

Memorandum

Dakota Springs Engineering

31 North Tejon Street
Suite 500
Colorado Springs, Colorado 80903
Phone: 719-227-7388
Fax: 719-227-7392

Date: February 7, 2018

To: Ms. Nina Ruiz, Planner II
El Paso County Planning and Community Development

cc: Paul Koscielski
SWV, LLC, CPR Entitlements, LLC

From: Charles K. Cothorn, P.E.

Subject: Springs at Waterview Rezone
P-17-017

The purpose of this memorandum is to provide a response to the comments received in your letter of January 25, 2018. Below is your comment followed by our response in *italics*.

EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Current Planning

General

1. The rezone cannot be approved without the SKP being amended.

Acknowledged

2. Should the rezone be approved, all future development must be in compliance with the RS-5000 zoning district.

Acknowledged

3. Upon completion of the PCD engineering division redlines will be uploaded and additional comments provided.

Acknowledged

Mineral Certification

1. The mineral certification indicates the rights have not been severed. Item 8 of the title indicates the rights have been severed.

We reviewed this comment with our title commitment provider and they provided the following answer.

Land Title Guarantee Company has replied as follows:

Per our title commitments, I don't find any evidence of a severance of mineral rights. Perhaps the County is referring to the Patents from the United States which reserve a right of a proprietor of a vein or a lode to follow the vein onto the property if so discovered.

This is standard language in United States Patents, but does not actually sever the mineral rights.

For further clarification, the mineral rights have not been severed and remain with the current owner of the property.

There should be no need to notify any other mineral owner as there are no other mineral owners.

*Ben K. Lowe
Commercial Title Officer
Colorado Title License #137098
Land Title Guarantee Company*

Letter of Intent

1. Policy 5.3.5 is missing.

Added

2. The LOI discusses rezoning to PUD, which is not the request.

All references to PUD have been removed; references are to RS-5000

Zoning Map 1. Please review the zoning map checklist and add all required information. The drawing submitted is for a PUD, not for conventional zoning.

Done

Engineering Division

Letter of intent redline comments will be uploaded by the project manager.

Reviewed and addressed

**ELPASO COUNTY COMMUNITY SERVICES DEPARTMENT
ENVIRONMENTAL**

The El Paso County Environmental Division has completed its review of the Springs at Waterview Rezone P-17-017. Our review consisted of the following items: wetlands, federal and state listed threatened or endangered species, general wildlife resources and noxious weeds.

We have reviewed the submittal and have no comments at this time.

Acknowledged

The applicant is hereby on notice that the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service have regulatory jurisdiction over wetland and threatened and endangered species issues, respectively. It is the applicant's responsibility, and not El Paso County's, to ensure compliance with all applicable county, state, and federal laws and regulations, including, but not limited to, the Clean Water Act, Endangered Species Act, Migratory Bird Treaty Act, Colorado Noxious Weed Act and El Paso County Weed Management Plan.

We appreciate the opportunity to comment on this project. If you have any questions or concerns, please contact me at (719) 520-7845.

Acknowledged

PARKS

The Planning Division of the Community Services Department has reviewed the Springs at Waterview Rezone. As the rezone was originally included in the Springs at Waterview 2016 Sketch Plan Amendment, and was referenced in Springs at Waterview Preliminary Plan and Final Plat, both of which were endorsed by the El Paso County Park Advisory Board in December 2017, please refer to the original endorsed comments below:

“The Planning Division of the Community Services Department has reviewed the development application for the Springs at Waterview Preliminary Plan and Final Plat and has the following comments of behalf of El Paso County Parks. This application will be presented to the Park Advisory Board on December 13, 2017.

The Springs at Waterview Preliminary Plan and Final Plat consists of 77 residential single-family lots on 15.67 acres. The site is located southeast of Colorado Springs, south of the intersection of Powers Boulevard / State Highway 21 and Grinnell Boulevard, northwest of Big Johnson Reservoir. Although zoned currently as A-5, the applicant will seek a zoning reclassification to RS-5000 as the project progresses.

The 2013 Parks Master Plan shows the Grinnell Boulevard Secondary Regional Trail running north-south along the east side of Grinnell Boulevard from Powers Boulevard/State Highway 21 to Fontaine Boulevard where it turns east and connects to McCrae Reservoir and Widefield Community Park. From that point, further trail connections can be made to Crews Gulch Regional Trail, Fountain Creek Regional Park, Ceresa Park, and Fountain Creek Regional Trail. Combined, these are vital trail connections in the Fountain Valley area.

When the Springs at Waterview 2016 Sketch Plan Amendment was first reviewed in July 2017 and subsequently in October 2017, the plans showed the Grinnell Boulevard Secondary Regional Trail on the west side of Grinnell Boulevard, whereas it should be shown on the east side. Furthermore, the Sketch Plan did not display the trail as it continues north of Bradley Road to Powers Boulevard, adjacent to the proposed subdivision.

Prior to the November 2017 Park Advisory Board meeting, Staff met with the applicant, and a decision was made to show the Grinnell Boulevard Secondary Regional Trail on the east side of Grinnell Boulevard south of Bradley Road, and move it to the west side of Grinnell Boulevard, north of Bradley Road, where it will eventually intersect other proposed City of Colorado Springs and Fountain Mutual Metropolitan District trails. During this meeting, Parks staff notified the applicant that El Paso County Parks would request a permanent trail easement on the west side of Grinnell Boulevard as a recommendation of the preliminary plan and final plat. At the November 2017 meeting, the Park Advisory Board endorsed the following recommendations:

“Recommend to the Planning Commission and the Board of County Commissioners that the approval of Springs at Waterview 2016 Sketch Plan Amendment includes the following conditions: (1) designate and provide to El Paso County a 25-foot trail easement along the west side of Grinnell Boulevard, north of Bradley Road, that allows for public access, as well as construction and maintenance by El Paso County of a primary regional trail, (2) the easement shall be shown on all forthcoming preliminary plans and final plats, and the aforementioned easement be dedicated to El Paso County on the forthcoming final plat(s), (3) fees in lieu of land dedication for regional and urban park purposes will be required at time of the recording of the forthcoming final plats.”

The current Preliminary Plan and Final Plat applications do not show the trail easement on the west side of Grinnell Boulevard north of Bradley Road, nor is there mention of the trail easement in the Preliminary Plan or Final Plat general notes or letters of intent. As such, El Paso County Parks recommends that Springs at Waterview Preliminary Plan and Final Plat (1) designate and provide to El Paso County a 25-foot trail easement along the west side of Grinnell Boulevard, north of Bradley Road to Powers Boulevard, that allows for public access, as well as construction and maintenance by El Paso County of the Grinnell Boulevard Secondary Regional Trail, (2) show the easement on the Preliminary Plan and Final Plat, and dedicate the aforementioned easement to El Paso County prior to the recording of the Final Plat, (3) and pay fees in lieu of land dedication for regional and urban park purposes at time of the recording of the Final Plat.

*Recommended Motion: Springs at Waterview Preliminary Plan:

“Recommend to the Planning Commission and the Board of County Commissioners that the approval of Springs at Waterview Preliminary Plan includes the following conditions: (1) designate and provide to El Paso County a 25-foot trail easement along the west side of Grinnell Boulevard, north of Bradley Road to Powers Boulevard, that allows for public access, as well as construction and maintenance by El Paso County of the Grinnell Boulevard Secondary Regional Trail, (2) fees in lieu of land dedication for

regional park purposes in the amount of \$31,339 and urban park fees in the amount of \$19,789 will be required at time of the recording of the Final Plat.”

*Recommended Motion: Springs at Waterview Final Plat:

“Recommend to the Planning Commission and the Board of County Commissioners that the approval of Springs at Waterview Final Plat includes the following conditions: (1) show on the Final Plat and dedicate to El Paso County a 25-foot trail easement along the west side of Grinnell Boulevard, north of Bradley Road to Powers Boulevard, that allows for public access, as well as construction and maintenance by El Paso County of the Grinnell Boulevard Secondary Regional Trail, (2) require fees in lieu of land dedication for regional park purposes in the amount of \$31,339 and urban park fees in the amount of \$19,789.”

Please let me know if you have any questions or concerns.

Sincerely,
Ross A. Williams
Park Planner
Planning Division
Community Services Department
rosswilliams@elpasoco.com

Acknowledged

COLORADO SPRINGS UTILITIES

Action Items:

No action items. Recommend approval.

Acknowledged

Information Items:

1. Any extension or removal of electric or gas facilities required to serve the Applicant’s development must be in accordance with the Springs Utilities Line Extension and Service Standards. Utility service plans and installation shall be in accordance with City Codes and the Utilities’ tariffs and policies.
2. Springs Utilities may require the Applicant to provide a contribution-in-aid of construction (or enter into a Revenue Guarantee Contract) for the extension of electric facilities needed to serve the development. With respect to gas facilities extensions, Springs Utilities may require the Applicant to advance the cost of the equivalent nominal pipe size needed to serve the development.
3. Construction of the gas distribution system will occur incrementally from the point of tie-in at an operational, energized main to the farthest extents of the development. The distribution mains may be installed jointly with electric.

4. Applicant must grant easements as required for any existing or proposed utility facilities; and improvements shall not encroach upon any utility easement. It shall not be permissible for any person to modify the grade of the earth on any easement without the written approval of Springs Utilities.
5. If it is necessary to relocate any existing utility facilities, then such relocation shall be at the Applicant's expense, and if required, Applicant shall grant new easements for the relocated facilities.
6. Improvements, structures and trees must not be located directly over or within 6 feet of any underground gas or electric distribution facilities and shall not violate any provision of the National Electric Safety Code (NESC) or any applicable Natural Gas Codes or Springs Utilities' policies, which require a minimum clearance of 10 feet from gas mains rated at 150 psi.
7. Improvements, structures and trees shall not be located under any overhead utility facilities, shall not violate NESC clearances, and shall not impair access or the ability to maintain utility facilities.
8. Landscaping shall be designed to provide the required clearances for utility facilities, to allow continuous access for utility equipment, and to minimize conflicts with such facilities.
9. Any proposed gas service line pressures in excess of Springs Utilities' standard pressure must be approved by the Utilities prior to construction. Please contact Utilities' Field Engineering for elevated pressure requests (North Work Center at 668-4985 or South Work Center at 668-5564).
10. Approval of the referenced request(s) shall not be construed as a limitation upon the authority of Springs Utilities to apply its standards and policies. Accordingly, if there are any conflicts between the approved drawings and any provision of Springs Utilities' standards and policies, then Springs Utilities' standards and policies shall apply.
11. This item is not in the Colorado Springs Utilities' Water/Wastewater Service area.

If you have any questions, please contact Mike Gackle at mgackle@csu.org or 668-8262.

Acknowledged

ELPASO COUNTY HEALTH DEPARTMENT

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

- Water service will be provided by Security Water and Sanitation Districts (CO0121775). There is a finding for sufficiency in terms of water quality for Security Water and Sanitation Districts.
- Any Colorado Department of Public Health and Environment (CDPHE) regulated additions to the water system will require prior CDPHE approval.
- Wastewater service will be provided by Security Water and Sanitation Districts (SWSD). The SWSD does have sufficient treatment capacity for the proposed 15.67 acre, 77 residential lot development.

- El Paso County Public Health encourages planned walk-ability of residential communities. Please consider appropriate connections to commercial areas through the use of sidewalks, and bike trails. Walk-ability features help reduce obesity and associated heart diseases.
- Earthmoving activities 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 the El Paso County Public Health site <https://www.elpasocountyhealth.org/service/air-quality/construction-activity-application> for the link to the Colorado Department of Public Health and Environment, Air Pollution Control Division, for the permit application.

Mike McCarthy, R.E.H.S.
El Paso County Public Health
mikemccarthy@elpasoco.com
719-575-8602
12Jan2018

Acknowledged

COLORADO DEPARTMENT OF TRANSPORTATION –PUEBLO OFFICE

I am in receipt of the plan referrals for the subject planned development. The May 2017 Letter of Intent from SWV, LLC notes that the 15.68 parcel is generally located south of Goldfield Drive, north of Bradley Rd, east of Grinnell Road and west of Escanaba Drive. The developer also notes the 15.67 parcel can be modified for multi-family, single family residential and/or commercial use lots. CDOT's comments are as follows;

- This development is in tandem with the adjacent Springs at Waterview development planned east of SH21 (Powers Boulevard) and north/south of Bradley Road.

The project is joined to Waterview East only by Waterview Sketch Plan Amendment approval; the properties are owned by different entities.

- Upon the time that the developer identifies the land use, the Department requests the opportunity to review the future grading & drainage plans.

Acknowledged

Our January 8, 2018 comments remain valid. The Department requests the developer supply a Master Traffic Study for review of the entire Waterview Development.

Provided to El Paso County; has this been forwarded?

Please contact me in Pueblo at (719) 562-5537 with any questions.
Sincerely,

Andrew Lewis
Asst. Access Manager

Xc: Jeff Hodsdon, LSC Transportation Consultants, Inc.
Andrew/Bauer
Ausbun/Sword/Gonzales/file

PIKES PEAK REGIONAL BUILDING DEPARTMENT

Regarding a request to rezone parcel 55072-06-036, Enumerations and Floodplain have no comment or objection to this rezone. BRENT JOHNSON Enumerations Plans Examiner (719) 327-2888 www.pprbd.org

Acknowledged

Comments received from any of the non-responding agencies following the issuance of this letter will be forwarded to the applicant/applicant's representative and will be added to the end of this letter for record keeping purposes.

Acknowledged

Due to the number of comments and necessary revisions to the plan(s) an additional detailed review will be necessary. Please address the comments as listed above. A detailed letter needs to accompany the revisions to allow for an expeditious re-review timeframe. The letter should include each comment listed above and, immediately thereafter, include a response from the applicant addressing the comment.

If any review agency has an issue that needs resolution or requires a revision, you will need to provide the necessary documents, drawings, etc., to the Planning and Community Development Department in the form of a resubmittal. The Planning and Community Development Department will then forward the resubmitted items directly to the appropriate review agency. If you have any questions pertaining to specific agency comments please contact the appropriate agency directly.

PLEASE NOTE: The application cannot be scheduled for public hearing until and unless a final response has been received by Planning and Community Development from those agencies that are required (pursuant to state statute and the El Paso County Land Development Code) to provide such response (i.e.- State Engineer's Office, County Attorney's Office, County Health Department, etc).

Acknowledged

If you have further comments or require additional information, please contact me.