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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Planning Commission
Jim Egbert, Chair**

**FROM: Nina Ruiz, PM/Planner II
Mike Hrebenar, PM Group Manager
Gilbert LaForce, PE Engineer II
Craig Dossey, Executive Director**

**RE: Project File #: SP-16-005
Project Name: Springs at Waterview Preliminary Plan
Parcel No.: 55072-06-036**

OWNER:	REPRESENTATIVE:
Frank W Howard #2 LLLP 3232 Muirfield Drive Colorado Springs, CO 80907	Dakota Springs Engineering LLC 31 N Tejon, Suite 500 Colorado Springs, CO 80903

Commissioner District: 4

Planning Commission Hearing Date:	6/5/2018
Board of County Commissioners Hearing Date:	6/19/2018

EXECUTIVE SUMMARY

A request by Frank W Howard #2 LLLP for approval of a preliminary plan to create 85 single-family residential lots. The 15.68 acre parcel is zoned RS-5000 (Residential Suburban) and is located north of Bradley Road and east of Grinnell Boulevard and is within Section 7, Township 15 South, Range 65 West of the 6th P.M. The property is not located within a small area plan. A concurrent final plat application has been submitted for the subject parcel to create 85 residential lots. With the preliminary plan request the applicant has requested pre-development site early grading for the 15.68 acre parcel.

A. REQUEST/WAIVERS/MODIFICATIONS/AUTHORIZATION

Request: A request by Frank W Howard #2 LLLP for approval of a preliminary plan and pre-development site early grading to create 85 single-family residential lots within the RS-5000 (Residential Suburban) zoning district.



Waiver(s)/Modification(s): A waiver is being requested fro, Section 8.4.3.C.3.a, Limited Use of Double Frontage and Reverse Frontage Lots, of the El Paso County Land Development Code (2017). This request applies to the lots adjacent to Escanaba Drive and Wolf Moon Drive.

Authorization to Sign: There are no associated documents requiring a signature by the Board of County Commissioners President.

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, 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;

- 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 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:	PUD (Planned Unit Development)	Vacant
South:	A-5 (Agricultural)	Fountain Valley School
East:	PUD (Planned Unit Development)	Single-Family Residential
West:	A-5 (Agricultural)	Vacant

E. BACKGROUND

The parcel was zoned A-2 (Agricultural) on May 11, 1942, when zoning was first initiated for this portion of El Paso County. Due to changes in the nomenclature of the El Paso County Land Development Code, the A-2 zoning district has been renamed to the A-5 (Agricultural) zoning district. A request to rezone the 15.68 acre parcel from A-5 to the RS-5000 (Residential Suburban) zoning district was approved May 22, 2018.

The Waterview Sketch Plan (SKP-00-002) was approved by the Board of County Commissioners May 10, 2001, by Resolution No. 01-191. Conditions were imposed limiting all zoning within the sketch plan area to Planned Unit Development (PUD), additionally there was a condition requiring two lanes of Bradley Road, a four lane

arterial, to be built by the completion of Phase 1 (single-family development known as Painted Sky Filings 1-6).

In 2014, the Sketch Plan was amended (SKP-13-001) to change two of the conditions of approval for the 2001 Waterview Sketch Plan. The changes to the conditions included removal of the requirement for Planned Unit Development zoning within the boundaries of the sketch plan and downgrading Bradley Road, from Grinnell Boulevard to Powers Boulevard, from an arterial roadway to a collector roadway and also required the completion of Bradley Road with Phase 1 from Grinnell Boulevard to Goldfield Road, which has since been constructed. Phase 4 will require the final build-out of Bradley Road from Goldfield Road to Powers Boulevard.

Building the remaining section of Bradley Road from Goldfield Drive to Powers Boulevard will occur with a later phase of the overall development. A traffic study will be required with the submittal of any residential preliminary plan and final plat to determine regional cost sharing of intersection/interchange improvements at Bradley Road and Powers Boulevard.

An administrative amendment to the sketch plan was approved on April 2, 2018, to decrease and reconfigure the commercial area from 108.6 acres to 107.5 acres, eliminate one phase of multi-family development reducing the multi-family area from 39.9 acres to 28.5 acres, and increase the single family residential area from 339.8 acres to 351.2 acres. As a result, the total number of dwelling units allowed in the sketch plan area was reduced from 2096 units to 2017 units.

A subdivision exemption was approved by the Board of County Commissioners in 2015 to allow for the creation of a 0.36 acre parcel for a pump station for the Security Water and Sanitation District (EX-15-002). The subject parcel is included in this action as "Parcel A", a remainder parcel. A concurrent application has been submitted for a portion of the subject parcel for a final plat to create 85 residential lots.

F. ANALYSIS

1. Land Development Code Analysis

The El Paso County Board of County Commissioners made a finding of compatibility and conformity with the previously approved sketch plan (SKP-00-002, SKP-13-001). The same finding was made with the approval of the administrative amendment to the sketch plan (SKP-16-002). The request for a map amendment (rezone) approval from the A-5 (Agricultural) to the RS-5000 (Residential Suburban) zoning district is in conformance with the approved sketch plan.

2. Zoning Compliance

The applicant is requesting a preliminary plan for 85 residential lots in the RS-5000 (Residential Suburban) zoning district. The RS-5000 zoning district is intended to accommodate single-family and two-family residential development. The density and dimensional standards for the RS-5000 zoning district are as follows:

- Minimum lot size – 5000 square feet
- Setbacks – front 25 feet, sides 5 feet, and rear 25 feet.
- Maximum building height – 30 feet
- Maximum lot coverage – 40 or 45 percent

The applicant has submitted concurrent applications for a preliminary plan and final plat that are anticipated to be scheduled for hearing later this year. The applications, as submitted, demonstrate compliance with the dimensional standards of the Land Development Code (2017).

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues, and provides a framework to tie together the more detailed sub-area elements of the County Master Plan.

Relevant policies are as follows:

Policy 6.1.1- Allow for a balance of mutually supporting interdependent land uses, including employment, housing and services in the more urban and urbanizing areas of the County.

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 6.1.10- Ensure that new development will not create a disproportionately high demand on public services and facilities by virtue of its location, design or timing.

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

Policy 10.1.2- Carefully consider the impacts that proposed new developments will have on the viability of existing and proposed water and wastewater systems.

Policy 13.1.2- Support the provision of land use availability to meet the housing needs of county residents.

The parcels located across Grinnell Boulevard are zoned A-5 (Agricultural) but have been designated as open space/drainage on the approved sketch plan. The lots located immediately to the east of the subject parcel are within the Painted Sky at Waterview subdivision. The average lot size within the Painted Sky at Waterview subdivision is 5,500 square feet. The adjacent parcel located directly to the north is zoned A-5 and is planned for future commercial development in the approved sketch plan.

The proposed preliminary plan will allow for the proposed 85 dwelling units. Central water and wastewater as well as gas, and electrical services are available for the proposed residential development. A finding of consistency with the Policy Plan was made by the El Paso County Board of County Commissioners with the previously approved sketch plans (SKP-00-002 and SKP-13-001). The same finding was made with the approval of the administrative amendment to the sketch plan (SKP-16-002).

4. Small Area Plan Analysis

The subject parcel is not located within a small area plan.

5. Other Master Plan Elements

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

The Master Plan for Mineral Extraction (1996) identifies no potential deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No physical hazards were identified in the review of the preliminary plan request.

2. Wildlife

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

3. Floodplain

The property is located within flood zone X in the FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0764F, which is an area of minimal flood hazard and determined to be outside the 500-year floodplain.

4. Drainage and Erosion

The property is located within the Windmill Gulch drainage basin. The basin is included in the El Paso County drainage basin fee program and fees will be due at the time of final plat recordation.

A preliminary drainage report was provided as a supporting document to the preliminary plan request (SP-16-005). The preliminary drainage report provides hydrologic and hydraulic analysis to identify and mitigate drainage impacts to the surrounding properties.

5. Transportation

A traffic impact study was provided as a supporting document to the concurrent sketch plan amendment request (SKP-16-051). The study identifies a decrease of approximately 1,360 vehicle trips compared to the previous Waterview Sketch Plan Amendment traffic impact study (SKP-13-001). The 2040 Roadway Improvement Projects (Project ID C16) of the El Paso County Major Transportation Corridor Plan update, 2016 (MTCP) anticipates upgrading Grinnell Boulevard to a 4-Lane Minor Arterial; however, no offsite improvements are anticipated with respect to this development.

The traffic generated by the proposed development is not anticipated to cause adverse impacts to the surrounding transportation network.

H. SERVICES

1. Water

The subdivision will be served by Security Water and Sanitation. The State Engineer's office has provided an opinion stating that the water supply for the proposed subdivision is adequate. A recommendation of sufficiency has been made by the County Attorney's Office for water quantity and dependability.

Sufficiency: Sufficient

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State Engineer's office provided an opinion stating that the water supply for the proposed subdivision is adequate. A recommendation of sufficiency has been made by the County Attorney's Office.

2. Sanitation

Sanitary sewer will be provided by the Security Water and Sanitation District.

3. Emergency Services

The property is within the Security Fire Protection District.

4. Utilities

Colorado Springs Utilities will provide electric and natural gas service to the property.

5. Metropolitan Districts

The property is located within the Waterview I Metropolitan District.

6. Parks/Trails

Land dedication and fees in lieu of park land dedications are not required for a preliminary plan application. Fees in lieu of park land dedication will be due at the time of recording the final plat.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a preliminary plan application. Fees in lieu of school land dedication will be due at the time of recording the final plat.

I. APPLICABLE RESOLUTIONS

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J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2016) 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. 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 12-382), 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. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a final plat has been approved and recorded or a time extension has been granted.
2. 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.

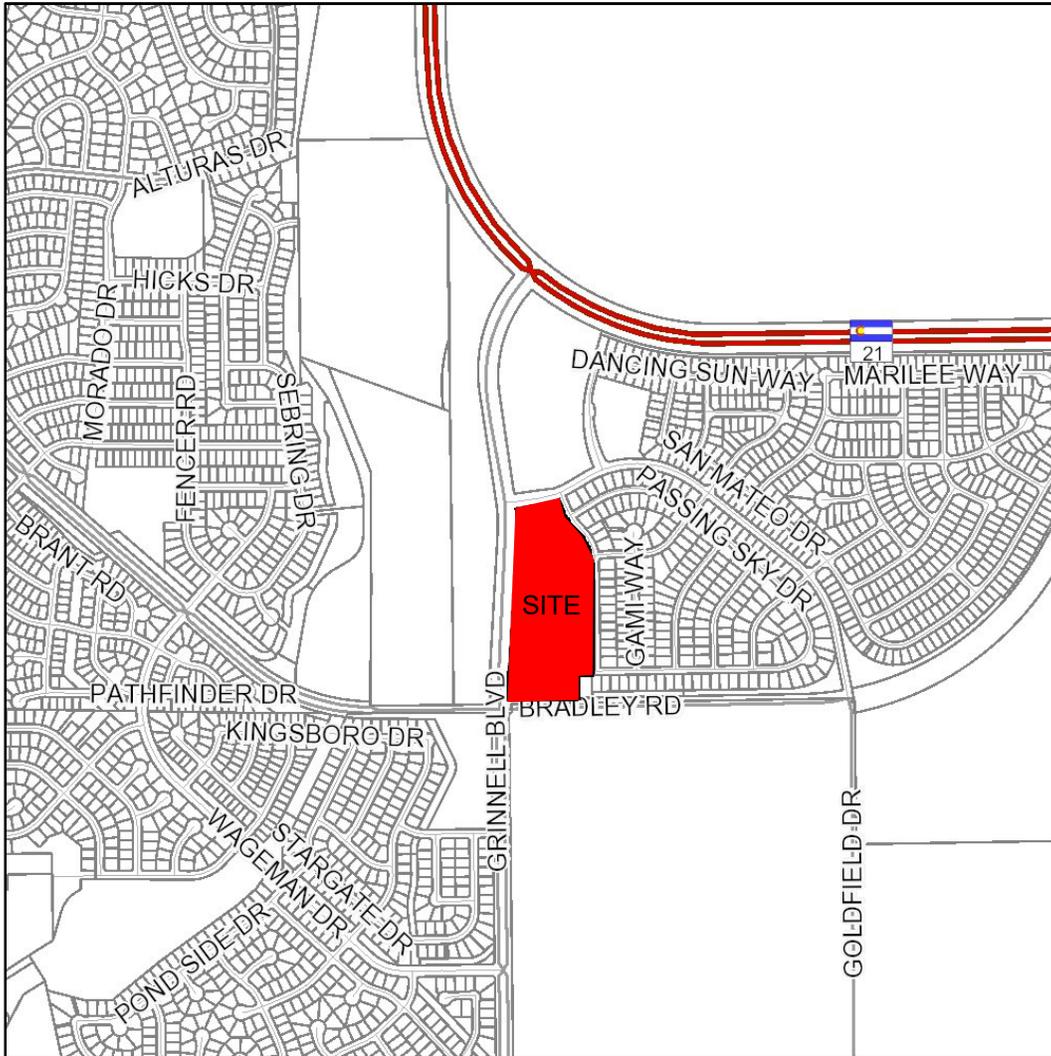
L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified twenty-three (23) adjoining property owners on April 16, 2018, 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
County Attorney's Letter

----- El Paso County Parcel Information -----



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Parcel: 5507206036

Name: FRANK W HOWARD #2
LIMITED

City: COLORADO SPRINGS

State: CO

Zip: 80903

Filename: SP-16-005

Zone Map Number:

Date: 04/24/2018

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

Letter of Intent
Springs at Waterview Preliminary Plan

4/18

Owners: Frank W. Howard #2 Limited Partnership, LLLP
3232 Muirfield Dr.
Colorado Springs, Co. 80907
(719) 440-6879

Applicant: SWV, LLC
31 North Tejon St., Suite 500
Colorado Springs, Co. 80903
(719) 377-0244

Consultant: Dakota Springs Engineering
31 North Tejon St., Suite 500
Colorado Springs, CO 80903
(719) 227-7388

Tax Schedule Nos.: 5507206036

Site Information:

Springs at WaterView is a proposed 85 lot subdivision on 15.67 acres. The proposed Preliminary Plan area is a re-plat of:

PARCEL A, WATERVIEW PUMP STATION SUBDIVISION EXEMPTION AN EXEMPTION PLAT OF TRACT D OF PAINTED SKY AT WATERVIEW FILING NO. 1, RECORDED JUNE 22, 2015 UNDER RECEPTION NO. 215713634, COUNTY OF EL PASO, STATE OF COLORADO

The site lies in Section 7 of Township 15 South, Range 65 West. The proposed plat is south of Goldfield Drive, north of Bradley Rd, east of Grinnell Road and west of Escanaba Drive.

The property is presently zoned AG and is part of the of the Waterview Sketch Plan. An Amendment to the Waterview Sketch Plan is being submitted simultaneously with the Final Plat submittal as well as a RS-5000 Zoning application. The amendment proposes that the 15.67 acres be modified from a multifamily residential and commercial use to a single family residential use. Based on this proposed land use, the applicant has acquired the property and commissioned the design of lots, grading, utilities, etc. for future residential development.

Request and Reason:

To approve a Preliminary Plan for an 85 lot residential subdivision. This letter serves as a request to receive El Paso County approval of Preliminary Plan for this site.

The proposed Preliminary Plan is in conformance with the County Policy Plan based on the following Policy analysis:

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.

This application meets this policy by maintaining density and land use within the parameters of the adjacent residential properties; the accompanying applications propose a reduction in density and elimination of commercial uses while matching the adjacent residential properties east of Escanaba. Access will be from Escanaba Drive via Grinnell Road and Goldfield Drive and also from Bradley Road. Capacity of these roads is addressed in the accompanying TIS.

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

This application meets this policy by taking advantage of existing urban supporting facilities provided by Security Water and Sanitation Districts. Service will be provided based on a previous inclusion agreement with this district.

Policy 10.1.2: Carefully consider the impacts that proposed new developments will have on the viability of existing and proposed water and wastewater systems.

The Security Water District and Security Sanitation District has indicated the ability to serve the property as well as the State Engineers Office from previous reviews. The proposed project is within the service boundary of the Security Water and Sanitation Districts; an inclusion agreement is being processed simultaneously with this application.

Policy 10.2.2: Carefully consider the availability of water and wastewater services prior to approving new development.

The Security Water District and Security Sanitation District has indicated the ability to serve the property as well as the State Engineers Office from previous reviews. The water and wastewater services are available to serve this property.

This request meets the criteria for approval outlined in Section 5.3.5 of the El Paso County Land Development Code by the following:

- The application is in general conformance with the County Master Plan and previous county approvals; in this case residential land uses.
- The proposed Land Use and Zone District is compatible with the existing and permitted land uses in the area.
- The site is suitable for the intended use.

This request meets the criteria for approval outlined in Section 7.2.1 of the El Paso County Land Development Code by the following:

- The application for Preliminary Plan is in conformance with the County Master Plan.
- The subdivision is in conformance with the accompanying Zoning application and the application to amend the Sketch Plan.
- The proposed subdivision is consistent with the adjacent subdivision design.
- The proposed water supply is adequate and will be provided by the Security Water District. The estimated water requirement is 40 ac-ft. per year.
- The proposed sewage disposal is to be provided by the Security Sanitation District.
- Adequate drainage solutions are provided and follow Preliminary, MDDP and DBPS recommendations.
- Necessary services (fire protection, police, recreation, utilities) have been provided and will continue to be provided by the Security Water District and Security Sanitation District, Security Fire Protection District, El Paso County and the City of Colorado Springs (gas and electric).
- Fire Protection will be provided by the Security Fire Protection District.
- Offsite impacts are minimal and will be mitigated as part of construction.
- Adequate public facilities and infrastructure are provided.
- The subdivision meets all other El Paso County criteria or waivers have been requested in this document.
- No mineral extraction is planned for this site.

Existing and Proposed Facilities:

The site currently is vacant. Proposed (already existing) services in the development include the following:

- Water-Security Water and Sanitation Districts
- Sewer- Security Water and Sanitation Districts
- Electric Service – City of Colorado Springs
- Natural Gas Service – City of Colorado Springs
- Telephone Service – Qwest
- Fire Protection – Security Fire District

Offsite Improvements

The applicant will participate in construction of the future traffic signal at Goldfield Drive and Grinnell Boulevard by a similar agreement with the county used with Painted Sky at Waterview platting.

Traffic Impact Fees:

The applicant requests that platted lots within Springs at Waterview be included in the county wide Public Improvements District (PID 2) formed and implemented as part of the Traffic Impact Fee resolution.

The estimated Traffic Impact Fee for Springs at Waterview is \$44,455 (85 lots x \$523.00 per lot) based on the inclusion in the PID 2 District.

Impact Identification:

Development of Painted Sky at Waterview east of the site and Grinnell Boulevard and Bradley Road on the west and south boundaries limits the impact this development will have on wildlife in the area.

Waiver Requests:

Request for Waiver to allow double frontage lots. This request applies to the lots that back up to Escanaba Drive and face Wolf Moon Drive. Direct access to Escanaba Drive proved to be impossible due to the slope away from Escanaba Drive.

Respectfully,

P.A.Koscielski
SWV, LLC



November 4, 2016

Nina Ruiz
El Paso County Development Services Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910-3127
Sent via email to: DSDcomments@elpasoco.com

RE: Springs at Waterview
Sketch Plan, Preliminary Plan, and Final Plat
Sec. 7, Twp. 15S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 23969

Dear Ms. Ruiz:

We have received your submittal concerning the above referenced proposal to subdivide a 15.67 +/- acre parcel into 80 single-family residential lots. The proposed supply of water for the 80 residential lots, in addition to wastewater disposal, is to be served by the Security Water and Sanitation District.

Water Supply Demand

According to the Water Supply Information Summary, Form No. GWS-76, the estimated water requirements include 40.0 acre-feet/year for ordinary household purposes inside 80 single-family dwellings.

Source of Water Supply

The source of water for the proposed development is to be served by the Security Water and Sanitation District ("District"), and a September 30, 2016 letter from the District was provided with the submittal. According to the letter, "The parcel of land known as Springs at Waterview and depicted on the attached preliminary plan excerpt is not within the boundaries of the Security Water District and Security Sanitation District. Consequently, the districts are not able to provide a commitment to serve the property at this time. The property has, however, been included in the districts' future water service area, and has therefore been included in the districts' future service demand projections."

State Engineer's Office Opinion

According to this the latest water supply report on file with this office, it appears the District has sufficient water resources to supply this subdivision; however, this office cannot provide favorable comments regarding the proposed water supply until the District commits to serving the proposed development. Based upon the above and pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply cannot be provided without causing injury to decreed water rights. Should you or the applicant have any questions, please feel free to contact me directly.



Sincerely,



Caleb Foy, P.E.
Water Resource Engineer

cc: Steve Witte, Division 2 Engineer (via email)
Doug Hollister, District 10 Water Commissioner (via email)

CRF:crf



EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY
CIVIL DIVISION

First Assistant County Attorney
Diana K. May

Amy R. Folsom, County Attorney

Assistant County Attorneys
M. Cole Emmons
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Lisa A. Kirkman
Steven A. Klaffky
Peter A. Lichtman

April 11, 2018

Springs at Waterview

Preliminary Plan SP-16-005
Final Plat SF-16-017

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

A handwritten signature in blue ink that reads "M.C.E.".

FINDINGS AND CONCLUSIONS:

1. This is a proposal by Frank W. Howard #2 Limited Partnership, LLLP and SWV, LLC ("Applicant"), for preliminary plan and final plat approval to subdivide approximately 15.67 acres into 85 single-family residential lots. The property is zoned PUD (Planned Unit Development).

2. The Applicant has provided for the source of water to derive from a central water system – Security Water and Sanitation District (hereinafter "District"). The Applicant estimates its annual water demand to serve 85 single-family lots at 42.5 acre-feet annually or 0.5 acre-feet per lot. Applicant will need to provide a supply of 12,750 acre-feet of water (42.5 ac-ft/yr. x 300 years) to meet El Paso County's 300 year water supply requirement. Since the District's water supply is considered annually renewable, it is considered already to have a minimum life of 300 years and, therefore, does not have to reserve this total quantity of water.

3. Pursuant to Section 8.4.7.C.1. of the El Paso County Land Development Code, "[w]ater provided from renewable ground water sources is considered to be annually renewable and, therefore, is considered to have a minimum life of three hundred (300) years." Based on past representations by the District's representatives, given the general well locations which place most of the wells approximately within one to two miles of either Fountain Creek or Jimmy Camp Creek, and given the augmentation supply of

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



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

transmountain Frying Pan/Arkansas Project water which is a tributary renewable source, it appears the proposed water supply is an annual renewable source and falls within the provisions of Section 8.4.7.C.1., and thus the proposed supply is considered to have a minimum life of 300 years.

4. In a letter dated October 31, 2017, the General Manager for the District states that “[u]pon submission of an application for final plat to the El Paso County Development Services Department, the Security Water District agrees to commit sufficient water resources . . . to serve the property,” subject to the rules and conditions of the District and the payment of appropriate fees. The Manager states that the water demand for Springs at Waterview is estimated to be a maximum of 42.5 acre-feet of diversions annually and 17.0 acre-feet annually of depletions, and the District’s commitments are limited to those amounts. The General Manager stated that the District currently has “overall capacities that exceed current commitments.”

5. In a letter dated February 21, 2018, the State Engineer’s Office reviewed the submittal to subdivide the approximately 15.68 +/- acre parcel into 85 residential lots. The State Engineer’s Office reviewed the submittal based on the Water Supply Information Summary noting the water demand of 42.5 acre-feet/year for ordinary household purposes for the 85 single-family lots (or 0.5 acre-foot per year per unit). The State Engineer’s Office noted that based on the “latest water supply report on file with this office, it appears the District has sufficient water resources to supply this subdivision.” And further, “pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply can be provided without causing injury to decreed water rights and is expected to be adequate.”

The State Engineer also provided the following advisory to the Applicant:

“Should the development include construction and/or modification of any storm water structures, the Applicant should be aware that, unless the storm water structure(s) can meet the requirements of a ‘storm water detention and infiltration facility’ as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office.”

6. PFCs. On May 19, 2016, the Environmental Protection Agency (“EPA”) announced that it lowered the health advisory levels (“HAL”) for Perfluorinated Compounds (“PFC”), to 70 parts per trillion. One of the three local water providers whose PFC levels now exceed the EPA’s HAL is Security Water District, where PFC’s were found in its groundwater supplies. There has been much coverage in the local press and much public concern expressed over PFC’s recently. The District’s website states that the District has taken steps to deliver PFC-free water to all of its customers including using all surface water and adding infrastructure allowing the District to purchase more surface water from Colorado Springs. The County Attorney’s Office has no information

that the PFC issue affects the District's ability to provide a sufficient water supply for this development.

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

8. Analysis. The District's water resources consist of annually renewable sources that are considered to have a minimum life of 300 years. Based on the representations of the District included in the commitment letter dated October 31, 2017 and the Springs at Waterview Engineering Study dated May 2017, it appears the proposed water supply will be sufficient to meet the demands of the subdivision.

9. Based upon the finding of no injury and sufficiency made by the State Engineer and the commitment to serve by the District, and subject to the conditions set forth below, the County Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability. The El Paso County Health Department may wish to confirm that the District complies with the water quality regulations.

CONDITIONS:

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

cc: Nina Ruiz, Project Manager, Planner II