

January 18, 2019

Nina Ruiz,  
Planner /Project Manager,  
El Paso County Development Services Department,  
2880 International Circle, Suite 110,  
Colorado Springs,  
CO 80910

Dear Ms. Ruiz:

**RE: Winsome (f.k.a. McCune Ranch) Preliminary Plan (SP-18-006, R1) – 1st Review Response**

This letter responds to your November 13, 2018 review letter relating to the above referenced project. Responses to review comments are shown in **RED** below. Additional comments were received that were not included in your letter and these have also been addressed below.

**EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT**

**Current Planning**

Application

1. Please select only 1 application type. **Addressed.**
2. Please revise the request to reflect the application type selected (REMOVE ITEMS 1 AND 3). **Addressed.**
3. The owner should sign the application form. (include as 1 PDF). **Addressed.**

General

1. The FEMA CLOMR should be completed prior to the item being scheduled for hearing. **As discussed, the CLOMR application has been submitted and is currently being reviewed by FEMA. This needs to be completed before Final Plat approval, not Preliminary Plan approval.**
2. There are many areas identified in the soils report as potentially hazardous. The soils report indicates mitigation techniques for this area, which typically calls for specific construction related to the foundations. These areas are not all called out on the preliminary plan as no build. It appears as though the intention is to require an engineered foundation and/or site plan with each site plan review. **Not all constraints warrant no build restrictions and those areas that are recommended as such in the Soils Report are identified as no build. Elsewhere, engineered site plans will be required to address recommended mitigation techniques. A note has been added to address this.**
3. Add the PCD File number to all reports and drawings. **Added.**
4. Additional redlines and comments will be provided upon completion of the PCD Engineering Division. **Addressed.**

#### Natural Features

1. The report identifies some wetland areas will be on lots 24, 26 and 68. These should be identified as no build areas for wetlands. Staff recommends extending the tract area so that there are no wetlands on private property. **These are identified as no build for wetlands in the cover sheet notes. More detailed easements will be provided with the Final Plats.**
2. The US Fish & Wildlife no longer provides El Paso County with review comments. Please provide a clearance letter for PJM. **As discussed, the PMJM habitat is addressed in the Wildlife Report. A formal clearance letter has been requested.**

#### Water Supply Summary

1. Not all Section, Township, Range information is included. **Revised**
2. The commercial acreage is incorrect. **Please note that the commercial lot is 7.2 acres, whereas the commercial zoning is 7.88 acres as it includes adjacent ROW.**

#### Subdivision Summary

1. Not all Section, Township, Range information is included. **Revised**

#### Engineering Department

Review 1 comments on the following documents will be uploaded by the project manager: - Prelim Grading & Erosion Control Plan - Preliminary Plan - Deviation Request - Traffic Impact Study - Drainage Report (Due to the amount of comments, the resubmittal will be treated like a first review. New comments may be generated) - Soils Report Pre-development grading was not requested therefore the following document was not reviewed: - SWMP  
**Revised documents submitted and comments addressed.**

#### EL PASO COUNTY ATTORNEY'S OFFICE

No comments from County Attorney's Office at this time. **Noted.**

#### COLORADO STATE FOREST SERVICE

The Wildfire Hazard & Mitigation Report submitted for this project is sufficient to identify the wildfire hazards and provides sound recommendations to reduce those hazards. The Colorado State Forest Service recommends that all forested acres be mitigated to reduce the risk of wildfire and that defensible space be created for each dwelling using the standards in "Protecting Your Home From Wildfire: Creating Wildfire-Defensible Zones" FIRE 2012-1 located on the Colorado State Forest Service website. [http://csfs.colostate.edu/pdfs/FIRE2012\\_1\\_DspaceQuickGuide.pdf](http://csfs.colostate.edu/pdfs/FIRE2012_1_DspaceQuickGuide.pdf) In addition, I recommend that all wildfire mitigation be completed before or during dwelling construction. **Noted.**

#### FALCON FIRE PROTECTION DISTRICT

The Falcon Fire Protection District provides the following comment(s) and note(s) on this Preliminary Development Plan.

#### Comments:

**Cistern Required:** This subdivision will require one 30,000 gallon cistern to provide the code required water supply for firefighting to the residential lots. Commercial development water supply will be determined separately at time of construction. Cistern to meet Falcon Fire specifications and installed prior to residential home construction. The specific site to be determined by the Developer and Falcon Fire and an easement for the cistern to be indicated on the final plat drawings.

Cistern locations are shown on the Preliminary Plan in locations agreed with Fire Chief.

**FEES:** The Falcon Fire Department will collect a cost recovery fee of **\$429.00** per plan associated with the final plat development review. **Noted.**

**Notes:**

**WIDTH:** Fire apparatus access roads shall have an unobstructed width of not less than 20-feet except for approved security gates. **Noted.**

**VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13-feet 6-inches. **Noted.**

**LOADING:** Fire apparatus access roads shall be designed, constructed and maintained to support the imposed loads of fire apparatus weighing at least 75,000-pounds. **Noted.**

**SURFACE:** Fire apparatus access roads shall be surfaced so as to provide all-weather driving capabilities by means of asphalt, concrete or other approved driving surfaces. Gravel roads or other alternatives may be acceptable; however, PE stamped engineered specifications for such alternatives, showing that the loading specifications and all weather surface capabilities have been met or exceeded must be submitted to the Falcon Fire Department for review. **Noted.**

**DEAD-END ACCESS:** Dead-end fire apparatus access roads in excess of 150-feet shall be provided with a turnaround meeting the requirements of the International Fire Code.

Access driveways that exceed 150-ft have been discussed with Fire Chief and no additional turning required as residential driveways provide adequate turnaround and the driveway width and proposed surface meets Fire Code standards.

**BRIDGES AND ELEVATED SURFACES:** Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge or elevated surface shall be constructed and maintained in accordance with AASHTO-Standard Specification for Highway Bridges. **Noted.**

**GRADES:** Grades for fire apparatus access roads shall be no more than 10% maximum grade. **Noted.**

**GATES.** Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 20 feet or as wide as necessary to facilitate the required minimum turning radius.
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.

5. Electric gates shall be equipped with a KNOX (TM) key system installed in an approved manner. Electronically operated gates shall have a failsafe, manually operated, KNOX (TM) key override switch.

6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or a KNOX™ padlock.

7. Locking device specifications shall be submitted for approval by the fire code official.

**No gates proposed.**

**WATER SUPPLY:** Required water supplies for fire protection either temporary or permanent, shall be made available as soon as combustible material arrives on site.

**Section 4.2 Fire Flow has been added to the Water Resources and Wastewater Report to address the above concerns and indicates that the developer of the commercial lot will be required to provide fire suppression to the proposed structure, per the 2009 IFC. Fire suppression will include a storage tank or cistern, along with adequate booster pumps to serve the fire suppression system in the building.**

**TIMING OF INSTALLATION:** Fire department access roads shall be made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. **Noted.**

**ACCESS FOR FIREFIGHTING:** Approved vehicle access for firefighting shall be provided to all construction/demolition sites. Vehicle access shall be provided to within 100-feet of temporary or permanent fire department connections (FDC). Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available. **Noted.**

**STREET SIGNS:** Temporary or permanent street signs shall be installed at each street intersection when construction of roadways allows passage by vehicles. **Noted.**

#### **911 AUTHORITY –EL PASO /TELLER COUNTY**

The contractor needs to provide a list of proposed street names for approval as part of the plat map. Forest Green and Bison Meadows should be included as part of this street naming list as they would be logical extension of existing roads.

**Street names approved and added.**

#### **EL PASO COUNTY PARKS DEPARTMENT**

The Planning Division of the Community Services Department has reviewed McCune Ranch Preliminary Plan, Commercial Rezone, and Rezone, and has the following preliminary comments of behalf of El Paso County Parks. This application will be presented to the Park Advisory Board November 14, 2018.

McCune Ranch is a 143 single-family residential lot development totaling 766.66 acres, with a minimum lot size of 2.5 acres. The property also contains one 7.9-acre commercial lot. The property is located northwest of the intersection of Hodgen Road and Meridian Road, and is located within the Black Forest Preservation Plan area. The applicant is concurrently seeking a rezone from RR-5 and A-35 to RR-5 and RR-2.5.

The 2013 El Paso County Parks Master Plan shows the proposed Hodgen Road and Meridian Road Bicycle Routes located immediately adjacent the southern and eastern boundaries of the property,

respectively. Dedicated public right-of-ways already exist along the aforementioned bicycle routes, so no trail easement requests are necessary in those locations; however, the applicant is advised that multi-modal transportation options may be developed within the rights-of-way in the future. The Pinerias Open Space is located 2 miles south of the property, while the existing and proposed sections of the Palmer Divide Regional Trail (Woodlake Trail) are located approximately 0.75 mile southeast of the property.

The Open Space Master Plan 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 would not be in conflict with the plan, as long as its development does not adversely affect the surrounding existing environment.

The McCune Ranch Preliminary Plan includes 149-acres of open space, almost 20% of the property, which is proposed to preserve the floodplain and wetlands of the West Kiowa Creek, as well as providing recreational opportunities for the residents of the proposed subdivision and surrounding neighborhoods. A network of looping 8' 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.

As no park land or trail easements dedications are necessary for this filing, El Paso County Parks staff recommends fees in lieu of land for regional park purposes in the amount of \$61,490, due at time of the recording of the forthcoming final plat(s). Regional park fees will only be accessed on the 143 residential lots, as the El Paso County Board of County Commissioners has not elected to require park fees on proposed commercial property.

Recommended Motion (Preliminary Plan):

“Recommend to the Planning Commission and Board of County Commissioners that approval of the McCune Ranch Preliminary Plan and Rezone include the following condition: fees in lieu of land dedication for regional park purposes in the amount of \$61,490 will be required at time of the recording of the forthcoming final plat(s).”

**Noted.**

## **ELPASO COUNTY ENVIRONMENTAL SERVICES**

The El Paso County Environmental Division has completed its review of the McCune Ranch Preliminary Plan SP186. Our review consisted of the following items: wetlands, federal and state listed threatened or endangered species, general wildlife resources and noxious weeds.

The Letter of Intent references a Natural Features and Wetlands Report and a Noxious Weed Management Plan. These documents shall be provided to the Planning and Community Development Department prior to project commencement.

1. The project will result in impacts to jurisdictional wetlands. A completed U.S. Army Corps of Engineers (USCOE) permit shall be provided to the Planning and Community Development Department prior to project commencement. The applicant is hereby on notice that the USCOE has regulatory jurisdiction over wetlands. It is the applicant's responsibility, and not El Paso County's, to ensure compliance with all applicable laws and regulations, including, but not limited to, the Clean Water Act. **Noted. Any required permits will be obtained prior to Final Plat. It is anticipated that wetland impact will be less the 0.5 acres and covered by Nationwide Permit #29.**
2. Documentation from the U.S. Fish and Wildlife Service (USFWS) shall be provided to the Planning and Community Development Department prior to project commencement where the project will result in ground disturbing activity in habitat occupied or potentially occupied by threatened or endangered species and/or where development will occur within 300 feet of the centerline of a stream or within 300 feet of the 100 year floodplain, whichever is greater. The applicant is hereby on notice that the USFWS has regulatory jurisdiction over threatened and endangered species and migratory birds, respectively. It is the applicant's responsibility, and not El Paso County's, to ensure compliance with all applicable laws and regulations, including but not limited to, the Endangered Species Act and the Migratory Bird Treaty Act. **The submitted Natural Features and Wetland Report prepared by ECOS indicates that the likelihood of impact to threatened or endangered species on the site is low to none.**
3. The project will impact wildlife habitat. Information regarding wildlife protection measures shall be provided including fencing requirements, garbage containment, and riparian/wetland protection/buffer zones, as appropriate. Information can be obtained from Colorado Parks and Wildlife.
4. It is the applicant's responsibility, and not El Paso County's, to ensure compliance with all applicable laws and regulations, including but not limited to the Colorado Noxious Weed Act and the El Paso County Weed Management Plan.

It is strongly recommended that the applicant obtain the necessary approvals from all federal, state and county agencies as a part of their planning process.

**All necessary federal, state and county approvals will be obtained.**

#### **PIKES PEAK REGIONAL BUILDING DEPARTMENT**

Regarding a request for approval of a preliminary plan for McCune Ranch, Enumerations has the following comments:

1. This plan does not have any of the roadways named. Submit a list of proposed street names to Justin Annan ([jannan@elpasoteller911.org](mailto:jannan@elpasoteller911.org)) or Glenn West ([gwest@elpasoteller911.org](mailto:gwest@elpasoteller911.org)) for approval. Enumerations will not approve any plats without confirmation of approved street names.

**Street names approved by Justin Annan now included.**

2. Per Regional Building Code, section RBC312.8 addresses must appear on plats. Submit a 100 scale copy of the plat to our office for addressing. Place an (xxxx) on all lots and tracts which will require an address, in the location the address will be needed. Once addressing is completed, the addresses will be returned so that they may be placed on the mylar prior to recording. We would like a copy of the entire proposed development in order to ensure correct and consistent addressing throughout.

**This is a Preliminary Plan, not a Final Plat.**

3. Prior to recording, Enumerations will review the mylar for addressing, title block, street names and floodplain statement. A fee of \$10 per lot/tract addressed, payable to Pikes Peak Regional Building Department will be due at the time of mylar review.

**Noted.**

4. Provide a copy of the final recorded plat to Enumerations. Approval of any plans submitted for this development will be pending receipt in our office of a copy of the final recorded plat.

**Noted. This is not the Final Plat.**

Floodplain has the following comments:

1. There is significant floodplain area in this development. As shown, it appears that the plan complies with Regional Building Code section RBC313 (Floodplain Code). Contact Floodplain Administrator Keith Curtis ([keith@pprbd.org](mailto:keith@pprbd.org), 719-327-2898) with any questions or concerns regarding compliance with floodplain code. Brent Johnson Enumerations Plans Examiner Pikes Peak Regional Building Department O: 719-327-2888 E: [brent@pprbd.org](mailto:brent@pprbd.org) W: pprbd.org

## **NORTHERN EPC COALITION OF COMMUNITY ORGANIZATIONS, INC (NEPCO)**

### **Reference: McCune Ranch Preliminary Plan**

NEPCO is providing the collective input from its membership that includes 8,600 homeowners, 42 HOAs and 18,600 registered voters within and around Monument. The purpose of NEPCO, a volunteer coalition of Homeowner Associations in northern El Paso County, is to promote a community environment in which a high quality of life can be sustained for constituent associations, their members and families in northern El Paso County. We collectively address growth, land use and water issues with El Paso County Planners and the Town of Monument, as well as addressing HOA issues of common interest among the members. NEPCO achieves this by taking necessary steps to protect the property rights of the members, encouraging the beautification and planned development and maintenance of northern El Paso County.

### **General Concerns/Questions related to the McCune Ranch Preliminary Plan:**

1. Preliminary Plan drawings show the size of the lots. Why can't the developer place all the lots that are less than 5-acre internal to the development rather than have them abut neighboring lots of current RR-5 owners? Recommend that lots 68, 69, 71, and 72 located in the SW portion of the development, which are all smaller than 5 acres, be re-configured to larger lots. Likewise, recommend that lots 7-12 in the NE and lots 73-81 and 101-105 in the south be re-configured to at least 5 acre lots.

**Amendments have been made to the plan to provide 5-acre lots adjacent to the existing 5-acre lots on the eastern side of the development. In the SW corner there is a substantial electric easement that acts as a buffer to the larger lots to the west.**

2. The Traffic Impact Study (TIS), page 7, used trip generation from the Trip Generation, 9th Edition, 2012, ITE. This has been previously commented on by the EPC traffic people as out of date, at least for Gasoline/Service Station w/Convenience Market. The 10th Edition is current and should be used.
  - a. When using the 10th Edition, the TIS firm should consider using a convenience (or super convenience) market with gas station as the ITE Code.

**A general commercial use has been used as the end use is unknown.**

3. The Traffic Impact Study did not include any analysis of the impact of the additional traffic to the intersections of Hodgen/Black Forest or Hodgen/Hwy 83.
  - a. The report indicated that 80% of the 2,026 (1,620) daily trips generated by the site would be using Hodgen. The distances are significant, but those vehicles have few options other than the two listed intersections to exit Hodgen.
  - b. Given that this land is located within District 38 school boundaries, school buses will be part of the count along with parents and students driving to schools in Monument.  

The revised traffic study has assessed off site intersection impacts per the requirements of the County's Engineering Criteria Manual.
4. Roads within the development are 24 feet wide with 2-foot shoulders. The plan does not depict any widening at the locations for community mailboxes. The residents will need to stop in the lane of traffic to get their mail. A poor plan that will result in accidents, perhaps an oversight that can be corrected with the next iteration of documents.  

A parking area is provided adjacent to the southern mail box location, which will also function as parking for the use of the trails in the subdivision. The rural local street cross-section allows for on street parking.
5. The owners of this land plan to sell most (and possibly all) of its water below the Dawson aquifer to the Sterling Ranch Metropolitan District. NEPCO hopes the future buyers of lots know and/or are told this. Once the Dawson aquifer dries up, they, along with the rest of the residents of northern El Paso County will be without water.
  - a. From page 7 of the Water Report: "It is possible that the current property owner may "leave behind" 60 AF/YR of Denver aquifer water to assist with possible replacement purposes. However,...it is likely that the remainder of the allocated Denver Aquifer water will be sold also. Water from the two non-tributary formations associated with the property (Arapahoe and Laramie-Fox Hills) is being sold to another municipality and will not be used to serve the McCune Ranch Subdivision."
    - i. Again, from the Water Report: "There will be four (4) well sites on the McCune Ranch Subdivision property to obtain the non-tributary water outlined in Table 3-1 for transmission to the Sterling Ranch Development for municipal uses. In addition, there will also be several transmission lines from the well sites to deliver water to Sterling Ranch Metropolitan District Property. These transmission lines will not serve the McCune Ranch Subdivision."
    - ii. The well sites and transmission lines are not depicted on the Plat.  

These facilities will be shown in the final plat.
  - b. The house of water cards continues to be built. The Sterling Ranch development is urban densities in a rural infrastructure setting. They are taking water from under another new development to support more development than the land can support, another example of poor planning. While all other municipalities and Metropolitan Districts in northern El Paso County are searching for renewable water, the Sterling Ranch development is using non-renewable water that sucks the water from other homeowners in the northern part of the County.  

N/A - this comment relates to Sterling Ranch.
6. Water for the commercial portion of this development will also be taken from the Dawson Aquifer. Because it is a commercial development there will be a single well and they will chlorinate the water. It will be tested routinely to state and county standards. It would be prudent for the County to limit the use of the water to not allow a car wash facility, whether automated or self-service.

It will be the responsibility of the commercial site developer to permit and construct the transient, non-community water system through the Colorado Department of Health and Environment.

**NEPCO Recommendations:**

1. NEPCO is pleased that the entire development will be Dark Sky compliant. **Noted.**
2. NEPCO has a significant concern about water usage in the County, this development adds to that concern. **There is sufficient water to serve this development ,as explained in the Water Resources Report.**
3. Overall comment: Why are there so many more documents available in the public view of the McCune Ranch files than there are in the NEPCO Pending Review files? There are 17 documents in the NEPCO file (many are repeats) and there are 43 documents in the public file (some are repeats).
  - a. Certainly, the Traffic Impact Study and the Water Report should be added to the Pending Review file as standard elements.  
**This is a matter for EPC planning staff.**
4. Usage of SH 83 is going to reach higher levels of traffic ahead of all forecasts by state and county forecasts and unfortunately, improvements seem to be made once the problem is on top of us and people suffer through years of unwelcome delay. El Paso County is projected to reach 1 million residents within the next 10 years and SH83 represents one of only two routes between Denver and Colorado Springs. With construction on tap for I-25 beginning later this year, the traffic counts on SH 83 will rise rapidly.  
**This is a matter for the County Engineer.**

**BLACK FOREST TRAILS ASSOCIATION**

Thank you for the opportunity to review this project. Goal A.4.3.A. of the Trails Addendum to the Black Forest Preservation Plan is for provision of neighborhood trails in new developments that can ultimately connect to the regional trail system. The regional trail from Black Forest Regional Park is projected to reach Hodgen Rd. near High Plains and a planned bicycle route along Hodgen adjoins the subdivision. We suggest consideration of an internal trail along utility easements and/or through the No Build area for residents of the community to conveniently access these coming recreational amenities. Please include us on the distribution list for future updates. Thank you!

Black Forest Trails Association (BFTA) sincerely appreciates the inclusion of a trails system in the initial proposal submitted by the developers of McCune Ranch. The integration of trails early in the design makes it easier to adjust to landowners' needs and will undoubtedly add value to the future resident's lifestyle. Outdoor living is a leading reason people cite for moving to Colorado, and Black Forest in particular.

BFTA has two suggestions that we feel will enhance the already excellent proposal. First, consider enjoining the trails in a "loop" instead of dead ending along the natural features. This could be either on the other side of the stream or along planned roadways. Studies have shown that users have greater experience and are more likely to use a loop trail versus an "out and in" trail. Second, we suggest including a small parking area somewhere in the open space. This would allow external users the

opportunity to enjoy the trail system. Again, we applaud the developer's effort in setting aside a significant portion of the land for green space, and trail development, and will continue to provide support as the project moves through the planning and development process.

A trail loop has been created using the trails through the open space and a widened shoulder on part of the internal loop road (Alamar Way). The ROW preservation area along Hodgen is also identified for trail use until it is needed by the County for road widening. A parking area is provided on Alamar Way adjacent to the mail boxes.

## **COLORADO GEOLOGICAL SURVEY**

The site does not contain, nor is it exposed to, any geologic hazards that would preclude the proposed 143-lot residential subdivision. Entech's 10/2/2018 Preliminary Soil, Geology, Geologic Hazard, and Wastewater Study, McCune Ranch Subdivision, contains appropriate recommendations for mitigating the site's potential development constraints. Provided Entech's recommendations are adhered to, and lot-specific investigations and analyses are conducted for use in design of subgrade preparation, individual foundations, subsurface drainage, etc. CGS has no objection to preliminary plan approval. The McCune Ranch Preliminary Plans (N.E.S. Inc, October 15, 2018) correctly identify a "no-build easement" on proposed Lots 54 and 55, corresponding to an area mapped by Entech as potentially unstable. General Note 2 is appropriate.

**Noted.**

## **EPC PUBLIC HEALTH**

The proposed 766.66-acre, 143-residential lot and 1-commercial lot development will be served water by individual private wells, and wastewater services by onsite wastewater treatment systems (OWTS).

- There is a not a finding for sufficiency in terms of water quality for drinking water for the proposed development at this time. A finding for sufficiency is not required for the preliminary plan, but must be submitted and approved prior to submittal for final plat. **Noted. Water quality sampling and analysis is in progress.**
- The Entech Engineering, Inc., Preliminary Soil, Geology, Geologic Hazard and Wastewater Study dated 02Oct2018, for McCune Ranch was reviewed for the determination of suitability of the site for onsite wastewater treatment systems (OWTS) installations. The number of soil test pits (10) for the 143 lots proposed to use onsite wastewater treatment systems (OWTS) does not meet the Land Development Code requirement for the number of soil tests requirement of 20% of the total number of proposed lots. There are 29 soil tests minimum required for this subdivision. A determination on the suitability of the subdivision for the use of onsite wastewater treatment systems for wastewater service is pending review of the remaining soil tests and an acceptable response to the issues with the lots identified in the comments below. **Noted. Additional borings and detailed analysis will be provided with the Final Plat.**
- Note: The 10 soil test pits within the report did indicate that ground water was not encountered; however, the report did show the majority of the soil in the area is not suitable for conventional onsite wastewater treatment systems and will require professional engineers design. EPCPH encourages the remaining 19 soil tests be conducted in a few of the lot areas listed below. The most common reason for concern are the lots identified on Figure 9 of the Entech Engineering, Inc., Preliminary Soil, Geology, Geologic Hazard and Wastewater Study

dated 02Oct2018, for McCune Ranch showing “areas that are not suitable for onsite wastewater treatment systems”. **Noted. Additional borings and detailed analysis will be provided in these locations with the Final Plat.**

- The identified unsuitable areas appear to bisect the following lots, and depending on whether these identified areas can be crossed by the access driveways, may place a potential house site and OWTS in an area on the lot too small for locating the house, OWTS, and well, but still have the ability to meet all the minimum internal and external lot OWTS installation setbacks. The lots listed are based upon review of the Figure 9 map only, and may not have created as significant of an access issue to the back area of the lot as they appear to have created. Regardless, at this time there appear to be potential OWTS installation issues for the following lots:
  - Lots 5 – 11
  - Lot 21
  - Lots 23 – 24
  - Lot 41
  - Lot 44 for an identified downslope creep area in mid-lot
  - Lot 49
  - Lot 52
  - Lot 55 for an unstable slope area in mid-lot
  - Lots 57 – 61
  - Lot 86
  - Lot \*127 (not Lot 128 as noted in the report narrative)
  - Lots 134 – 135
  - Lots 138 - 141

**All identified lots have been carefully reviewed and there is sufficient room remaining on each lot for a house, well, and two alternative OWTS locations with required setbacks/separation. Additional analysis will be provided with the Final Plat.**

- Radon resistant construction building techniques/practices are encouraged to be used in this area. The EPA has determined that Colorado, and the El Paso County area, have potentially higher radon levels than other areas of the country. **Noted.**
- Earthmoving activity in excess of one acre, but less than twenty-five acres, will require a Construction Activity Permit from El Paso County Public Health. Go to <http://www.elpasocountyhealth.org/service/air-quality> for more information. If the earthmoving activity is in excess of twenty-five acres at one time, then a Construction Activity Permit is required from Colorado Department of Public Health and Environment, Air Pollution Control Division. **Noted.**
- The storm water quality detention ponds to be built must be identified and are encouraged to be maintained for mosquito control reasons by the proposed Metro District/HOA mentioned in the Letter of Intent. Detention ponds that are not properly maintained provide mosquito breeding habitat and increase the risk of the general public to West Nile Virus. **Water quality ponds are identified and will be properly maintained by the Metro District.**

Water Supply Demand According to the submitted Water Resources and Wastewater Report for McCune Ranch Subdivision dated October 2018 (“Water Resources Report”) the total estimated water requirement is 90.8 acre-feet/year (0.6 acre-feet/year per residential lot for a total 85.8 acrefeet/year for the 143 single family lots, and 5 acre-feet/year for the commercial lot).

Source of Water Supply According to the Water Resources Report, the proposed source of water supply is individual on-lot wells producing from the Dawson Aquifer that would be permitted pursuant to Determination of Water Right no. 1692-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 766.66 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.

The Dawson Aquifer ground water that is the subject of Determination of Water Right no. 1692-BD is not-nontributary requiring a Commission approved replacement plan prior to its diversion. A replacement plan was approved by the Commission on June 29, 2018 allowing for the withdrawal of water through 70 wells on 70 residential lots for a period 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.”

As the Applicant’s existing replacement plan allows withdrawal of Dawson aquifer water for only 100 years, withdrawals under that plan would not meet the county’s requirement of providing the average annual demand of the subdivision for a period of 300 years. While the Water Resources Report states the applicant intends to amend the existing replacement plan (apparently to cover wells on all 144 proposed lots for a period of 300 years), an application to amend the replacement plan has not yet been submitted to the Commission.

The Water Resources Report makes reference to other water rights, including those in the Denver Aquifer under Determination of Water Right no. 1691-BD, but those rights are not identified as a sources of water to the subdivision.

State Engineer’s Office Opinion Based upon the above and pursuant to Section 30-28-136(1)(h)(I), C.R.S., it is our opinion that the proposed water supply is not adequate and cannot be provided without causing injury to decreed water rights.

It appears that in order to obtain a favorable opinion from this office on the proposed water supply to the subdivision, the applicant must do the following: 1. Obtain a new replacement plan allowing withdrawals pursuant to Determination of Water Right no. 1692-BD that is sufficient to meet the proposed development’s water demands and is consistent with El Paso County’s 300 year water supply requirement. 2. Provide a water supply plan that clearly defines the proposed development’s water demands, and the water sources that will be used to meet those demands. Such plan must also be consistent with the approved replacement plan.

An amendment to the existing replacement plan is in process with the State Engineer, and will be compliant with all state and county laws, rules and regulations. The County can approve the preliminary

plan with an insufficiency finding, and typically does when there is a plan pending, as will be the case here.

#### Additional Comments:

There is an existing small-capacity Dawson Aquifer well, permit no. 162283, that is located on the subject 766.66 acres. Well permit no. 162283 was issued on a tract of 40 acres described as the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Sec. 19, Twp. 11 S, Range 64 W, 6th P.M., without consideration of material injury to other water rights. Upon approval of the proposed subdivision the parcel on which permit no. 162283 will be located will be smaller than the 40 acres on which the permit was issued, rendering the permit invalid, meaning the well could not continue to operate under permit no. 162283. Because the parcel on which well permit no. 162283 would be located would be within a post-June 1, 1972 subdivision, material injury to other water rights would be a consideration in re-permitting the well. Withdrawal of Dawson aquifer water from the well would impact the over-appropriated alluvial aquifer of Kiowa Creek or its tributaries, absent a replacement plan approved by the Ground Water Commission. The well could continue to operate only if it is re-permitted as a large capacity well pursuant to a Determination of Water Right and Replacement Plan approved by the Colorado Ground Water Commission. As the well is located within the proposed subdivision, the current owner/developer of the subdivision (McCune Ranch LLC) presumably owns the well.

This office recommends the following.

1. The County require that either the well be plugged and abandoned or the requirement to re-permit the well be placed on the plat in a manner that is plainly visible such that the current owner and any prospective buyer will be aware of the requirement.
2. Should the well owner want to re-permit the well, prior to this subdivision being approved by the county, the county require the current well owner to submit to our office a well permit application to re-permit the well. Our office will hold that application until the required determination of water right and replacement plan have been approved, at which time we will act upon the application.

The developer can choose to either re-permit the well if it can serve a proposed lot, or abandon it. The developer will make the choice to either re-permit or abandon the well upon development of the final plat. These directives are included in the revised Water Resources Report and appendices.

There is another an existing small capacity Dawson Aquifer well, permit no. 309240, that claims a portion of the 766.66 acres. Well permit no. 309240 was issued on 40 acres described as the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Sec. 24, Twp. 11 S, Range 65 W, 6th P.M., without consideration of material injury to other water rights. While the well itself is not located on the subject 766.66 acres, the 40 acres on which it is permitted overlaps the 766.66 acres. Upon approval of the proposed subdivision the 40 acres on which permit no. 309240 was issued will no longer exist as a single tract, and the acreage on which the well will be located will be smaller than the 40 acres on which the permit was issued, rendering the permit invalid, meaning the well could not continue to operate under permit no. 309240. The ability to issue a new small capacity permit to the well is not clear, at such ability may depend on the number of acres available for assignment to a new well permit. The availability to issue a new large capacity permit to the well will depend on obtaining a determination of water right and replacement plan that include the well. While permit no. 309240 was originally issued to the owner/developer of the proposed

subdivision (McCune Ranch LLC), information in our files indicates this well is no longer owned by McCune Ranch LLC, but by Matthew & Tiffany Gowler.

This office recommends the following.

1. The County require that the owner/developer of the subdivision be required to arrange with the owner of the well to either plug and abandon this well, or re-permit this well.
2. Should owner of the well want to re-permit the well, prior to this subdivision being approved by the county, the county require the current well owner to submit to our office applications to re-permit the well, and any necessary applications for a determination of water rights and replacement plan. Our office will hold the application for a well permit until the required determination of water right and replacement plan have been approved, at which time we will act upon the application.

Appendix F and section 3.6 have been added to the Water Resources and Wastewater Report to address the State Engineer's Office's concerns regarding 309240.

### **COLORADO PARKS AND WILDLIFE**

Colorado Parks and Wildlife (CPW) has reviewed the preliminary plan for McCune Ranch located on the northwest corner of Hodgen Road and Meridian Road in El Paso County. This area included within the Development boundaries will sustain numerous wildlife species including deer, elk, pronghorn, turkey, black bear, mountain lion, coyote, fox, raptors, songbirds, and numerous small mammals. CPW makes the following recommendations for work on this project.

We recognize and appreciate that there has been extensive planning to avoid construction on wetlands areas within the perimeter of the project with a planned 149 acres of open space surrounding West Kiowa Creek and its associated flood plain. In general however, if any construction of the crossing road or other construction occurs near these wetlands areas, we would request that all areas of disturbance and exposed soils above the ordinary high water mark be re-vegetated with a native seed mix. This will contribute to the replacement of lost riparian vegetation values and minimize establishment of noxious weeds. The placement of willow sprigs or bare root stock should also be considered along the banks, especially in those areas which have been disturbed. We recommend planting of vegetation along the bank to help reduce and control erosion and contribute to bank stability over the long term. The site should be monitored for a period of at least two growing seasons. Any stands of noxious weeds that become established should be controlled with appropriate mechanical and/or chemical methods suitable for the proposed location. CPW recommends using a clean fill material, if needed, that would be conducive to growing native vegetation that will help stabilize the banks. Non-native vegetation can overrun native vegetation and can become problematic. A seed mixture of native grasses is also recommended to provide a good support system in the soil. **These recommendations are noted and will be taken into account when constructing roads across wetland areas.**

CPW further recommends crossing riparian corridors and streams at a perpendicular angle, in order to reduce impacts to natural resources, as well as spanning the corridors with structures located outside the riparian and stream zone. CPW recommends avoiding treed areas of cottonwood and willow, as these areas provide bird and wildlife habitat. During construction, stream crossing by construction vehicles should be avoided. CPW requests that any new service roads that are proposed for construction in conjunction with the project avoid crossing creeks or stream beds to avoid impacts to wildlife and habitat. If any new access or maintenance roads will be constructed that cross stream habitat, CPW would like to be consulted on best management practices and options for construction to minimize impacts. A construction design for any new or reconstructed riparian crossing that actively minimizes

barriers to fish passage at all water levels and mitigates any existing barriers where possible would minimize the negative impact of the project on native fish species. CPW recommends the following Best Management Practices when working in or near aquatic habitats.

- Drainages should be crossed perpendicular to the flow of the stream,
- Use existing road crossings and existing stream crossings for vehicles and other construction equipment instead of building new roads and stream crossings,
- The width of construction should be minimized within the 100-year floodplain,
- Stream bank, wetland restoration/improvement should be performed, where necessary,
- Vehicle and equipment crossing of creeks/streams should be made in locations that will cause the least erosion of banks and sedimentation.

As for more general construction protocols, CPW recommends low speeds for construction vehicles to avoid wildlife collisions. Where new roads are required, CPW recommends that these single-purpose roads are gated to reduce traffic disruptions to wildlife. If any temporary (e.g., construction) or permanent fencing is proposed, CPW recommends that it is the wildlife-friendly fencing that allows young to cross, and does not include high-tensile hogwire. **These recommendations and BMPs are noted and will be taken into account when constructing roads across wetland areas.**

CPW recommends that the 149 acre open space portion of the plan includes the development and implementation of a noxious weed control plan for the site, prior to any disturbance of the site. All disturbed soils should be monitored for noxious weeds and noxious weeds should be actively controlled until native plant revegetation and reclamation is achieved. Care should be taken to avoid the spread of noxious weeds, and all construction equipment should be cleaned prior to leaving the site. **Noxious weeds and associated management plan are addressed in the submitted Natural Features and Wetland Report prepared by ECOS.**

Any trails created within the planned 149 acre open space would provide excellent opportunities for wildlife viewing. However, if trails are placed too close to areas utilized by wildlife it creates disturbances resulting in reduced wildlife viewing opportunities. CPW recommends constructing trails on the outer edges of open space areas. This minimizes wildlife disturbance and creates increased wildlife viewing opportunities. Trails near creeks and drainage areas should cross perpendicular rather than run parallel to these critical wildlife habitat areas. Crossings should occur in areas that have the least usage by wildlife in order to have minimal impacts on wildlife. **These recommendations are noted will be taken into account when finalizing the location of trails within the open space areas.**

CPW recommends that all landscaping in the sub-developed area should be comprised of native species. Using ornamental or non-native trees, shrubs, forbs or grasses can attract wildlife to the developed area, and create possible wildlife/human conflicts. The use of native plant species for landscaping purposes can also provide an aesthetically pleasing landscape that requires little maintenance, and are frequently more drought-tolerant than non-native species. **These recommendations are noted and will be taken into account when selecting landscape materials for the common areas controlled by the Metro District and in developing the landscape design criteria for the residential lots.**

There is suitable habitat on the site for nesting raptors and migratory birds. CPW recognizes that the "Natural Features and Wetlands Report" states that there are no mapped raptor nests within a mile of the site, nor were any nest found during a site visit. However, CPW recommends the use of another preconstruction survey to identify raptor nests within the project area and implement appropriate restrictions. CPW recommends adherence to the recommended buffer distances and timing stipulations

identified in the attached document “Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors”. Removal or relocation of any active raptor or migratory bird nest will require consultation with CPW and US Fish and Wildlife Service prior to disturbance. Both active and potential nest sites, winter night roosts should be considered when evaluating disturbance during construction.

Care should be taken to avoid the destruction of active dens and nests while constructing structures, ponds, and trails. Possible dens or nests should be monitored for species activity. CPW would be concerned if trees and snags were removed for the development. The main concern with removal of trees is that these trees may be currently occupied or historic nest sites. Please take care to avoid removal of trees with occupied nests. For raptors, an active nest is any nest that is frequented or occupied by a raptor during the breeding season or which has been active in any of the five previous breeding seasons. Many raptors use alternate nests in various years; therefore, a nest may be active even if it is not occupied in a given year. Removal or relocation of any active raptor or migratory bird nest will require consultation with CPW and US Fish and Wildlife Service prior to disturbance. Both active and potential nest sites, winter night roosts should be considered when evaluating disturbance during construction.

**These recommendations are noted. The submitted Natural Features and Wetland Report prepared by ECOS indicates that no nesting raptors were identified within 1 mile of the site but recommends a nesting bird inventory immediately prior to construction and appropriate mitigation measures if nests are found.**

Trash should be kept indoors until the morning of trash pickup. The CPW recommends using bear resistant trash containers. Bears, skunks, raccoons, and neighborhood dogs are attracted to garbage and do become habituated.

Feeding of all wildlife by future residents of this development should be prohibited, with the exception of songbirds. The use of bird feeders, suet feeders, and hummingbird feeders are discouraged. However, if feeders are used, they should be placed so they are inaccessible to bears, raccoons or skunks and other wildlife species that might cause damage or threaten human safety. It is illegal to feed big game including deer, elk, antelope, moose, bear and lion.

Pets should be fed inside or if pets are fed outside, feeding should occur only for a specified period of time and food bowls returned afterwards to a secure site for storage. Pet food left outside attracts various wildlife species which in turn attracts predators.

When landscaping lots, it is strongly recommended that native vegetation be used that wildlife is less likely to be attracted to. Planting of trees and shrubs that are attractive to native ungulates should incorporate the use of materials that will prevent access and damage (fencing, tree guards, trunk guards, etc.).

It is strongly encouraged that dog kennels have a top enclosure, regardless of the height of the kennel.

Barbecue grills should be placed in a secure area when not in use.

**These recommendations are noted and will be addressed in the CC&Rs for the Winsome community.**

The requested resubmittal documents have been uploaded to EDARP. If you have any questions please contact me at 719.471.0073 or abarlow@nescolorado.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrea Barlow". The signature is fluid and cursive, with the first name "Andrea" and last name "Barlow" clearly distinguishable.

**Andrea Barlow, AICP**  
Principal  
N.E.S. Inc.