

SOUTH WOODMOOR PRESERVE FILING NO. 2 REPLAT
LETTER OF INTENT

Date: November 23, 2021

Owner Representative/Applicant:

WOSC LLC
Attn: Tish Norman, Director
902 Caribou Drive W, Monument, CO 80132
Telephone: (719) 534-5495

Site Information:

LEGAL DESCRIPTION OF THE PROPERTY: See attached **Exhibit A**

STREET ADDRESS: See attached **Exhibit A**.

Tax Schedule Nos. See attached **Exhibit A**.

Zoned: RS-20000

The Property is located in the neighborhood of South Woodmoor, within the large planned community known as Woodmoor, located in northern El Paso County near Monument. The Property is approximately one-quarter mile north of Higby Road and approximately one-half mile east of Interstate 25. The Property is surrounded on all sides by platted and mostly improved residential lots. A portion of the Property's southern boundary is adjacent to a planned residential development to be known as Cloverleaf Residential Development. Part of the Property (the Tracts) was recently platted as South Woodmoor Preserve Filing No. 1. This application is a continuation of the Applicant's intention to cause the replat of adjacent lots owned by the Tract owners into larger lots in the same manner as 54 adjacent lots were replatted as part of Filing No. 1.

Request:

The Applicant requests approval of a replat of the Property, which is approximately 50.8 acres, into 54 replatted lots with "South Woodmoor Preserve Filing No. 2". This second filing will replat 54 existing, developed residential lots. WOSC intends the remaining 10 lots to be replatted in a third filing submitted in the near future. The replatted area will continue to be known as "South Woodmoor Preserve".

The owners of the Tracts and the adjacent lots are identified in **Exhibit A**. **Exhibit A** to this second filing includes 54 owners of adjacent lots whose lenders have ratified the plat for Filing no. 2.

The Property was originally part of the subdivisions known as Woodmoor Summit and Woodmoor Greens. In Filing No. 1, Tract A and Tract B in South Woodmoor Preserve were preserved as open space for the Woodmoor community. The remaining Tracts in South Woodmoor Preserve were conveyed to adjacent property owners who needed to wait until their

lenders ratified the South Woodmoor Preserve. All of the owners of lots and Tracts subject to this Filing No. 2 application have received their lenders' ratification of plat.

Justification:

The application for Filing No. 2 adds more replatted (and enlarged) lots to the South Woodmoor Preserve project. The proposed South Woodmoor Preserve replat is in conformance with all El Paso County requirements for amendment of an existing plat; in this case, amendment of the plats of Woodmoor Greens and Woodmoor Summit for the 54 lots that are subject to this Application. Through this replat, the Tracts conveyed to the 54 adjacent lot owners will be added to their already-existing large residential lots zoned RS-20000. The South Woodmoor Preserve plat will prohibit the owners of replatted lots from further subdivision and will provide certain restrictions on construction of structures on the additional land, which will ensure continued compatibility with the surrounding lots.

The proposed layout of South Woodmoor Preserve Filing No. 2 will comply with the requirements of the RS-20000 zone with respect to land use (single-family residential), lot size, and minimum building setbacks. Water supply, wastewater disposal, and other utilities are not needed for the open space. The 54 lots to be replatted as South Woodmoor Preserve Filing No. 2 already have all utilities in place and no additional or other utilities need to be added as part of this Application.

All of the Property is subject to the The Woodmoor Corporation Declaration of Covenants, Conditions and Restrictions recorded on December 2, 1971 in Book 2452 at Page 936, as amended in Certificate recorded on April 20, 1973 in Book 2579 at Page 423 (the "Covenants"). The application does not propose adding new covenants to the Property or altering anything else that will affect the 54 replatted lots, except to increase their size.

Criteria for Approval: This application complies with all requirements for approval of a replat under Section 7.2.3 (C). In addition, the replat is in conformance with the goals, objectives and policies contained in the County Master Plan, including the Policy Plan and the Water Master Plan. The 2000 Tri-Lakes Comprehensive Plan (the "Plan") is the Small Area Plan under the County Master Plan that provides guidelines for land use in the unincorporated Monument/Tri-Lakes area, including the Property.

The Application is in compliance with all criteria required for a Replat.

Section 7.2.3 (C) states that a replat is required in order to substantially alter an existing recorded subdivision plat. In general, a replat involves two actions, a vacation of a portion of the plat where the change is proposed, and approval of a new subdivision plat. These actions can be taken concurrently.

The South Woodmoor Preserve Filing No. 2 replat meets all of the approval criteria, as follows:

- The replat complies with this Code, and the original conditions of approval associated with the recorded plat. All conditions of approval of the original plats were complied with, and no change to them is requested by this application.

- No nonconforming lots are created. All of the lots to be replatted will be in conformance with the existing RS-20000 zone.
- The replat is in keeping with the purpose and intent of the Code. No changes to the Property arising from the replat of the Property and the lots will violate the purpose or intent of this Code.
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Code and ECM. The lots subject to the replat and the Property already have existing legal and physical access.
- The approval will not adversely affect the public health, safety, and welfare. This Application has already positively affected the public health, safety and welfare by providing additional open space to recreate and stay healthy.
- Where lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the plat amendment has been resolved. The Property (the Tracts and the adjacent lots) is subject to the Covenants overseen by the Woodmoor Improvement Association (WIA). Since before the Property was purchased, WOSC has been in regular communication with WIA on this application. This application does not conflict with or alter any applicability of the Covenants to the Property.
- The replatted lots will be subject to building restrictions per notes on the Plat and restrictive covenants enforced by the Woodmoor Improvement Association. To the extent construction of any structure is allowed, the lot owner must address mitigation of any expansive soils found in the building area with special foundation design, which may require overexcavation and replacement with non-expansive soils, or the use of piers or other mitigation methods.
- There will be no new traffic generated as a result of this application. Only foot and non-motorized traffic will occur in the open space, and no new roads will be constructed.

The Application is in Compliance with the County Master Plan, including the Policy Plan, the Small Area Plan and the Water Master Plan.

Policy Plan. An element of the Master Plan is the Policy Plan, which establishes goals and policies in connection with approval of new development in the County. While this application does not technically create “new development”, there is new development adjacent to the Property (Cloverleaf Residential Subdivision) that will be enhanced by the preservation of open space through approval of South Woodmoor Preserve. The existing residential development will also be enhanced by the open space preservation. South Woodmoor Preserve will protect, in perpetuity, a significant parcel of land that will be conserved in its natural state for non-motorized, passive recreational use.

The Policy Plan sets forth the following goals and policies applicable to the Property:

Goal 2.2 Protect the flora and fauna found in the County's five life zones and transitional communities.

Policy 2.2.1 Encourage a coordinated and systematic planning approach to identify, locate and protect critical areas of wildlife habitat from all five life zones and transitional communities.

Policy 2.2.2 Encourage coordinated public and private approaches to preserve, restore and mitigate losses of significant wildlife habitat.

Policy 2.2.10 Encourage preservation of open space in the design of subdivisions.

Goal 8.1 Protect and enhance El Paso County's legacy of unique natural features, open space, trails and park lands.

Applicant intends that Tract A and Tract B (the open space) will be conveyed to a non-profit entity such as a homeowners association, for use as common area open space that will benefit the community's residents. The existing wildlife habitat will be preserved and enjoyed by the local residents who will use the open space for walking, bird watching and other passive recreational use.

Small Area Plan. The Property is within the Tri-Lakes Comprehensive Planning Area as described in the 200 Tri-Lakes Comprehensive Plan (the "Tri-Lakes Plan"). The Tri-Lakes Plan describes the following goals and guiding principles:

Goal 1.0 – To protect and enhance Tri-Lakes' wildlife, natural systems, and the unique landscape features.

Objective 1.1.1 – Encourage good stewardship of the natural environment.

Objective 1.1.3 - Consider the protection of wildlife corridors and landscape features when contemplating requests for development...

Goal 2.1 – To plan and provide for the park and recreational needs of the community.

Objective 2.1.1 – Consider the current and future community demand for parks and recreational facilities.

Goal 6.3- To reduce the non-essential reliance on and promote the conservation of groundwater.

Guiding Principle 10.1 – *Balance residential growth with the protection of significant environmental features.*

Guiding Principle 10.4 – *Protect rural character and unencumbered viewsheds to the Front Range in the Tri-Lakes Planning Area.*

South Woodmoor Preserve takes privately owned land that was long used and well loved by the South Woodmoor community for walking, bird watching and non-motorized recreational activities and turns it into open space that will be permanently preserved in its current natural condition for the use and enjoyment of the local residents. There is abundant wildlife and expansive views of the Front Range from the Property that will be conserved. The Property is

one of the last remaining open parcels of privately-owned land in the Tri-Lakes area that will never be developed for commercial or residential use. The open space will not be irrigated, which allows groundwater, a precious resource in Colorado, to be used elsewhere. As the population of El Paso County continues to increase, there will be more demand for recreational areas and open space. South Woodmoor Preserve will play a role in satisfying that need for the local residents.

Water Master Plan. This application meets the following goals and policies of the Water Master Plan:

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

Goal 6.1.2 – Promote water conservation.

Policy 6.1.2.1 – Follow best management practices to maximize aquifer recharge, including supporting the use of greenway corridors, the maintenance of drainage ways in their natural state, and the avoidance of large amounts of impervious cover for recharge areas.

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

South Woodmoor Preserve Filing No. 2 merely replats Tracts created by the final plat for South Woodmoor Preserve Filing No. 1 and adjacent lots owned by the 54 lot owners identified In **Exhibit A**. The replatted lots will be subject to covenant restrictions on landscaping and further development. This application does not require any water usage in addition to water already provided for use on the developed lots by the Woodmoor Water and Sanitation District.

EXHIBIT A

NAME	LOT	Tax Schedule Numbers	ADDRESS
ARTLEY, ANDREA L & DAVID D	401	7124103025	17155 EARLY STAR DR
BAILEY, BENNY L JR & RUTH R	400	7124103026	17215 EARLY STAR DR
BATTLE, JOY ANNE & TOM J	472	7124204006	867 CARIBOU CIR
BEKKER, JOHN E & STACEY ANN	343	7124103030	645 W CARIBOU DR
BELL, RAYMOND & MIKI	412	7124204016	17290 EARLY STAR DR
BIRD, JOHN M & ALLISON M	406	7124204022	17160 EARLY STAR DR
BOEHM, RACHEL L & TIMOTHY A	459	7124203007	17330 CLOVERLEAF RD
BOHLER, JOSEPH S & VIRGINIA A	481	7124103020	650 HARNESS RD
BOONE, JAY B & ROBIN R	417	7124201004	740 W CARIBOU DR
BRUCHS, AMY G & MIKE R	426	7124201013	916 W CARIBOU DR
CHAMBERS, TIMOTHY B & ROBIN L BARKER-	358	7113302012	775 BOWSTRING RD
CHESLOCK, LEONARD C & SUSAN M	494	7123102022	1595 BOWSTRING RD
COOK, JULIANA & CHARLES	345	7124107005	17440 MUZZLE LOADER WAY
COOPER TRUST, GEORGE A	520	7113302031	1105 BOWSTRING RD
CORDOVA, RICARDO & BOBBI LYNN	475	7124204009	835 W CARIBOU DR
COSH, MELINDA & DOUGLAS G	464	7124203015	17310 CLOVERLEAF RD
DAVID, KEVIN E & JENNIFER A	365	7113302019	925 BOWSTRING RD
DAVIS, JENNIFER & MICHAEL SMITH	435	7113302049	1080 W CARIBOU DR
DUFOUR, STEPHANIE ERNST & HILLMAN VICTOR	439	7113302045	1085 W CARIBOU DR
DUMOND, JOHN D & KRISTIN F	473	7124204035	861 CARIBOU CIR
ECKLUND, ERIC & SUSAN	517	7124202004	1165 BOWSTRING RD
ELLIOTT, CHARLES R & VICKI L	355	7113302009	741 BOWSTRING RD
ERIKSON, ANNE & MARK	434	7113302050	1070 W CARIBOU DR
EWING, KEVIN & JERI	508	7123102008	1325 BOWSTRING RD
FRITZSCHE, MARK H & NANCY H	428	7124201015	954 W CARIBOU DR
GAUDLIP, FRED W & BETH A	411	7124204017	17270 EARLY STAR DR
HAYES, SHEILA S & JAMES P	432	7113302052	1050 W CARIBOU DR
HOFF, BRIAN T & KIMBERLY B	330	7124103011	475 SCRUB OAK CIR
HOLMES, TERRY J & SUSAN L	391	7124201002	720 W CARIBOU DR
HOVANEC, DENISE M & KURT F	443	7113302041	1049 W CARIBOU DR
JONES FAMILY TRUST DATED FEBRUARY 19, 2021	349	7113302057	17550 MUZZLE LOADER WAY
JONES, REID A & ANGELA L	548	7123102034	17310 LEGGINS WAY
LAMB, RICHARD E & SANDY L	337	7124103004	17320 FAIRPLAY DR
LARSEN, MARGARET-PATRICIA & KARL M	433	7113302051	1060 W CARIBOU DR
LUNDY, ROBERT W & JENNIFER D	409	7124204032	17230 EARLY STAR DR
M&AM LIVING TRUST	501	7123102015	1445 BOWSTRING RD
MAHDER, DAVID M & GERALYN M	509	7123102007	1305 BOWSTRING RD
MCFADDEN, GEORGE J & AGNIESZKA M	526	7113302025	1035 BOWSTRING RD
MCGRATH, DAVID J. III AND ANGELA G.	527	7113302024	1025 BOWSTRING RD
McKEOWN, JAY M & KAREN C	454	7124203002	953 W CARIBOU DR
MENDELL, THOMAS A & DELORES D	341	7124103029	625 W CARIBOU DR
MORGAN, GREGORY K & LESLIE A	399	7124103032	17235 EARLY STAR DR
NORMAN, DANIEL J & TISH A	425	7124201012	902 W CARIBOU DR
OLEZESKI, STEPHANIE K & THOMAS A	364	7113302018	905 BOWSTRING RD
RULLA, TERENCE P	363	7113302017	885 BOWSTRING RD
SEGLEM, MARK K & ANNE E	339	7124103035	17340 FAIRPLAY DR
SMALL, THOMAS R	444	7113302040	1041 W CARIBOU DR
SMYTH, RICHARD & RENEE	448	7113302036	1009 SLATE WAY
STEVENS, RANDY L & JILL S	515	7123102001	1205 BOWSTRING RD
SUSTAITA, BRENT E & LAURA L	554	7123102040	17370 LEGGINS WAY

SZYMANSKI, DEBORAH L & JAMES W	438	7113302046	1093 W CARIBOU DR
VANLANDINGHAM, MARK & AMBER	359	7113302013	815 BOWSTRING RD
WEESE, KEVIN S & REBECCA S	368	7113302022	985 BOWSTRING RD
WILLIAMS, CHRIS & JESSICA	362	7113302016	865 BOWSTRING RD
TOTAL		54	