memorandum). Additional off-site improvements related to Filing No. 4's water distribution and waste water collection systems will be required (see JPS Engineering's Utility Plans and Construction Documents).
- *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;* Construction of all required Filing No. 4 public improvements will be the responsibility of the developer in accordance with County approved (1) construction documents and specifications, (2) estimate of guaranteed funds and (3) subdivision improvements agreement and guaranteed by a County approved letter of credit.
- *The proposed subdivision meets other applicable sections of Chapter 6 and 8 of the Land Development Code;* Chapter 6 of the LDC deals with general development standards while Chapter 8 deals with subdivision design, improvements and dedication standards. Compliance with these standards is documented and ensured through the various State and County departmental and agency review responses.
- *The extraction of any know commercial mining deposit shall not be impeded by this subdivision;* As documented within the Entech Engineering Soils, Geology and Geologic Hazards Report (on file), there are no know commercially viable mineral deposits within the subdivision.

SUPPLEMENTAL INFORMATION

The developer proposes to pay fees in lieu of land dedication for school dedication requirements.

The developer will be responsible for constructing all required subdivision improvements at his sole expense. Installation of the required improvements will be guaranteed by a completion bond, letter of credit or joint certificate of deposit acceptable to the El Paso County Board of County Commissioners.

There are no slopes exceeding 30% within the proposed lot areas or road ROW. A few areas of slopes exceeding 30% exist within the open space and storm water facilities areas and are limited to existing pond embankments and drainage swale side slopes. No construction is proposed within these areas.

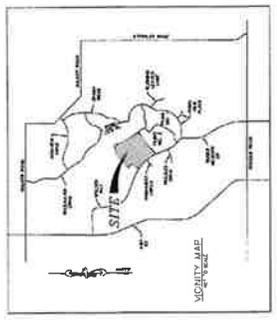
All lots within this subdivision are subject to transportation impact fees in accordance with the El Paso County Road Impact Fee Program (Resolution No. 12-382), as amended, at the time of building permit

application. The Road Impact Fees will be paid on a per lot basis by each individual residential building contractor at the time of building permit application.

No waivers to the El Paso County Land Development Code or deviations to the El Paso County Engineering Criteria Manual are proposed within this application.

WALDEN PRESERVE 2, FILING NO. 4 LOCATED IN THE SW1/4 OF SEC. 14, THE SE1/4 OF SEC. 15, THE NE1/4 OF SEC. 22 & THE NW1/4 OF SEC. 23, ALL IN T. 11 S., R. 66 W. OF THE 6th P.M., EL PASO COUNTY, COLORADO

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, the Board of County Commissioners of El Paso County, Colorado, do hereby certify that the following is a true and correct copy of the original of the same as the same appears in the records of El Paso County, Colorado.



BOARD OF COUNTY COMMISSIONERS CERTIFICATE
I, the undersigned, Board of County Commissioners of El Paso County, Colorado, do hereby certify that the following is a true and correct copy of the original of the same as the same appears in the records of El Paso County, Colorado.

POD DIRECTOR CERTIFICATE
I, the undersigned, Pod Director of El Paso County, Colorado, do hereby certify that the following is a true and correct copy of the original of the same as the same appears in the records of El Paso County, Colorado.

SURVEYOR'S CERTIFICATE
I, the undersigned, Surveyor of El Paso County, Colorado, do hereby certify that the following is a true and correct copy of the original of the same as the same appears in the records of El Paso County, Colorado.

FLOOD PLAIN CERTIFICATION
I, the undersigned, Flood Plain Administrator of El Paso County, Colorado, do hereby certify that the following is a true and correct copy of the original of the same as the same appears in the records of El Paso County, Colorado.

EASEMENTS
I, the undersigned, Board of County Commissioners of El Paso County, Colorado, do hereby certify that the following is a true and correct copy of the original of the same as the same appears in the records of El Paso County, Colorado.

FEES:

Survey Fee	24.11	ADDS
Block Fee	15.19	ADDS
Roll-Up Fee	3.00	ADDS
Stamp Fee	6.83	
Plate Fee		
TOTAL	49.23	ADDS

RECORDING:
I, the undersigned, Board of County Commissioners of El Paso County, Colorado, do hereby certify that the following is a true and correct copy of the original of the same as the same appears in the records of El Paso County, Colorado.

TO WIT:
I, the undersigned, Board of County Commissioners of El Paso County, Colorado, do hereby certify that the following is a true and correct copy of the original of the same as the same appears in the records of El Paso County, Colorado.

DEDICATION:
I, the undersigned, Board of County Commissioners of El Paso County, Colorado, do hereby certify that the following is a true and correct copy of the original of the same as the same appears in the records of El Paso County, Colorado.

NOTARY PUBLIC:
I, the undersigned, Notary Public of El Paso County, Colorado, do hereby certify that the following is a true and correct copy of the original of the same as the same appears in the records of El Paso County, Colorado.

STATE OF COLORADO:
I, the undersigned, State of Colorado, do hereby certify that the following is a true and correct copy of the original of the same as the same appears in the records of El Paso County, Colorado.

COUNTY OF EL PASO:
I, the undersigned, County of El Paso, do hereby certify that the following is a true and correct copy of the original of the same as the same appears in the records of El Paso County, Colorado.

CITY OF EL PASO:
I, the undersigned, City of El Paso, do hereby certify that the following is a true and correct copy of the original of the same as the same appears in the records of El Paso County, Colorado.

WALDEN PRESERVE 2, FILING NO. 4:
I, the undersigned, Walden Preserve 2, Filing No. 4, do hereby certify that the following is a true and correct copy of the original of the same as the same appears in the records of El Paso County, Colorado.

NOTES:
1. The property is subject to the following conditions, covenants, restrictions, easements and obligations contained in the El Paso County Plat No. 2000-001, recorded in the records of El Paso County, Colorado, on January 15, 2001 at Rec. No. 2000-001.

2. The property is subject to the following conditions, covenants, restrictions, easements and obligations contained in the El Paso County Plat No. 2000-002, recorded in the records of El Paso County, Colorado, on January 15, 2001 at Rec. No. 2000-002.

3. The property is subject to the following conditions, covenants, restrictions, easements and obligations contained in the El Paso County Plat No. 2000-003, recorded in the records of El Paso County, Colorado, on January 15, 2001 at Rec. No. 2000-003.

4. The property is subject to the following conditions, covenants, restrictions, easements and obligations contained in the El Paso County Plat No. 2000-004, recorded in the records of El Paso County, Colorado, on January 15, 2001 at Rec. No. 2000-004.

5. The property is subject to the following conditions, covenants, restrictions, easements and obligations contained in the El Paso County Plat No. 2000-005, recorded in the records of El Paso County, Colorado, on January 15, 2001 at Rec. No. 2000-005.

6. The property is subject to the following conditions, covenants, restrictions, easements and obligations contained in the El Paso County Plat No. 2000-006, recorded in the records of El Paso County, Colorado, on January 15, 2001 at Rec. No. 2000-006.

7. The property is subject to the following conditions, covenants, restrictions, easements and obligations contained in the El Paso County Plat No. 2000-007, recorded in the records of El Paso County, Colorado, on January 15, 2001 at Rec. No. 2000-007.

NOTES (CONT'D):
8. The property is subject to the following conditions, covenants, restrictions, easements and obligations contained in the El Paso County Plat No. 2000-008, recorded in the records of El Paso County, Colorado, on January 15, 2001 at Rec. No. 2000-008.

9. The property is subject to the following conditions, covenants, restrictions, easements and obligations contained in the El Paso County Plat No. 2000-009, recorded in the records of El Paso County, Colorado, on January 15, 2001 at Rec. No. 2000-009.

10. The property is subject to the following conditions, covenants, restrictions, easements and obligations contained in the El Paso County Plat No. 2000-010, recorded in the records of El Paso County, Colorado, on January 15, 2001 at Rec. No. 2000-010.

11. The property is subject to the following conditions, covenants, restrictions, easements and obligations contained in the El Paso County Plat No. 2000-011, recorded in the records of El Paso County, Colorado, on January 15, 2001 at Rec. No. 2000-011.

12. The property is subject to the following conditions, covenants, restrictions, easements and obligations contained in the El Paso County Plat No. 2000-012, recorded in the records of El Paso County, Colorado, on January 15, 2001 at Rec. No. 2000-012.

13. The property is subject to the following conditions, covenants, restrictions, easements and obligations contained in the El Paso County Plat No. 2000-013, recorded in the records of El Paso County, Colorado, on January 15, 2001 at Rec. No. 2000-013.

14. The property is subject to the following conditions, covenants, restrictions, easements and obligations contained in the El Paso County Plat No. 2000-014, recorded in the records of El Paso County, Colorado, on January 15, 2001 at Rec. No. 2000-014.

RAMPART SURVEYS, LLC
P.O. Box 590
Boulder Park, CO 80506
(303) 440-0020

DRAWING: 17084999.DWG

PAGE: 1 OF 2

**WALDEN PRESERVE 2, FILING NO. 4
 LOCATED IN THE SW1/4 OF SEC. 14, THE SE1/4 OF SEC. 15, THE NE1/4 OF SEC. 22 & THE
 NW1/4 OF SEC. 23, ALL IN T. 11 S., R. 66 W. OF THE 6th P.M., EL PASO COUNTY, COLORADO**

CURVE TABLE

CURVE #	ARC LENGTH	CHORD BEARING	CHORD BEARING	CHORD LENGTH
C1	22.86'	18.00°	278.5315°E	20.00'
C2	23.85'	15.00°	285.5315°E	20.00'
C3	25.84'	12.00°	292.5315°E	20.00'
C4	27.83'	9.00°	299.5315°E	20.00'
C5	29.82'	6.00°	306.5315°E	20.00'
C6	31.81'	3.00°	313.5315°E	20.00'
C7	33.80'	0.00°	320.5315°E	20.00'
C8	35.79'	330.00°	327.5315°E	20.00'
C9	37.78'	300.00°	334.5315°E	20.00'
C10	39.77'	270.00°	341.5315°E	20.00'
C11	41.76'	240.00°	348.5315°E	20.00'
C12	43.75'	210.00°	355.5315°E	20.00'
C13	45.74'	180.00°	362.5315°E	20.00'
C14	47.73'	150.00°	369.5315°E	20.00'
C15	49.72'	120.00°	376.5315°E	20.00'
C16	51.71'	90.00°	383.5315°E	20.00'
C17	53.70'	60.00°	390.5315°E	20.00'
C18	55.69'	30.00°	397.5315°E	20.00'
C19	57.68'	0.00°	404.5315°E	20.00'
C20	59.67'	330.00°	411.5315°E	20.00'
C21	61.66'	300.00°	418.5315°E	20.00'
C22	63.65'	270.00°	425.5315°E	20.00'
C23	65.64'	240.00°	432.5315°E	20.00'
C24	67.63'	210.00°	439.5315°E	20.00'
C25	69.62'	180.00°	446.5315°E	20.00'
C26	71.61'	150.00°	453.5315°E	20.00'
C27	73.60'	120.00°	460.5315°E	20.00'
C28	75.59'	90.00°	467.5315°E	20.00'
C29	77.58'	60.00°	474.5315°E	20.00'
C30	79.57'	30.00°	481.5315°E	20.00'
C31	81.56'	0.00°	488.5315°E	20.00'
C32	83.55'	330.00°	495.5315°E	20.00'
C33	85.54'	300.00°	502.5315°E	20.00'
C34	87.53'	270.00°	509.5315°E	20.00'
C35	89.52'	240.00°	516.5315°E	20.00'
C36	91.51'	210.00°	523.5315°E	20.00'
C37	93.50'	180.00°	530.5315°E	20.00'
C38	95.49'	150.00°	537.5315°E	20.00'
C39	97.48'	120.00°	544.5315°E	20.00'
C40	99.47'	90.00°	551.5315°E	20.00'
C41	101.46'	60.00°	558.5315°E	20.00'
C42	103.45'	30.00°	565.5315°E	20.00'
C43	105.44'	0.00°	572.5315°E	20.00'
C44	107.43'	330.00°	579.5315°E	20.00'
C45	109.42'	300.00°	586.5315°E	20.00'
C46	111.41'	270.00°	593.5315°E	20.00'
C47	113.40'	240.00°	600.5315°E	20.00'
C48	115.39'	210.00°	607.5315°E	20.00'
C49	117.38'	180.00°	614.5315°E	20.00'
C50	119.37'	150.00°	621.5315°E	20.00'
C51	121.36'	120.00°	628.5315°E	20.00'
C52	123.35'	90.00°	635.5315°E	20.00'
C53	125.34'	60.00°	642.5315°E	20.00'
C54	127.33'	30.00°	649.5315°E	20.00'
C55	129.32'	0.00°	656.5315°E	20.00'
C56	131.31'	330.00°	663.5315°E	20.00'
C57	133.30'	300.00°	670.5315°E	20.00'
C58	135.29'	270.00°	677.5315°E	20.00'
C59	137.28'	240.00°	684.5315°E	20.00'
C60	139.27'	210.00°	691.5315°E	20.00'
C61	141.26'	180.00°	698.5315°E	20.00'
C62	143.25'	150.00°	705.5315°E	20.00'
C63	145.24'	120.00°	712.5315°E	20.00'
C64	147.23'	90.00°	719.5315°E	20.00'
C65	149.22'	60.00°	726.5315°E	20.00'
C66	151.21'	30.00°	733.5315°E	20.00'
C67	153.20'	0.00°	740.5315°E	20.00'
C68	155.19'	330.00°	747.5315°E	20.00'
C69	157.18'	300.00°	754.5315°E	20.00'
C70	159.17'	270.00°	761.5315°E	20.00'
C71	161.16'	240.00°	768.5315°E	20.00'
C72	163.15'	210.00°	775.5315°E	20.00'
C73	165.14'	180.00°	782.5315°E	20.00'
C74	167.13'	150.00°	789.5315°E	20.00'
C75	169.12'	120.00°	796.5315°E	20.00'
C76	171.11'	90.00°	803.5315°E	20.00'
C77	173.10'	60.00°	810.5315°E	20.00'
C78	175.09'	30.00°	817.5315°E	20.00'
C79	177.08'	0.00°	824.5315°E	20.00'
C80	179.07'	330.00°	831.5315°E	20.00'
C81	181.06'	300.00°	838.5315°E	20.00'
C82	183.05'	270.00°	845.5315°E	20.00'
C83	185.04'	240.00°	852.5315°E	20.00'
C84	187.03'	210.00°	859.5315°E	20.00'
C85	189.02'	180.00°	866.5315°E	20.00'
C86	191.01'	150.00°	873.5315°E	20.00'
C87	193.00'	120.00°	880.5315°E	20.00'
C88	194.99'	90.00°	887.5315°E	20.00'
C89	196.98'	60.00°	894.5315°E	20.00'
C90	198.97'	30.00°	901.5315°E	20.00'
C91	200.96'	0.00°	908.5315°E	20.00'
C92	202.95'	330.00°	915.5315°E	20.00'
C93	204.94'	300.00°	922.5315°E	20.00'
C94	206.93'	270.00°	929.5315°E	20.00'
C95	208.92'	240.00°	936.5315°E	20.00'
C96	210.91'	210.00°	943.5315°E	20.00'
C97	212.90'	180.00°	950.5315°E	20.00'
C98	214.89'	150.00°	957.5315°E	20.00'
C99	216.88'	120.00°	964.5315°E	20.00'
C100	218.87'	90.00°	971.5315°E	20.00'
C101	220.86'	60.00°	978.5315°E	20.00'
C102	222.85'	30.00°	985.5315°E	20.00'
C103	224.84'	0.00°	992.5315°E	20.00'
C104	226.83'	330.00°	999.5315°E	20.00'
C105	228.82'	300.00°	1006.5315°E	20.00'
C106	230.81'	270.00°	1013.5315°E	20.00'
C107	232.80'	240.00°	1020.5315°E	20.00'
C108	234.79'	210.00°	1027.5315°E	20.00'
C109	236.78'	180.00°	1034.5315°E	20.00'
C110	238.77'	150.00°	1041.5315°E	20.00'
C111	240.76'	120.00°	1048.5315°E	20.00'
C112	242.75'	90.00°	1055.5315°E	20.00'
C113	244.74'	60.00°	1062.5315°E	20.00'
C114	246.73'	30.00°	1069.5315°E	20.00'
C115	248.72'	0.00°	1076.5315°E	20.00'
C116	250.71'	330.00°	1083.5315°E	20.00'
C117	252.70'	300.00°	1090.5315°E	20.00'
C118	254.69'	270.00°	1097.5315°E	20.00'
C119	256.68'	240.00°	1104.5315°E	20.00'
C120	258.67'	210.00°	1111.5315°E	20.00'
C121	260.66'	180.00°	1118.5315°E	20.00'
C122	262.65'	150.00°	1125.5315°E	20.00'
C123	264.64'	120.00°	1132.5315°E	20.00'
C124	266.63'	90.00°	1139.5315°E	20.00'
C125	268.62'	60.00°	1146.5315°E	20.00'
C126	270.61'	30.00°	1153.5315°E	20.00'
C127	272.60'	0.00°	1160.5315°E	20.00'
C128	274.59'	330.00°	1167.5315°E	20.00'
C129	276.58'	300.00°	1174.5315°E	20.00'
C130	278.57'	270.00°	1181.5315°E	20.00'
C131	280.56'	240.00°	1188.5315°E	20.00'
C132	282.55'	210.00°	1195.5315°E	20.00'
C133	284.54'	180.00°	1202.5315°E	20.00'
C134	286.53'	150.00°	1209.5315°E	20.00'
C135	288.52'	120.00°	1216.5315°E	20.00'
C136	290.51'	90.00°	1223.5315°E	20.00'
C137	292.50'	60.00°	1230.5315°E	20.00'
C138	294.49'	30.00°	1237.5315°E	20.00'
C139	296.48'	0.00°	1244.5315°E	20.00'
C140	298.47'	330.00°	1251.5315°E	20.00'
C141	300.46'	300.00°	1258.5315°E	20.00'
C142	302.45'	270.00°	1265.5315°E	20.00'
C143	304.44'	240.00°	1272.5315°E	20.00'
C144	306.43'	210.00°	1279.5315°E	20.00'
C145	308.42'	180.00°	1286.5315°E	20.00'
C146	310.41'	150.00°	1293.5315°E	20.00'
C147	312.40'	120.00°	1300.5315°E	20.00'
C148	314.39'	90.00°	1307.5315°E	20.00'
C149	316.38'	60.00°	1314.5315°E	20.00'
C150	318.37'	30.00°	1321.5315°E	20.00'
C151	320.36'	0.00°	1328.5315°E	20.00'
C152	322.35'	330.00°	1335.5315°E	20.00'
C153	324.34'	300.00°	1342.5315°E	20.00'
C154	326.33'	270.00°	1349.5315°E	20.00'
C155	328.32'	240.00°	1356.5315°E	20.00'
C156	330.31'	210.00°	1363.5315°E	20.00'
C157	332.30'	180.00°	1370.5315°E	20.00'
C158	334.29'	150.00°	1377.5315°E	20.00'
C159	336.28'	120.00°	1384.5315°E	20.00'
C160	338.27'	90.00°	1391.5315°E	20.00'
C161	340.26'	60.00°	1398.5315°E	20.00'
C162	342.25'	30.00°	1405.5315°E	20.00'
C163	344.24'	0.00°	1412.5315°E	20.00'
C164	346.23'	330.00°	1419.5315°E	20.00'
C165	348.22'	300.00°	1426.5315°E	20.00'
C166	350.21'	270.00°	1433.5315°E	20.00'
C167	352.20'	240.00°	1440.5315°E	20.00'
C168	354.19'	210.00°	1447.5315°E	20.00'
C169	356.18'	180.00°	1454.5315°E	20.00'
C170	358.17'	150.00°	1461.5315°E	20.00'
C171	360.16'	120.00°	1468.5315°E	20.00'
C172	362.15'	90.00°	1475.5315°E	20.00'
C173	364.14'	60.00°	1482.5315°E	20.00'
C174	366.13'	30.00°	1489.5315°E	20.00'
C175	368.12'	0.00°	1496.5315°E	20.00'
C176	370.11'	330.00°	1503.5315°E	20.00'
C177	372.10'	300.00°	1510.5315°E	20.00'
C178	374.09'	270.00°	1517.5315°E	20.00'
C179	376.08'	240.00°	1524.5315°E	20.00'
C180	378.07'	210.00°	1531.5315°E	20.00'
C181	380.06'	180.00°	1538.5315°E	20.00'
C182	382.05'	150.00°	1545.5315°E	20.00'
C183	384.04'	120.00°	1552.5315°E	20.00'
C184	386.03'	90.00°	1559.5315°E	20.00'
C185	388.02'	60.00°	1566.5315°E	20.00'
C186	390.01'	30.00°	1573.5315°E	20.00'
C187	392.00'	0.00°	1580.5315°E	20.00'
C188	393.99'	330.00°	1587.5315°E	20.00'
C189	395.98'	300.00°	1594.5315°E	20.00'
C190	397.97'	270.00°	1601.5315°E	20.00'
C191	399.96'	240.00°	1608.5315°E	20.00'
C192	401.95'	210.00°	1615.5315°E	20.00'
C193	403.94'	180.00°	1622.5315°E	20.00'
C194	405.93'	150.00°	1629.5315°E	20.00'
C195	407.92'	120.00°	1636.5315°E	20.00'
C196	409.91'	90.00°	1643.5315°E	20.00'
C197	411.90'	60.00°	1650.5315°E	20.00'
C198	413.89'	30.00°	1657.5315°E	20.00'
C199	415.88'	0.00°	1664.5315°E	20.00'
C200	417.87'	330.00°	1671.5315°E	20.00'
C201	419.86'	300.00°	1678.5315°E	20.00'
C20				



April 2, 2019

Nina Ruiz
 El Paso County Development Services Department
 Transmission via email: NinaRuiz@elpasoco.com

Re: Walden Preserve 2 Filing 4- Final Plat
 File No. SF1834
 SW 1/4 SW 1/4 of Section 14, SE 1/4 SE 1/4 of Section 15, NE 1/4 NE 1/4 of Section 22, and NW 1/4 NW 1/4 of Section 23, all in T11S, R66W, 6th P.M.
 Water Division 1, Water District 8

Dear Ms. Ruiz:

We have reviewed your referral dated March 25, 2019 regarding the above-referenced request for approval of a subdivision final plat, to allow for the development of 23 single-family residential lots at a minimum lot size of 1.06 acres each and the development of 18.16 acres of open space, on an approximately 45.27 acre parcel. All lots within this filing will use central water and sanitation services. The State Engineer’s Office previously provided comments to the Walden Preserve 2, Filing 4 final plat, by our letter dated November 1, 2018.

Water Supply Demand

The estimated water requirements for the Walden Preserve 2 Filing 4 remain at 7.82 acre-feet annually. This amount breaks down to 6.21 acre-feet/year for in house use or 0.27 acre-feet/year/lot, and 1.61 acre-feet/year for irrigation use or 0.07 acre-feet/year/lot for irrigation of approximately 2,000 square feet of home gardens and lawns.

Source of Water Supply

The proposed water supplier is still listed as the Walden Corporation (“Corporation”), a private water company. A letter of commitment from the Corporation dated August 14, 2018 was previously provided and was again included in the referral material. The Corporation operates seven Denver Basin ground water wells. Six of the wells withdraw ground water from the Dawson aquifer and were decreed as nontributary in Division 1 Water Court case nos. W-7843-74 and W-6220. The seventh well, permit no. 32697-F, withdraws ground water from the nontributary portion of the Denver aquifer.

As indicated in our previous letter, the current withdrawal capacity of the seven wells as previously determined by the State Engineer’s Office (“SEO”) is approximately 406.5 acre-feet/year, consisting of approximately 166.5 acre-feet/year from the Dawson aquifer and 240 acre-feet/year from the Denver aquifer. We have previously noted that the Dawson Well No. 6 is currently capable of producing 26 gallons per minute or 41 acre-feet/year and indicated that the Corporation could obtain a permit and re-drill the Dawson Well No. 6 to show that the well can produce the decree amount of 148 gallons per minute or 238 acre-feet/year. In addition, the Denver aquifer well is currently capable of producing 105 acre-feet per year. The Corporation has the ability to seek permits to construct additional wells into the Denver aquifer to withdraw the full allowed annual amount permitted to be withdrawn of 240 acre-feet per year. The Corporation’s total annual amount of water that could be withdrawn would accordingly increase to 604 acre-feet.

In addition to the Dawson and Denver aquifer wells decreed in Cases W-7843-74 and W-6220, the Corporation obtained supplemental not nontributary Dawson aquifer water from the decree in consolidated Case Nos. 2002CW187 (Division 1) and 2002CW117 (Division 2). In the decree in consolidated Case Nos. 2002CW187



(Division 1) and 2002CW117 (Division 2), an augmentation plan was approved for the use of 93 individual wells in the not nontributary Dawson aquifer for the annual withdrawal of 0.47 acre-feet per well and 43.71 acre-feet total for 300 years (13,113 acre-feet total over 300 years). In Case No. 2015CW3007 the original augmentation plan was revised to reduce the number of Dawson aquifer wells which will operate pursuant to the plan from 93 to 22 lots. The balance of water previously allocated for individual on lot wells from the original augmentation plan was transferred to the Corporation for use in the central water system. An augmentation plan for the Dawson aquifer water decreed in consolidated Case Nos. 2002CW187 (Division 1) and 2002CW117 (Division 2) was approved on August 8, 2017 under consolidated Case Nos. 2016CW3103 (Division 1) and 2016CW3048 (Division 2). The augmentation plan allows for the withdrawal of up to 155 acre-feet/year for 100 years and was transferred to the Corporation. The referral material indicated that under the county's "300-year rule," the Dawson aquifer groundwater allocation provides for an additional water supply of 51.67 acre-feet/year for the Corporation's central water supply system. However, as previously noted the current augmentation plan allows for pumping for 100 years, not the 300 years, therefore the 155 acre-feet/year is adequate for 100 years of pumping. The augmentation plan allows for the ground water to be used for in-house, irrigation, commercial, fire protection, and stock watering purposes, including storage, through a central water supply system.

According to the information from our previous letter the Corporation has committed to serve 239 single-family equivalent ("SFE") units and an elementary school (6.2 SFE), which would require approximately 8,336 acre-feet of water, based on a 100-year water supply. An additional 20,094 acre-feet of water is committed to serving 197 single-family equivalents in the Walden Pines, Walden Preserve Filing 1 and the Walden Preserve 2 PUD, based on a 300-year water supply. Therefore, the Corporation has approximately 27,720 acre-feet (based on the actual amount determined by SEO) of Denver Basin ground water available for additional commitments.

The proposed source of water for this development is bedrock aquifers 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 37-90-137(4)(b)(I), C.R.S., "Permits issued pursuant to this subsection (4) shall allow withdrawals on the basis of an aquifer life of one hundred years." Based on this allocation approach, the allowed annual amount of water permitted to be withdrawn from the Denver aquifer is equal to one percent of the total amount, as determined by rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Therefore, the water may be withdrawn in this annual amount for a maximum of 100 years.

In the *El Paso County Land Development Code*, effective November, 1986, Chapter 5, Section 49.5, (D), (2) states:

"- Finding of Sufficient Quantity - The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of three hundred (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 combined average annual amount of withdrawal would be reduced to one third of that amount, which is greater than the annual demand for this development.

State Engineer's Office Opinion

Based upon the above we reiterate that pursuant to Section 30-28-136(1)(h)(I), 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 previous comments regarding any storm water detention structure proposed for this subdivision still apply.

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.

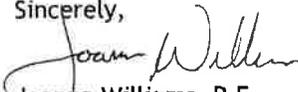
Our opinion that the water supply can be **provided without causing injury** is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory **allocation** approach, for the proposed uses is greater than the annual amount of water required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

Our opinion is qualified by the following:

The amounts of water in the Denver Basin aquifers, and identified in this letter, are calculated based on estimated current aquifer conditions. 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. 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.

Should you or the applicant have any questions, please contact Ioana Comaniciu at (303) 866-3581 x8246.

Sincerely,


Joanna Williams, P.E.
Water Resource Engineer

Ec: Subdivision File: 25273

JMW/idc: Walden Preserve 2 Filing 4 add SF1834 (El Paso)

EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

Diana K. May, County Attorney

Assistant County Attorneys

M. Cole Emmons
Lori L. Seago
Lisa A. Kirkman
Steven A. Klaffky
Peter A. Lichtman
Mary Ritchie

July 31, 2019

SF-18-34 Walden Preserve 2, Filing No. 4
Final Plat

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

FINDINGS AND CONCLUSIONS:

1. This is a proposal by Matthew Dunston, Custom Castles Building Company, Inc., and Walden Holdings 1, LLC (collectively "Applicant") to subdivide 45.27 acres of land into 23 single-family residential lots at a minimum of 1 acre per each lot, plus 18.16 acres of open space. The property is zoned Planned Unit Development (PUD).

2. The Applicant has provided for the source of water to derive from a private central water supplier known as the Walden Corporation ("Corporation"). The Corporation operates its central water supply system primarily pursuant to Water Court Decrees in Case Nos. W-7843-74 and W-6220 (Division 1). The Applicant estimates its annual water needs to serve household use of 6.21 acre feet annually and outside irrigation at 1.61 acre-feet annually for a total of 7.82 acre-feet per year (0.34 acre-feet per lot per year). Applicant must be able to provide a total water supply of 2,346 acre-feet (7.82 acre-feet x 300 years) to meet the County's 300 year water supply requirement.

3. In letters dated November 1, 2018, April 2, 2019, and June 7, 2019, the State Engineer's Office reviewed the demand and supply for this Final Plat of 45.27 acres subdivided into 23 lots, plus 18.16 acres of open space. The Engineer explained the several sources of the Corporation's water supply.

First, the Corporation operates a central water supply system, fed by 7 Denver Basin ground water wells; 6 wells are completed into the Dawson Aquifer as decreed in Case Nos. W-7843-74 and W-6220, and 1 well (Permit No. 32697-F) is completed into the Denver Aquifer. The Engineer stated that the withdrawal capacity of the 7 Denver Basin wells is 406.5 acre-feet/year. The water supply consists of 166.5 acre-feet/year

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



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

from the Dawson aquifer and 240 acre-feet/year from the Denver aquifer. The State Engineer noted that they previously stated that:

“Dawson Well No. 6 is currently capable of producing 26 gallons per minute or 41 acre-feet/year and indicated that the Corporation could obtain a permit and re-drill the Dawson Well No. 6 to show that the well can produce the decree amount of 148 gallons per minute or 238 acre-feet/year. In addition, the Denver aquifer well is currently capable of producing 105 acre-feet per year. The Corporation has the ability to seek permits to construct additional wells into the Denver aquifer to withdraw the full allowed annual amount permitted to be withdrawn of 240 acre-feet per year. The Corporation’s total annual amount of water that could be withdrawn would accordingly increase to 604 acre-feet.”

The Corporation has supplemental water pursuant to an augmentation plan decreed in Case No. 02CW187 that originally allowed for the development of 93 individual on-lot not nontributary Dawson aquifer wells using a 300 year water supply plan approach. That augmentation plan was revised in Case No. 2015CW3007, in which Custom Castles, Inc., obtained approval of a water right to reduce the number of wells from 93 to 22, with the balance of the water (33.37 acre-feet/year for 300 years) transferred to the Corporation for use in its central water system.

Finally, the Engineer explained that up to 155 acre-feet per year for 100 years of not nontributary Dawson aquifer water decreed in Consolidated Case Nos. 02CW187 (Div. 1) and 02CW117 (Div. 2) may be withdrawn pursuant to the plan for augmentation approved in Consolidated Case Nos. 2016CW3103 (Div. 1) and 2016CW3048 (Div. 2). This provides an additional water supply for the Corporation’s central water supply system allowing for withdrawal of up to 51.67 acre-feet/year based on the County’s 300-year rule.

The State Engineer noted, which the Water Resources Report dated September 11, 2018 from JPS Engineering confirmed, “the Corporation has approximately 27,720 acre-feet (based on the actual amount determined by SEO) of Denver Basin ground water available for additional commitments” including this Walden Preserve 2 Filing 4. Pursuant to C.R.S. §30-28-136(1)(h)(II), the Engineer is of the opinion that “the proposed water supply is adequate and can be provided without causing injury to decreed water rights.”

4. In a letter dated July 12, 2019, Matthew Dunston, signing for Walden Corporation, committed to providing water and sewer service to Walden Preserve 2 Filing No. 4 based on 23 single-family residential lots. Mr. Dunston stated that “Walden Corporation hereby provides an unconditional commitment to serve 23 residential lots within Walden Preserve 2 – filing No. 4, with an estimated annual water demand of 7.82 acre-feet per year.” (Emphasis in original).

5. Section 8.4.7(B)(10)(g), of the El Paso County Land Development Code allows for the presumption of acceptable water quality for projects such as this where water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary that may be provided by El Paso County Public Health (EPCPH).

6. Analysis: The State Engineer concluded that the Walden Corporation has 27,720 acre-feet of ground water available for additional subdivision commitments. JPS Engineering has provided a table of the current water supply and water commitments for Walden Corporation in their Water Resources Report dated September 11, 2018 (See attached Exhibit 1). The table indicates that there is a total water supply of 56,150 acre-feet with total water commitments of 28,430 acre-feet, which the Report indicates includes this Filing 4. Based on those numbers, there remains 27,720 acre-feet available for future commitments. Based on the foregoing, there appears to be a sufficient supply of water to meet the County's 300-year water supply rule as applied to this 7.82 acre-feet annual demand for 23 lots in Walden Preserve 2 Filing No. 4.

7. Therefore, based upon the State Engineer's finding that the proposed water supply using the central water supply is adequate and will not cause material injury, and based on the documentation provided by the JPS Engineering's Water Resources Report, and pursuant to Walden Corporation's firm letter of commitment, the County Attorney's Office recommends a finding of **sufficiency** as to quantity and dependability. El Paso County Public Health may wish to provide confirmation as to water quality.

Conditions of Compliance:

A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, any conditions, rules, regulations, limitations, and specifications set by the District.

B. The following plat note shall be added that addresses the State Engineer's admonition to advise landowners of potential limited water supplies in the Denver Basin:

"Water in the Denver Basin aquifers is allocated based on a 100 year aquifer life; however, for El Paso County planning purposes, water in the Denver Basin aquifers is evaluated based on a 300 year aquifer life. Applicants and all future owners in the subdivision should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than either the 100 years or 300 years used for allocation indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and

incorporated in a permanent water supply plan that provides future generations with a water supply.”

cc: Nina Ruiz, Project Manager, 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

Walden Preserve 2, Filing 4, SF-18-034

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

- **The 23-residential lot, 45.27-acre development final plat project referenced above will be provided both water and wastewater services by the Walden Corporation.**
- **There is a finding for sufficiency in terms of water quality for the drinking water obtained from the Colorado Department of Public Health and Environment, Water Quality Control Division, regulated central water supply, and issued PWSID # CO-0121850. The JPS Engineering, Water Resources Report and Wastewater Treatment Report, dated 11Sep2019, was reviewed to support this finding, as well as a review of the water quality test results from the most recent Walden Corporation Consumer Confidence Report. A Commitment to Serve Water Letter from Walden Corporation dated 14Aug2018 is on file and reviewed.**
- **There is sufficient treatment capacity at the Walden Corporation wastewater treatment facility for the projected wastewater flows from the proposed residential development project. The JPS Engineering, Water Resources Report and Wastewater Treatment Report, dated 11Sep2018 was reviewed to support connection to the central wastewater system operated by the Walden Corporation. The Colorado Department of Public Health and Environment, Water Quality Control Division, has assigned discharge permit COX-631032 to Walden Corporation.**
- **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 activity in excess of one acre, but less than twenty-five acres, will require a Construction Activity Permit from El Paso County Public Health. Go to <http://www.elpasocountyhealth.org/service/air-quality> for more information.**
- **El Paso County Public Health encourages planned walk-ability of residential communities with sidewalks, walking paths, and bike trails to neighborhood parks, schools and commercial areas. Walk-ability**

Walden Preserve 2, Filing 4, SF-18-034

features promote exercise, help reduce obesity and lower the risk of heart disease.

**Mike McCarthy, REHS
El Paso County Public Health
mikemccarthy@elpasoco.com
719-575-8602
30Apr2019**

El Paso County Planning and Community Development Dept
2880 International Cir.
Colorado Spring CO 80910



September 25 2018

Dear Planning Commissioners,
We received notice from Custom Castles, Inc of their application to proceed with the final plat for Walden Preserve 2 Filing No. 4.

We have reviewed the material and have **no objections** to the developer proceeding with the next phase of their development on the described property of notice. We have a property adjacent to the development.

Thank You,

A handwritten signature in black ink that reads "RL: Bglaser Leilani glaser". The initials "RL:" are written in a larger, bolder script than the names.

Robin and Leilani Glaser
17420 Walden Way
Colorado Springs CO 80908

EL PASO COUNTY



COMMISSIONERS:
 MARK WALLER (CHAIR)
 LONGINOS GONZALEZ, JR. (VICE-CHAIR)

COLORADO

HOLLY WILLIAMS
 STAN VANDERWERF
 CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

December 18, 2019

This letter is to inform you of the following petition which has been submitted to El Paso County:

SF-18-034

RUIZ

**FINAL PLAT
 WALDEN PRESERVE 2 FILING NO. 4**

A request by Walden Holdings I, LLC, for approval of a final plat to create twenty-three (23) single-family residential lots. The 134.05 acre property is zoned PUD (Planned Unit Development) and is located east of Highway 83, south of Walker Road, north of Hodgen Road, along the north side of the Pond View Place and Walden Way/Timber Meadow Drive intersection. (Parcel No. 61230-01-023) (Commissioner District No. 1)

Type of Hearing: Quasi-Judicial

_____	<input checked="" type="checkbox"/>	_____
For	Against	No Opinion
Comments: <u>Despite what the developer says there is not sufficient infrastructure to support this development with the new high going in. The water, sewage and roads cannot support this development. The storm water plan is not adequate to prevent flooding and property damage. I would urge to county to reconsider given current information.</u> (FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)		

- **This item is scheduled to be heard by the El Paso County Planning Commission on January 7, 2020.** The meeting begins at 9:00 a.m. and will be conducted in the Second Floor Hearing Room of the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs.
- **The item will also be heard by the El Paso County Board of County Commissioners on January 28, 2020.** The meeting begins at 9:00 a.m. and will be conducted in the Centennial Hall Auditorium, 200 South Cascade Avenue, Colorado Springs.
- The date and order when this item will be considered can be obtained by calling the Planning and Community Development Department or through El Paso County's Web site (www.elpasoco.com). Actions taken by the El Paso County Board of County Commissioners are posted on the internet following the meeting.
- The online submittal portal can be found at: www.epcdevplanreview.com
- The Staff Report for this Agenda item can be found at: <https://planningdevelopment.elpasoco.com/el-paso-county-planning-commission/planning-commission-2020-hearings/>

Your response will be a matter of public record and available to the applicant prior to the hearing. You are welcome to appear in person at the hearing to further express your opinion on this petition. If we can be of any assistance, please call 719-520-6300.

Sincerely,


 Nina Ruiz, Planner III

Your Name: Scott Pope 
(printed) (signature)
 Address: 18140 Woodhaver Dr, Colorado Springs, CO 80908
 Property Location: _____ Phone: _____

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



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

EL PASO COUNTY



COMMISSIONERS:
 MARK WALLER (CHAIR)
 LONGINOS GONZALEZ, JR. (VICE-CHAIR)

COLORADO

HOLLY WILLIAMS
 STAN VANDERWERF
 CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

December 18, 2019

RECEIVED
 JAN 06 2020
 BY: _____

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SF-18-034

RUIZ

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 WALDEN PRESERVE 2 FILING NO. 4**

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Type of Hearing: **Quasi-Judicial**

For Against No Opinion

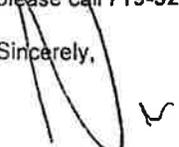
Comments: _____
 _____ *See Attached Copy* _____

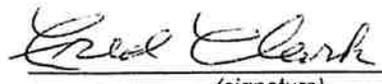
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Sincerely,


 Nina Ruiz, Planner III

Your Name: FRED CLARK 
(printed) (signature)

Address: 17885 WALDEN WAY COLORADO SPRINGS CO 80908

Property Location: _____ Phone 719 455-3917

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



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

Attention Zoning Board 1/1/2020

In 1981 I purchased Parcel #3 in Walden III Estates and the Rawhide Realtor told me the open property behind my lot was forever free land not to be developed. Recently I (2018) attended meetings to deny the developers from deleting lots from 5 acres to 2 1/2 acres, the land was reduced unfortunately, which devaluated my property. Since then the developers have violated the zoning and have built houses on much smaller lots. Now they want to continue to violate the 2 1/2 acres to develop houses which will make my property even less valuable. The zoning board has not enforced the 2 1/2 acre minimum in the past so I am apposed to their request.

The area shown has no details for roadways and designed to encroach on my property much closer than the other properties on the same side of Walden Way

Sincerely Fred Clark

©

Fred Clark
17885 Walden Way
Colorado Spgs, CO 80908

719-488-3917

El Paso County Parcel Information

File Name: **SF-18-034**

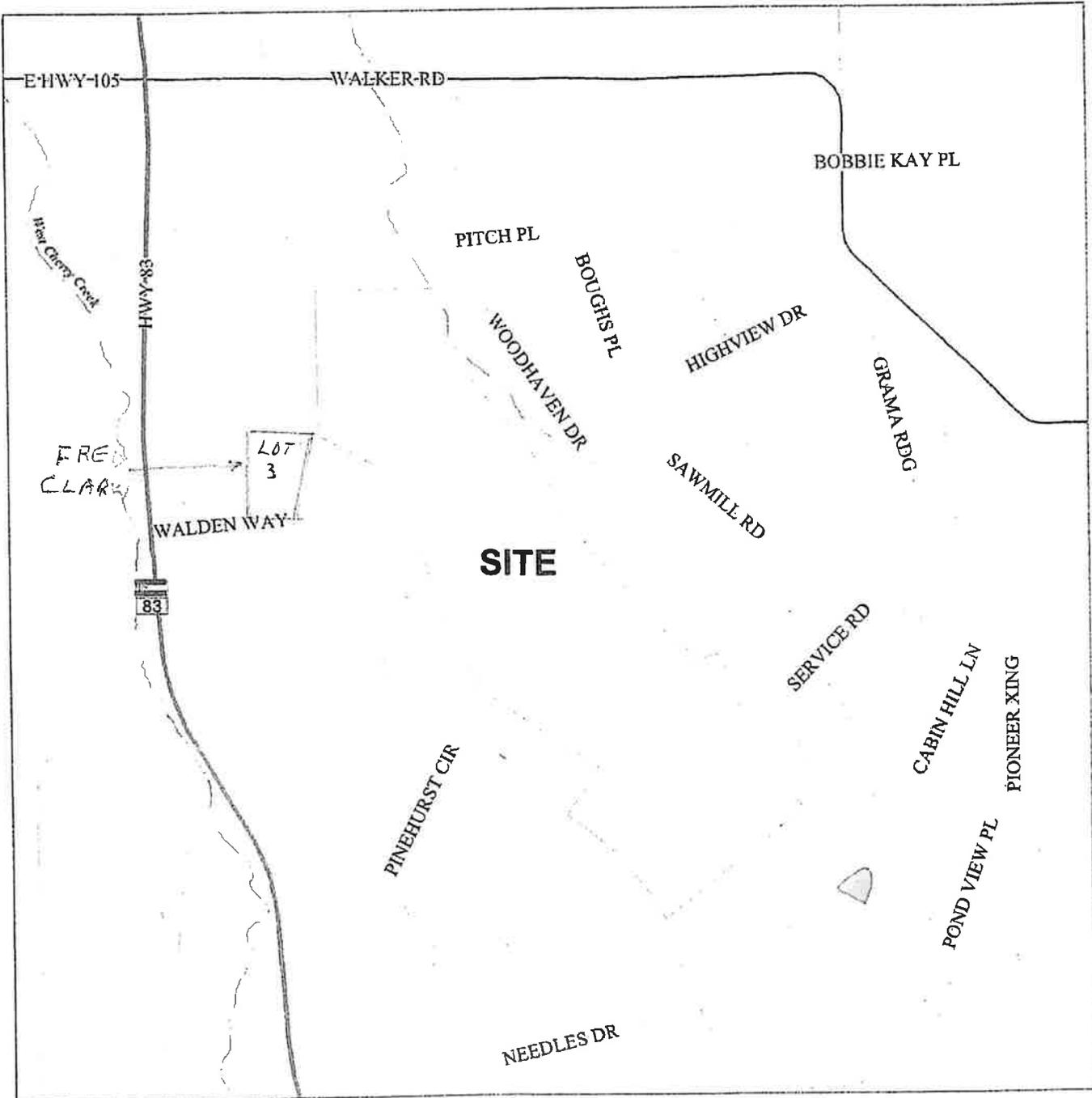
Zone Map No. **--**

PARCEL	NAME
6123001023	WALDEN HOLDINGS I LLC

Date: **December 18, 2019**

ADDRESS	CITY	STATE
1230 SCARBROOK CT	MONUMENT	CO

ZIP	ZIP PLUS
80132	8487



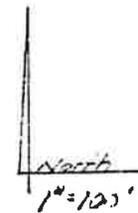
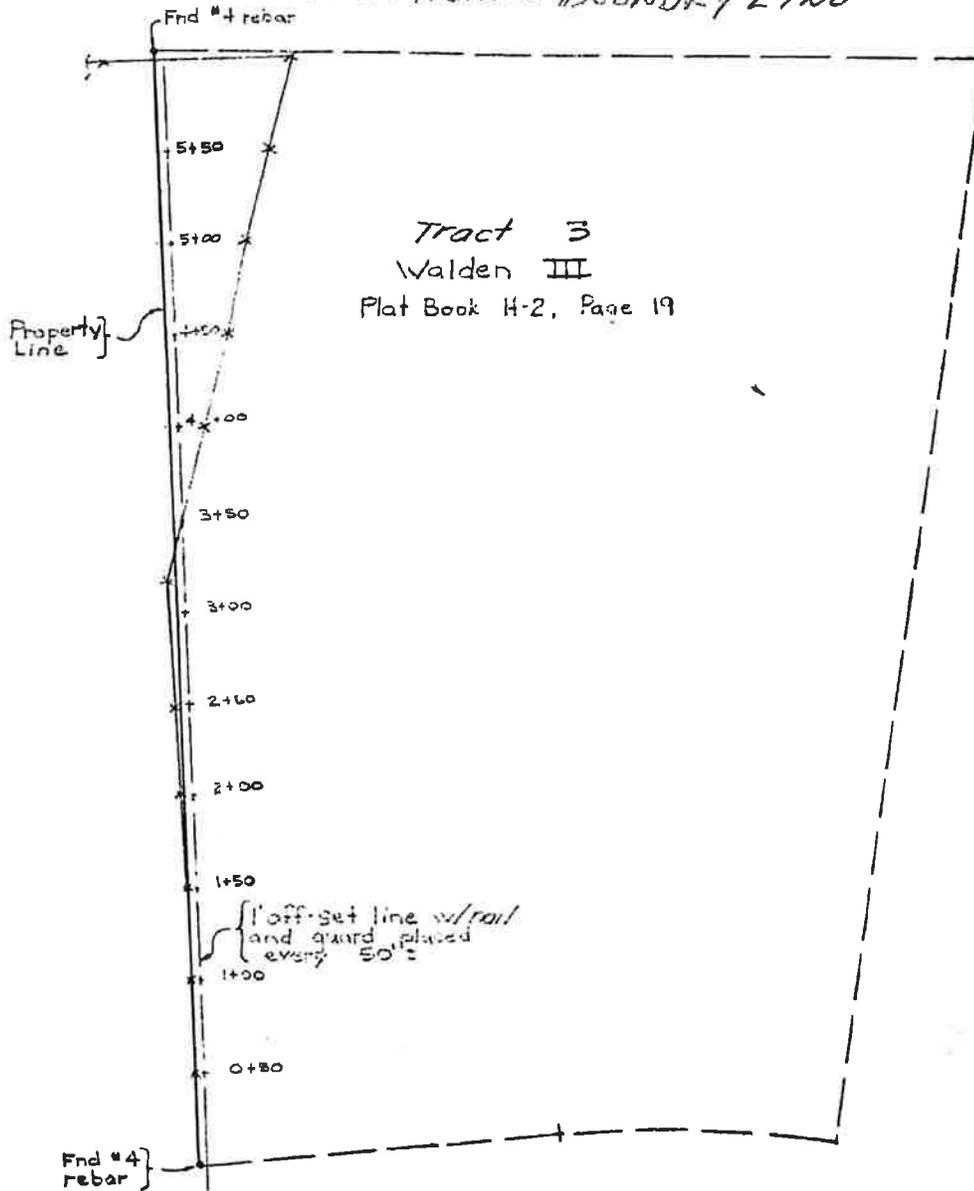
Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 (719) 520-6600



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Fence line Control Points Tract 3 Walden III

NOTE: STEEL RODS SET 6" BACK FROM STAKES
18" FROM ACTUAL BOUNDARY LINE



Legend
 * * Existing Fence
 — + — 1' offset line

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting
Tuesday, January 7, 2020
El Paso County Planning and Community Development Department
2880 International Circle, Hearing Room
Colorado Springs, Colorado 80910

REGULAR HEARING
9:00 a.m.

PRESENT AND VOTING: TOM BAILEY, JOAN LUCIA-TREESE, TIM TROWBRIDGE, JANE DILLON, BECKY FULLER, ALLAN CREELY, AND SARAH BRITTAIN JACK

PRESENT AND NOT VOTING: THOMAS GREER AND ERIC MORAES

ABSENT: BRIAN RISLEY AND GRACE BLEA-NUNEZ

STAFF PRESENT: CRAIG DOSSEY, MARK GEBHART, NINA RUIZ, GILBERT LAFORCE, DANIEL TORRES, AND EL PASO COUNTY ATTORNEY COLE EMMONS

OTHERS SPEAKING AT THE HEARING: JUDY VON AHLEFELDT, DAVID JONES, BRIAN BOBECK, AND MATT DUNSTEN

Report Items

1. A. Report Items -- Planning and Community Development Department -- Mr. Dossey and Mr. Gebhart

- a) The next scheduled Planning Commission meeting is for **Tuesday, February 4, 2020. There will be no Meeting on January 21, 2020.**
- b) **Mr. Dossey** gave an update of the Planning Commission agenda items and action taken by the Board of County Commissioners since the last Planning Commission meeting as well as a Planning and Community Development progress report of permits and projects in process. He also went over the project tracking process that is used in the department to monitor all projects. He also gave 2018 and 2019 comparisons on projects heard.

- c) **Mr. Dossey** stated that the County has worked with the HBA and the state legislature to pass legislation to get final plats administratively approved instead of going to hearing provided water and other requirements are met.

B. Public Input on Items Not Listed on the Agenda

Judy Von Ahelfeldt – Shared her concerns. She would like to see more Planning Commission involvement regarding the Master Plan. The Your El Paso website requires a password. It should not require a password. I would like to see all the videos that are not accessible. The prescribed process of the Master Plan should be discussed by the Planning Commission. She recommends that everyone review the Land Development Code with regards to the Master Plan and what will need to change to reference the Plan.

2. Consent Items

- A. **Sunshine Law – Mr. Trowbridge** read the statement into the record and made the motion to approve. **Ms. Lucia-Treese** seconded the motion. The motion passed unanimously. (7-0)
- B. **Approval of the Minutes – December 3, 2019**
Ms. Lucia -Treese made a motion to approve the minutes. **Ms. Dillon** seconded. The minutes were approved as presented. (7-0)

C. SF-19-005

RUIZ

**FINAL PLAT
GARDENS AT NORTH CAREFREE FILING NO. 1**

A request by Mule Deer Investments for approval of a final plat to create 70 single-family residential lots. The 11.56-acre property is zoned PUD (Planned Unit Development) and is located at the southeast corner of the Akers Drive and North Carefree Circle intersection. (Parcel Nos. 53294-00-012 and 53294-11-002) (Commissioner District No. 2)

PC ACTION: MR. CREELY MOTIONED/MS. LUCIA-TREESE SECONDED TO APPROVE CONSENT ITEM 2C, SF-19-005, FOR A FINAL PLAT FOR GARDENS AT NORTH CAREFREE FILING NO. 1 UTILIZING RESOLUTION PAGE NO. 19, CITING 20-001, WITH TWELVE (12) CONDITIONS AND TWO (2) NOTATIONS WITH A FINDING OF WATER SUFFICIENCY FOR QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE

**BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION.
THE MOTION WAS APPROVED UNANIMOUSLY (7-0).**

Mr. Emmons – For reference, without either a conditional or final finding of sufficiency for water, you would not be able to approve a final plat.

D. MS-19-004

RUIZ

**MINOR SUBDIVISION
WALKER RESERVE**

A request by G3 Investments, Inc., for approval of a minor subdivision to create three (3) single-family residential lots. The 40.55-acre property is zoned RR-5 (Residential Rural) and is located approximately one (1) mile east of Highway 83 and approximately one-quarter (¼) of a mile north of Walker Road. (Parcel No. 61110-00-019) (Commissioner District No. 1)

PC ACTION: MS. LUCIA-TREESE MOTIONED/MS. DILLON SECONDED TO APPROVE CONSENT ITEM 2D, MS-19-004, FOR A MINOR SUBDIVISION FOR WALKER RESERVE UTILIZING RESOLUTION PAGE NO. 19, CITING 20-002, WITH ELEVEN (11) CONDITIONS AND ONE (1) NOTATION, AND ONE (1) WAIVER WITH A FINDING OF WATER SUFFICIENCY FOR QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED UNANIMOUSLY (7-0).

REGULAR ITEMS

3. SF-18-034

RUIZ

**FINAL PLAT
WALDEN PRESERVE 2 FILING NO. 4**

A request by Walden Holdings I, LLC, for approval of a final plat to create twenty-three (23) single-family residential lots. The 134.05-acre property is zoned PUD (Planned Unit Development) and is located east of Highway 83, south of Walker Road, north of Hodgen Road, along the north side of the Pond View Place and Walden Way/Timber Meadow Drive intersection. (Parcel No. 61230-01-023) (Commissioner District No. 1)

Ms. Ruiz asked Mr. Emmons to go over the review criteria for a final plat.

- **Ms. Ruiz** gave a brief overview of the project, including going over the Park Lands Agreement and the revised Condition #10 which was drafted just prior to the hearing. The new condition is: Prior to recording the final plat, the Regional Trail (as described in the Park Lands Agreement recorded at reception number

214022992) shall be constructed in accordance with El Paso County Parks standards for a Regional Trail and accepted by the County or, in the alternative, the Applicant and EPC Parks Division agree to a separate Parks fees or improvements arrangement prior to hearing before the Board of County Commissioners.

Mr. Brian Bobeck, EPC Parks Department – If the trail isn't completed, we would be open to Regional Park fees being paid, so it would be an either-or situation. Either completion of the trail or fees paid.

Mr. Emmons – I would assume that in these discussions, the additional language will come out. If the discussions require a change to the Park Land Agreement, that would go to the Board of County Commissioners and not to the Planning Commission.

Mr. Dossey – This language gives our department the opportunity as well as the Parks Department to come to an agreement of what that timeline will look like, so that it doesn't have to come back to the Planning Commission.

Ms. Dillon – If you go with fees in lieu of the trail completed, will it ever be completed? **Mr. Bobeck** – Yes it will be completed, but we wouldn't know a date. The fees go to a region, but not necessarily to that trail.

Mr. Dossey – For those who sit on the Master Plan Advisory Committee, there have been discussions in those meetings of how do we get developers to do parks and trails that should be a part of their community and not waiting on funding or resources from the Parks Department. This will allow for some flexibility, but the County wants to see the trail done.

Mr. Creely – The whole thing seemed vague to me. I agree that the money comes in, but it goes into a fund, but then doesn't go to a specific trail. I hope too that this agreement works, and we get the trail finished.

Ms. Ruiz then introduced the applicants' representative **Mr. David Jones** to give their presentation.

Mr. Jones gave his full presentation to the Planning Commission. His PowerPoint presentation is on permanent file.

Mr. Creely – The trails situation needs to get completed.

Ms. Fuller – How wide is that trail? **Mr. Bobeck** – Requirement is 8' and this one is 10'.

Ms. Ruiz gave her full presentation to the Planning Commission.

Mr. Trowbridge – I would like to hear about drainage. **Mr. LaForce** – The drainage pond was not built as required so now it is being retrofitted. They've also added a water quality pond component, as is now required, to the plan and will continue with additional filings. All the lots are required to have water quality treatment before discharge. That will help with mitigating the release into the ponds. The drainage does meander into the back lots of other existing lots that are not part of this application.

Mr. Trowbridge – The applicant said that the trail issue has to do with the surface and Parks Department is asking for crushed limestone and that is hard to come by. Why choose this as the required material? **Mr. Bobeck** – It has been in our standard for a number of years. The material has been readily available throughout the years. Recently, suppliers and quarries have changed, so we are in a transition with some new vendors. We are getting some samples and getting those details in place.

Ms. Dillon – In the past I've done some trail building. We used crushed granite, is one surface type better than another? **Mr. Bobeck** – The base is crushed granite, but the finishing layer is, by our standard, supposed to be crushed limestone.

IN FAVOR: NONE

IN OPPOSITION: NONE

APPLICANT REBUTTAL: **Mr. Jones** – We appreciate the opportunity to come before you. We don't have any further comments.

DISCUSSION:

Mr. Trowbridge – I would like to see the trail finished in lieu of park fees. I think that is important.

PC ACTION: MR. CREELY MOTIONED/MS. LUCIA-TREESE SECONDED TO APPROVE REGULAR ITEM 3, SF-18-034, FOR A FINAL PLAT FOR WALDEN PRESERVE 2 FILING NO. 4 UTILIZING RESOLUTION PAGE NO. 19, CITING 20-003, WITH TWELVE (12) CONDITIONS (*SEE NOTES ON CHANGES) AND TWO (2) NOTATIONS WITH A FINDING OF WATER SUFFICIENCY FOR QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED UNANIMOUSLY (7-0).

***Delete Condition 10**

***Add New Condition** Prior to recording the final plat, the Regional Trail (as described in the Park Lands Agreement recorded at reception number 214022992) shall be constructed in accordance with El Paso County Parks standards for a Regional Trail and accepted by the County or, in the alternative, the Applicant and EPC Parks Division agree to a separate Parks fee or improvements arrangement prior to hearing before the Board of County Commissioners.

- 4. El Paso County Master Plan – Informational Update – No Action Needed -- Mr. Gebhart** gave an update on the Master Plan. The Houseal-Lavigne consultants will be here this week for the place types and key places process with staff and with the Advisory Committee. He offered the updated Existing Conditions Report to those who wanted a copy. A link is also available. Upcoming activities include determining if a LOT outreach meeting is necessary, refining the place types and key plan components, and develop online community conversation.

Mr. Trowbridge – One of the issues raised is the effectiveness of the outreach efforts. How do we assess those efforts? I would like to hear more back on what we have received as far as website traffic and how does it compare to expectations by the consultant and what maybe have been missed opportunities. **Mr. Gebhart** – I think our final count on the survey was over 3,000. There are multiple steps to the outreach. The hits are checked from out PIO office on Facebook and Nextdoor. **Mr. Dossey** – Anytime you do a Plan like this that takes 2 years, the challenge is to keep that interest. Initially we have community involvement, then we see that dwindle. People don't want to engage unless they are bothered by something. It's harder when you are talking about something like a Master Plan. The visioning workshop was in December, so it did happen at probably not the most opportune time, but we are trying to put it available on other avenues to get the most interest and involvement.

Ms. Lucia-Treese – I was at the meeting in December, and there was good representation. We discovered that we can advertise so much but you can't force people to respond. I think the biggest challenge is the diversity of the County. It's not an easy and neat County to prepare a plan for. I would like to see more outreach meetings in the area if that's possible. I think if we can spread it out around the County it would make it easier for those not close to the center to be able to hear their voice heard.

NOTE: For information regarding the Agenda item the Planning Commission is considering, call the Planning and Community Development Department for information (719-520-6300). Visit our Web site at www.elpasoco.com to view the agenda and other information about El Paso County. Results of the action taken by the Planning Commission will be published following the meeting. (The name to the right of the title

indicates the Project Manager/ Planner processing the request.) If the meeting goes beyond noon, the Planning Commission may take a lunch break.

FINAL PLAT (RECOMMEND APPROVAL)

Commissioner Creely moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

**RESOLUTION NO. SF-18-034
Walden Preserve 2 Filing No. 4**

WHEREAS, Walden Holding I, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Walden Preserve 2 Filing No. 4 Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on January 7, 2020; 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 subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is in substantial conformance with any applicable approved preliminary plan.

7. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. 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)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. A public sewage disposal system has been established or, 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 Land Development Code.
10. 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)].
11. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and Engineering Criteria Manual.
12. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
13. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
14. 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 of the Land Development Code.
15. 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 Subdivision Improvements Agreement so the impacts of the subdivision will be adequately mitigated.
16. The subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
17. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.]
18. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.

19. For the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends approval of the application for the final plat of the Walden Preserve 2 Filing No. 4 Subdivision with the following conditions and notations:

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 prior to recording the final plat.
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 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 El Paso County Planning and Community Development Department, 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. 18-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
10. Fees in lieu of school land dedication in the amount of \$5,520.00 shall be paid to El Paso County for the benefit of Lewis Palmer School District No. 38 at the time of final plat recording.
11. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
12. Prior to recording the final plat, the Regional Trail (as described in the Park Lands Agreement recorded at reception number 214022992) shall be constructed in accordance with El Paso County Parks standards for a Regional Trail and accepted by the County or, in the alternative, the Applicant and EPC Parks Division agree to a separate Parks fees or improvements arrangement prior to hearing before the Board of County Commissioners.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
2. Site grading or construction, other than installation of initial temporary control measures, may not commence until a preconstruction conference is held with Planning and Community Development Inspections staff and a construction permit is issued by the Planning and Community Development Department.

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.

Commissioner Lucia-Treese seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Bailey	aye
Commissioner Creely	aye
Commissioner Brittain Jack	aye
Commissioner Lucia-Treese	aye
Commissioner Dillon	aye
Commissioner Trowbridge	aye
Commissioner Fuller	aye

The Resolution was adopted by a vote of 7 to 0 by the El Paso County Planning Commission, State of Colorado.

DATED: January 7, 2020

Brian Risley, Chair

EXHIBIT A

**WALDEN PRESERVE 2 FILING NO. 4
LEGAL DESCRIPTION**

A TRACT OF LAND BEING A PORTION OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED UNDER RECEPTION NO. 213109361 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, LOCATED IN THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER (SW1/4 SW1/4) OF SECTION 14, THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (SE1/4 SE1/4) OF SECTION 15, THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (NE1/4 NE1/4) OF SECTION 22 AND THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER (NW1/4 NW1/4) OF SECTION 23, ALL IN TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF TRACT A, WALDEN PRESERVE 2, FILING NO. 2, AS RECORDED UNDER RECEPTION NO. 215713641 OF SAID COUNTY RECORDS, SAID POINT ALSO BEING THE COMMON SOUTHWESTERLY CORNER OF LOT 9 AND LOT 10, WALDEN PRESERVE FILING NO. 1, AS RECORDED UNDER RECEPTION NO. 205122356 OF SAID COUNTY RECORDS, AS MONUMENTED BY A REBAR AND RED CAP STAMPED "PLSC RLS 25968", FROM WHICH THE MOST WESTERLY CORNER OF SAID TRACT A, SAID POINT ALSO BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF WALDEN WAY, AS SHOWN ON THE PLAT OF WALDEN III, AS RECORDED IN PLAT BOOK H-2 AT PAGE 19 UNDER RECEPTION NO. 000417849 OF SAID COUNTY RECORDS, AS MONUMENTED BY A REBAR AND ORANGE CAP STAMPED "RAMPART PLS 26965" BEARS S52°00'21"W (PER SAID PLAT OF WALDEN PRESERVE 2, FILING NO. 2), A DISTANCE OF 1329.52 FEET (OF RECORD) AND IS THE BASIS OF BEARINGS USED HEREIN;

THENCE S52°00'21"W ALONG THE NORTHWESTERLY LINE OF SAID TRACT A, A DISTANCE OF 1329.52 FEET TO THE MOST WESTERLY CORNER THEREOF, SAID POINT ALSO BEING A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE;
THENCE ALONG THAT LINE COMMON TO SAID TRACT AND SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A 2185.61 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 28°23'06", AN ARC LENGTH OF 1082.77 FEET (THE LONG CHORD OF WHICH BEARS N41°00'30"W, A LONG CHORD DISTANCE OF 1071.73 FEET) TO AN ANGLE POINT ON THE WESTERLY LINE OF SAID TRACT, SAID POINT ALSO BEING THE MOST SOUTHERLY CORNER OF TRACT 10 OF SAID WALDEN III;
THENCE ALONG THAT LINE COMMON TO SAID TRACT AND SAID TRACT 10 THE FOLLOWING 2 COURSES;
1.) THENCE N34°47'06"E, A DISTANCE OF 417.69 FEET;
2.) THENCE N54°20'22"W, A DISTANCE OF 231.20 FEET;
THENCE N44°28'12"E, A DISTANCE OF 844.52 FEET;
THENCE N80°11'30"E ALONG THE SOUTHERLY LINE OF WALDEN III, FILING 3, AS RECORDED IN PLAT BOOK R-2 AT PAGE 49 UNDER RECEPTION NO. 029800707 OF SAID COUNTY RECORDS AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF

516.58 FEET TO THE NORTHWEST CORNER OF SAID WALDEN PRESERVE FILING NO. 1;
THENCE ALONG THAT LINE COMMON TO SAID TRACT AND THE WESTERLY LINE OF SAID WALDEN PRESERVE FILING NO. 1 THE FOLLOWING TWO (2) COURSES;
1.) THENCE S20°41'02"E, A DISTANCE OF 442.48 FEET;
2.) THENCE S30°46'38"E, A DISTANCE OF 866.95 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 45.27 ACRES OF LAND, MORE OR LESS.

RESOLUTION NO. 20-

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

APPROVE FINAL PLAT FOR WALDEN PRESERVE 2 FILING NO. 4
(SF-18-034)

WHEREAS, Walden Holdings I, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Walden Preserve 2 Filing No. 4 Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on January 7, 2020, upon which date the Planning Commission did by formal resolution recommend approval of the final plat application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on January 28, 2020; 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, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board 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 hearings before the Planning Commission and the Board of County Commissioners.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. All exhibits were received into evidence.

5. The subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is in substantial conformance with the approved preliminary plan.
7. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. 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)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. A public sewage disposal system has been established or, 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 Land Development Code.
10. 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)].
11. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and Engineering Criteria Manual.
12. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
13. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
14. 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 of the Land Development Code.
15. 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 Subdivision Improvements Agreement so the impacts of the subdivision will be adequately mitigated.

16. The subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
17. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.].
18. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
19. For the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the final plat application for the Walden Preserve 2 Filing No. 4 Subdivision;

BE IT FURTHER RESOLVED that the following conditions and notations shall be placed upon this approval:

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 prior to recording the final plat.
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 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 El Paso County Planning and Community Development Department, 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. 18-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
10. Fees in lieu of school land dedication in the amount of \$5,520.00 shall be paid to El Paso County for the benefit of Lewis Palmer School District No. 38 at the time of final plat recording.
11. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
12. Fees in lieu of park land dedication shall be paid to El Paso County at the time of the final plat recording.

NOTATIONS

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

2. Site grading or construction, other than installation of initial temporary control measures, may not commence until a preconstruction conference is held with Planning and Community Development Inspections staff and a construction permit is issued by the Planning and Community Development Department.

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 28th day of January, 2020, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

EXHIBIT A

**WALDEN PRESERVE 2 FILING NO. 4
LEGAL DESCRIPTION**

A TRACT OF LAND BEING A PORTION OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED UNDER RECEPTION NO. 213109361 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, LOCATED IN THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER (SW1/4 SW1/4) OF SECTION 14, THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (SE1/4 SE1/4) OF SECTION 15, THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (NE1/4 NE1/4) OF SECTION 22 AND THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER (NW1/4 NW1/4) OF SECTION 23, ALL IN TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF TRACT A, WALDEN PRESERVE 2, FILING NO. 2, AS RECORDED UNDER RECEPTION NO. 215713641 OF SAID COUNTY RECORDS, SAID POINT ALSO BEING THE COMMON SOUTHWESTERLY CORNER OF LOT 9 AND LOT 10, WALDEN PRESERVE FILING NO. 1, AS RECORDED UNDER RECEPTION NO. 205122356 OF SAID COUNTY RECORDS, AS MONUMENTED BY A REBAR AND RED CAP STAMPED "PLSC RLS 25968", FROM WHICH THE MOST WESTERLY CORNER OF SAID TRACT A, SAID POINT ALSO BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF WALDEN WAY, AS SHOWN ON THE PLAT OF WALDEN III, AS RECORDED IN PLAT BOOK H-2 AT PAGE 19 UNDER RECEPTION NO. 000417849 OF SAID COUNTY RECORDS, AS MONUMENTED BY A REBAR AND ORANGE CAP STAMPED "RAMPART PLS 26965" BEARS S52°00'21"W (PER SAID PLAT OF WALDEN PRESERVE 2, FILING NO. 2), A DISTANCE OF 1329.52 FEET (OF RECORD) AND IS THE BASIS OF BEARINGS USED HEREIN;

THENCE S52°00'21"W ALONG THE NORTHWESTERLY LINE OF SAID TRACT A, A DISTANCE OF 1329.52 FEET TO THE MOST WESTERLY CORNER THEREOF, SAID POINT ALSO BEING A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE;
THENCE ALONG THAT LINE COMMON TO SAID TRACT AND SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A 2185.61 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 28°23'06", AN ARC LENGTH OF 1082.77 FEET (THE LONG CHORD OF WHICH BEARS N41°00'30"W, A LONG CHORD DISTANCE OF 1071.73 FEET) TO AN ANGLE

POINT ON THE WESTERLY LINE OF SAID TRACT, SAID POINT ALSO BEING THE MOST SOUTHERLY CORNER OF TRACT 10 OF SAID WALDEN III; THENCE ALONG THAT LINE COMMON TO SAID TRACT AND SAID TRACT 10 THE FOLLOWING 2 COURSES;

- 1.) THENCE N34°47'06"E, A DISTANCE OF 417.69 FEET;
 - 2.) THENCE N54°20'22"W, A DISTANCE OF 231.20 FEET;
- THENCE N44°28'12"E, A DISTANCE OF 844.52 FEET;
- THENCE N80°11'30"E ALONG THE SOUTHERLY LINE OF WALDEN III, FILING 3, AS RECORDED IN PLAT BOOK R-2 AT PAGE 49 UNDER RECEPTION NO. 029800707 OF SAID COUNTY RECORDS AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 516.58 FEET TO THE NORTHWEST CORNER OF SAID WALDEN PRESERVE FILING NO. 1; THENCE ALONG THAT LINE COMMON TO SAID TRACT AND THE WESTERLY LINE OF SAID WALDEN PRESERVE FILING NO. 1 THE FOLLOWING TWO (2) COURSES;
- 1.) THENCE S20°41'02"E, A DISTANCE OF 442.48 FEET;
 - 2.) THENCE S30°46'38"E, A DISTANCE OF 866.95 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 45.27 ACRES OF LAND, MORE OR LESS.