

**LETTER OF INTENT FOR:
WATERBURY FILING NO. 1
FINAL PLAT PCD FILE # SF237
October 4, 2024**

Owner:

Westside Property Investment Company, Inc.
4100 East Mississippi Avenue, Suite 500
Glendale, Colorado 80246
Attention: Jason Pock
jpock@westsideinv.com
303-984-9800

Applicant/Engineer: Terra Nova Engineering, Inc.
Quentin Armijo, PE
721 South 23rd Street
Colorado Springs, CO 80904
(719) 635-6422 quentin.armijo@tnesinc.com

El Paso County Planner: Ryan Howser, Project Manager/Planner II
El Paso County Development Services
2880 International Circle Colorado Springs, CO 80910
(719) 520-6300 RyanHowser@elpasoco.com

DEVELOPMENT REQUEST:

Applicant requests approval of the following:

A Final Plat and Construction Drawings for Filing No. 1 of the Waterbury subdivision, requesting 198 single-family lots on 61.9 acres. The Type D Application Form (1-2C) is submitted.

PROJECT LOCATION/DESCRIPTION OF PROPERTY:

The project site is located at 1000 Eastonville Rd., Peyton CO 80831, a portion of El Paso County Tax Parcel 4200000417. The PUD/Preliminary Plan (PUDSP-21-005) was recently approved (2/7/23) at the Board of County Commissioners. The current zoning is PUD and there is no overlay zoning. The site is approximately 12 miles east of downtown Colorado Springs, northeast of Falcon, Colorado. The parcel is approximately 2,000 feet west of the intersection of highway 24 and Stapleton Rd. It is bordered on the west by single family residential sites and

Eastonville Road. Adjacent parcels to the southwest and east of this project are large, multiacre sites with existing homes and outbuildings (loafing shed/ stable), driveways, and barns. Any existing off-site residences, outbuildings, dirt roads, etc., are scheduled to remain and will not be relocated or removed as a result of the Waterbury development.

Filing 1 of this Final Plat is located in the southwest corner of the Waterbury project with primary access from Stapleton Drive. A secondary access point will be via an extension of existing Gilbert Drive at the northwest corner of Filing 1. The existing 4-Way Ranch Filing 1 project borders Waterbury to the southwest. Parcel 4200000366, part of the overall Waterbury PUD, is vacant and borders to the north and east. A public high school borders the project across Eastonville Rd. The existing land use for the site is vacant and contains multiple drainage ways flowing in a southeasterly direction along the western and eastern boundaries of the preliminary plan land area. The site includes several unimproved dirt roads used for ranching purposes, native stands of vegetation, utility easements, and an existing water line running north-south through the site which is outside the boundaries of this preliminary plan.

PROPOSED IMPROVEMENTS Proposed improvements will include the construction of public (county-owned) and maintained asphalt roadways with concrete curb and gutter and concrete sidewalks. Drainage and storm water detention facilities will be constructed in conformance with County standards and specifications and maintained by 4-Way Ranch Metropolitan District No. 2. Electric, natural gas, water, wastewater, and communication service points-of-connection will be extended from the roadways and other points as needed to all new lots. The Noise Mitigation Study suggests that by the year 2040 the traffic decibel level may exceed allowable limits for some lots along the Stapleton Drive corridor. If a noise mitigation barrier is required, it will be constructed and maintained by 4-Way Ranch Metropolitan District No. 2. Landscaping as required by the LDC will be installed along Stapleton Drive, Gilbert Drive, Saybrook Road, and the roundabout intersection of Saybrook and Sunken Meadow Roads. Plant material will consist of a mix of low-water trees, shrubs, and ornamental grasses and will be watered via drip irrigation. Ground cover along the Stapleton landscape area will be a native prairie grass mix, with temporary overhead irrigation for establishment. A centrally located community park will be equipped with shade and evergreen trees, weather-resistant benches and picnic tables, a manufactured play structure, and a permanent shade/picnic pavilion. A major portion of the park will be bluegrass turf for residents' outdoor activities, irrigated with permanent overhead irrigation. Lot sizes: a minimum of 50' wide at the 20' front yard setback, and a minimum of 110' in depth. Lots on knuckles/curves are a minimum of 40' at the 20' setback and 114' minimum depth.

**ADHERENCE WITH THE EL PASO COUNTY CRITERIA OF APPROVAL IN CHAPTER 7
& SUBDIVISION DESIGN STANDARDS IN CHAPTER 8 OF THE LAND DEVELOPMENT
CODE**

- *The Final Plat is consistent with the formerly approved Waterbury PUDSP, which was found to be consistent with applicable components of the EPC Master Plan.*

- *The project plan shows compatibility with adjacent existing and proposed residential communities.* The subdivision is in conformance with the goals, objectives, and policies of the Your El Paso Master Plan, as listed below.

- *The subdivision is in substantial conformance with the approved preliminary plan;* The Final Plat does not differ in any way from the approved preliminary plan. Lot layout and the total of 198 lots is the exact same in the final Plat as the approved preliminary plan. Road, utility, storm drain including site detention design are in 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;* The site design for the Final Plat and Final Construction Drawings followed the latest design standards and regulations set forth by El Paso County.

- *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 sufficient water supply has been acquired and proven through the water resource report that was approved at the BoCC in February of 2023 during the approval of the PUD/Preliminary Plan. Therefore, approval of the final plat may be administrative. The water resource report has also been submitted with this Final Plat submittal.

- *A public sewage disposal system has been established and 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;* A sufficient wastewater supply has been acquired and proven through the water resource report that was approved at the BoCC in February of 2023 during the approval of the PUD/Preliminary Plan. The water resource report has also been submitted with this Final Plat submittal.

- *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)];* During the approval of the PUD/Preliminary Plan a soils report was submitted and reviewed by the El Paso

County staff and accommodations have been made to address the high ground water table. The soils report has also been submitted with this Final Plat submittal.

- *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; All applicable sections of Chapter 6 & 8 of the Land Development Code are met by this project.*
- *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; All lots and parcels are fronted by Public ROW as shown on the Final Plat*
- *Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision; through the PUD/Preliminary Plan approval process police and fire protection along with utility commitment letters were provided. These letters are also being submitted with this final plat submittal.*
- *The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; During the approval of the PUD/Preliminary Plan a fire protection report and wildfire hazard mitigation report was submitted and reviewed by the El Paso County staff. The fire protection report and wildfire hazard mitigation report has also been submitted with this Final Plat submittal.*
- *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; 2 offsite storm detention facilities are proposed for the site along with the storm drain to route the runoff to the detention facilities. There are also some access roads to allow maintenance of the channels. These are being placed in a drainage/maintenance easement. Other offsite improvements include the future widening and re-striping of the adjacent section of Stapleton Drive to provide turn lanes into and out of the subdivision. All of these offsite improvements were shown, reviewed and approved in the PUD/Preliminary Plan.*
- *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 County is charging various fees to mitigate the impacts of this proposed subdivision.*
- *The subdivision meets other applicable sections of Chapter 6 and 8; All applicable sections of Chapter 6 & 8 of the Land Development Code are met by this project.*
- *The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.] The mineral rights are not severed and the owner*

has no intent on any mining. A mineral rights certification statement was submitted with the approved PUDSP.

ADHERENCE WITH THE 2021 YOUR EL PASO MASTER PLAN, AND WATER MASTER PLAN

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

Goal 1.1 - Ensure compatibility with established character and infrastructure capacity

Waterbury Filing No. 1 is compatible with the other existing residential neighborhoods in the immediate vicinity. New lots will be similar in character to existing lots in adjacent PUD's and paved roads serving the new lots will be compatible with the types of roadways in nearby adjacent neighborhoods.

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

Goal 4.1 - Establish a transportation network that connects all areas to one another, emphasizing east-west routes, reducing traffic congestion, promoting safe and efficient travel.

The driveways of platted lots will be accessed by proposed paved rural minor collectors and rural local streets. No direct driveway access for any new lot is planned for Stapleton Road, to minimize any increased traffic load from new lots onto the existing arterial. A secondary access to Waterbury Filing No. 1 is provided by the extension of Gilbert Drive, which will reduce the traffic load at the Stapleton/Saybrook intersection.

All roads will be constructed with paved sidewalks and ramps at intersections. There is adequate access to passive recreation open space tracts from public rights of way without the use of inter-lot access points. A community park will be developed in Filing 1 incorporating amenities such as play structure, benches and picnic tables, maintained turf areas, and a shade pavilion.

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

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

Commitment-To-Serve letters for delivery of public safety, electrical service and natural gas to all the area within Filing No. 1 have been submitted with the PUDSP and Preliminary Plan. No new facilities for fire protection or schools are proposed or required for this application.

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

Public sewage disposal system: The owner/developer is currently coordinating with the existing Woodmen Hills Metropolitan District for water and wastewater service, which is in compliance with state and local laws and regulations.

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

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

The approved Waterbury PUDSP, and this subsequent Filing No. 1, incorporates both a large, undisturbed portion of a USACE/FEMA floodplain to the west and a palustrine emergent wetland to the east. These ecologically sensitive areas have been placed in tracts, designated as no-build areas, and add 4 acres of accessible passive recreation areas for the residents of the community. Both of these areas provide permanent wildlife habitat and natural water storm water infiltration and clarification.

All new storm water runoff from the development is managed via separate water quality detention areas on-site to insure downstream water quality. A Final Storm Water Management Plan is submitted with this filing.

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

The area surrounding the property has sufficient carrying capacity to support the proposed development's roadway capacity, water supply, septic suitability, educational facilities, and organized structural fire protection. Utilities and road infrastructure needed to serve the new lots, such as new roads, drainage and detention facilities, erosion control, etc. will be constructed as part of this development.

TRANSPORTATION

Subdivision Access *Local access is key to connecting residents to the region and residents have identified subdivision access as a primary concern. Input received as part of Your El Paso County outreach process cited a need for subdivision communities to have two points of access, or two ways in and out. Generally, single access subdivisions create points of high traffic and congestion where they join the primary street network and are disconnected from other neighborhoods by roads that dead end at cul-de-sacs. Having two points of access allows for a more contiguous street network and would remove these barriers.*

Providing multiple points of access to a subdivision also improves efficiency in emergency response times and allows for better pedestrian and bicycle access across neighborhoods. Better access can be the difference between a resident or visitor choosing to walk over drive to their destination. Increased access especially with multimodal options for walking and biking could reduce vehicular travel and ultimately congestion and stress on roadway infrastructure.

Waterbury Filing No. 1 has two points of access, Saybrook Rd. accessing Stapleton Drive directly, and Gilbert Drive accessing Stapleton Drive in two other locations to the west. Future filings of Waterbury will create additional access points to the subdivision.

TRANSPORTATION IMPACT STUDY GUIDELINES

A Transportation Impact Study (TIS) is submitted for this project based upon the El Paso County Engineering Criteria Manual (ECM) per ECM appendix B.1.1.

FINAL PLAT CONSISTENCY WITH PRELIMINARY PLAN

The Final Plat is in general conformance with the formerly approved Waterbury PUDSP. The project plan shows compatibility with adjacent existing and proposed residential communities.

SITE CONSTRAINTS, HAZARDS, AND SENSITIVE NATURAL OR PHYSICAL FEATURES

There are no existent historical or cultural features on the property. The USACE/FEMA floodplain to the west and the wetland to the east are discussed above.

Soil/Topographical conditions – a Soils and Geology Report has been prepared and submitted by Entech Engineering. This report addresses the potential existence of several geo-hazards in some areas on the site, as follows: seasonal shallow groundwater, floodplains, unstable slopes, artificial fill, potential for shallow bedrock, loose soils, and expansive soils. The Preliminary Plan overall design took into consideration the applicable hazards (floodplain, wetlands), and the report suggests remediation for other hazards during construction as needed for individual lots. These lots were identified in the PUD/Preliminary Plan set. This Final Plat follows that Preliminary Plan exactly with no significant changes between the two.

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

A CLOMR will need to be submitted and approved by FEMA as *“the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will increase the water surface elevation of the base flood more than one-half (1/2) foot at any point*

within the community.”

All residential lots shall have access to paved roads in the public ROW, maintained by El Paso County. A Wildfire Hazard and Fire Protection Report has been prepared and submitted ascertaining compliance with Chapter 6 of the LDC.

A roundabout is proposed with this subdivision. It was designed per El Paso County ECM standards. Exhibits, summary tables, a fastest-path analysis, and truck-turning analysis are provided with the TIS report. Upon approval and review of these exhibits by County staff, the roundabout design report has been included with this submittal. See the roundabout design report for more information.

TRAFFIC STUDY AND DEVIATIONS

A Traffic Impact Study was submitted and approved with the PUD/Preliminary Plan. There were several deviations that were reviewed and approved with the PUD/Preliminary Plan. The Deviation Request documents were submitted separately and as addenda to the Traffic Impact Study.

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

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

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

COUNTY ROAD IMPACT FEE PAYMENT

Road Impact Fees: 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. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. A 10mil PID will be used to generate the impact fees, as noted in the Traffic Impact Study. 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.

PUBLIC AND PRIVATE IMPROVEMENTS

Proposed improvements will include the construction of public (county-owned) and maintained asphalt roadways with concrete curb and gutter and concrete sidewalks. Offsite road improvements include the widening of Stapleton Drive for turn lanes, as noted above, and an eastward extension of Gilbert Rd to provide another point of access to the subdivision. On site storm Drainage will be public and maintained by EL Paso County. Storm water detention facilities will be constructed in conformance with County standards and specifications and maintained by 4-Way Ranch Metropolitan District No. 2 along with the 2 existing channels on each side of the site. Electric, natural gas, water, wastewater, and communication service points-of-connection will be extended from the roadways and other points as needed to all new lots.

WAIVERS

There are no proposed waivers.

COMMUNITY OUTREACH EFFORTS

At the time of the PUD/Preliminary Plan submittal the adjacent property owners were notified via certified mail. There was also an opportunity for the public to speak at the Planning and Zoning hearing which there was no one took up the chance. There was also notice posted before the Board of County Commissioners which one person called in to ask questions about the project. With this submittal adjacent property owners are again being notified of the Final Plat submittal.