

**EL PASO COUNTY**  
  
**COLORADO**

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Planning Commission  
 Brian Risley, Chair**

**FROM: Ryan Howser, Planner II  
 Gilbert LaForce, PE Engineer III  
 Craig Dossey, Executive Director**

**RE: Project File #: SP-21-002  
 Project Name: Winsome Preliminary Plan Amendment  
 Parcel Nos.: 51000-00-524, 51000-00-525, 51000-00-526, 51000-00-527, and 51240-00-001**

OWNER:	REPRESENTATIVE:
Winsome, LLC 1864 Woodmoor Drive, Suite 100 Monument, CO 80132	N.E.S., Inc. 619 North Cascade Avenue, Suite 200 Colorado Springs, CO 80903

**Commissioner District: 1**

Planning Commission Hearing Date:	12/16/2021
Board of County Commissioners Hearing Date	12/21/2021

**EXECUTIVE SUMMARY**

A request by Winsome, LLC, for approval of an amendment to the Winsome Preliminary Plan to increase the total number of single-family residential lots from 143 to 146. The 768-acre development area is zoned RR-5 (Residential Rural), RR-2.5 (Residential Rural), and CC (Commercial Community) and is located at the northwest corner of the Hodgen Road and Meridian Road intersection and is within Sections 13, 19, and 24, Township 11 South, Range 65 West of the 6th P.M. The property is located within the boundary of the Black Forest Preservation Plan (1987).

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



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

**A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION**

**Request:** A request by Winsome, LLC, for approval of an amendment to the Winsome Preliminary Plan to increase the total number of single-family residential lots from 143 to 146.

**Waiver(s)/Deviation(s):** The applicant is requesting a waiver to Section 8.4.3.B. of the Code to allow for two (2) of the three (3) proposed new lots to not have access from a public road.

Section 8.4.3.B, *Minimum Frontage*, of the Code states: “Lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads are approved by the BoCC pursuant to waiver granted under Section 8.4.4 (E).”

The applicant is proposing to add three (3) additional lots. Two (2) of the lots are proposed to have access to Alamar Way via a shared access easement, as depicted on the preliminary plan.

PCD Executive Director Recommendation:

The PCD Executive Director recommends approval of the requested waiver. Per the proposed preliminary plan adequate lot accessibility can be provided via the proposed access easement. The applicant has depicted a layout that accommodates lot access to Alamar Way, a proposed public road.

**Authorization to Sign:** There are no items requiring signature associated with this request.

**B. PLANNING COMMISSION SUMMARY**

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

**C. APPROVAL CRITERIA**

In approving a preliminary plan, Section 7.2.1.D.2 of the El Paso County Land Development Code (2021) states the BoCC shall find that:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of this Code;
- The subdivision is in conformance with the subdivision design standards and any approved sketch plan;
- 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 the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;
- The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;
- Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed

subdivision will not negatively impact the levels of service of County services and facilities;

- Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and
- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

**D. LOCATION**

North RR-5 (Residential Rural)	Vacant Agricultural
South RR-5 (Residential Rural)	Residential
East RR-5 (Residential Rural)	Residential
West RR-5 (Residential Rural)	Residential

**E. BACKGROUND**

The property was zoned A-1 (Agricultural) on September 21, 1965, when zoning was first initiated for this portion of El Paso County (BoCC Resolution No. 434870). Due to changes in the nomenclature of the Land Development Code, the A-1 zoning district was renamed as the RR-5 (Residential Rural) zoning district.

On July 9, 2019, the Board of County Commissioners approved the Winsome Preliminary Plan (PCD File No. SP-18-006). The Plan encompasses 766.66 acres and consists of 143 single-family residential lots, 1 commercial lot, open space and drainage tracts, and public rights-of-way.

On July 9, 2019, the Board of County Commissioners approved two (2) concurrent rezoning requests to rezone portions of the property from RR-5 (Residential Rural) to RR-2.5 (Residential Rural) and CC (Commercial Community) (PCD File Nos. P-18-006 and CC-18-001, respectively).

The applicant is requesting approval of an amendment to the existing Winsome Preliminary Plan to increase the total number of single-family detached residential lots from 143 to 146. The amendment divides what was previously known as proposed Lots 42 and 41 into proposed Lots 10, 11, 12, and 13. Additionally, 7.58 acres of open space is being repurposed as proposed Lot 28. Portions of Lots 43 and 44 are incorporated into proposed Lots 10, 11, 12, and 13 to ensure that they are each greater than 5 acres. All of the lots within the preliminary plan area are also proposed to be re-numbered.

See below for a graphical depiction of the proposed amendment.

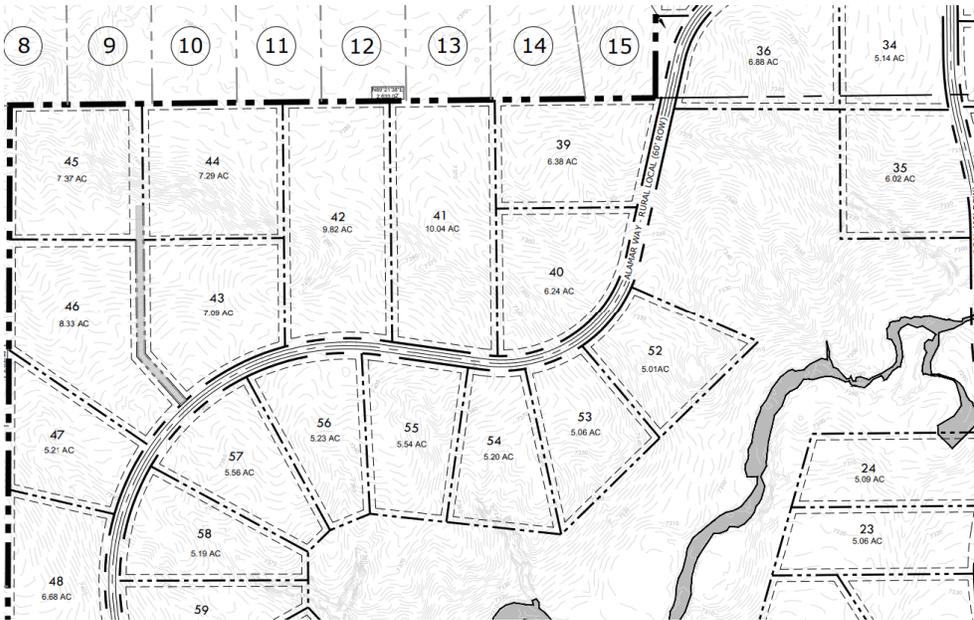


Figure E.1 – Existing Preliminary Plan

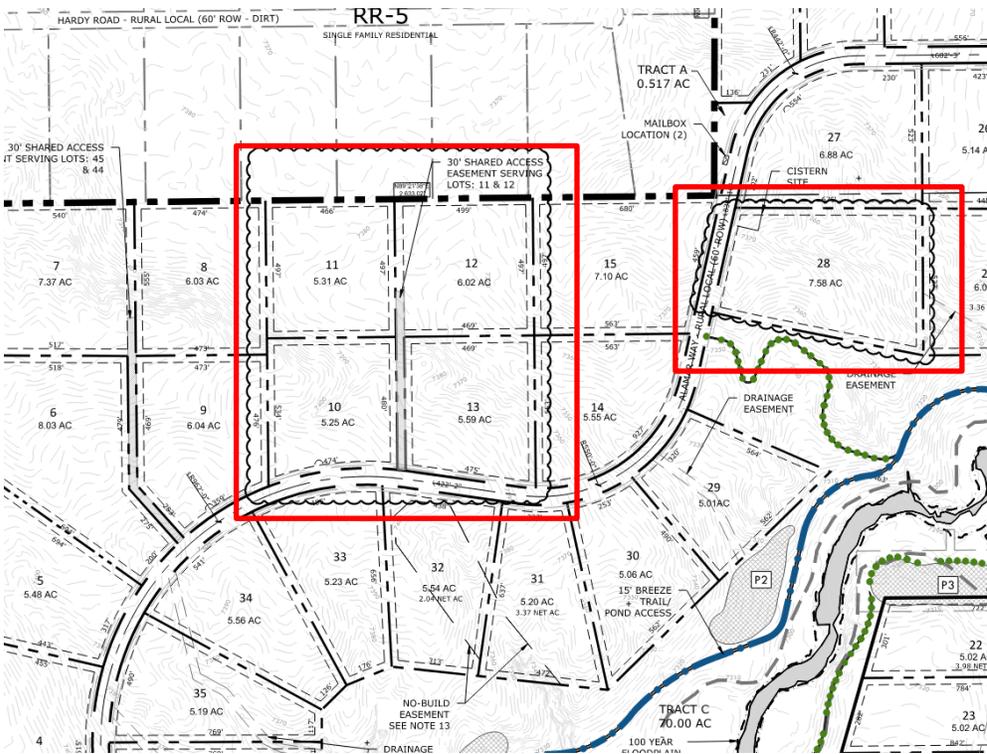


Figure E.2 – Proposed Preliminary Plan Amendment

## **F. ANALYSIS**

### **1. Land Development Code Compliance**

This application meets the preliminary plan submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the Land Development Code (2021), with the exception of the waiver as requested above.

### **2. Zoning Compliance**

The preliminary plan area consists of property within the RR-5 (Residential Rural), RR-2.5 (Residential Rural), and CC (Commercial Community) zoning districts. The area included within the proposed amendment is within the RR-5 zoning district. All proposed changes are in conformance with the RR-5 zoning district standards.

The RR-5 (Residential Rural) zoning district dimensional standards are as follows:

- Minimum lot size: 5 acres
- Minimum width (at front setback line): 200 feet
- Minimum front, side, and rear yard setback: 25 feet
- Maximum lot coverage: 25 percent
- Maximum height: 30 feet

A residential site plan will be required for all lots prior to building permit authorization to ensure all proposed structures will meet the setback, height, and lot size coverage requirements of the RR-5 zoning district.

### **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. A finding of conformance with the Plan was made with the original preliminary plan approval. The proposed amendment will increase the total number of lots from 143 (density of one dwelling unit per 5.37 acres) to 146 lots (density of one dwelling unit per 5.26 acres). The proposed amendment is in conformance with those findings previously made by the Board of County Commissioners.

### **4. Small Area Plan Analysis**

The parcel is included within the boundaries of the Black Forest Preservation Plan (1987), specifically the Meridian-Eastonville Corridor planning area which

recommends an overall density of one (1) dwelling unit per five (5) acres. A finding of consistency with the Plan was made with the original preliminary plan approval. The proposed amendment will increase the total number of lots from 143 (which represents an overall density of one dwelling unit per 5.37 acres) to 146 lots (which represents an overall density of one dwelling unit per 5.26 acres). The proposed amendment is in conformance with the findings previously made by the Board of County Commissioners.

## **5. Water Master Plan Analysis**

The El 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 proposed preliminary plan amendment area is included within Region 4a. A finding of conformance with the Plan was made with the original preliminary plan approval. The proposed amendment will increase the total number of lots from 143 (density of one dwelling unit per 5.37 acres) to 146 lots (density of one dwelling unit per 5.26 acres). The proposed amendment is consistent with those findings previously made by the Board of County Commissioners.

## **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 Division of Community Services, Kiowa Conservation District, and Colorado Parks and Wildlife were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies potential floodplain deposits, valley fill, and upland 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.

Please see the Parks section below for information regarding The El Paso County Parks Master Plan (2013).

Please see the Transportation section below for information regarding the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP).

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

There is a floodplain on the subject parcel, which is contained within platted tracts. Please review the floodplain section below for additional information.

The soils and geology report identified areas of seasonal water and potentially seasonal shallow water. Not all of these areas are shown as “no-build” areas. Additional plat notes may be required on the final plat to require underdrains or preclude basements in these areas. Colorado Geological Survey was sent a referral for the preliminary plan amendment and has no outstanding comments.

## **2. Wildlife**

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

## **3. Floodplain**

FEMA Flood Insurance Rate Map panel number 08041C0350G shows that the 100-year floodplain (Zone A) of West Kiowa Creek flowing through the site. The floodplain is planned to be located in a tract to be owned and maintained by Winsome Metropolitan District. The applicant has processed a Conditional Letter of Map Revision with FEMA to adjust the floodplain boundary and establish base flood elevations (CLOMR Case No. 19-08-0185R).

## **4. Drainage and Erosion**

The project is located within the West Kiowa drainage basin (KIKI0200), which is unstudied and has no associated drainage or bridge fees.

The site generally drains to the northeast and is bisected by West Kiowa Creek. Stormwater runoff will be conveyed by roadside ditches and existing channels into one of five full spectrum detention facilities for water quality and flood control and three water quality only detention facilities. These facilities will be owned and maintained by the Winsome Metropolitan District.

The approved preliminary plan (PCD File No. SP-18-006) applied the prudent line approach which limits how close development can occur next to West Kiowa Creek to minimize potential property damage because of future channel migration and flooding while leaving the channel in its natural condition. The prudent line approach was removed from the El Paso County Engineering Criteria Manual (ECM) in 2018. The final drainage report for Winsome Filing No. 3 final plat application will be required to analyze West Kiowa Creek and implement any required stabilization measures to meet current criteria.

An updated Preliminary Drainage Report was not required with the Preliminary Plan Amendment since the request to increase the total number of single-family

detached residential lots by three additional lots is still in conformance with the previously approved Preliminary Drainage Report submitted with the original preliminary plan. The approved drainage report concluded that the development will not adversely affect downstream properties or facilities.

## **5. Transportation**

Access to the development is via three proposed rural local roadways to gain access from Hodgen Road and one rural local road to access from Meridian Road. All of the streets within the subdivision are planned to be public roads and will be dedicated to the County. Off-site improvements proposed along Hodgen Road consist of auxiliary turn lanes needed by the development. These off-site improvements are not reimbursable through the 2016 Major Transportation Corridors Plan Update (MTCP) roadway improvement program. Based on the traffic impact study, Hodgen Road and Meridian Road will continue to operate at a Level of Service C or better with the development.

The MTCP identifies a 2040 Roadway Improvement Project along the frontage of Hodgen Road (Project ID U6) from an unimproved County road to a Minor Arterial. The impact from traffic generated by this development does not warrant construction of the MTCP 2040 Roadway improvements.

The development is subject to the El Paso County Road Impact Fee program (Resolution No. 19-471).

## **H. SERVICES**

### **1. Water**

Sufficiency:

Quality: Sufficient

Quantity: Deferred

Dependability: Deferred

Attorney's summary: Water will be provided by individual onsite wells. The State Water 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 is deferring a recommendation of a finding of sufficiency with regards to water quantity and dependability until the final plat stage of development. El Paso County Public Health is recommending a finding of sufficiency with regards to water quality.

## **2. Sanitation**

Wastewater is proposed to be provided by individual onsite wastewater treatment systems (OWTS). The applicant submitted an onsite wastewater treatment system report demonstrating a minimum of two potential locations for septic systems per lot.

## **3. Emergency Services**

The property is within the Falcon Fire Protection District. The District was sent a referral and has no outstanding comments.

## **4. Utilities**

Electrical service will be provided by Mountain View Electric Association and natural gas service will be provided by Black Hills Energy. Both service providers were sent referrals and have no outstanding comments.

## **5. Metropolitan Districts**

The property is within the boundary of the Winsome Metropolitan District, which was created by the developer for the sole purpose of providing services for the proposed project.

## **6. Parks/Trails**

The El Paso County Parks Master Plan (2013) identifies the proposed Hodgen Road and Meridian Road Bicycle Routes located immediately adjacent to the southern and eastern boundaries of the property, respectively. However, easement dedication for these trails will not be required.

The Pineries Open Space is located two miles south of the property, while the existing and proposed sections of the Palmer Divide Regional Trail (Woodlake Trail) are located approximately 0.75 miles southeast of the property.

The Open Space Master Plan section of the Parks Master Plan shows the Black Forest South Candidate Open Space encompassing the southern half of the project site. Natural resource values include montane ponderosa pine forests intermixed with permanent and intermittent wetlands and woodland prairie communities, serving as habitats for native, relict, and various rare plant species. The project is not noted to be in conflict with the Plan, as long as its development does not adversely affect the surrounding existing environment.

A network of looping 8-foot breeze trails is proposed through the open spaces, connecting with the internal rural local roads to provide multiple access points.

Early discussions indicated that the applicant was willing to dedicate the open space and trails to El Paso County Parks, however, acquisition of the property and construction of the trails were not identified as either a high priority open space acquisition or vital regional trail connection in the Parks Master Plan. Therefore, the open space and trails will be owned and maintained by the proposed Metropolitan District.

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

**7. Schools**

The property is within the boundaries of the Falcon School District No. 49. Fees in lieu of school land dedication shall be paid to El Paso County for the benefit of the District 49 at time of recording the final plat(s).

**I. APPLICABLE RESOLUTIONS**

Approval                      Page 25  
Disapproval                    Page 26

**J. STATUS OF MAJOR ISSUES**

There are no major issues.

**K. RECOMMENDED CONDITIONS AND NOTATIONS**

Should the Planning Commission find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2021) staff recommends the following conditions and notations:

**CONDITIONS**

1. Applicable traffic, drainage and bridge fees shall be paid with each final plat.
2. Applicable school and park fees shall be paid with each final plat.
3. The 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.

4. The subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 19-471), as amended, 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.
5. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

### **NOTATIONS**

1. Subsequent final plat filings may not be approved administratively by the Planning and Community Development Director.
2. Approval of the Preliminary Plan Amendment will expire after twenty-four (24) months unless a final plat has been approved and recorded or a time extension has been granted.
3. Preliminary plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.

### **L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified 46 adjoining property owners on December 2, 2021, for the Planning Commission meeting. Responses will be provided at the hearing.

### **M. ATTACHMENTS**

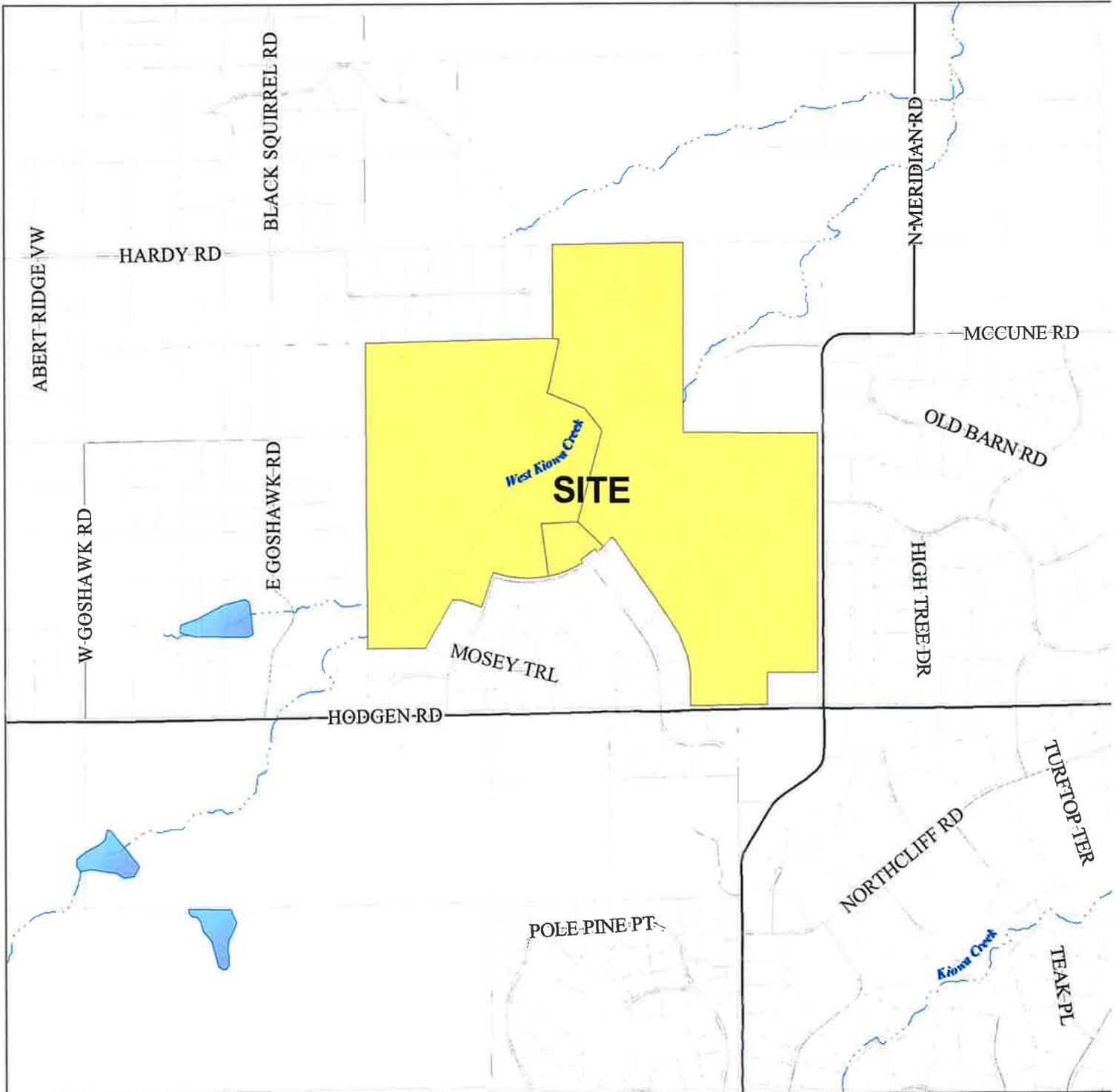
Vicinity Map  
Letter of Intent  
Plat Drawing  
State Engineer's Letter  
El Paso County Public Health Recommendation Letter

# El Paso County Parcel Information

File Name: SP-21-002

Zone Map No.: --

Date: December 1, 2021



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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## WINSOME: PRELIMINARY PLAN AMENDMENT

### LETTER OF INTENT

#### OCTOBER 2021

PROPERTY OWNER	APPLICANT:	CONSULTANT:
Winsome LLC	Winsome LLC	N.E.S. Inc.
1864 Woodmoor Dr, Ste 100	1864 Woodmoor Dr, Ste 100	619 North Cascade Ave,
Monument, Colorado 80132	Monument, Colorado 80132	Colorado Springs, CO 80903

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### REQUEST

Winsome LLC requests approval of an amendment to the Winsome Preliminary Plan, approved July 9, 2019 by the El Paso County Board of County Commissioners. The amendment proposes the addition of (3) 5-acre lots in the northwest portion of the site in the RR-5 zone. The (3) additional lots would be created by dividing (2) 10-acre lots into (4) 5-acre lots, and adding a 7.58-acre lot into the 87.668-acre Tract D open space. The Preliminary Plan Amendment also reflects minor site plan changes that have transpired through platting and construction documents for filings 1-2. The lot numbering has been revised to be consistent with the lot numbering from the filings 1-2 final plats. The trail system has been revised to eliminate wetland crossings, and tie into proposed detention pond access trails. The filing 1 detention ponds have been updated to reflect the approved construction plans. In filing 2, Lot 27 was added next to lot 28, and the lot previously shown above lot 21 was removed. Land use areas for the 768.028-acre property break down as follows:

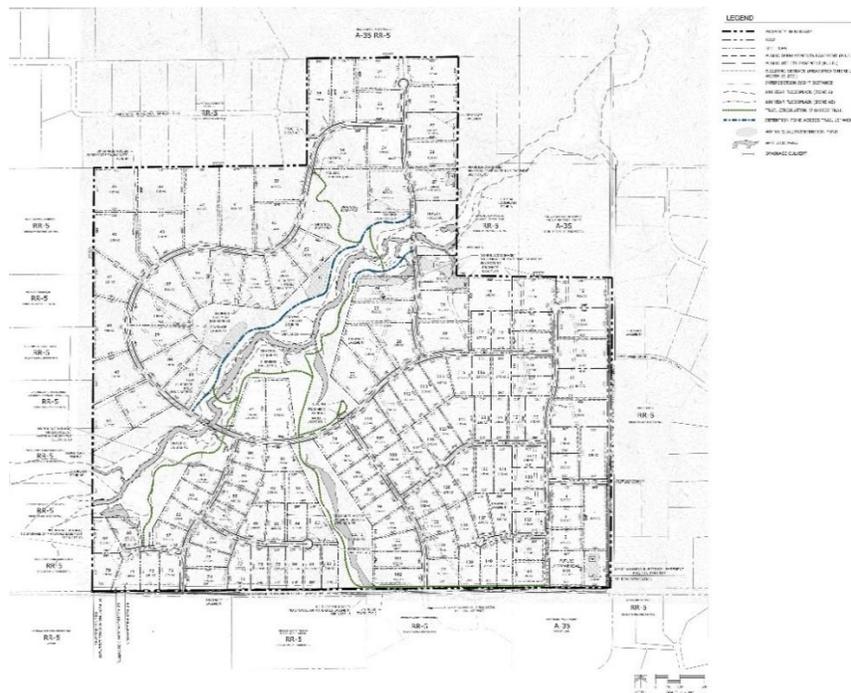
- Residential Lots: 568.78 acres (146 lots)
- Commercial Lot: 7.21 acres
- Open Space: 145.2 acres
- Public ROW: 46.838 acres
- Total Acreage: 768.028

### SUPPORTING DOCUMENTS

The following reports are submitted in support of this Preliminary Plan and are referenced in this Letter of Intent:

- Soils, Geology and OWTS Report prepared by Entech Engineering, Inc.
- Natural Features and Wetlands Report prepared by Ecosystem Services, LLC (ECOS)
- Wildland Fire & Hazard Mitigation Plan prepared by Ecosystem Services, LLC (ECOS)
- Water Resources and Wastewater Report prepared by JDS Hydro Consulting, Inc.
- Preliminary Drainage Report prepared by The Vertex Companies, Inc.
- FEMA CLOMR Report prepared by The Vertex Companies, Inc.

**APPROVED SITE PLAN**



**AMENDED SITE PLAN**



*\*Added lots highlighted in yellow.*

### **Open Space and Trails**

This amendment proposes the overall reduction of 6.23 acres of open space. With that reduction, 144.77-acres of the property, almost 19%, will remain as open space to preserve the natural resource of the West Kiowa Creek and its associated floodplain and wetlands and to preserve existing vegetation. This open space will also provide recreational opportunities for the residents of the proposed subdivision and surrounding neighborhoods. A network of looping trails is proposed through the open spaces, connecting with the internal rural local roads to provide multiple access points. The open space and trails will be owned and maintained by the proposed Metropolitan District (via easements where on residential lots). Discussions with Parks Department staff has indicated that there is no desire for a County regional trail on this property, as it is not identified in the Parks Master Plan.

### **Drainage**

The Preliminary Drainage Report prepared by Vertex analyses the existing drainage characteristics of the site and any required improvements. The proposed Winsome Subdivision is part of the West Kiowa Creek Drainage Basin with Kiowa Creek flowing from the southwest to the northeast across the property. Proposed drainage infrastructure includes road side ditches, culverts to convey stormwater under roads, swales, and six full spectrum detention ponds. All the detention ponds outfall the detained water into West Kiowa Creek at controlled rates. The proposed ponds are designed to reduce peak stormwater flow rates, down below historic rates before leaving the site. With the proposed drainage system, stormwater will be controlled and drainage will not have an impact on properties downstream from this development. The amended site plan shows additional stormwater ponds that were added with the filing 1 and 2 construction documents.

In the upper reaches of the property, individual lot owners will be responsible for maintaining proper stormwater drainage in and through their property. In lower reaches, public drainage easements are shown, which will be maintained by the Metropolitan District. Structures, fences, materials or landscaping that could impede the flow of runoff will not be permitted in the drainage easements.

### **Utilities**

Water: The Water Resources and Wastewater Report prepared by JDS Hydro indicates that water service will be provided by individual domestic wells on the residential lots and by a commercial well on the commercial lot. The wells will be drilled into the Dawson Aquifer. The proposed development as amended will generate an annual demand of approximately 92.60 acre-feet, for which there is sufficient capacity in the Dawson aquifer. Replacement water required to augment depletions from the Dawson aquifer will be available through return flows from the OWTS septic fields. McCune Ranch also has water rights in the Denver, Arapahoe and Laramie-Fox aquifers, but this development is not relying on this water as most of these rights have been sold to Sterling Ranch Metropolitan District for municipal water. Water quality testing of the Dawson Aquifer wells has been completed and is addressed in the Water Resources and Wastewater Report. ***The Applicant requests that the finding of sufficiency for water quantity, dependability and quality be approved with this Preliminary Plan Amendment.***

Wastewater: Wastewater service will be provided by onsite wastewater treatment systems (OWTS). Entech's OWTS Report concludes that the property is generally suitable for OWTS and that contamination of surface and subsurface water sources should not occur provided the systems are installed according to El Paso County and State guidelines. The Report identifies areas that are not

suitable for OWTS. Some lots are impacted but still have sufficient space for OWTS due to the size of the lot. The report recommends individual soils investigations for septic systems prior to construction and that location of OWTS must ensure that well sites are a minimum of 100 feet from the OWTS absorption fields. Further detailed analysis of OWTS locations will be undertaken with the Final Plat.

Gas: Gas Service will be provided by Black Hills Energy and a Will Serve letter is provided.

Electric: Electric Service will be provided by Mountain View Electric Association and a Will Serve letter is provided.

### **Natural Features**

The topography of the property is characterized by rolling hills and valleys with deep ravines drainage to the creek. The West Kiowa Creek, its associated floodplain and wetlands and ravines, is the principal natural feature on the property. In some instances, the wetlands and tails of the ravines are within lots and in these situations the areas are to be protected by “no build” easements. The general extent of these are identified on the Preliminary Plan but detailed evaluation and plotting will take place with the Final Plats.

### **Vegetation**

The majority of the site is vegetated by short grass prairie, with wetlands alongside the creek and Ponderosa Pine in the northwest corner and along the southern property line. The area southeast of the creek has been heavily grazed, which has degraded the vegetation and allowed the establishment of invasive weeds. The eastern part of the site has been plowed in the past. The ECOS Natural Features and Wetlands Report notes that there will be little impact on vegetation due to the large lot format of the development and the extensive area protected as open space. There is the potential to improve the vegetation with the proposed noxious weed management plan and native plant restoration outlined in the ECOS Natural Features Report.

### **Noxious Weeds**

The noxious weeds on the site are mainly contained with the proposed open space areas. ECOS have provided a noxious weed management plan within the Natural Features Report, which recommends weed control prior to and during construction to eliminate existing weeds and to prevent introducing new weeds. Following construction, the Metropolitan District will be responsible for weed control in the open space. With the individual lots, weed control will be the responsibility of the individual home owner and will be enforced through covenants.

### **Floodplain**

Portions of the site adjacent to the West Kiowa Creek are mapped within Zone A of the FEMA Floodplain Map No. 08041CO350G, dated December 7, 2018. Zone A indicates that Base Flood Elevations have not been determined. A floodplain boundary has been assessed by Vertex as described in the FEMA CLOMR Report and is depicted on the Preliminary Plan. The proposed floodplain is subject to verification by FEMA through the CLOMR/LOMR process. The proposed floodplain is contained within the open space areas.

### **Wildlife**

The ECOS report indicates that the site currently provides good habitat for a variety of wildlife. Birds are the most common wildlife, with mammals in the treed areas and reptiles and amphibians in and around the creek. The extensive area of open space proposed on the Preliminary Plan will provide a wide upland buffer for wildlife along the creek and the large lot configuration will minimize impact on wildlife. There will be low to no impact on protected species. The noxious weed management plan and recommended native plant revegetation will improve the wildlife habitat. Post and rail fencing is proposed on the perimeter of the subdivision and similar fencing will be the standard for the individual lots, which will be enforced by the Metro District.

### **Wetlands**

The delineation of the wetlands on the site was undertaken by ECOS. The wetlands around the West Kiowa Creek, its tributaries and ravines, are jurisdictional and are mapped on the Preliminary Plan. There are also some isolated wetlands and upland swales that are determined to be non-jurisdictional. The jurisdictional wetlands are almost wholly within the open space area. Where the wetlands impact proposed lots, these areas are protected as no build easements. The only construction impact on the wetlands is the proposed street crossings and associated culverts. If wetland disturbance is cumulatively less than 0.5 acres, it will be covered by the Nationwide Permit #29 for residential development. If the impact is greater than 0.5 acres then a specific 404 Permit will be required from the US Army Corps of Engineers.

### **Soils and Geology**

The Soils and Geology Report prepared by Entech identifies the geologic conditions that occur intermittently on the property, including artificial fill, loose or collapsible soils, expansive soils, slope stability, downslope creep, floodplain and potential high ground water. Many of these constraints are within the open space area and the floodplain is wholly within the open space. The report indicates that these conditions can be mitigated through proper engineering design and construction techniques, including special foundation design and subsurface drains. Lot 55 is impacted by an area of unstable slope and a "no build" easement 30-feet around the unstable slope is recommended and is shown on the Preliminary Plan. This lot has adequate buildable area outside the "no build" zone.

### **Wildfire Hazard Mitigation**

The treed areas on the property lie within an area mapped as High Hazard for wildfire. The previous owners of the property undertook fire mitigation in 2013 and 2015, which included thinning trees, removing ladder fuels and modifying stand structure. The covenants for the subdivision set out standards for fire mitigation to ensure that this is a Firewise community and meets the County Development Standards for Fire Protection. Additional fire mitigation may be required on the individual lots to bring them into compliance with these standards. The location and type of new landscaping on individual lots will also be controlled to minimize wildfire risks. The Wildland Fire & Hazard Mitigation Plan prepared by ECOS provides more detail on the potential wildfire fuels on the property and suggested mitigation measures. This is a draft report and more detailed analysis of mitigation will be necessary as home locations are defined.

## PROJECT JUSTIFICATION

### Preliminary Plan

The Preliminary Plan is consistent with the approval criteria in Section 7.2.1.D.2.e of the LDC as follows:

**1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;**

The Master Plan comprises the County Policy Plan and Black Forest Preservation Plan. The proposed rural residential development is in a location contiguous to existing rural residential subdivisions where large lot residential development is encouraged by the Master Plan. The Master Plan also encourages clustering concepts to conserve open space and natural features. The lots proposed on the Preliminary Plan range from 2.5 to 8 acres, with a total of 146 lots, which is less than a 5-acre lot density for the site. Including smaller 2.5-acre lots within the development provides the ability to cluster the lots and protect the principal natural feature on the site, the West Kiowa Creek and its associated wetlands. The following County Policies are relevant to the requested Preliminary Plan Amendment:

*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 6.1.13: 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.*

*Policy 6.4.4: Encourage new rural residential subdivisions to be located within or contiguous with existing rural residential areas or to be incorporated as a buffer between higher density and undevelopable areas.*

*Policy 6.4.6: Allow for the accommodation of necessary supporting commercial uses within or in proximity to rural residential areas in a manner that preserves the rural character of these areas.*

*Policy 6.5.1: Allow for the location of limited supporting commercial uses at locations convenient to serve the needs of rural County residents provided that the requisite level of services are available or will be available in a timely fashion.*

## WATER MASTER PLAN

The subject property consisting of 768.06 acres lies within the El Paso County Water Master Planning area, Region #4A. Expected buildout of the subject property is (146) rural residential lots, ranging from 2.55 acres to 8.03 acres in size, and one (1) commercial lot at 7.21 acres. Demands for the entire subdivision are listed in Appendix B of the Water Resources Report prepared by JDS-Hydro Consultants, Inc in April of 2019 and revised in September 2021.

Per El Paso County criteria, the 300-year supply of water for the subject property appears to be more than adequate for full buildout, which would include both the 2040 and 2060 scenarios. However, the proposed supply in the Dawson aquifer is based on non-renewable sources. If needed beyond the 300-year supply in the Dawson formation, the subdivision has water rights in the Denver aquifer. Remaining rights in the Denver, Arapahoe, and Laramie Fox-Hills are subject to sale to Sterling Ranch Metropolitan District. Please refer to the Water Rights Decrees and Replacement Plans found in Appendix D of the

Water Resources Report. The closest source for a potential interconnect is the Park Forest Water District – approximately 3.5 miles to the southwest. It is not anticipated (and Park Forest Water District has not been contacted) that an interconnect is needed or warranted. The subject property has adequate water supply to meet the needs of the proposed subdivision on a 300-year basis. The proposed subdivision is in conformance with the County Water Master Plan and meets the goals listed below.

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

*Goal 5.1 – Identify the potential water supply gap at projected full development build-out (2060).*

*Goal 5.3 – Reduce end user water consumption in the County.*

*Goal 5.4 – Promote the long-term use of renewable water.*

*Goal 5.5 – Identify any water supply issues early on in the land development process.*

*Goal 6.0 – Require adequate water availability for proposed development.*

## **2. The subdivision is consistent with the purposes of this Code;**

The stated purpose of the Code is to preserve and improve the public health, safety and general welfare of the citizens and businesses of El Paso County. The proposed subdivision of rural residential lots and a neighborhood commercial center is consistent with the County Master Plan and is compatible with the surrounding 5-acres single family lots and rural character of the area.

## **3. The subdivision is in conformance with the subdivision design standards and any approved sketch plan;**

There is no approved Sketch Plan for this property. The proposed subdivision is in conformance with the subdivision design standards other than the requested waiver, which is discussed in more detail below. The subdivision design standards set out in Chapter 8 of the Land Development Code are met, including but not limited to:

- adequate provision for traffic, drainage, open space, recreation and parks;
- provision of properly designed roads to provide for safe and convenient vehicular circulation and identification of required road improvements;
- adequate provision for water, sewer and other utilities;
- Ensuring that structures will harmonize with the physical characteristics of the site;
- Ensuring that land is divided into lots that are of adequate size and configuration for the purpose for which they are intended to be used; and
- Protecting the natural resources, considering the natural vegetation.

## **4. 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;**

Water service will be provided by individual domestic wells on the residential lots and by a commercial well on the commercial lot. The wells will be drilled into the Dawson Aquifer. Water rights in the

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Dawson Aquifer of 232.50 acre-feet annually will be transferred to the McCune Ranch for the proposed development, which will generate an annual demand of approximately 92.60 acre-feet. Water quality testing of the Dawson Aquifer wells has been completed and is of sufficient quality to serve the proposed residential development. ***The Applicant requests that the finding of sufficiency for water quantity, dependability and quality be approved with this Preliminary Plan Amendment.***

**5. 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;**

Wastewater service will be provided by onsite wastewater treatment systems (OWTS). Entech's OWTS Report concludes that the property is generally suitable for OWTS and that contamination of surface and subsurface water sources should not occur provided the systems are installed according to El Paso County and State guidelines. The Report identifies areas that are not suitable for OWTS. Some lots are impacted but still have sufficient space for OWTS due to the size of the lot.

**6. 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. [C.R.S. §30-28-133(6)(c)];**

The Soils and Geology Report prepared by Entech identifies the geologic conditions that occur intermittently on the property, including artificial fill, loose or collapsible soils, expansive soils, slope stability, downslope creep, floodplain and potential high ground water. Many of these constraints are within the open space area and the floodplain is wholly within the open space. The report indicates that these conditions can be mitigated through proper engineering design and construction techniques, including special foundation design and subsurface drains. In Filing 3, Lot 32 is impacted by an area of unstable slope and a "no build" easement 30-feet around the unstable slope is recommended and is shown on the Preliminary Plan. This lot has adequate buildable area outside the "no build" zone.

**7. Adequate drainage improvements complying with State law [C.R.S. §30-28- 133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;**

These matters are addressed in the Preliminary Drainage Report prepared by Vertex Engineering. Proposed drainage infrastructure includes road side ditches, culverts to convey stormwater under roads, swales, and six full spectrum detention ponds. All the detention ponds outfall the detained water into West Kiowa Creek at controlled rates. The proposed ponds are designed to reduce peak stormwater flow rates, down below historic rates before leaving the site. These measures comply with the requirements of the LDC and ECM.

**8. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;**

The majority of lots will be accessible by new public streets that will comply with the LDC and ECM. The lots that do not have direct access to a public street will be accessed by a shared/common access easement, in order to preserve topography and natural features. A waiver of 8.4.3(C)(2)(e) of the LDC is

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requested to address this condition. Street names have been approved by El Paso–Teller County 911 Authority.

**9. The proposed subdivision has established an adequate level of compatibility by**

**1) Incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision;**

A 145-acre area of open space, almost 19% of the property, is proposed to preserve the natural resource of the West Kiowa Creek and its associated floodplain and wetlands. This open space will also provide recreational opportunities for the residents of the proposed subdivision and surrounding neighborhoods. The open space will be owned and maintained by the proposed Metropolitan District.

**2) Incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost-effective delivery of other services consistent with adopted plans, policies and regulations of the County;**

A network of looping 5' breeze trails is proposed through the open spaces, connecting with the internal rural local roads to provide multiple access points. An interim trail is also proposed on part of the preserved right-of-way along Hodgen Road, until it is needed for road widening. The trails will be owned and maintained by the proposed Metropolitan District (via easements where on residential lots).

**3) Incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses;**

The proposed mix of 2.5 acre to 10-acre residential lots is compatible with the existing large lot character of residential development in the area. There are several 2.5-acre lot subdivisions in this part of the County adjacent to 5-acre lot subdivisions. While some of the lots will be smaller than the adjacent 5-acre lots, the proposed clustering of development allows for the preservation of open space and the protection of natural features. The project retains 5-acre lots adjacent to all boundaries, except Hodgen Road, which provides an appropriate transition. Hodgen Road itself, and the preserved 50-foot right-of way to expand the road to a 4-lane arterial road, provides a transition to the south. With regard to the adjacent A-35 zoning along the eastern side of the property, the proposed rezoning at 5-acre lot density and inclusion of 5-acre lots along the boundary is a comparable to the transition between the A-35 zoning and existing 5-acre lots surrounding it, so no additional design features are considered necessary.

The proposed commercial lot will provide the opportunity for a neighborhood serving commercial center to offer convenient services and facilities that are not currently available in the area. The developer will ensure that commercial uses are compatible with the rural location in terms of the type of uses, the scale of buildings and the architectural and lighting on the site, which will be controlled by the Metro District or Home Owners' Association. It is intended to retain the character of this lot by preserving existing trees as part of the future commercial development to provide a buffer and enhance the visual character of the site.

**4) Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and**

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The preserved open space adjacent to the West Kiowa Creek will protect the existing wetlands and will conserve wildlife habitat. The control of noxious weeds through the development of the site and management of the open space will improve wildlife habitat.

**5) Incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;**

The Traffic Impact Study demonstrates that the development will not materially impact existing levels of service on surrounding roads and proposed access improvements on Hodgen Road will accommodate the site development traffic. The development will be served by well and septic systems and will have no negative impact on existing County services and facilities.

**10. Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;**

The site will be served by well and septic as described above. Mountain View Electric and Black Hills Energy will provide electric and natural gas services as stated in the Will Serve letters included in this submittal. Adequate open space and streets are provided to serve the future residents of the subdivision.

**11. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and**

The Falcon Fire Protection District has adequate capacity to provide fire protection to the proposed subdivision. A Fire Protection Report and a Will Serve letter from the Fire Chief is included with this submittal.

**12. The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.**

The proposed subdivision meets the applicable sections of the Code, subject to the requested waiver, which is justified in the context of preserving the existing topography and natural features on the site.

**Waiver**

1. Waiver of Chapter 8.4.3(C)(2)(e) of the LDC:

Chapter 8.4.3(C)(2)(e) of the LDC states requires lots to have access from a public road. The following lots do not have direct access from a public road and will be accessed via a shared access easement over the adjacent lot.: Filing 1 Lot 29, Filing 3 Lots 8 and 11. The requested waiver will help to protect existing topography and natural features by avoiding unnecessary extension of public roads. Section 7.3.3 of the LDC states that a waiver from standards shall be approved only upon the finding, based upon the evidence presented in each specific case, that:

- **The waiver does not have the effect of nullifying the intent and purpose of this Code;**  
The most relevant purpose of the code in this regard is to “establish reasonable standards of design and procedures for subdivision”. The requirement for lot access to a public road is a reasonable standard but, in this case, access is to be established by a specific easement that provides shared access and maintenance responsibilities over an adjacent lot. This is a common

solution where topography and natural features limit the ability to extend public roads due to right-of-way width and grade requirements.

- **The waiver will not result in the need for additional subsequent waivers;**  
This request is limited to two conditions within the proposed subdivision, which will not be repeated elsewhere in the subdivision.
- **The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;**  
The shared access scenario is a common arrangement between two privately owned properties and is controlled through an easement that will run with property. There will be no harm to the public or other property.
- **The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property;**  
The requested waiver will help to protect existing topography, natural features and vegetation by avoiding unnecessary extension of public roads. While this is not necessarily unique to this property, it is a primary objective of the Black Forest Preservation Plan and can be achieved by this waiver without harm to the public or other property.
- **A particular non-economical hardship to the owner would result from a strict application of this Code;**  
The owner has sought to create a subdivision that protects the existing topography, natural features and vegetation by clustering development and limiting grading by reducing the extent of the roadways. The shared driveways will provide lot access without needing the right-of-way or grade standards of a public street.
- **The waiver will not in any manner vary the zoning provisions of this Code;**  
The density proposed by this subdivision is consistent with the current RR-5 zoning. The requested waiver does not allow the developer any greater density than could be achieved without it.
- **The proposed waiver is not contrary to any provision of the Master Plan.**  
The proposed waiver is consistent with the goal of the Black Forest Preservation Plan to encourage rural residential development that preserves existing topography, natural features and vegetation by clustering development.

# WINSOME

A PARCEL OF PROPERTY LOCATED IN SECTIONS 13 & 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH P.M. AND IN THE WEST HALF OF THE WEST HALF OF SECTION 19, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO  
**PRELIMINARY PLAN**

## LEGAL DESCRIPTION

A TRACT OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 23 AND A PORTION OF SECTION 24, RANGE 11 SOUTH, RANGE 65 WEST AND A PORTION OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN BEING MONUMENTED ON THE SOUTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED "L5 28658" AND AT THE NORTHERLY END BY A 3-1/2" ALUMINUM CAP STAMPED "L5 12103" BEING ASSUMED TO BEAR N00°14'25"E A DISTANCE OF 2636.99 FEET AS SHOWN IN LAND SURVEY PLAT RECORDED UNDER RECEPTION 218900072 RECORDS OF EL PASO COUNTY.

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 24 SAID POINT BEING THE POINT OF BEGINNING; THENCE N00°14'25"E ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24, SAID LINE ALSO BEING ON THE WEST BOUNDARY OF PARCEL 4, AS RECORDED UNDER RECEPTION NUMBER 218900072, A DISTANCE OF 2636.99 FEET TO THE NORTHWEST CORNER OF SAID SECTION 24; THENCE N89°21'38"E ON THE NORTHLINE OF THE NORTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 2633.02 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 24; THENCE N00°10'29"E ON THE WEST LINE OF THE SOUTH HALF OF THE SOUTH EAST QUARTER OF SECTION 13, TOWNSHIP 11 SOUTH, RANGE 65 WEST, A DISTANCE OF 1321.95 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE N89°20'25"E ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 13, A DISTANCE OF 1873.37 FEET; THENCE S00°34'43"W A DISTANCE OF 2,706.21 FEET; THENCE S89°15'17"E A DISTANCE OF 769.17 FEET TO A POINT ON THE WEST LINE OF SECTION 19 TOWNSHIP 11 SOUTH, RANGE 64 WEST; THENCE S89°15'18"E A DISTANCE OF 1,158.32 FEET TO THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF SAID SECTION 19; THENCE S00°17'06"W ON THE EAST LINE OF THE WEST HALF OF SAID SECTION 19, A DISTANCE OF 3,836.66 FEET TO A POINT 30.00 FEET NORTH OF THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19; THENCE S89°55'06"W ON A LINE 30.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19, ON SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 30.00 FEET TO A POINT ON THE BOUNDARY LINE PARCEL NUMBER RW-36 AS SHOWN IN THE WARRANTY DEED AS RECORDED UNDER RECEPTION NUMBER 213096397; THENCE ON THE BOUNDARY OF SAID PARCEL THE FOLLOWING (3) THREE COURSES:

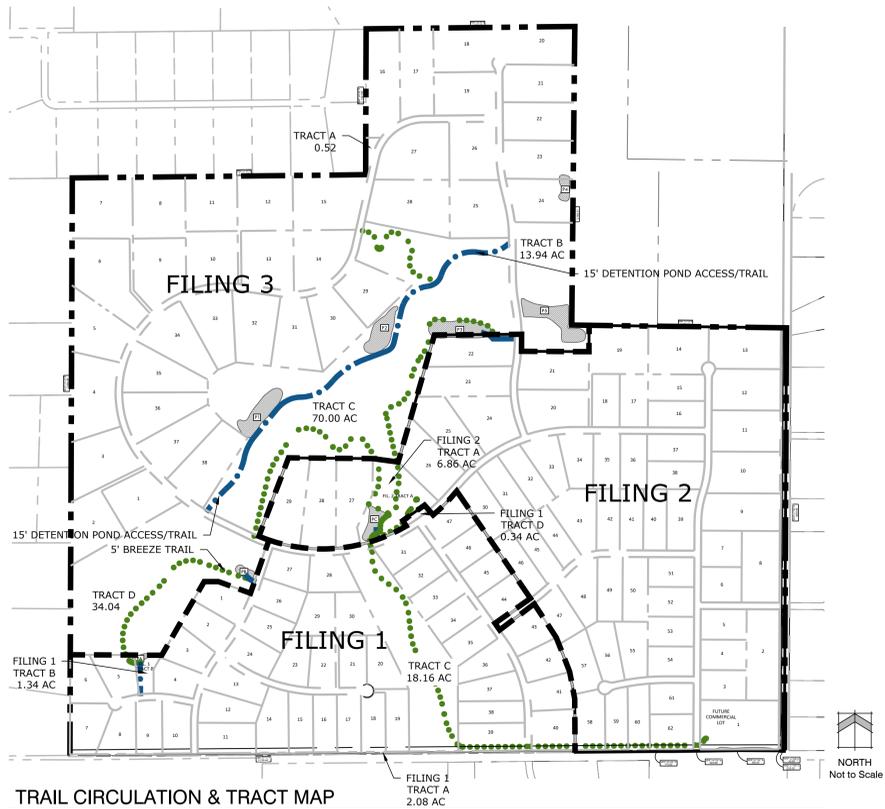
1. N00°17'06"E, 30.00 WEST OF AND PARALLEL WITH THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF SAID SECTION 19, A DISTANCE OF 5.25 FEET
2. N89°47'54"W A DISTANCE OF 368.05 FEET
3. S89°14'50"W A DISTANCE OF 603.68 FEET TO A POINT BEING 30.00 FEET NORTH OF THE SOUTH LINE OF SOUTHWEST QUARTER OF SAID SECTION 19;

THENCE S89°55'06"W ON A LINE 30.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19, ON SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 173.03 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 24; THENCE S89°30'15"W ON A LINE 30.00 NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 24, A DISTANCE OF 5238.44 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 24; THENCE N00°14'17"E ON THE WEST LINE OF SOUTHWEST QUARTER A DISTANCE OF 2,606.92 FEET TO THE POINT OF BEGINNING.

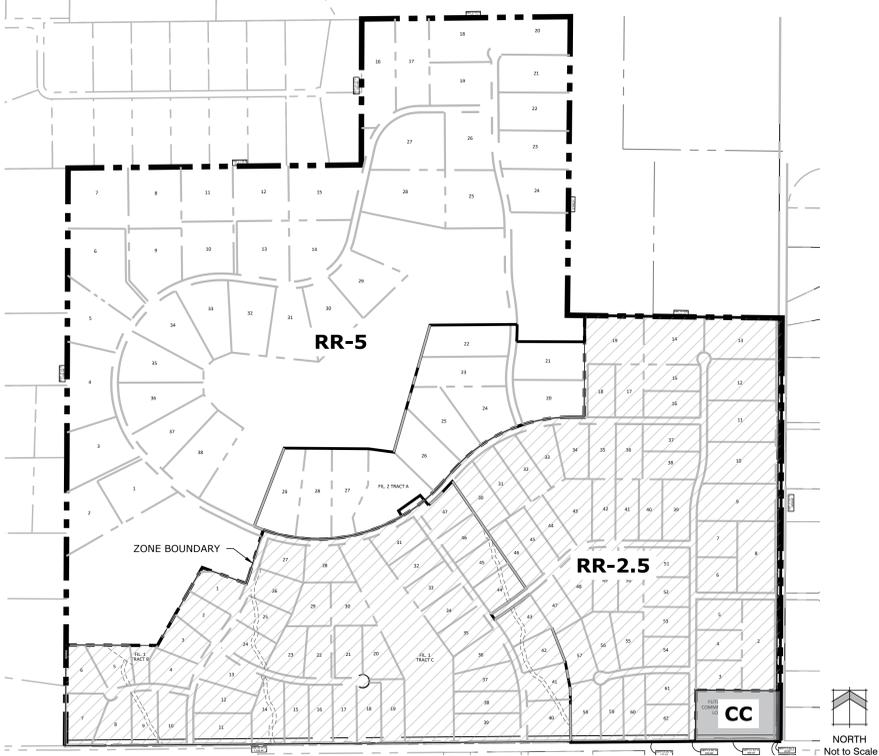
CONTAINING A CALCULATED AREA OF 33,455,315 SQUARE FEET OR 768.028 ACRES.

## GENERAL NOTES:

1. The Winsome Preliminary Plan (SP-18-006) was approved by the El Paso County Board of County Commissioners on July 9, 2019. This amendment proposes the addition of (3) 5-acre lots in Filing 3. The additional lots would be created by dividing (12) 20-acre lots into (4) 5-acre lots (lots 10-14), and adding a 7.58-acre lot (lot 28) into the Tract C open space.
2. Floodplain Statement: Portions of the site adjacent to the West Kiowa Creek are mapped within Zone A of the FEMA Floodplain Map No. 08041C0350G, dated December 7, 2018. Zone A indicates that Base Flood Elevations have not been determined. The floodplain boundary depicted on the Preliminary Plan is conceptual only and subject to verification by FEMA through the CLOMR/LOMR process.
3. The following lots have been found to be impacted by geologic hazards. Mitigation measures and a map of the hazard area can be found in the Preliminary Soils, Geology, Geologic Hazard and Wastewater Study prepared by Entech Engineering Inc., dated October 2, 2018, revised January 11, 2019, and is held in the Winsome Preliminary Plan File (SP-18-006) at the El Paso County Planning and Community Development Department.
  - Downslope Creep: Filing 3 lots 7, 8, 10, and 11.
  - Artificial Fill: Filing 2 lots 59, 60, 62
  - Potentially Unstable Slopes: Filing 3 lots 31, and 32.
  - Potentially Seasonally High Groundwater: Filing 1 lots 1, 5, 14, 24-26, 45, 47; Filing 2 lots 7-16, 22-26, 30, 37-40, and 46; Filing 3 lots 1-6, 9-14, 22, 24-25, 27, 28, 29-38.
  - Expansive Soils were encountered in a number of the test borings and pits. Occurrences of expansive soils are typically sporadic; therefore, none have been indicated on the maps. These occurrences should be identified and mitigated on an individual basis.
4. If engineered foundations are required to address geological hazards, an engineered site plan will be required.
5. A Metropolitan District will be established to provide bonding for the public improvements, and for the ongoing ownership and maintenance of open space tracts, detention ponds, trails, and cross-lot drainage easements. The Metropolitan District or a Home Owners association will be responsible for enforcement of the Covenants, Conditions, and Restrictions (CC&Rs) for the Winsome subdivision.
6. The CC&Rs for Winsome will address use and maintenance of common areas, permitted and accessory uses, architectural standards for principal and accessory structures (including the commercial buildings), use and maintenance of easements within lots and common areas, external storage and parking, lot fencing, and landscaping standards that address fire-wise criteria and encourage water conservation. The CC&Rs will be filed with the first Final Plat recording for the Winsome subdivision.
7. Unless otherwise restricted by the CC&Rs, all accessory uses, buildings and structures must comply with requirements set out in Chapter 5 of the El Paso County Land Development Code.
8. Trails within the open space will be constructed as 5-foot breeze trails, and 15' where detention pond access is provided. All trails within the open space will be open for public use.
9. All streets will be constructed to El Paso County Standards and will be dedicated to the County with the Final Plats.
10. A Deviation Request has been submitted concurrently with the Preliminary Plan for reduced intersection spacing on Hodgen Road to provide adequate access to the commercial lot.
11. Hodgen Road and Meridian Road are classified as 2-lane rural minor arterials on the 2040 Major Transportation Corridors Plan (MTCPP). Additional right-of-way dedication for the required 100-foot right-of-way is identified on the Preliminary Plan. An additional 40-foot of right-of-way is preserved on Hodgen Road for potential future widening to a 180-foot 4-lane minor arterial by 2060.
12. The identified acreage of the lots along the southern boundary includes the preserved 40-foot right-of-way referred to in note 10.
13. As requested by the Black Forest Fire Departments, a 30,000-gallon cistern will be provided on the property in the location identified on the Preliminary Plan. The cistern will be owned and maintained by the Fire Department, who will also be responsible for filling the cistern.
14. The Preliminary Plan identifies general locations for "no build" easements within the lots that are impacted by wetlands, geologic hazards, or are required for drainage. These areas will be defined more precisely in future Final Plats. The easements will restrict building of principal and accessory structures, and the storage of materials.
15. Purchases of lots within this subdivision are hereby alerted that these lots contain stormwater conveyance paths. Said purchasers acknowledge acceptance of these flows onto and through these lots. The purchaser shall be responsible for maintaining these paths and for providing measures to eliminate erosion, if it should occur.
16. Shared/common access easements are identified to provide access to lots that do not have a frontage to a public street.
17. There shall be no direct lot access to Hodgen Road and Meridian Road.
18. Typical lot utility easements shall be (15) foot front, and (10) foot side and rear. In addition a (20) foot front exterior subdivision utility easement shall be provided.
19. Utilities will be provided as follows:
  - Electric - Mountain View Electric Association
  - Gas - Black Hills Energy
  - Water - On-site domestic wells
  - Wastewater - On-site wastewater treatment system
20. Full Spectrum detention will be required for the commercial lot. This will be fully analyzed with the commercial lot site development plan.
21. The following reports have been submitted in association with the Preliminary Plan for this subdivision and are on file at the County Planning and Community Development Department: Transportation Impact Study; Drainage Report; Water Resources Report; Wastewater Disposal Report; Geology and Soils Report; Fire Protection Report; Wildfire Hazard Report; and Natural Features, Noxious Weeds, Wetlands Report.

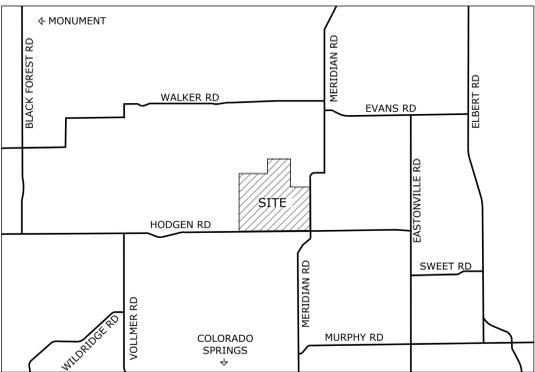


TRAIL CIRCULATION & TRACT MAP



ZONING PLAN

## VICINITY MAP



## SITE DATA

OWNER/APPLICANT:	Winsome LLC 1864 Woodmoor Drive, Suite 100 Monument, CO 80132
PREPARER:	N.E.S. Inc. 619 N Cascade Ave., Suite 200 Colorado Springs, CO 80903
TAX ID NUMBER:	4100000435, 5100000497, 5100000510, 5124000001, 5124000002, 5124001001-5124001011, 5124002001-5124002030, 5124003001-5124003004, 5124004001-5124004004
SITE ACREAGE:	768.028 AC
EXISTING ZONING:	RR-5, RR-2.5, CC

## PROPOSED LAND USE:

RR-5 Residential:	408.516 AC, 48 Lots
RR-2.5 Residential:	350.260 AC, 98 Lots
Commercial:	7.884 ac, 1 Lot
Gross Residential Density:	0.19 du/ac
Average Residential Lot Size:	3.89 acres
<b>Dimensional Standards</b>	
<b>Commercial</b>	
Front:	25ft
Rear:	25ft
Side:	25ft
Max Building Height:	40ft
<b>RR-2.5</b>	
Minimum Lot Size:	2.5 acres
Minimum Lot Width:	200ft
(at front setback)	
Front:	25ft
Rear:	25ft
Side:	15ft
Max Lot Coverage:	None
Max Building Height:	30ft
<b>RR-5</b>	
Minimum Lot Size:	5 acres
Minimum Lot Width:	200ft
(at front setback)	
Front:	25ft
Rear:	25ft
Side:	25ft
Max Lot Coverage:	25%
Max Building Height:	30ft
<b>Land Use Summary</b>	
Residential Lots:	568.78 ac (73.58%)
Commercial Lot:	7.21ac (0.56%)
Open Space Tracts:	145.2 ac, (18.91%)
Public ROW:	46.84 ac (6.00%)
-Provided:	39.62 ac
-Designated for Future:	7.22 ac
Total:	768.028 ac (100%)

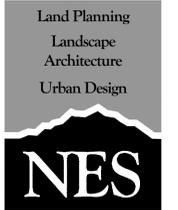
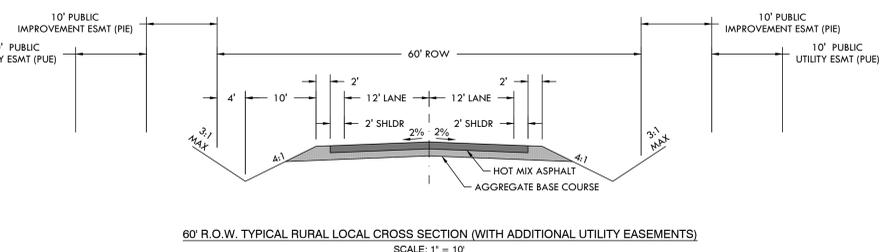
TRACT NO.	AREA	USE / ALLOWED STRUCTURES	OWNER / MAINT.
A	90,700 SF 2.08 AC	PUBLIC ROW	EL PASO COUNTY
B	58,217 SF 1.34 AC	OPEN SPACE, PUBLIC TRAIL, DRAINAGE, PUBLIC UTILITY	METRO DISTRICT
C	790,895 SF 18.16 AC	OPEN SPACE, PUBLIC TRAIL, DRAINAGE, PUBLIC UTILITY	METRO DISTRICT
D	15,002 SF 0.34 AC	OPEN SPACE, PUBLIC TRAIL, DRAINAGE, PARKING, TRAILHEAD	METRO DISTRICT

TRACT NO.	AREA	USE / ALLOWED STRUCTURES	OWNER / MAINT.
A	224,107 SF 5.14 AC	PUBLIC ROW	EL PASO COUNTY
B	286,991 SF 6.86 AC	OPEN SPACE, PUBLIC TRAIL, DRAINAGE, PUBLIC UTILITY	METRO DISTRICT

TRACT NO.	AREA	USE / ALLOWED STRUCTURES	OWNER / MAINT.
A	22,651 SF 0.52 AC	OPEN SPACE, PUBLIC TRAIL, DRAINAGE, PUBLIC UTILITY	METRO DISTRICT
B	607,228 SF 13.94 AC	OPEN SPACE, PUBLIC TRAIL, DRAINAGE, PUBLIC UTILITY	METRO DISTRICT
C	3,049,200 SF 70.00 AC	OPEN SPACE, PUBLIC TRAIL, DRAINAGE, PUBLIC UTILITY	METRO DISTRICT
D	1,482,782 SF 34.04 AC	OPEN SPACE, PUBLIC TRAIL, DRAINAGE, PARKING, TRAILHEAD	METRO DISTRICT

## SHEET INDEX

Sheet 1 of 5:	Cover Sheet
Sheet 2 of 5:	Preliminary Plan
Sheet 3 of 5:	Potential Building Constraints Plan
Sheet 4 of 5:	Hodgen Improvements Plan
Sheet 5 of 5:	Adjacent Property Owners



N.E.S. Inc.  
619 N. Cascade Avenue, Suite 200  
Colorado Springs, CO 80903

Tel. 719.471.0073  
Fax 719.471.0267

www.nescolorado.com

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## Winsome

## PRELIMINARY PLAN AMENDMENT

DATE: 4-22-2021  
PROJECT MGR: A. BARLOW  
PREPARED BY: B. SWENSON

## ENTITLEMENT

DATE: 6-25-21 BY: JBS DESCRIPTION: PER COUNTY COMMENTS  
 DATE: 9-14-21 BY: JBS DESCRIPTION: PER COUNTY COMMENTS

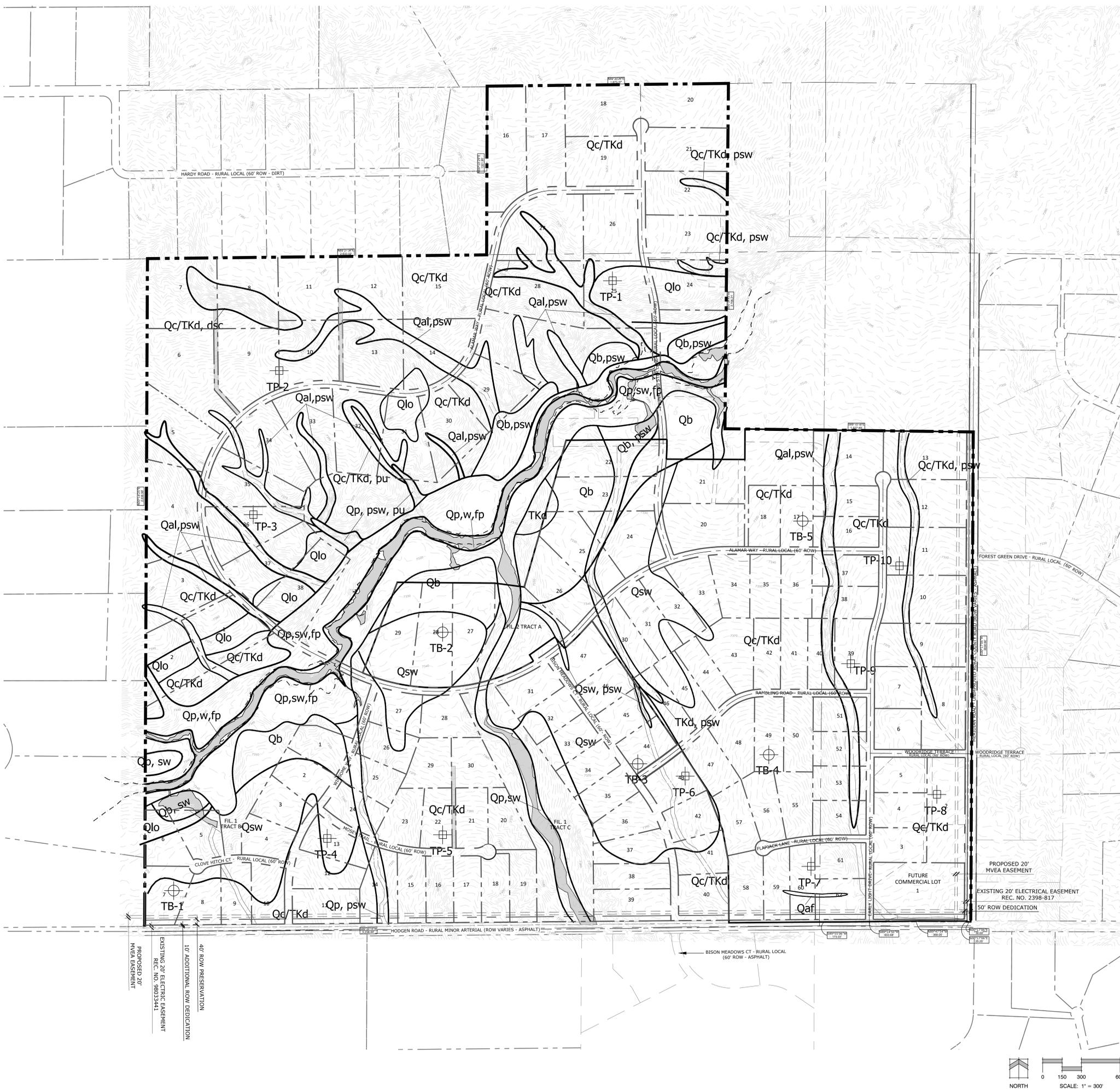
## COVER SHEET

**1**  
1 OF 5

PCD File No. SP 212

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**LEGEND**

- PROPERTY BOUNDARY
- ROW
- LOT LINES
- WETLAND AREA

**GEOLOGIC UNITS AND (MODIFIERS)**

- Qaf** RECENT ARTIFICIAL FILL OF HOLOCENE AGE. THESE ARE MAN MADE FILL DEPOSITS ASSOCIATED WITH EROSION BERMS ON-SITE.
- Qal** RECENT ALLUVIUM OF LATE HOLOCENE AGE. THESE MATERIALS CONSIST OF WATER DEPOSITED SANDS LOCATED ALONG SOME OF THE MINOR DRAINAGES ACROSS THE SITE.
- Qp** PINEY CREEK ALLUVIUM (ALLUVIUM ONE AND TWO) OF EARLY HOLOCENE AGE. THESE MATERIALS CONSIST OF LOW STREAM-RERRAGE DEPOSITS ABOVE THE CURRENT STREAM CHANNEL. THE MATERIALS TYPICALLY CONSIST OF SILTY TO WELL GRADED SAND.
- Qb** BROADWAY ALLUVIUM (ALLUVIUM THREE) OF LATE PLEISTOCENE AGE. THESE MATERIALS CONSIST OF MIDDLE STREAM TERRACE DEPOSITS. THE MATERIALS TYPICALLY CONSIST OF SILTY TO CLAYEY GRAVELLY SANDS.
- Qlo** LOUVIERS ALLUVIUM (ALLUVIUM FOUR) LATE MIDDLE PLEISTOCENE AGE. THESE MATERIALS CONSIST OF UPPER STREAM TERRACE DEPOSITS. THE MATERIALS TYPICALLY CONSIST OF LIGHT BROWN SILTY SANDS WHICH CONTAIN AN ABUNDANCE OF GRAVELS.
- Qsw** SHEETWASH DEPOSITS OF HOLOCENE TO LATE PLEISTOCENE AGE. THESE MATERIALS CONSIST OF SILTY TO CLAYEY SANDS WITH SOME COBBLES AND BOULDERS. THE MATERIAL WAS DEPOSITED BY THE ACTION OF SHEETWASH AND GRAVITY.
- Qc/TKd** COLLUVIUM OF QUATERNARY AGE OVERLYING DAWSON FORMATION OF TERTIARY TO CRETACEOUS AGE. THE DAWSON FORMATION TYPICALLY CONSISTS OF ARGOSIC SANDSTONE WITH INTERBEDDED FINE-GRAINED SANDSTONE, SILTSTONE AND CLAYSTONE. OVERLYING THIS FORMATION IS A VARIABLE LAYER OF RESIDUAL SOIL. THE RESIDUAL SOILS WERE DERIVED FROM THE IN-SITU WEATHER OF THE BEDROCK MATERIALS ON-SITE. THESE SOILS CONSIST OF SILTY TO CLAYEY SANDS, SANDY CLAYS AND SANDY SILTS.
- dsc** DOWNSLOPE CREEP AREA
- fp** FLOODPLAIN
- pu** POTENTIALLY UNSTABLE SLOPE
- psw** POTENTIALLY SEASONAL SHALLOW GROUNDWATER AREA
- sw** SEASONAL SHALLOW GROUNDWATER AREA
- w** FLOWING WATER
- APPROXIMATE TEST BORING LOCATION
- APPROXIMATE TEST PIT LOCATION

**GENERAL NOTE:**

1. Geologic Hazards Disclosure Statement: Areas of the proposed subdivision have been found to be impacted by geologic conditions including artificial fill, loose or collapsible soils, expansive soils, potentially unstable slope, downslope creep, floodplain and high groundwater. A Map of the hazard areas and proposed mitigation measures can be found in the Preliminary Soils, Geology, Geologic Hazard and Wastewater Study prepared by Ertech Engineering Inc., dated October 2, 2018, and is held in the Winsome Preliminary Plan File (SP-18-006) at the El Paso County Planning and Community Development Department. The Final Plats will provide more detailed analysis and will identify any additional mitigation or additional no build areas.

Land Planning  
Landscape  
Architecture  
Urban Design

N.E.S. Inc.  
619 N. Cascade Avenue, Suite 200  
Colorado Springs, CO 80903  
Tel. 719.471.0073  
Fax 719.471.0267  
www.nescolorado.com  
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Winsome

**PRELIMINARY PLAN AMENDMENT**

DATE: 4-22-2021  
PROJECT MGR: A. BARLOW  
PREPARED BY: B. SWENSON

ENTITLEMENT

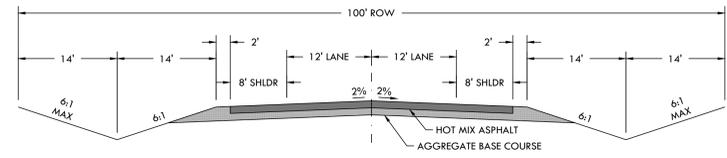
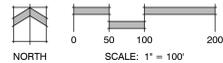
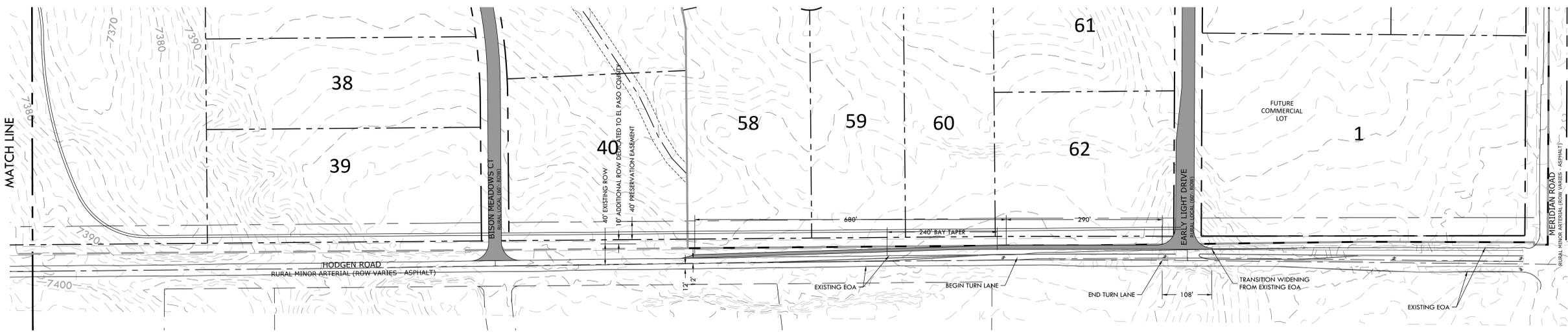
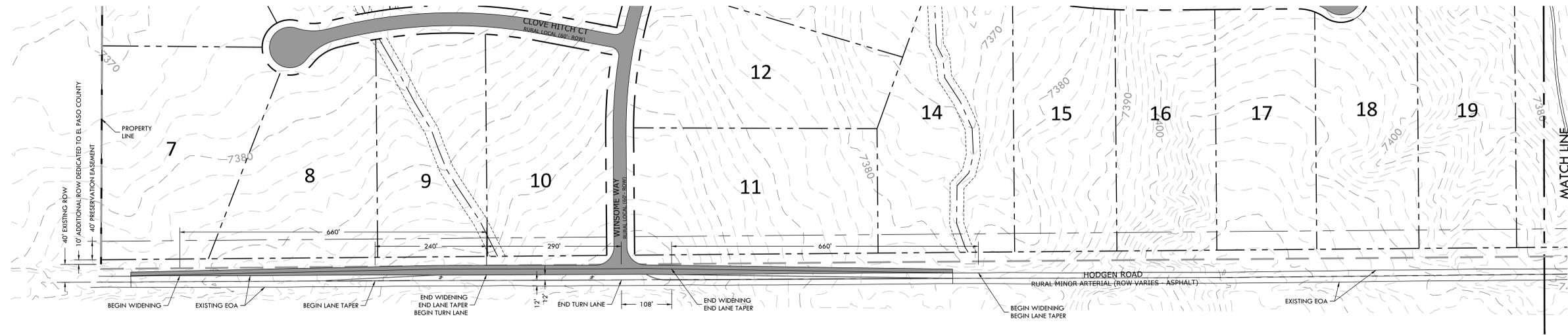
DATE	BY	DESCRIPTION
6-25-21	JBS	PER COUNTY COMMENTS
9-14-21	JBS	PER COUNTY COMMENTS

POTENTIAL BUILDING CONSTRAINTS MAP

**3**  
3 OF 5

PCD File No. SP 212

9/14/2021 1:53:31 PM: barlowson  
 C:\Users\barlowson\OneDrive\Documents\Projects\Winsome\_PreliminaryPlan\_Amendment.dwg (Color)



TYPICAL CROSS SECTION RURAL MINOR ARTERIAL  
SCALE: 1" = 10'

Winsome  
PRELIMINARY PLAN  
AMENDMENT

DATE: 4-22-21  
PROJECT MGR: A. BARLOW  
PREPARED BY: B. SWENSON

ENTITLEMENT

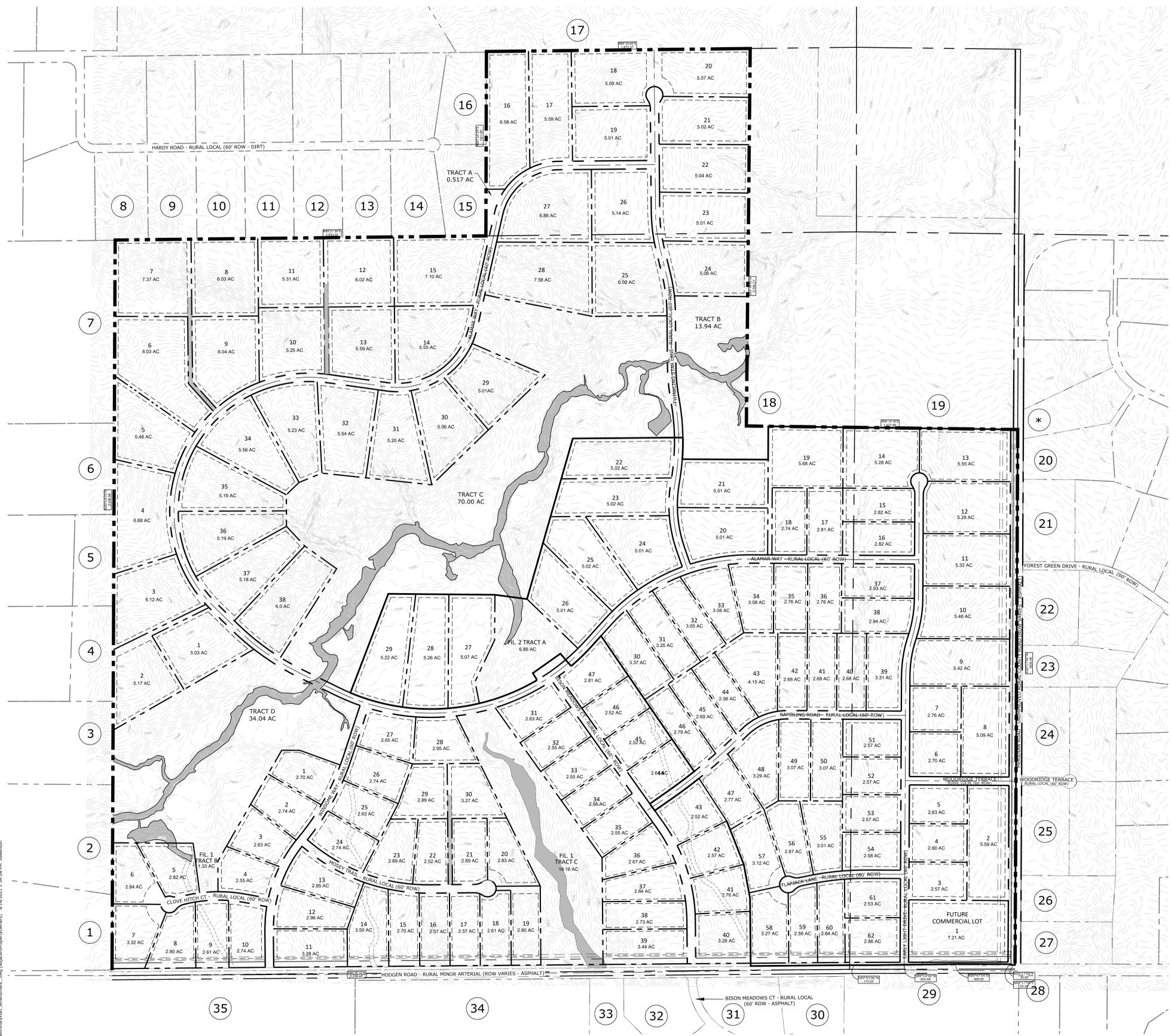
DATE	BY	DESCRIPTION
6-25-21	JBS	PER COUNTY COMMENTS
9-14-21	JBS	PER COUNTY COMMENTS

HODGEN RD  
IMPROVEMENTS

4

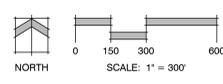
4 OF 5

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ADJACENT OWNER:

- |  |  |
|--|--|
| <p>1. 5123001017<br/>Victor Verstraete<br/>7225 ELLIS DR<br/>WEATHERFORD TX 76088-8402</p> <p>2. 5123001016<br/>Victor Verstraete<br/>7225 ELLIS DR<br/>WEATHERFORD TX 76088-8402</p> <p>3. 5123001015<br/>Mandy A Penny-Weber<br/>17075 E GOSHAWK RD<br/>COLORADO SPRINGS CO 80908-1661</p> <p>4. 5123000019<br/>Carol C Van Buskirk<br/>17105 GOSHAWK RD E<br/>COLORADO SPRINGS CO 80908-1629</p> <p>5. 5123000013<br/>Loudermilk Living Trust<br/>302 N 52nd Ave<br/>Phoenix, AZ 85043-2723</p> <p>6. 5123000012<br/>Vernon A Richards<br/>17215 GOSHAWK RD E<br/>COLORADO SPRINGS CO 80908-1631</p> <p>7. 5123000046<br/>Dale L &amp; Emily A Grinder<br/>17275 GOSHAWK RD E<br/>COLORADO SPRINGS CO 80908-1631</p> <p>8. 5113001001<br/>Toby Conquest<br/>10825 HARDY RD<br/>COLORADO SPRINGS CO 80908-1512</p> <p>9. 5113001002<br/>Mark Werner<br/>10875 HARDY RD<br/>COLORADO SPRINGS CO 80908-1512</p> <p>10. 5113001003<br/>Mark C Gibney<br/>Virginia A Gibney<br/>10925 HARDY RD COLORADO<br/>SPRINGS CO 80908-1553</p> <p>11. 5113001004<br/>Donald D England<br/>10975 HARDY RD<br/>COLORADO SPRINGS CO 80908-1553</p> <p>12. 5113001005<br/>JANKOVSKY KRISTLE R<br/>JANKOVSKY ZACHARY E<br/>11025 HARDY RD<br/>COLORADO SPRINGS CO 80908-1548</p> <p>13. 5113001006<br/>LARSEN KENNETH<br/>LARSEN MARY K<br/>11075 HARDY RD<br/>COLORADO SPRINGS CO 80908-1548</p> <p>14. 5113001007<br/>REDUS KIM<br/>REDUS RANDY<br/>PO BOX 88323<br/>COLORADO SPRINGS CO 80908-8323</p> <p>15. 5113001008<br/>OATES JACLYN M<br/>11175 HARDY RD<br/>COLORADO SPRINGS CO 80908-1550</p> <p>16. 5113001009<br/>PATTISON MICHAEL P<br/>PATTISON JENNIFER S<br/>11170 HARDY RD<br/>COLORADO SPRINGS CO 80908-1549</p> <p>17. 5100000257<br/>BLOCK REAL ESTATE LLC<br/>7310 W WILSON AVE<br/>HARWOOD HEIGHTS IL 60706-4708</p> <p>18. 5100000494<br/>GOWLER MATTHEW RYAN<br/>GOWLER TIFFANY ROSE<br/>435 WOLVERINE WAY<br/>MONUMENT CO 80132</p> <p>19. 4100000432<br/>KING DAVID CHRISTOPHER<br/>KING CHRISTINE LOUISE<br/>16755 VINCENT<br/>MONUMENT CO 80132</p> | <p>20. 4119000203<br/>HANSEN DONALD M<br/>HANSEN REBECCA A<br/>12265 OLD BARN RD<br/>ELBERT CO 80106-8935</p> <p>21. 4119002034<br/>JEWETT DONALD Q &amp; DIANN S<br/>12120 FOREST GREEN DR<br/>ELBERT CO 80106-8953</p> <p>22. 4119003003<br/>GEIB KENT M<br/>GEIB COLLEEN L<br/>12255 FOREST GREEN DR<br/>ELBERT CO 80106-8920</p> <p>23. 4119003004<br/>STRIEGEL SCOTT ANTHONY<br/>STRIEGEL CHRYSAL<br/>12255 FOREST GREEN DR<br/>ELBERT CO 80106-8920</p> <p>24. 4119003005<br/>SIMMONS LAWRENCE W<br/>16785 N MERIDIAN RD<br/>ELBERT CO 80106-8913</p> <p>25. 4119003012<br/>MCHUGH BRUCE W &amp; DEBRA A<br/>16725 N MERIDIAN RD<br/>ELBERT CO 80106</p> <p>26. 4119003013<br/>STIPPICH DAVID A<br/>16575 N MERIDIAN RD<br/>ELBERT CO 80106-8913</p> <p>27. 4119003014<br/>STOVALL KACEY D<br/>11930 HODGEN RD<br/>ELBERT CO 80106-8802</p> <p>28. 4130002014<br/>DONIGIAN ARAM<br/>DONIGIAN KRISTEN<br/>16360 ARTESIAN TER<br/>ELBERT CO 80106-8859</p> <p>29. 4100000274<br/>SAN MIGUEL VALLEY CORP<br/>7800 E DORADO PL STE 250<br/>ENGLEWOOD CO 80111-2336</p> <p>30. 5125102002<br/>BRADY KEVIN P<br/>BRADY FARIBA<br/>174 STONE TOWN RD<br/>RINGWOOD NJ 07456-1118</p> <p>31. 5125102001<br/>BANGHART TIMOTHY<br/>BANGHART SHELLEY<br/>9143 ARGENTINE PASS TRL<br/>COLORADO SPRINGS CO 80924-7018</p> <p>32. 5125101005<br/>LUND JEFFREY S<br/>LUND BRIDGET H<br/>11615 BISON MEADOWS CT<br/>COLORADO SPRINGS CO 80908-1102</p> <p>33. 5125101006<br/>SNYDER JOHN D<br/>SNYDER KATHERINE O<br/>12348 GRAND TETON DR<br/>PEYTON CO 80831-7083</p> <p>34. 5100000482<br/>THOMAS GEORGE WAYNE<br/>THOMAS LINDA A<br/>11285 HODGEN RD<br/>COLORADO SPRINGS CO 80908-2300</p> <p>35. 5100000474<br/>NATIONAL AUDUBON SOCIETY A/K/A<br/>NATIONAL AUDUBON SOCIETY INC<br/>225 VARICK ST FL 7<br/>NEW YORK NY 10014-4396</p> |
|--|--|



Winsome  
PRELIMINARY PLAN  
AMENDMENT

ENTITLEMENT

DATE	BY	DESCRIPTION
6-25-21	JBS	PER COUNTY COMMENTS
9-14-21	JBS	PER COUNTY COMMENTS

ADJACENT PROPERTY OWNERS

8/14/2021 1:54:06 PM bmmason  
 C:\Users\perry\OneDrive\Documents\Winsome\_PreliminaryPlan\_Amendment.dwg (AdjacentPropertyOwners)



October 20, 2021

Ryan Howser  
El Paso County Development Services Department  
[DSDcomments@elpasoco.com](mailto:DSDcomments@elpasoco.com)

RE: Winsome Preliminary Plan Amendment  
Part of Sec. 24, T11S, R65W, 6<sup>th</sup> P.M. and Part of the W ½ of the W ½ of Sec. 19, T11S,  
R64W, 6<sup>th</sup> P.M.  
Water Division 1, Water District 1  
Kiowa-Bijou Designated Basin

Dear Mr. Howser:

We have reviewed your September 29, 2021 submittal concerning the above referenced proposal to amend the preliminary plan to subdivide 768 acres into 146 residential lots, 1 commercial lot, public streets, right of way tract and one open space tract. It appears the four new additional lots proposed are a part of the proposed Winsome Filing No. 3. Our office previously commented on the McCune Ranch Preliminary Plan (containing 766.66 acres) in a letter dated May 3, 2019, of which the Winsome Preliminary Plan appears to take over the McCune Ranch Preliminary Plan and a letter dated May 26, 2021; this letter supersedes the previous letters.

### Water Supply Demand

According to the submitted Water Resources and Wastewater Report for Winsome Subdivision revised September 2021 (“Water Resources Report”) the total estimated water requirement is 92.6 acre-feet/year (0.6 acre-feet per year per residential lot and 5.0 acre-feet per year for the commercial lot). The estimated water requirement of 0.6 acre-feet/year per residential lot assumes that 0.3 acre-foot per year is required for domestic indoor use, 0.25 acre-feet per year is required for irrigation of up to 4,000 square feet of lawn, garden and trees, and 0.05 acre-feet per year is required for watering of four large domestic animals.

### Source of Water Supply

According to the Water Resources Report, the proposed source of water supply for the residential lots is individual on-lot wells producing from the not-nontributary Dawson Aquifer that would be permitted pursuant to the amended replacement plans for Determination of Water Right no. 1692-BD and the proposed source of water supply for the commercial lot is an individual on-lot well producing from the nontributary Denver Aquifer that would be permitted pursuant to Determination of Water Right no. 1691-BD.

Determination of Water Right no. 1692-BD was issued by the Ground Water Commission (“Commission”) on June 25, 2008 for an allowed average annual amount of withdrawal of ground water of 819 acre-feet from the Dawson Aquifer (based on an aquifer life of 100 years) to be used on 900.52 acres (which include the 768 acres of the subject subdivision). On March 13, 2018, the Commission approved Amendment No. 1 of Determination of Water Right no. 1692-BD which cancelled an allowed average annual withdrawal of 12 acre-feet from the Determination, leaving



an allowed average annual amount of withdrawal of 807 acre-feet (based on an aquifer life of 100 years) in the Determination.

On February 3, 2020 the Commission approved Replacement Plan No. 2 for Determination of Water Right no. 1692-BD (canceling Replacement Plan No. 1 for Determination of Water Right no. 1692-BD previously approved on June 29, 2018). Replacement Plan no. 2 for Determination of Water Right no. 1692-BD allows for the withdrawal of 49.8 acre-feet per year of ground water from the Dawson aquifer for 300 years, through 83 wells to be located on 83 residential lots on 278.1 acres, a portion of the subject 768 acres. Each well may withdraw 0.6 acre-feet per year of ground water to be used for use in one single family residence; the irrigation of landscape, lawn and gardens; and the watering of domestic animals and stock. These allowed uses are consistent with the proposed uses specified in the Water Supply Report.

On August 27, 2021 the Commission approved Replacement Plan No. 4 for Determination of Water Right no. 1692-BD (canceling Replacement Plan No. 3 for Determination of Water Right no. 1692-BD previously approved on December 1, 2020). Replacement Plan No. 4 for Determination of Water Right no. 1692-BD allows for the withdrawal of 37.8 acre-feet per year of ground water from the Dawson aquifer for 300 years, through 63 wells to be located on 63 residential lots on 479.4 acres, which is a portion of the subject 768 acres. Each well may withdraw 0.6 acre-feet per year of ground water to be used for in-house use, landscape/irrigation of lawn and gardens, and the watering of domestic animals and stock. These allowed uses are consistent with the proposed uses specified in the Water Supply Report.

Determination of Water Right no. 1691-BD was issued by the Commission on June 25, 2008 for an allowed average annual amount of withdrawal of ground water of 528 acre-feet from the Denver Aquifer (based on an aquifer life of 100 years) to be used on 900.52 acres (which include the 768 acres of the subject subdivision). On February 18, 2020, the Commission approved Amendment No. 1 of Determination of Water Right no. 1691-BD which changed the allowed place of use and allowed type of use. The allowed use of the groundwater includes commercial use on the 900.52 acres of Overlying Land (which include the 768 acres of the subject subdivision). The Water Resources Report indicates that 90 acre-feet per year of the groundwater was sold to Sterling Ranch Metropolitan District leaving 49.95 acre-feet for Winsome subdivision. Of that amount 5 acre-feet per year for 300 years (1,500 acre-feet total) is proposed to serve the commercial lot. It is not clear from the Water Resource Report if any additional water in the Denver aquifer will be dedicated to the subdivision.

The proposed source of water for this development is a bedrock aquifer allocation from the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which the bedrock aquifer sources will be a physically and economically viable source of water. According to 37-90-107(7)(a), C.R.S., "Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years." Based on this allocation approach, the annual amounts of water determined in Determination of Water Right Nos. 1692-BD and 1691-BD is equal to one percent of the total amount, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in those annual amounts 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 the bedrock aquifer sources 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 average annual amount of withdrawal of 49.8 acre-feet per year for a maximum of 300 years from the Dawson aquifer pursuant to Replacement Plan No. 2 and the allowed average annual amount of withdrawal of 37.8 acre-feet per year for a maximum of 300 years from the Dawson aquifer pursuant to Replacement Plan No. 4, for a total withdrawal of 87.6 acre-feet per year is sufficient to supply the residential requirement of 87.6 acre-feet per year. The allowed average annual amount of withdrawal of 5 acre-feet per year from the Denver aquifer pursuant to Determination of Water Right no. 1691-BD for a maximum of 300 years, is sufficient to supply the commercial requirement of 5 acre-feet/year.

The Water Resources Report submitted makes reference to other water rights, including those in the Arapahoe and Laramie-Fox Hills Aquifers under Determination of Water Right nos. 1690-BD and 1689-BD, but those rights are not identified as a sources of water for the subdivision.

In our letter dated May 3, 2019 regarding the McCune Ranch Subdivision Preliminary Plan we noted that there is an existing small-capacity Dawson Aquifer well, permit no. 162283, with a permitted well location that would place it on the 766.6 acres. Well permit no. 162283 was issued on a tract of 40 acres described as the NW ¼ of the SW ¼ of Sec. 19, Twp. 11 S, Range 64 W, 6<sup>th</sup> P.M., without consideration of material injury to other water rights. According to the January 7, 2019 water resources report submitted with that referral request a search for the well structure was conducted on January 7, 2019, resulting in no evidence that the structure exists at or near the location depicted in the permit. In addition, the then owner of the property, Mary Sue Liss with McCune Ranch, indicated that she has never seen a well casing or structure since she has owned or lived on the property. Therefore it is believed that the well is not located on property. However, the developer agreed to abandon the well per Colorado Well Construction Rules and Regulations should the well structure be found during construction of the development. In the event that the well is located and plugged and abandoned the well owner must submit a Well Abandonment Report (Form GWS-09) available for download at: <https://dwr.colorado.gov/services/well-construction-inspection>.

### **State Engineer’s Office Opinion**

Based upon the above and pursuant to Sections 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 water rights.

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 on the subdivided land is greater than the annual amount of water required to supply existing water commitments and the demands of the proposed subdivision.

Our opinion is qualified by the following:

The Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the above-referenced decree, pending actual geophysical data from the aquifer.

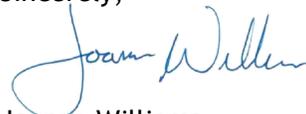
The amounts of water in the Denver Basin aquifer, and identified in this letter, are calculated based on estimated current aquifer conditions. The source of water is from a non-renewable aquifer, the allocations of which are based on a 100 year aquifer life. The county should be aware that the economic 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.

**Additional Comments**

The submittal indicates that a storm water detention structure will be constructed as a part of this project. The applicant should be aware that, unless the structure can meet the requirements of a “storm water detention and infiltration facility” as defined in Designated Basin Rule 5.11, the structure may be subject to administration by this office. The applicant should review Rule 5.11 to determine whether the structure meets the requirements of the Rule and ensure any notification requirement is met.

If you, or the applicant, have any questions, please contact Ailis Thyne at 303-866-3581 ext. 8216.

Sincerely,



Joanna Williams  
Water Resources Engineer

Ec: Project no. 25245  
Permit no. 162283

Winsome PUD Amendment\_10-18-21.docx

### Winsome Preliminary Plan Amendment, SP-21-2

Please accept the following revised comments from El Paso County Public Health (EPCPH) regarding the project referenced above:

- The proposed 768.03-acre, 146-residential lot and 1-commercial lot development will be served water by individual private wells, and wastewater service by onsite wastewater treatment systems (OWTS).
- Water service for the development will be provided by individual private wells. El Paso County Public Health has determined there is a finding for sufficiency in terms of water quality based on the 05Mar2019 sample results reported by Hazen Research, Inc., and the 21Feb2019, Colorado Analytical Laboratories, Inc. water quality report. Future residents should be aware the sample result for radium was slightly above the maximum contaminant limit (MCL) of the State of Colorado Primary Drinking Water Regulations. In addition, the sample result for manganese was above the secondary maximum contaminant limit (SMCL). Future lot owners are encouraged to resample for both constituents, as a single sample result is not 100% indicative of source water contamination throughout the site. Radium and manganese, if found above the MCL, can be removed with the installation of residential reverse osmosis (RO) units, or ion exchange water softeners.
- The Entech Engineering, Inc., Preliminary Soil, Geology, Geologic Hazard and Wastewater Studies dated 02Oct2018 (revised 11Jan2019) for the 2018 Preliminary Plan, the 14April2020 report for Winsome Filing No.1, the 26January2021 report for Winsome Filing 2 and the 21May2021 report for Winsome Filing No 3, were all reviewed for the determination of suitability of the site for onsite wastewater treatment systems (OWTS) installations. The overall number of soil test pits performed for the 146 lots proposed for OWTS meets the Land Development Code requirement for the soil test requirement of 20% of the total number of proposed lots.
- The soil test pits within the report indicated ground water was not encountered; however, the report did show most of the soil in the area will likely not be suitable for conventional onsite wastewater treatment systems and will require professional engineer designs. The most common reason for concern is how shallow the Dawson formation is throughout the area including this subdivision.
- Lots identified on the Entech Engineering 2018 Preliminary Plan Report (Figure 9) map show areas “Unsuitable for OWTS’s” on several lots. Per a discussion held with Entech Engineering on 01May2019 these unsuitable

## Winsome Preliminary Plan Amendment, SP-21-2

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areas can be crossed by a driveway and/or OWTS piping or avoided entirely with proper homesite and well planning and placement.

- El Paso County Public Health encourages planned walkability of residential communities with sidewalks, walking paths, and bike trails to surrounding neighborhood parks, schools, and commercial areas. Walkability features promote exercise, help reduce obesity and lower the risk of heart disease.
- Radon resistant construction building techniques/practices are encouraged in this area. The EPA has determined that Colorado, and specifically the El Paso County area, have higher radon levels than other areas of the country.
- Earthmoving activities greater than 25 acres require a Construction Activity Permit from the Colorado Department of Public Health and Environment, Air Pollution Control Division. Go to:  
<https://www.colorado.gov/pacific/cdphe/general-air-permits>
- Water quality basins must have mosquito control responsibilities included as a part of the construction design and maintenance plan to help control mosquito breeding habitat and minimize the potential for West Nile Virus.

Mike McCarthy  
El Paso County Public Health  
[mikemccarthy@elpasoco.com](mailto:mikemccarthy@elpasoco.com)  
719-575-8602  
12November2021