



MERIDIAN SERVICE METROPOLITAN DISTRICT

Water, Wastewater, Parks and Recreation

11886 Stapleton Dr, Falcon, CO 80831

719-495-6567, Fax 719-495-3349

June 10, 2021

Development Services Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910-3127
Attn: Craig Dossey

RE: Meridian Service Metropolitan District
MSMD Filter Building Expansion
Relevance to Guidelines & Regulations for Areas and Activities of State Interest

Dear Mr. Dossey:

Meridian Service Metropolitan District (MSMD, the District), is in the planning and design phases of an expansion of the existing building that houses the filtration process to the water system. The preliminary plans show a 25' x 40' addition to the northwest side of the building, adding 3 filter vessels and a reaction chamber within the building addition. The filtration building is located on a parcel northeast of the intersection of Rex Rd and Sunrise Ridge Drive, parcel tax number 4220203001. The existing building is located on Future Tract B of the approved Estates at Rolling Hills Ranch Filing 2. The zoning for Tract B was established with the approval of the PUD on December 22, 2020 and recorded on January 26, 2021 by resolution 221015707.

MSMD has been providing water and wastewater services for the Meridian Ranch development since its inception in 1999 and the first subdivision filing recorded in 2002. The water filtration building was constructed later in 2002 and started delivering potable water in late 2002. The land was officially identified for Metro District use on the 2011 approved sketch plan.

The filtration building and system was designed and constructed with expansion in mind when the size of the development made this necessary. The expansion is anticipated to allow the District to meet peak summer flow for the complete buildout of the Meridian Ranch development.

The filtration building and surrounding land sits on Tract B of the recently approved PUD Development/Preliminary Plan. Tract B uses as outlined in the PUD include but not limited to water treatment, utilities, offices, parking, material storage, and recreation.

The filtration operations have been continuously delivering water to the MSMD customers from this location for nearly 20-years. The filtration building and use of the land predates the El Paso County Guidelines and Regulations for Areas and Activities of State Interest (1041 Regulations) first adopted on June 6 2013.



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The facility in question was existing and in use prior to the adoption of these Regulations on June 6, 2013 and appears satisfy the exemption requirements as outlined in Section 1.105(3), (4), & (6) of the 1041 Regulations. Specifically, 1.105(3), the project is *on land which has been finally approved, with or without conditions, for planned unit development*. 1.105(4) the project *on land which has been zoned by the County expressly and specifically for a use by right for the use contemplated by the development*. Finally. 1.105(6) the expansion will not change the day-to-day operations and does not *constitute a material change and does not cause negative impacts different from that of the existing facility or project or otherwise exacerbate existing impacts*.

The project is on land which has been finally approved for planned unit development with the approval of the Estates at Rolling Hills Ranch Filing 2 PUD (1.105(3)). Tract B of Estates at Rolling Hills Ranch Filing 2 is zoned for use by the District for continued use for the filtration system, future district office space, materials storage and utilities amongst other uses. See the attached approved PUD Development Plan.

The project on land which has been zoned expressly and specifically for a use by the District for the use contemplated by the development. By approved Sketch Plan and approved PUD the property has been expressly and specifically set aside for District use. See the 2011 Sketch Plan and the current approved Sketch Plan for reference.

The expansion will not change the day-to-day operations and does not constitute a material change and does not cause negative impacts different from that of the existing facility or otherwise exacerbate existing impacts. The Master Plan of Meridian Ranch has anticipated the property in question to be used as the District offices and continued use as the water filtration site. The proposed expansion will not change the day-to-day operations, staff currently reports to the project site every morning before going about their daily tasks. The employment level will continue to increase as the District grows, but the District growth is limit by its boundaries.

The project also appears to be exempt in that it is to be located on land designated for District use and zoned by PUD for the specific. The site has been identified on the approved Sketch Plan for Meridian Ranch since 2011 prior to the adoption of the regulations. The day-to-day use of the property and building will not change nor exacerbate current impacts This seems to fit into the exemption outlined under allowed exemptions found in Section 1.105 paragraphs 3, 4, and 6.

After researching El Paso County's "Guidelines and Regulations for Areas and Activities of State Interest (the Regulations)," we are submitting the following information related to Section 1.105 Exemptions to demonstrate that the project does not apply to the Regulations due to the property and operations being in place prior to the adoption of the Regulations. Below are excerpts from the Regulations followed by rationale and information related to this project:

Section 1.105 – Exemptions

1. The specific development or activity is authorized by a valid building Permit issued by the Pikes Peak Regional Building Department on behalf of the County.

The proposed activity is not applicable to line item number 1.



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2. The specific development or activity was directly approved by the electorate of the State or of the County; provided that approval by the electorate of any bond issue shall not, in and of itself be construed to be an approval of the specific development or activity.

The existing activity of water filtration and distribution was approved by El Paso County and the Colorado Department of Public Health and Environment (CDPHE). The proposed activity is not a change to the process. The approved treatment location and treatment type of the water will not change.

3. The specific development or activity is to be on land which has been finally approved, with or without conditions, for planned unit development or for a use other than a subdivision substantially the same as a planned unit development, and a Site Development Plan has been approved by El Paso County prior to the effective date of these Regulations for the development or activity which would otherwise be subject to these Regulations.

The proposed activity is to be located on land designated for District use on the finally approved Sketch Plan for Meridian Ranch. The site has been used for water filtration and treatment since 2002. The subject property has been identified for water treatment, office, parking, utilities, and materials storage amongst other uses on the approved PUD Development Plan for Estates at Rolling Hills Ranch Filing 2.

4. The specific development or activity is to be on land which has been zoned by the County expressly and specifically for a use by right for the use contemplated by the development or activity and a Site Development Plan has been approved for the specific development or activity which would otherwise be subject to these regulations.

The proposed activity is on land zoned PUD and approved by the County for its current use, which will remain unchanged.

5. These Regulations shall not apply to the division, subdivision or resubdivision of land, which complies with the Land Development Code, the El Paso County Engineering Criteria Manual and the City of Colorado Springs and the El Paso County Drainage Criteria Manual, as long as any exceedance of the thresholds in Section 6.105(3) are addressed in the land use approval process.

The proposed activity is not a division, subdivision or resubdivision process.

6. The day-to-day operations of an existing project or facility, or a minor change in the operation of an existing project or facility, including retrofitting or updating technology, so long as the change in operation does not constitute a material change and does not cause negative impacts different from that of the existing facility or project or otherwise exacerbate existing impacts. The determination of minor change, material change, and negative or exacerbating impacts shall be made by the Development Services Department Director.

The current "day-to-day" activities associated with the location will not change. The employees will continue to report to the location at the same frequency as before the planned expansion.



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7. These regulations shall not apply to any use or structure otherwise lawfully existing on the date the area or activity is designated or subjected to these Regulations which use becomes nonconforming as a result of the adoption of these Regulations, provided, when such a nonconforming use shall be discontinued for one year or more or a nonconforming structure is damaged or destroyed to the extent of at least fifty (50) percent of the County Assessor's assessed value, any reuse, reconstruction, or replacement of such structure shall be deemed a new use and shall be subject to these Regulations. Additionally, expansion of a legal nonconforming use or structure shall require a Permit.

The proposed activity is not applicable to line item number 7.

Attached is an exhibit depicting the proposed project, the approved Estates at Rolling Hills Ranch Filing 2 PUD, 2011 Approved Sketch Plan and the 2017 Approved Sketch Plan.

If I can provide any additional information, or if you have any questions, please feel free to contact me.

Sincerely,

Thomas A Kerby, PE
District Engineer
Meridian Service Metropolitan District
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Falcon, CO 80831
719.495.7444