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Board of County Commissioners
Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners
FROM: Planning & Community Development
DATE: 9/12/2024
RE: PUDSP2210, The Estates at Cathedral Pines

Project Description

A request by Villagree Development, LLC, for approval of a Map Amendment (Rezoning) of 35.09 acres from RR-5 (Residential Rural) to PUD (Planned Unit Development) with approval of a Preliminary Plan depicting 8 single-family residential lots, 2 open space tracts providing 2.5 acres of open space provisions, 2.3 acres of easements for open space preservation, and 1 private road tract. The item was heard on the consent agenda at the August 15, 2024, Planning Commission meeting, and was recommended for approval with a vote of 9-0. The property is located on the west side of Winslow Drive, approximately 1 mile northwest of the intersection of Shoup Road and Milam Road. (Parcel No. 6200000411) (Commissioner District No. 1)

Notation

Please see the Planning Commission Minutes for a complete discussion of the topic and the project manager's staff report for staff analysis and conditions.

Planning Commission Recommendation and Vote

Markewich moved / Brittain Jack seconded for approval of the Map Amendment (Rezoning) to Planned Unit Development and Preliminary Plan, utilizing the resolution attached to the staff report, with 7 conditions, 5 notations, 1 waiver, and a finding of water sufficiency with regards to quality, quantity, and dependability that this item be forwarded to the Board of County Commissioners for their consideration. The motion was **approved (9-0)**. The item was heard as a consent agenda item.

Discussion

The item was heard as a consent agenda item, and as such, there was little discussion. Mr. Trowbridge asked a clarifying question regarding the proposed waiver and deviation; however, no concerns were raised, and staff provided an answer to the satisfaction of the Planning Commission.

Attachments

1. Planning Commission Minutes from 8/15/2024.
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Public Comment.
5. Draft BOCC Resolution.

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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting

Thursday, August 15, 2024, El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: THOMAS BAILEY, SARAH BRITTAIN JACK, JIM BYERS, JAY CARLSON, BECKY FULLER, JEFFREY MARKEWICH, TIM TROWBRIDGE, BRYCE SCHUETTELPELZ, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE

PC MEMBERS PRESENT AND NOT VOTING: MR. SMITH (Voted on last item. File # ID243).

PC MEMBERS ABSENT: BRANDY MERRIAM

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, KYLIE BAGLEY, RYAN HOWSER, LISA ELGIN, KARI PARSONS, EDWARD SCHOENHEIT, DANIEL TORRES, HAO VO, MIRANDA BENSON, MARCELLA MAES, ERIKA KEECH AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING:

1. REPORT ITEMS

Ms. Herington – advised the board that on September 5th, Mr. Ryan Howser will present to the board a report on the implementation of the El Paso Master Plan. This presentation is part of the Master Plan's scheduled reporting, which occurs every 2 to 3 years since the last report, the Commission has requested this update.

Mr. Kilgore - NONE

2. CALL FOR PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA (NONE)

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held August 1st, 2024.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (9-0).

**PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN
THE ESTATES AT CATHEDRAL PINES**

A request by Villagree Development, LLC, for approval of a Map Amendment (Rezoning) of 35.09 acres from RR-5 (Residential Rural) to PUD (Planned Unit Development) with approval of a Preliminary Plan depicting 8 single-family residential lots, 2 open space tracts providing 2.5 acres of open space provisions, 2.3 acres of easements for open space preservation, and 1 private road tract. The property is located on the west side of Winslow Drive, approximately 1 mile northwest of the intersection of Shoup Road and Milam Road. (Parcel No. 6200000411) (Commissioner District No. 1)

NO PUBLIC COMMENT**DISCUSSION**

Mr. Bailey – stated that it was noted that one comment was added late this morning regarding the application. The chair inquired if anyone from the audience with concerns about the application was present and intended to speak on the matter. No concerns were expressed.

Mr. Trowbridge – stated I have a question for engineering. In reviewing the report, I noticed a waiver for the road construction. Additionally, the letter of intent mentions some deviations from the ECM (Engineering Construction Manual). Are the ECM deviations intended to be included in the waiver for the road construction?

Mr. Howser – agreed with Mr. Trowbridge on his first statement that this is more of an engineering question. Mr. Schoenheit was the engineer on this project.

Mr. Schoenheit– explained that we have the waiver for the private road and internal private road itself. One of the deviations is for the block length of the access road coming off the public road.

Mr. Trowbridge – stated that he thought there were four or five ECM deviations that just mentioned line of sight and intersections spacing.

Mr. Schoenheit- stated that the line of sight was rectified. It had been taken care of where the intersection is going to go off Winslow. Those lines of sight have been met. The entrance has been relocated slightly as they build up the entrance to the subdivision will be taken care of. We have gone out and vetted that with the developer as well for the line of sight down Winslow. That is not a concern. Is there a specific deviation?

Mr. Trowbridge – I wanted to make sure that those deviations were included or implied with the approval of the waiver that was being requested. The waiver was the only thing I saw in the staff report and was not sure if it was all picked up within the resolution. I am just asking that everything the applicant needs is included.

Ms. Herington – stated that the deviations are separate from this process and the waiver process. The waiver is only for the private road. The deviations would not be picked up specifically in the resolution because those are all approved or denied by engineering separately.

Mr. Trowbridge – asked if everything has been handled?

Ms. Herington – answered yes.

Mr. Trowbridge – answered sometimes we do see those.

Mr. Bailey – asked if there were any more questions.

PC ACTION: MARKEWICH MOVED /BRITTIAN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER PUDSP2210 FOR A PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN, THE ESTATES AT CATHEDRAL PINES, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) CONDITIONS AND FIVE (5) NOTATIONS, ONE (1) WAIVER AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

IN FAVOR: BAILEY, BRITTAIN JACK, BYERS, CARLSON, FULLER, MARKEWICH, SCHUETTPELZ, TROWBRIDGE, WHITNEY.

IN OPPOSITION: NONE.

COMMENTS: NONE.

C. SP232

HOWSER

**PRELIMINARY PLAN
THE COMMONS AT FALCON FIELD**

A request by Falcon Field, LLC for approval of a 57.67-acre Preliminary Plan depicting 169 single-family residential lots, 8 commercial lots, and 7 open space, utility, drainage, and right-of-way tracts. The property is zoned CR (Commercial Regional), RS-5000 (Residential Suburban), and RM-12 (Residential, Multi-Dwelling), and is located on the South side of East Highway 24, at the intersection of East Woodmen Road and East Highway 24. (Parcel Nos. 4307000001 and 4307200015) (Commissioner District No. 2)

NO PUBLIC COMMENT

DISCUSSION

Mr. Trowbridge – had another engineering question regarding drainage. Mr. Torres there was a note in the report about continuing drainage study. I know that drainage in that area has been an issue in the past. Could you elaborate more particularly what you are waiting on from the applicant regarding drainage, is it volume, flow rate, or something like that?

Mr. Torres – answered we are not waiting on anything right now; it is a Preliminary Plan. Only the hydrology is provided. The applicant has an approved conditional letter of map revision from FEMA for that flood plain where that drainage is. There will be further analysis with the final drainage report that will provide the hydraulics of that drainage channel there. Currently in the Preliminary Plan they are identifying to be conveyed a box culvert then it will transition back to regular open channel. With the final drainage report we will have a lot more detail and further analysis downstream as the Staff report identified all the way down to possibly Falcon Highway because that is of concern. We won't have the final details until the final drainage report.

Mr. Trowbridge – stated there was a note that they might have to amend their plan based on what the study showed.

Mr. Torres – answered even though it is not required we would want further analysis of the downstream for them as well as to what would be required to improve. It is not required but if for some reason that analysis turns that there may be some changes to the Preliminary Plan then a Preliminary Plan amendment would come back and get it approved in that regard.

NO PUBLIC COMMENT OR DISCUSSION.

PC ACTION: CARLSON MOVED / TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF ITEM 3C, FILE NUMBER SP232 FOR PRELIMINARY PLAN, THE COMMONS AT FALCON FIELD, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH FIVE (5) CONDITIONS AND THREE (3) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

IN FAVOR: SCHUETTPELZ, CARLSON, TROWBRIDGE, FULLER, BRITAIN JACK, WHITNEY, BYERS MARKEWICH, AND BAILEY

IN OPPOSITION: NONE

COMMENTS: NONE

D. P229

BAGLEY

**MAP AMENDMENT (REZONING)
WINDERMERE SOUTH ZONE CHANGE TO RM-30**

A request by Windsor Ridge Homes for approval of a Map Amendment (Rezoning) of 9.25 acres from RS-5000 (Residential Suburban) to RM-30 (Residential Multi-Dwelling). The property is located 7653 Mardale Lane and is directly southeast of the intersection of North Carefree Circle and Marksheffel Road. (Parcel No. 5329416011) (Commissioner District No. 2)

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MS. FULLER'S REQUEST.

E. CS242

BAGLEY

**MAP AMENDMENT (REZONING)
VILLAGE AT LORSON RANCH REZONE**

A request by Matrix Design Group for approval of a Map Amendment (Rezoning) of 9.73 acres from PUD (Planned Unit Development) to CS (Commercial Service). The property is located is located directly northeast of the intersection of Fontaine Boulevard and Marksheffel Road. (Parcel No. 5515413054) (Commissioner District No. 4)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: SCHUETTPELZ MOVED / BYERS SECONDED TO RECOMMEND APPROVAL OF ITEM 3E, FILE NUMBER CS242 FOR MAP AMENDMENT (REZONING), VILLAGE AT LORSON RANCH REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH THREE (3) CONDITIONS AND TWO (2) NOTATIONS AND NO FINDINGS OF WATER SUFFICIENCY THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

IN FAVOR: FULLER, TROWBRIDGE, CARLSON, SCHUETTPELZ, BRITTAIN JACK, WHITNEY, BYERS, MARKEWICH, AND BAILEY.
IN OPPOSITION: NONE
COMMENTS: NONE

F. VR239

BAGLEY

**VACATION AND REPLAT
FALCON RANCHETTES FILING NO. 1A**

A request by Galloway & Company, Inc., for approval of a 9.604-acre Vacation and Replat creating two commercial lots and one tract. The property is zoned CS (Commercial Service), and is located at 11750 and 11690 Owl Place, and is directly northwest of the intersection of Meridian Road and Owl Place. (Parcel No. 5301001001 and 5301001002) (Commissioner District No. 2)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: TROWBRIDGE MOVED / CARLSON SECONDED TO RECOMMEND APPROVAL OF ITEM 3F, FILE NUMBER VR239 FOR VACATION AND REPLAT, FALCON RANCHETTES FILING NO. 1A, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TEN (10) CONDITIONS AND ONE (1) NOTATION, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

IN FAVOR: BRITTAIN JACK, WHITNEY, BYERS, MARKEWICH, FULLER, TROWBRIDGE, CARLSON, SCHUETTPELZ, AND BAILEY.

IN OPPOSITION: NONE
COMMENTS: NONE

4. CALLED-UP CONSENT ITEMS

3D. P229

BAGLEY

**MAP AMENDMENT (REZONING)
WINDERMERE SOUTH ZONE CHANGE TO RM-30**

A request by Windsor Ridge Homes for approval of a Map Amendment (Rezoning) of 9.25 acres from RS-5000 (Residential Suburban) to RM-30 (Residential Multi-Dwelling). The property is located 7653 Mardale Lane and is directly southeast of the intersection of North Carefree Circle and Marksheffel Road. (Parcel No. 5329416011) (Commissioner District No. 2)

STAFF & APPLICANT PRESENTATIONS

Mr. Markewich – asked about the traffic light. We are putting money in escrow has the City of Colorado Springs traffic department estimated as far as to when that light will go up.

Mr. Houk – answered No, we did not get a final date on that.

Mr. Carlson – asked about access on to Antelope Ridge, is it too busy to have an access point over there?

Mr. Houk – answered yes it does not meet the distance. We do have two accesses on to the neighboring streets.

Mr. Smith – asked is the utilities property direct to the South is that the propane facility?

Mr. Houk – answered it is a substation.

Mr. Smith – asked if there is any concern about leakage or fire? I know there has had a problem in the past putting numerous houses nearby is that an issue.

Mr. Houk – stated there were no comments that came through with Colorado Springs Utilities or Staff.

PUBLIC COMMENTS

In Favor – NONE

Mr. Bazemore – spoke in opposition as a long-time resident of Pronghorn Meadows. The property in question is directly adjacent to my backyard and those of my neighbors. Initially, I hadn't considered the concerns raised by Mr. Smith regarding the city-owned propane plant, but as a retired Fire Chief, I am acutely aware of the hazards associated with propane. I have been concerned for the past eighteen years about the potential devastation an explosion could cause to our community. While this not mentioned in my letter, it is a significant concern.

In my letter, I noted that the surrounding property is Mardel Lane. We are discussing a change from RS-5000 or RS-6000 zoning, which applies to my property, to RM-30. Based on my calculations, RM-30 could allow for as many as 278 units on the property. I understand from the gentleman's presentation that RM-30 could accommodate approximately 8 to 12 units per acre, potentially resulting in around 118 units. However, if the zoning changes to RM-30, the new or existing owner could develop up to 278 units, depending on the compliance with the RM-30 code. This could lead to significant infrastructure issues, especially concerning traffic.

There is a Charter school nearby, and with no busing or mass transit available, traffic congestion on Antelope Ridge and Barnes is already severe. This morning, at 8:30 A.M., I had to bypass the first entrance to my neighborhood due to extreme traffic backups. I believe the County needs to conduct its own traffic study, as the current situation would only worsen if RM-30 zoning is approved. This is a major concern for both me and my neighbors.

Regarding water concerns, it is difficult for any hydrologist to predict when Cherokee will run out of water. We have been under water restrictions for 18 years. I am here to express these concerns and am open to any questions.

Mr. Bailey – clarified that at this stage of the process, we are evaluating a rezoning request. Many of the concerns raised will be addressed at a later stage, once a final plan is developed, if the rezone is approved. Issues such as traffic and water are significant as the County continues to grow. However, I want to clarify that the safety concerns related to the city's propane plant are not directly related to the application. While it is a concern for area, it does not pertain to the current rezoning request.

Mr. Bailey – asked if there was anyone else that wanted to speak on this item.

Mr. Coleman – stated that for several years, I took my grandson to that school, and I can attest to the traffic issues mentioned. I have experienced firsthand sitting in traffic from Peterson Road all the way

down to Antelope Drive and Carefree. The congestion is so severe that you often must do a zipper merge just to get through. On some occasions, you can be stuck in that line for up to one to one and half hours.

DISCUSSION

Ms. Brittain Jack – asked is someone can tell how long the propane plant has been there?

Mr. Bailey – replied for the record that someone from the audience said it has been there about twenty years. If staff can find that information, we can have it available for the County Commissioners when they hear this item with our recommendation.

Mr. Bailey – called up the applicant to make any additional comments.

Mr. Houk – stated that he would like to offer a few quick comments. The propane plant is a regional issue and is not directly related to the current development proposal, which involves a modification of the existing land use plan. We considered various density options for the RM-30 zoning, but due to significant topographical constraints and the need to manage stormwater from the northern part of the development, maximizing density is not feasible. The intent was to explore what might be possible, but the topography remains a major limitation.

We do acknowledge the concerns about traffic, particularly give the school's impact during peak times. We are actively working with the Colorado Springs Traffic Department to address these issues, and our discussions have helped to elevate the importance of traffic management at that intersection.

Mr. Whitney – asked what you're saying is that while RM-30 zoning permits significantly higher density, the practical constraints of the topography and other factors limit the feasible development to approximately 12 to 18 townhomes.

Mr. Houk- answered we are looking at about 12 units per acre. They allowed 30 at this point.

Mr. Byers – stated 118 townhomes approximately.

Mr. Byers – asked do you have any idea if there are any lane improvements that will come along with the traffic signal? There are issues with the left turn.

Mr. Houk – stated the left turn has bigger challenge with the traffic heading south. The light will create some windows for those turns. They have already done some work to expand the left-hand turn lanes heading towards Marksheffel.

Mr. Byers – stated that Marksheffel is controlled by the city now in that area.

Mr. Houk – answered Yes, we will be adding a deceleration lane into the development from the northbound lane, which will help alleviate some traffic at the intersection. Mr. Houk brought up Mr. Hodson from LSC Traffic Consultants.

Mr. Hodson – mentioned that their study fully incorporates the school traffic, with counts taken during peak school times-both in the morning and just before the main afternoon commuter peak. We observed that the school previously had a program to stagger the exiting traffic, releasing vehicles in batches to create gaps in the flow. However, we are unsure if this program is still in place. This traffic

management could impact the ability to turn in and out of side streets along Antelope Drive by creating those gaps, though this effect was not fully reflected in the numbers.

Ms. Bagley – answered the question about the power plant. It was built in 1974.

Ms. Fuller – stated I appreciate the discussions regarding water. It seems that Mr. Baezmore's concerns are specifically with the Cherokee Water District, as they will be responsible for providing a well-served letter. The county does not conduct its own traffic or water engineering reports; these are provided by the applicant. We cannot overrule a licensed engineer's findings.

I understand the frustrations of dealing with school traffic – I lived two doors from Steel Elementary School for 16 years and experienced firsthand the difficulties of accessing your driveway during peak school times. However, the school is likely the primary traffic generator, not the proposed development. Given the location at Carefree and Marksheffel, higher density housing at busy intersections is not unusual.

In my view, the location seems appropriate for this rezone. The presence of utilities and the propane facility, which has been there for a long time, does not significantly affect the decision. As a community, we must ensure that unsafe facilities are not tolerated, but I believe the applicant is fulfilling their obligations. Therefore, I will be in favor of the rezone and do not believe it is the applicant's responsibility to address school traffic issues.

Mr. Trowbridge – pointed out that water and traffic considerations are not part of the current criteria for this rezone. These issues will be addressed in the Preliminary Plan stage. It would be interesting to see a comparison in the traffic study between RS-5000 and RM-30 zoning. A delta analysis from the applicant could provide valuable insights into this.

As Ms. Fuller mentioned water availability is not something we have significant control over. If the applicant has the necessary letter of intent and the county attorney's analysis confirms the sufficiency of the water, we are bound to accept it.

Mr. Whitney – stated that for Mr. Baezmore, it may seem counterintuitive to approve a rezone if there is already a potential water problem, assuming that is the case. As previously mentioned by panel members, even if this rezone is approved, it does not mean the project is finalized. While the rezone itself might be approved, the project still requires proof of adequate water and sufficient traffic management as part of the Preliminary Plan review. This process is far from over. The current discussion is only about the RM-30 rezoning; we have not yet reviewed or approved the actual project.

Mr. Bailey – pointed out to remember we are only making a recommendation at this point for the Board of County Commissioners the final decision is theirs. This item will go to them on September 12th, 2024.

PC ACTION: FULLER MOVED / SCHUETTELZ SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3D, FILE NUMBER P229 FOR MAP AMENDMENT (REZONING), WINDERMERE SOUTH ZONE CHANGE TO RM-30, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

IN FAVOR: BRITTAIN JACK, BYERS, CARLSON, FULLER, TROWBRIDGE, WHITNEY, MARKEWICH, SCHUETTPELZ AND BAILEY
IN OPPOSITION: NONE
COMMENTS: NONE

5. REGULAR ITEMS

A. U241

ELGIN

APPROVAL OF LOCATION BOCES

A request by Pikes Peak Board of Cooperative Educational Services ("PPBOCES") for Approval of Location to allow for the placement of an 86.38-acre campus comprised of secondary education facilities for vocational training, campus housing, and a community water system. The project is proposed to be constructed on an existing BOCES parcel. The 86.38-acre property is located on the northeast corner of the intersection of Judge Orr Road and Elbert Road. (Parcel No. 4200000362) (Commissioner District 2)

Mr. Bailey – asked Ms. Seago to explain the process of how the Approval of Location works.

Ms. Seago – County Attorney – explained the Approval of Locations applications are submitted under Colorado revised statute 30.28.110 which requires that public projects such as schools, power plants, fire stations any kind of public building, public facility come to the planning commission of the county of which it is located to seek approval of the location of that facility. Under the statute the objective is to give the Planning Commission an opportunity to review the siting of that facility against the county's Master Plan. According to the statute the Planning Commission can vote to approve or vote to deny the project. If it does vote to deny the project, then the application can be referred to the governing body or the governing board of the entity that's proposing the project and they then can take action to approve the project and move forward with development. This board does then have its full discretion to approve or deny the project if it chooses to deny however then the governing body would have an opportunity to take another look at it and approve it nonetheless.

Mr. Bailey – clarified that we are not recommending we are approving that this will not go to the Board of County Commissioners.

Ms. Seago – County Attorney – answered that is correct this does not go to the Board of County Commissioners.

STAFF & APPLICANT PRESENTATIONS

Mr. Carlson – asked can you tell us more about the buildout itself, the height of the buildings? We heard someone is concerned about a water tower. I saw firefighting as one of the teaching categories. Is their going to be a training tower 3 or 4 stories tall that they train in. Are any of those things going to be involved?

Mr. Breshinsky – answered that when we initially began, we reached out to the community to identify needs. For example, we spoke with Falcon Fire, who expressed interest in having a local training facility, as they currently must travel to Kiowa for training. While it's uncertain if this will materialize, it remains a consideration.

Additionally, there are plans underway to develop a centralized water system to support our campus. The housing we're discussing is intended to accommodate teachers for rural districts, addressing the current challenge of hiring teachers. Our goal with affordable housing is to include it as part of a benefits package to attract quality teachers from outside areas like Miami-Yoder, Peyton, Calhan, and Elbert. This initiative aims to enhance the quality of education in rural districts by providing better housing options for educators.

Mr. Carlson – stated I am concerned about the height of structures out there.

Mr. Guman – stated we have included a aviation easement on the plot plan submitted with this application, which we are committing to with Meadow Lake Airport and Colorado Springs Airport. We will ensure no towers are constructed on the property and will adhere to the height limitations for the A-35 district.

Additionally, we are proposing a couple of water tanks integral to the community water systems for this facility. These tanks will be similar in size to the one at the Saddle Horse Ranch development, located immediately to the northwest of this property. The tanks are approximately 40 feet tall.

Mr. Carlson – asked if they were putting up 60-foot towers?

Mr. Guman – answered No.

Mr. Markewich – stated the scale of the project is obviously large. Do you intend to build it in phases? Are you going to build it in phases and bring the students in phases? How is that going to work? What is the plan for the phasing?

Mr. Bershinsky – answered we do have a phasing plan. Our focus is rural. Other districts are going to want to take advantage of our facility. It will be about 100 kids to start.

Mr. Markewich – asked if you build out and occupy the campus, the teachers and the single-family homes what would the maximum enrollment be?

Mr. Bershinsky – answered I have no idea probably about 500.

Mr. Bailey – asked if the students are going to be the residents on this campus or are they bused in for the school day then they leave?

Mr. Bershinsky – answered the residence will be for the school district staff to have somewhere affordable to live.

Mr. Bailey – stated there seems to be a large misunderstanding in the community as to what the intent is. We saw some objections based on the students getting out.

Mr. Bershinsky – answered we have talked about the programs we have. We do not want to keep kids 24 hours a day. Eight hours a day is enough that entails a lot more problems to house kids overnight.

Mr. Markewich – asked if there would be any dormitories or apartments?

Mr. Bershinsky – answered No.

Mr. Bailey – stated thank you for clarifying that is key.

Mr. Schuettpelez – asked about the housing with about 120 units and enrollment maxed out at 500. I am assuming that is not just for teachers on that campus. That is space for the teachers at the school districts around there that they can utilize and be able to use. Correct?

Mr. Bershinsky – answered Exactly. If Miami-Yoder needs an English teacher in the future, our vision is to include affordable housing as part of their compensation package for teachers in Miami-Yoder. This campus will not replace or take over a significant number of instructors for this campus alone. Instead, we aim to address the broader issue of attracting and retaining staff across rural districts.

Mr. Trowbridge – asked will the housing sales be restricted to the instructors at the school?

Mr. Guman – stated there are no sales proposed for this project. This will be a land lease situation where BOCES would act as the developer, potentially in collaboration with one or more construction trades programs. The homes envisioned are between 800 and 900 square feet and may be built by students on the campus. These homes would be wholly owned by BOCES and are not intended for sale.

Mr. Trowbridge – asked will residency be restricted to staff?

Mr. Bershinsky – answered it will be school district staff depending on what it is eventually we would like to open it to first responders further down the road. First and foremost is trying to take care of the problem to find teachers to come in. I'm not saying just the teacher it could be any staff it could be a janitor, head of maintenance or head cook. We are having a problem finding staff.

Mr. Bailey – stated the intent of the housing is not a revenue generator for BOCES. It is filling a need that seems to be out there.

Mr. Guman – answered we hope that including affordable housing as part of a compensation package will serve as an incentive for instructors considering a position with BOCES. Prospective teachers will soon face the challenge of finding attainable housing in the Pikes Peak region, where entry-level housing costs around \$400,000 or more.

The homes we plan to offer are not priced at \$400,000; the details are still being finalized. However, when teachers and instructors review their compensation packages, they will see that we offer on-site housing. These will be well-designed homes available at entry-level rates. The rental cost is expected to be between \$600 and \$700 per month, which is appealing for those just starting out in their careers. The homes will be rented, not sold.

Mr. Bershinsky – stated all our school districts are in partnership with BOCES. we do not create to make money off our school districts it would not work. The thought is to keep it affordable it is not a revenue generator at all.

Mr. Guman – continued presentation.

Mr. Smith – asked for clarification of 2 questions. When we first started hearing about this you were talking about special needs. Where are we going with that is it for severe needs children? We focused on the rural areas.

Mr. Guman – answered the focus is on rural area kids and vocational education. This is not a special needs facility. It does have a special need element in it.

Mr. Bershinsky – answered about the special needs that is what we do as one part of our business in town. Eventually that building will be sold, and the school will be moved out there. For the severe need kids, we have four different programs. We have the high behavior program, dual diagnosis program, autistic program and the little kids. These are the highest risk most needed kids in the state. The problem that I have now is the building and location. It is right by highway 25 and is not safe for the children. We have about 80 kids.

Mr. Smith – stated the 2nd question is totally different but that answers the first question. I know there is a severe need for help in that area.

Mr. Bershinsky – answered that is what my business is. My problem is I cannot offer these kinds of programs to the kids in that building. There is not enough space, and I don't have the room. My kids do get the same opportunity as the other kids in that region is because I can't create it for them. Some of these programs we have you probably read about it and my kids can be a part of it. They can go on and have outstanding careers. Right now, I can't do that.

Mr. Smith – it is about the distance. There were comments about how far people were to drive to take the kids to and from. It sounds like we are already covering great distances. Moving it to another location somebody is going to drive far, and somebody is not.

Mr. Bershinsky – answered it was not feasible to find a spot in town it was not affordable. I think it is the perfect location.

Mr. Smith – asked his 2nd question about technical trades training. Pikes Peak State College is doing that with a great many high schools here in town probably not at the level that you are talking about. Have you worked with them to balance how this is going to work out?

Mr. Bershinsky – answered Constantly. Pikes Peak State College runs into a space and instructor issue as well. When this is done Pikes Peak State College will be a partner to the point where they will be helping with instructors. They are reaching out to the rural districts now. Pikes Peak doesn't have the capacity to build it out any further.

Mr. Smith – Thank you.

Mr. Bailey - made a comment. I am aware that BOCES had in the past and probably continues a lot of different partnerships with similar programs that are not necessarily controlled exclusively by BOCES. Educational programs, vocational programs that are out there this isn't being created out of nothing there is a demonstrated need out there. This helps to address, centralize some things and helps to make it more universally available then some of the ones may have been in the past. I think I'm correct to say that. Clearly a need in our county, statewide and nationally.

Mr. Bershinsky - answered I'm not sure if your packet includes information on some of the partnerships we've established with local unions. For example, we have a partnership with the El Paso County Sheriff's Office and Sheriff Roybal. We launched a program in February with El Paso

County and Teller County's local 911 services, where high school students began training to handle 911 phone calls. Six students graduated in May and are now employed, gaining income without needing a college degree. This is part of a nationwide initiative.

Additionally, we are introducing a new heavy equipment operator program, which is unique in its scope. We have secured equipment such as skid loaders, forklifts, and excavators for Miami-Yoder, marking the first program of its kind in the nation where students will operate live machinery.

Mr. Carlson – asked to define the kids that are a higher risk and most needy in the districts. Have they been kicked out of districts or just developmentally challenged. Tell me about those definitions.

Mr. Bershinsky – answered no they are not kicked out. I have a special education team. Every school district has a special education team. We are not any different than a Cedar Springs, Round Up. If both special education teams deemed that this child should be placed a BOCES that is where they are placed. We have them in a smaller area, fewer kids and we have highly specialized people trying to work with these kids

Mr. Bailey –stated you said various populations. You're not talking about all the same groups of kids right. You are not serving just one need of those special needs they cover a range of things.

Mr. Bershinsky – answered I have the four different programs. I have the higher behavior kids that are cognitively on track that need direction. They need programs like we are talking about up to severely blind autistic kids that have intense ABA therapy and things of that nature. When you talk about a parent with one of these kids it is very expensive. Our program works with all the school districts in our building they see what their kids doing. They do not get lost out in a program they never see.

Mr. Carlson – asked do you work with kids who just decide they don't want to go to college they just want to learn a trade?

Mr. Bershinsky – answered every day.

Mr. Carlson – asked so they could be not as needy or at risk you teach them as well?

Mr. Bershinsky – answered, No, not at my school. That is why I represent all these school districts. Whether it is a kid from Calhan they're in their school district they don't need a program like mine in town. If they trying to be in a construction program in Elbert school district Elbert school district can piece together somewhat of a construction program. If we pull all our resources together and put in one spot, we can construct a world class construction program for those kids.

Mr. Carlson – stated that is my question. Can that kid from Elbert come to this school and learn construction?

Mr. Bershinsky – answered, Yes, that's what the whole program is about.

Mr. Schuettpelz – stated I want to piggyback on that question. You work with the high schools and have the kids while they're in high school. This program sounds like someone who graduated from high school and wants to work for law enforcement they can come there and do this after graduation get that certificate and move on or is it just for the high school kids you are working with for now.

Mr. Bershinsky – answered it will be high school kids. We think it is a great idea.

Mr. Bailey – stated Clearly it's a good idea I think so too.

Mr. Bershinsky – asked the board to come to his school and see what everybody does it is amazing.

Mr. Bailey – stated will turn to public comment and get back to the Approval of Location. The concept pretty much everybody in this room thinks it's a great idea. The location might be problematic for some. In public comment we like to ask those in favor to come up first.

PUBLIC COMMENTS

Mr. Kistler - (In favor) I am a retired Superintendent from the Peyton School District, where I served for 22 years. I was also involved in creating a similar initiative called The Mill, which parallels what we are aiming to achieve here.

I have three main reasons why I support this project. First, it is highly problematic and challenging for special needs students from districts like Miami-Yoder and Big Sandy to travel over an hour on a bus to reach town. A centralized location would be incredibly beneficial for rural districts.

Second, Peyton developed an auto program and a woods program as part of The Mill, which provided services to other school districts. As rural districts, we cannot offer all the diverse programs or employ numerous instructors independently. A centralized location allows students from various rural districts to access these programs, with travel times of about 25 minutes.

Lastly, offering housing for teachers is a crucial opportunity. It is a necessity for rural districts to attract and retain quality educators.

Mr. Barnes- (In favor) I am the Superintendent for the Miami-Yoder School District, and I want to address the importance of the location. My facility is about 30 miles from this property, which is similar for Simila and Elbert. In fact, 70 to 80 percent of high schools in Colorado Springs fall within this travel time frame. The scope of our coverage is extensive, and I manage one of the largest Career and Technical (CT) programs, with six different programs.

We send between 11 to 30 students each year to Pikes Peak State College for career start programs. However, Pikes Peak does not offer all the programs we need or that our students want. We have discussed the importance of heavy equipment operation, and having a centralized facility is crucial for us since we focus on hands-on training.

Once this program is operational, we anticipate hosting students from Elbert, who will need to travel approximately an hour to reach our facility. A central location is ideal for preparing these students effectively and ensuring they are ready to enter the workforce.

Mr. Elliott - (In opposition) My wife and I own a 40-acre property adjacent to the proposed development, on the north side of their property line. We have lived here for 30 years. Previously, T-Cross Ranch owned the land to the east and south of us. The proposed development, named Santa Fe Springs, was initially planned for this area but fell through. The properties to the east of us are 35-acre tracts with homes, and to the southwest, there are 200 homes on 2.5-acre tracts, part of the Saddle Horn project, along with other proposed projects such as Davis Ranch and Rodriguez.

I disagree with the BOCES representative's statement that this development is in the middle of nowhere. We are only 5 miles away from approximately 50 commercial businesses. Our concerns with the development include:

1. Decrease in Property Value: We are worried that the development will negatively impact our property value.
2. Noise: We are concerned about potential noise from outdoor activities, carpentry, and heavy equipment operations.
3. Odor: The proposed water treatment ponds could produce unpleasant odors affecting not only the trade school but also the 121 homes.
4. Safety: With 121 homes and trade school students, we are worried about potential safety issues, including curious students trespassing, interacting with our livestock, or causing harm.
5. Water Supply: If the development is to serve 121 homes, the trade school, and another 400 homes, it seems unlikely that one 40-foot water tower will be sufficient.

When Santa Fe Springs was proposed, I sought approval for a minor 5-acre subdivision on our property but was turned down. Two years ago, I inquired about a minor subdivision of 5 acres and a house to RR-5, and was told our chances were slim. Now, a trade school with 121 low-income homes is being proposed right next to us, which seems unfair given our previous experiences.

I understand that this project has already received attention from Governor Polis, and it seems likely to be approved. However, I wanted to highlight how it would impact our lives. Whether using central water or individual wells, all projects are drawing from the same aquifers, affecting the overall water supply.

Mr. Townsend - (In opposition) I hope to clearly convey why this project is not suitable for this location. I live on a 52-acre parcel adjacent to the proposed development. As the owner of a manufacturing company in Colorado Springs, I understand the value of vocational training and the BOCES model. I agree that improving training for young people in the trades is crucial, as finding qualified individuals can be challenging. However, my concerns are centered around the zoning and appropriateness of this project for this area.

1. Zoning Concerns: El Paso County describes the primary function of large lot residential zoning as serving as a transition between rural and suburban areas, typically with single-family homes on 5-acre lots or more. This proposed project calls for a higher density of housing than what is observed in nearby developments like Banning Lewis Ranch and Meridian Ranch. Specifically, it proposes 120 residential units on 20 acres, resulting in approximately 6 structures per acre, with lot sizes around 6,960 square feet. This density is comparable to more urban areas, not the large lot residential zoning typically found in our region.

2. Workforce Housing Model: I am skeptical about the workforce housing model proposed for this rural area. While workforce housing can be effective in urban settings or high-cost areas like Vail, this location is surrounded by large lots and spread-out housing. The model, where instructors do not own property and may experience high turnover, seems more akin to an apartment complex rather than a stable residential neighborhood. This contrasts with the rural character of our area, where property owners have a vested interest in their own property values.

3. Location and Accessibility: It is not that we oppose development or recognize that the 82 acres along Judge Orr Road will be developed. We have seen similar developments on 5-acre and 2.5-acre plots. However, placing 121 homes on this relatively small area does not align with the large lot residential zoning. It would be more fitting to have larger lot sizes in line with the existing developments. Additionally, the proposed location is quite distant from the school districts associated with Pikes Peak BOCES, which are primarily to the east of this site. A more central and cost-effective location would better serve the students and teachers associated with this project.

In summary, while we acknowledge the need for improved vocational training and support for young people, this location and the density proposed do not align with the current zoning and

character of the area. It seems more appropriate to consider developments that fit within the established patterns of the region.

Mr. Bailey – asked if there were any other members of the audience who wished to speak opposition to the project, no one else came forward. The public comment period was the closed. Mr. Bailey then invited the applicant to provide any final remarks.

Mr. Guman. – stated he only had a couple of comments regarding some of the statements that were made. The water treatment facility is an enclosed system for community water distribution it is a central water system. There are no leach fields or sewage fields that were referred to. One thing I did not mention this will be dealt with at a future planning phase. We will be on the wastewater sewer system that exists with the Meridian services metro district. We will have central sewer system as well extended to this site. There will be no sewage on the site. The other thing that I did not mention is the plot plan that you have seen we were very conscious in laying this out as far as the rural nature of the vicinity. There is 27 percent of this site that is allocated to open space that far exceeds the open space requirements that we would be required to provide if we ran a higher density to this situation. We were careful to place all the structures in a clustered pattern in the central area of the property. You don't have buildings that are adjacent to who are within a stone throwing distance of our neighbors. The questions about a 40-foot water tower they exist out there. They are right down on the corner at Curtis Road and Judge Orr in the Saddle Horn Ranch development. We are encouraged now to avoid seeking multiple wells, multiple septic systems and to try and develop central water systems that provide water to the community central facility.

The other question that Mr. Townsend brought up we have had some challenges identifying a location that is suitable for the BOCES campus. I'll read from our letter of intent you have this in front of you it is on page 11 regarding place type transitions. This is right out of the El Paso County Master Plan.

We are not going to be putting one home on 35 acres – we are not going to put one home on 5 acres we clustered the housing element. I will make a comment here the Sante Fe Springs development we were the planner which was unanimously approved by the BoCC about 14 years ago. Had the Sante Fe Springs PUD development move forward as approved it was approved for 5,470 single family dwelling unit with urban density. You have old west ranches on 35-acres. There were financial problems as to why Sante Fe Springs never materialized. I don't think we are doing anything foreign to the area. This area has been primed for urban density and we are not seeking approval for urban density today. This is a campus and 27 percent of open space. That I think is keeping with the intent of the facility and why we are seeking Approval of Location for this area.

Mr. Bailey – asked if there were any questions for the applicant

Mr. Markewich –asked I know we are not at the detailed part but from a transition to the neighbor properties to what extent will you be using fencing, landscaping, trees, other things to block views from neighbors to the campus. What type of screening do you anticipate. In general, do you tend to have a fence around the whole property that will block it or will there be partial. What are you thinking?

Mr. Guman - (In response) The property is currently fenced, but the intention is not to maintain this fencing. Instead, we are adhering to the buffering requirements set by the El Paso County Planning Code. A landscape plan has been developed to meet these requirements, which includes

planting 850 trees around the perimeter of the property. These trees will be irrigated and are designed to satisfy the buffering requirements for each boundary of the property. Additionally, there is a 180-foot-wide transmission easement along the east and south sides of the property, which was purchased by a utility company years ago. This easement serves as a no-build zone in perpetuity and will act as a natural transition between our facility and the adjacent properties. Internal landscaping will also be provided for each building as required, ensuring that the development plan includes comprehensive landscape development.

Mr. Markewich – asked you mention the electrical easement I see that on the plan. Are there electrical lines there now or is this anticipated for the future?

Mr. Guman – answered No the electrical easement that is there now runs from the BOCES property south into the Rodriguez Ranch property also. I believe that was purchased by a utility company I do not know the name of it in 2014. Part of the deed restrictions is that there is no development allowed within that easement.

Mr. Markewich – asked are their high-tension lines there now?

Mr. Guman – answered Yes.

Mr. Bailey – asked if there were any questions for the applicant?

DISCUSSION

Mr. Trowbridge – I have questions for the staff. It may be more for Mr. Kilgore or Ms. Herington. My first question is under the approval criteria it says the application is reviewed for conformity with the submittal and processing requirements. This project seems very expansive and it not just a location approval for a school. This is a campus. I would like some explanation of how this conforms with what is in the land development code for approval for a public utility or school location.

Mr. Kilgore – stated he understood the question. I think I will just point out that this is just an Approval for Location of a school. Is this inappropriate?

Mr. Trowbridge – answered, I disagree with you. I believe this is an abuse of the process. There are several things within this plan. I would be troubled by the approval of just the school buildings alone because there are half a dozen buildings so I would view potentially each of those as a location approval for a school. I could be persuaded that the school campus itself could fall within that application however there is also the question of the water utility which is included in this. We are being asked to not only approve the location of a school but the approval of a water utility unless you're going to tell us that is going to come back to us.

Mr. Kilgore – answered, that Ms. Parsons has some history on that. You can disagree, that is your part as a Planning Commission member to make a recommendation.

Mr. Trowbridge – asked, are we not being asked to approve a water utility as well as a part of this application?

Ms. Parsons – answered, so first off in terms of the criteria for processing the requirement for the application to be heard within 30 days of complete submittal if the applicant did not agree to waive that, that has been met. Your number one question was the processing done correctly, the answer

is yes, the applicants did agree to waiving that 30 day get me to hearing regulation. Number two the citing of the water infrastructure to serve the development a community system that ultimately will hook up to the Meridian Metropolitan District for services. It can be included as part of this. If it were done separately, it would not be done before this Planning Commission body it would have been part of an expansion of major utility under a 1041 we probably would have approved that administratively. That would not have been in your purview but now that it is included as a part of the Approval of Location application you are seeing it to support the projects uses. I would remind the body that if this were a State College and the college were coming here you would site that as well dormitories, restaurants, gymnasiums a very similar situation to this so that would be in the purview of an Approval of Location. I have answered and clarified your questions as well.

Ms. Seago – County Attorney – stated, I would like to add to Ms. Parsons answer that the Approval of Location process as its set forth in statute applies to any public way, ground space, building structure or utility. To the extent that any of these individual elements are considered a public utility, a public structure, a public building then it would be appropriate to hear it through the Approval of Location process.

Mr. Markewich – asked Ms. Seago, obviously we are the approving body, and this will not go to the Board of County Commissioners as this process goes along there obviously designs and various things that need to be submitted. Is there going to be at any point a return to this body for approval? If we approve it everything else from this point forward would all be just an administrative review?

Mr. Bailey – answered, that is a question for planning department staff.

Ms. Elgin – answered yes, it would come back with a Site Development Plan which would be administratively approved.

Mr. Bailey – asked if there was any further discussion.

Mr. Carlson – stated he wanted to make a comment. I think this is about more than just a location. When we are talking about the preservation of rural life its not just about wide open 35 acre parcels. It is about people living in these other towns and how do they keep their kids there. How do you keep jobs in that area. This goes a long way to preserve living the rural life out in that area. Families are moving out of the rural areas because they do not like the education. It does follow in change and the new development overlay. I'm in favor of this project.

PC ACTION: BRITTAIN JACK MOVED / BYERS SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5A, FILE NUMBER U241 FOR APPROVAL OF LOCATION, BOCES, WITH THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH THREE (3) CONDITIONS AND ONE (1) NOTATION, AND WITH NO NEED OF FINDING SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY. APPROVAL PASSED (8-1).

IN FAVOR: MARKEWICH, BYERS, WHITNEY, BRITTAIN JACK, FULLER, CARLSON, SCHUETTPELZ, BAILEY
IN OPPOSITION: TROWBRIDGE

COMMENTS: TROWBRIDGE - I am opposed to the location. I agree with the general principle. I am troubled again by the abuse of process. We did not get a report on the actual water. The County Attorney did not chime in with any approval to the fact that they have sufficient water. We did not receive a review of the housing.

**SPECIAL DISTRICT SERVICE PLAN
PRAIRIE RIDGE METROPOLITAN DISTRICT NOS. 1-3**

A request from Classic SRJ Land, LLC., and Spencer Fane LLP., for approval of a Colorado Revised Statutes Title 32 Special District Service Plan for the Prairie Ridge Metropolitan District Nos. 1-3. The 142-acre area included within the request is zoned RR-5 (Residential Rural) and is located south of Poco Road and west of Vollmer Road. The service plan includes the following: a maximum debt authorization of \$50,000,000.00, a debt service mill levy of 50 mills for residential, 50 mills for commercial and an operations and maintenance mill levy of 10 mills, for a total maximum combined mill levy of 60 mills. The statutory purposes of the district include the provision of the following:

- 1) street improvements, transportation, safety protection;
- 2) design, construction, and maintenance of drainage facilities;
- 3) design, land acquisition, construction, and maintenance of recreation facilities;
- 4) mosquito control;
- 5) design, acquisition, construction, installation, and operation and maintenance of television relay and translation facilities;
- 6) design, construction, and maintenance of water systems including fire hydrants;
- 7) sanitation systems;
- 8) security services; and
- 9) covenant enforcement.

(Parcel Nos. 5228000024 and 5228000025) (Commissioner District No. 1)

STAFF & APPLICANT PRESENTATIONS

Mr. Bailey – stated we did lose a couple of voting members before we started. Mr. Whitney and Mr. Carlson could not stay so we will add Mr. Smith as a voting member. We will have 8 commissioners to vote on this.

Mr. Markewich – stated you mentioned you had a photo of Jane ranch now we are talking about Sterling Ranch. How large is this metro district? Is it covering several different properties?

Ms. Parsons – answered, so Janes property that was the historical name in the Falcon area. When the development team went to market, they modified the name to something a little more marketable which is The Retreat at Prairie Ridge. This development is now known as The Retreat at Prairie Ridge. It is about 142 acres. It does not overlap with another Special District. The Sterling Ranch district is across to the East across Vollmer Road. There is not a Special District to the North, West, or South of this property.

Mr. Bailey – asked if there was anyone that wanted to speak on this.

NO PUBLIC COMMENT OR DISCUSSION.

PC ACTION: MARKEWICH MOVED / BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5B, FILE NUMBER ID243 FOR SPECIAL DISTRICT SERVICE PLAN, PRAIRIE RIDGE

METROPOLITAN DISTRICT NOS. 1-3, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SIX (6) CONDITIONS AND ONE (1) NOTATION, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

IN FAVOR: SMITH, SCHUETTPELZ, TROWBRIDGE, FULLER, BRITTAIN JACK, BYERS, MARKEWICH, BAILEY

IN OPPOSITION: NONE

COMMENTS: NONE

6A NON-ACTION ITEMS – A presentation by Elizabeth Garvin with Clarion Associates, LLC regarding the Land Development Code Update.

MEETING ADJOURNED at 12:45.

Minutes Prepared By: MM

MAP AMENDMENT (REZONING) TO PLANNED UNIT DEVELOPMENT (PUD) AND PRELIMINARY PLAN
(RECOMMEND APPROVAL)

MRKEWICH moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. PUDSP2210
THE ESTATES AT CATHEDRAL PINES

WHEREAS, Villagree Development, LLC did file an application with the El Paso County Planning and Community Development Department for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property in the unincorporated area of El Paso County as described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated herein by reference, from the RR-5 (Residential Rural) zoning district to the PUD (Planned Unit Development) zoning district with a Preliminary Plan proposing 8 single-family residential lots, 2 open space tracts providing 2.5 acres of open space provisions, 2.3 acres of easements for open space preservation, and 1 private road tract; and

WHEREAS, a public hearing was held by this Commission on August 15, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;

5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;
6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, the Planning Commission and Board of County Commissioners shall determine that the request meets the criteria for approval outlined in Sections 4.2.6 and Section 7.2.1 of the El Paso County Land Development Code ("Code") (as amended):

1. The proposed PUD district zoning advances the stated purposes set forth in Chapter 4 of the Code.
2. The application is in general conformity with the Master Plan;
3. The proposed development is in compliance with the requirements of the Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County;
4. The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment, and will not have a negative impact upon the existing and future development of the surrounding area;
5. The proposed development provides adequate consideration for any potentially detrimental use to use relationships (e.g. commercial use adjacent to single family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site which may include innovative treatments of use to use relationships;
6. The allowed uses, bulk requirements and landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community;
7. Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;
8. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities;

9. The proposed development will not overburden the capacities of existing or planned roads, utilities, and other public facilities (e.g., fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed;
10. The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy efficient site design;
11. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner;
12. Any proposed exception or deviation from the requirements if the zoning resolution or the subdivision regulation is warranted by virtue of the design and amenities incorporated in the development plan and development guide; and
13. The owner has authorized the application.

WHEREAS, the applicants have requested the proposed PUD be reviewed and considered as a Preliminary Plan, the requirements identified in Chapter 7 and Chapter 8 of the El Paso County Land Development Code ("Code") (as amended) requires the Planning Commission and the Board of County Commissioners find that the following additional criteria for approval have also been met:

1. The proposed Subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
2. The Subdivision is consistent with the purposes of the Code;
3. The Subdivision is in conformance with the subdivision design standards and any approved Sketch Plan;
4. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code;
5. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of the Code;

6. All areas of the proposed Subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed Subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)];
7. Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM") are provided by the design;
8. The location and design of the public improvements proposed in connection with the Subdivision are adequate to serve the needs and mitigate the effects of the development;
9. 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 the Code and the ECM;
10. 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;
11. Necessary services, including police and protection, recreation, utilities, open space, and transportation systems are or will be available to serve the proposed Subdivision;
12. The Subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code; and
13. The proposed Subdivision meets other applicable sections of Chapter 6 and 8 of the Code.

WHEREAS, 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 the Code.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Villagree Development, LLC for approval of a Map Amendment (Rezoning) to amend the El Paso County Zoning Map for property located in the unincorporated area of El Paso County from the

RR-5 (Residential Rural) zoning district to the PUD (Planned Unit Development) zoning district with a Preliminary Plan proposing 8 single-family residential lots, 2 open space tracts providing 2.5 acres of open space provisions, 2.3 acres of easements for open space preservation, and 1 private road tract be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

1. Development of the property shall be in accordance with this PUD Development Plan. Minor changes in the PUD Development Plan, including a reduction in residential density, may be approved administratively by the Director of the Planning and Community Development Department consistent with the Land Development Code. Any substantial change will require submittal of a formal PUD Development Plan amendment application.
2. Approved land uses are those defined in the PUD Development Plan.
3. All owners of record must sign the PUD Development Plan.
4. The PUD development plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to any Final Plat approvals.
5. 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 Parks and 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 threatened species.
6. Applicable park, school, drainage, bridge, and traffic fee shall be paid to El Paso County Planning and Community Development at the time of final plat(s) recordation.
7. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 8/29/2023, as provided by the County Attorney's Office.

NOTATIONS

1. Subsequent Final Plat Filings may be approved administratively by the Planning and Community Development Director.
2. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

- 3. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.
- 4. Preliminary Plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.
- 5. Approval of the Preliminary Plan will expire after two (2) years unless a Final Plat has been approved and recorded or a time extension has been granted.

BE IT FURTHER RESOLVED that the Planning Commission recommends approval of the Planned Unit Development (PUD) as a Preliminary Plan of the Estates at Cathedral Pines Subdivision.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

Brittain - Jack seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	<u>aye</u> / no / non-voting / recused / absent
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	<u>aye</u> / no / non-voting / recused / absent
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	<u>aye</u> / no / non-voting / recused / absent
Jeffrey Markewich	<u>aye</u> / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / <u>absent</u>
Bryce Schuettpelz	<u>aye</u> / no / non-voting / recused / absent
Wayne Smith	aye / no / <u>non-voting</u> / recused / absent
Tim Trowbridge	<u>aye</u> / no / non-voting / recused / absent
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

The Resolution was adopted by a vote of 9 to 0 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 15th day of August 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Chair

EXHIBIT A

PROPERTY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE 6TH P.M. BEING MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "LS 9132" AT THE SOUTH 1/4 CORNER AND A 2-1/2" ALUMINUM CAP STAMPED "LS 9132" AT THE CENTER 1/4 CORNER, SAID LINE BEARING N00°11'44"W AS SHOWN ON THE PLAT OF CATHEDRAL PINES SUBDIVISION FILING NO. 1 RECORDED UNDER RECEPTION NO. 205001738 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER.

BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 2;

THENCE ON THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2, N01°11'44"W A DISTANCE OF 1583.77 FEET, TO A POINT ON THE WESTERLY LINE OF CATHEDRAL PINES SUBDIVISION FILING NO. 1 RECORDED UNDER RECEPTION NO. 205001738 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;

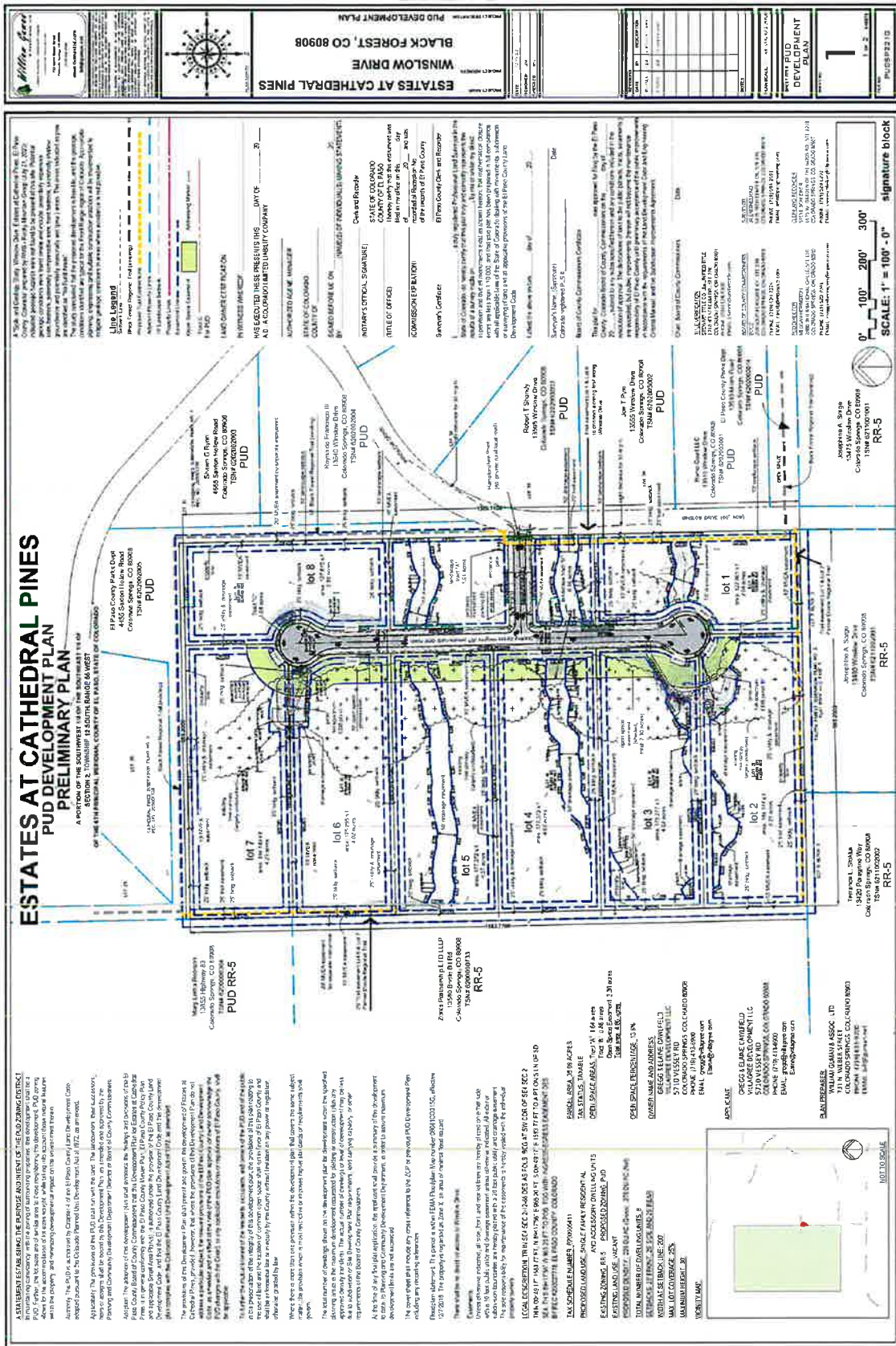
THENCE ON SAID WESTERLY LINE, THE FOLLOWING TWO (2) COURSES:

1. N88°55'55"E A DISTANCE OF 965.20 FEET;
2. S01°11'44"E A DISTANCE OF 1583.77 FEET, TO A POINT ON THE NORTHERLY LINE OF FALCON FOREST SUBDIVISION FILING NO. 2 RECORDED IN PLAT BOOK H-2 AT PAGE 5;

THENCE ON THE NORTHERLY LINE OF SAID FALCON FOREST SUBDIVISION FILING NO. 2, S88°55'55"W A DISTANCE OF 965.20 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1,528,651 SQUARE FEET OR 35.0930 ACRES.

EXHIBIT B



ESTATES AT CATHEDRAL PINES
PUD DEVELOPMENT PLAN
PRELIMINARY PLAN

STATEMENTS CONCERNING THE PURPOSE AND INTENT OF THE PUD ZONING DISTRICT
The purpose of this Preliminary Plan is to provide information to the City of Colorado Springs regarding the proposed PUD Development Plan for the Estates at Cathedral Pines. The PUD Development Plan is a preliminary plan and is subject to review and approval by the City of Colorado Springs. The PUD Development Plan is a preliminary plan and is subject to review and approval by the City of Colorado Springs. The PUD Development Plan is a preliminary plan and is subject to review and approval by the City of Colorado Springs.

APPLICANT INFORMATION
MAYNARD ASSOCIATES, LTD
711 N. WILSON STREET
COLORADO SPRINGS, CO 80905
PHONE: (719) 594-1100
FAX: (719) 594-1101

PROJECT INFORMATION
ESTATES AT CATHEDRAL PINES
WINSLOW DRIVE
BLACK FOREST, CO 80808

DATE
10/15/2007

SCALE
1" = 100'

NORTH ARROW

LEGEND

PLANNING DEPARTMENT

CITY OF COLORADO SPRINGS

PLANNING DEPARTMENT

PLANNING DEPARTMENT

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EL PASO COUNTY



COMMISSIONERS:
CAMI BREMER (CHAIR)
CARRIE GEITNER (VICE-CHAIR)

COLORADO

HOLLY WILLIAMS
STAN VANDERWERF
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Ryan Howser, AICP, Senior Planner
Edward Schoenheit, Associate Engineer
Meggan Herington, AICP, Executive Director

RE: Project File Number: PUDSP2210
Project Name: The Estates at Cathedral Pines
Parcel Number: 6200000411

OWNER:	REPRESENTATIVE:
Villagree Development, LLC 5710 Vessey Road Colorado Springs, CO, 80908	William Guman & Associates 731 N Weber Street Colorado Springs, CO, 80903

Commissioner District: 1

Planning Commission Hearing Date:	8/15/2024
Board of County Commissioners Hearing Date:	9/12/2024

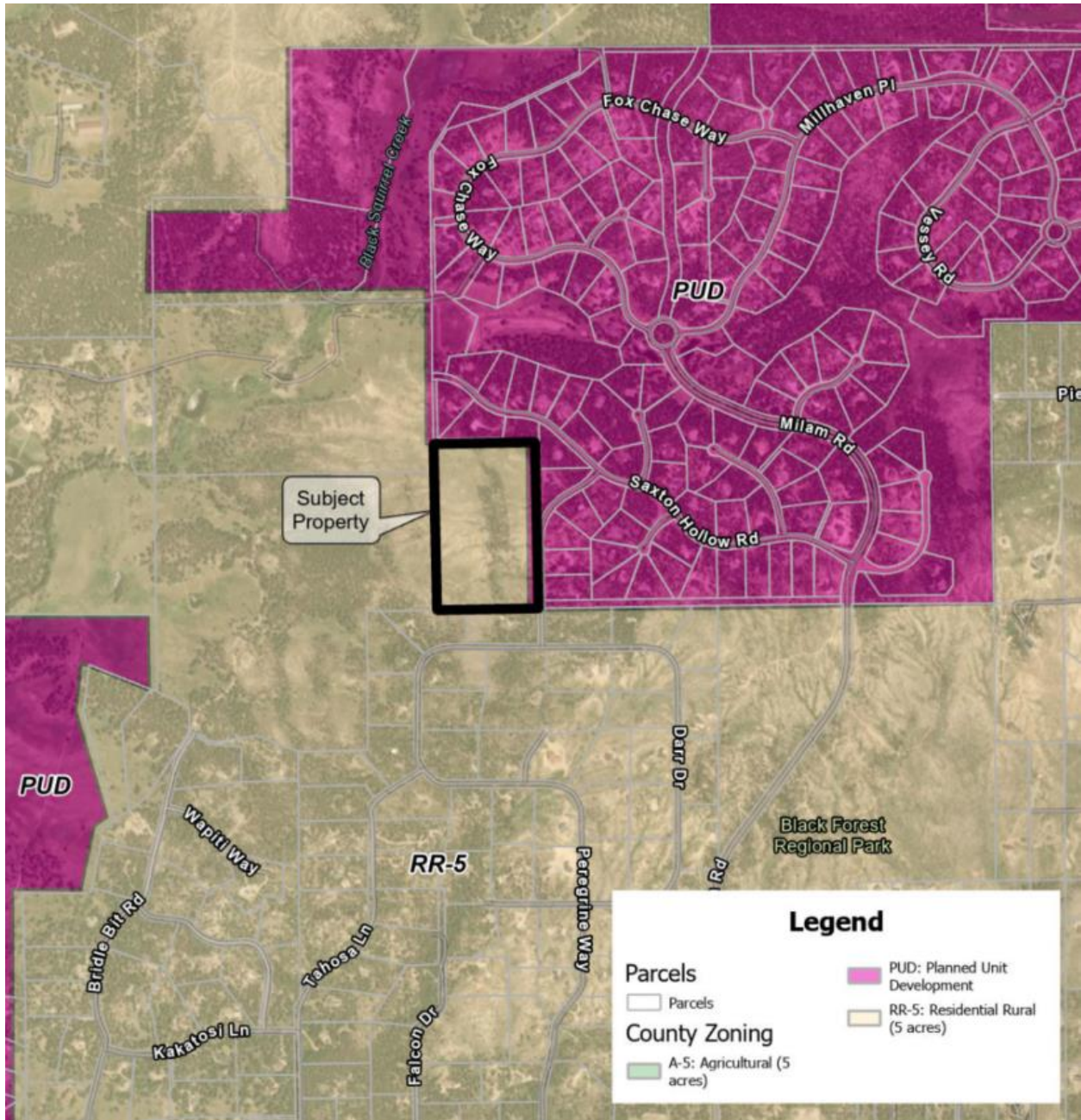
EXECUTIVE SUMMARY

A request by Villagree Development, LLC, for approval of a Map Amendment (Rezoning) of 35.09 acres from RR-5 (Residential Rural) to PUD (Planned Unit Development) with approval of a Preliminary Plan depicting 8 single-family residential lots, 2 open space tracts providing 2.5 acres of open space provisions, 2.3 acres of easements for open space preservation, and 1 private road tract. The applicant is also seeking a finding of water sufficiency with regards to water quality, quantity, and dependability. The property is located on the west side of Winslow Drive, approximately 1 mile northwest of the intersection of Shoup Road and Milam Road.

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM



Zoning Map

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

WWW.ELPASOCO.COM

A. AUTHORIZATION TO SIGN:

Approval by the Board of the Preliminary Plan with a finding of sufficiency for water quality, quantity, and dependability, authorizes the Planning and Community Development Department Director to administratively approve all subsequent Final Plat(s) consistent with the Preliminary Plan as well as the associated Subdivision Improvements Agreements, License and Detention Pond Maintenance Agreements, and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. APPROVAL CRITERIA

The Planning Commission and BoCC shall determine that the following the criteria for approval outlined in Section 4.2.6, and Section 7.2.1 of the El Paso County Land Development Code (as amended), have been met to approve a PUD zoning district. The proposed PUD district zoning advances the stated purposes set forth in this section.

- *The application is in general conformity with the Master Plan;*
- *The proposed development is in compliance with the requirements of this Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County;*
- *The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment, and will not have a negative impact upon the existing and future development of the surrounding area;*
- *The proposed development provides adequate consideration for any potentially detrimental use to use relationships (e.g. commercial use adjacent to single family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site which may include innovative treatments of use to use relationships;*
- *The allowed uses, bulk requirements and landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community;*
- *Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;*
- *Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities;*
- *The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g. fire protection, police protection,*



- emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed;*
- *The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy efficient site design;*
 - *The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner;*
 - *Any proposed exception or deviation from the requirements if the zoning resolution or the subdivision regulation is warranted by virtue of the design and amenities incorporated in the development plan and development guide; and*
 - *The owner has authorized the application.*

The applicant has requested the proposed PUD also be reviewed and considered as a Preliminary Plan. Compliance with the requirements identified in Chapter 7 and Chapter 8 of the El Paso County Land Development Code (as amended) for a Preliminary Plan requires the Planning Commission and the BoCC shall find that the additional criteria for a Preliminary Plan have also been met.:

- *The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;*
- *The subdivision is consistent with the purposes of this Code;*
- *The subdivision is in conformance with the subdivision design standards and any approved sketch plan;*
- *A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;*
- *A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. §30-28-133(6) (b)] and the requirements of Chapter 8 of this Code;*
- *All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)];*
- *Adequate drainage improvements complying with State law [C.R.S. §30-28- 133(3)(c) (VIII)] and the requirements of this Code and the ECM are provided by the design;*



- *The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;*
- *Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;*
- *The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;*
- *Necessary services, including police and 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.*

C. BACKGROUND

The property was initially zoned to the RR-5 (Residential Rural) zoning district on January 4, 1955 (Resolution No. 94669) and has not been subject to a zoning change since that time. The subject property consists of 1 unplatted parcel, which is greater than 35 acres in size, and therefore is considered a legal parcel. The property is vacant. If the request for a PUD Development Plan and Preliminary Plan is approved, the applicant will be required to obtain Final Plat approval prior to development of any of the proposed lots.

D. ANALYSIS

1. Land Development Code Analysis

The PUD application meets the purpose of PUD zoning as identified in the Land Development Code. The Preliminary Plan application meets the Preliminary Plan



submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the Code, with the exception of the proposed Waiver described below. The applicant will be required to comply with the standards for Subdivision in Chapter 8 of the Code with subsequent Final Plat applications.

The applicant requests a Waiver from Section 8.4.4.E of the Code to allow a private road to be constructed in lieu of a public road. Pursuant to Section 8.4.3.B.2.e, lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads are approved by the BoCC pursuant to a Waiver granted under Section 8.4.4.E. Generally, private roads shall be constructed and maintained to ECM standards except as may be otherwise determined in the Waiver. Private road waivers may only include design standards for the following:

- *Right-of-way width where suitable alternative provisions are made for pedestrian walkways and utilities;*
- *Design speed where it is unlikely the road will be needed for use by the general public;*
- *Standard section thickness minimums and pavement type where suitable and perpetual maintenance provisions are made;*
- *Maximum and minimum block lengths; and*
- *Maximum grade.*

In approving a Waiver from any of the subdivision design standards and requirements, the Board of County Commissioners shall find that the Waiver meets the criteria for approval outlined in Section 7.3.3 (Waivers) of the Code:

- *The waiver does not have the effect of nullifying the intent and purpose of this Code;*
- *The waiver will not result in the need for additional subsequent waivers;*
- *The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;*
- *The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property;*
- *A particular non-economical hardship to the owner would result from a strict application of this Code;*
- *The waiver will not in any manner vary the zoning provisions of this Code; and*
- *The proposed waiver is not contrary to any provision of the Master Plan.*

In approving a Waiver for private roads, the Board of County Commissioners shall find that the Waiver meets the criteria outlined in Section 8.4.4.E of the Code.



The PUD Development Plan identifies allowed and permitted uses; use, density, and dimensional standards such as setbacks, maximum lot coverage, and maximum building height; and overall landscaping requirements. The PUD Development Plan is consistent with the proposed PUD development guidelines and with the submittal and processing requirements of the Land Development Code.

2. Zoning Analysis

In accordance with Section 4.2.6.E of the El Paso County Land Development Code (as amended), *A PUD Development Plan May be Approved as a Preliminary Plan*, the applicant is proposing a combined PUD Development Plan and Preliminary Plan. The proposed PUD Development Plan and Preliminary Plan consists of 8 single-family residential lots with a minimum lot size of 2.93 acres, a maximum lot size of 4.23 acres, and an average lot size of 3.81 acres. The proposed lot sizes are consistent with the ongoing development of the Cathedral Pines subdivision, which contains lots with a minimum lot size of 2.5 acres.

The proposed PUD Development Plan and Preliminary Plan can be considered as a logical extension of the Cathedral Pines subdivision, which surrounds the subject property on the north and east sides. The Falcon Forest subdivision is adjacent to the subject property to the south; Falcon Forest is a subdivision located in the RR-5 zoning district with a minimum lot size of 5 acres. The 132-acre property to the west of the subject property consists of undeveloped land in the RR-5 zoning district.

Section 4.2.6.F.8, Planned Unit Development District of the Land Development Code requires a minimum of 10% of the overall residential PUD be set aside as open space. The Plan incorporates 4.8 acres of open space, which comprises 13.6% of the proposed development area.

E. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. **Placetype Character:** Large-Lot Residential

The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more, and are generally large and dispersed throughout the area so as to preserve a rural aesthetic. The Large-Lot Residential placetype generally supports accessory dwelling units as well. Even with the physical separation of homes, this placetype still



fosters a sense of community and is more connected and less remote than Rural areas. Large-Lot Residential neighborhoods typically rely on well and septic, but some developments may be served by central water and waste-water utilities. If central water and wastewater can be provided, then lots sized less than 2.5 acres could be allowed if; 1.) the overall density is at least 2.5 acres/lot, 2.) the design for development incorporates conservation of open space, and 3.) it is compatible with the character of existing developed areas.

Conservation design (or clustered development) should routinely be considered for new development within the Large-Lot Residential placetype to provide for a similar level of development density as existing large-lot areas while maximizing the preservation of contiguous areas of open space and the protection of environmental features. While the Large-Lot Residential placetype is defined by a clear set of characteristics, the different large-lot areas that exist throughout the County can exhibit their own unique characters based on geography and landscape.

Recommended Land Uses:

Primary

- *Single-family Detached Residential (Typically 2.5-acre lots or larger)*

Supporting

- *Parks/Open Space*
- *Commercial Retail (Limited)*
- *Commercial Service (Limited)*
- *Agriculture*

b. Area of Change Designation: Minimal Change: Undeveloped

The character of these areas is defined by a lack of development and presence of significant natural areas. These areas will experience some redevelopment of select underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale so as to not alter the essential character. New development may also occur in these areas on previously undeveloped land, but overall there will be no change to the prioritized rural and natural environments.

c. Key Area Influences: Forested Area

This Key Area includes parts of the County where natural forests are the predominant feature such as Black Forest, areas north of Peyton, and areas along Highway 115 as



well as lands within Pike National Forest. Pike National Forest is one of the County's largest natural amenities and tourist destinations. Continued coordination with the U.S. Forest Service is critical to ensuring future development in areas adjacent to the Forest do not negatively impact the natural environment. There are also many established communities within Pike National Forest particularly in Ute Pass and along Highway 115. New development and any redevelopment in these locations should be of a lower intensity to mitigate any impacts on the Forest, properly manage stormwater, provide safe access to major roads and state highways for the traveling public and emergency response vehicles and adhere to the strictest building codes to prevent any hazards such as fires and soil erosion related to poor planning, design, and construction.

Managed residential growth, along with supportive commercial uses, have helped the other forested areas preserve their natural amenities while supporting the daily needs of a thriving local community. The seamless connection between the natural environment and small-scale, low intensity development is critical to their identity. All new development and redevelopment in this Key Area should strictly adhere to the transportation and infrastructure, stormwater requirements, built form, and transition guidelines outlined in their appropriate placetypes. Each development proposal should also be reviewed on a case-by-case basis to determine its specific impact on the forested area and the established character of the individual community.

d. Other Implications (Priority Development, Housing, etc.)

The property is not located within a priority development area.

e. Analysis

The proposed lot sizes are greater than the minimum recommended lot sizes in the Large-Lot Residential Placetype. Due to the similarity in lot sizes to the surrounding developed area, the proposal can be considered similar in character to those existing surrounding developments and other existing subdivisions in the Forested Area. Relevant goals and policies for the Master Plan are as follows:

Goal LU1 Specific Strategy – *New development and any redevelopment in Forested Areas should be of a lower intensity to mitigate any impacts on the Forest, properly manage stormwater, provide safe access to major roads and state highways for the traveling public and emergency response vehicles and*



adhere to the strictest building codes to prevent any hazards such as fires and soil erosion related to poor planning, design, and construction.

Objective LU3-1 – *Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.*

Objective HC1-5 – *Focus detached housing development in Large-Lot Residential and Suburban Residential areas given the increasing infrastructure and environmental constraints associated with such development to help maintain the established character of rural communities.*

Goal HC2 – *Preserve the character of rural and environmentally sensitive areas.*

Goal HC2 Specific Strategy – *Maintain existing and expand the Large-Lot Residential placetype in Black Forest/North Central area in a development pattern that matches the existing character of the developed Black Forest community.*

Objective HC2-6 – *Continue to carefully analyze each development proposal for their location, compatibility with the natural environment, and cohesion with the existing character.*

2. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

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

Policy 1.1.1 – *Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency, and conservation.*

Goal 1.2 – *Integrate water and land use planning.*

Goal 4.3 – *Collaborate with the State and other stakeholders to extend the economic life of the Denver Basin aquifers.*

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within



Planning Region 2 of the Plan, which is not an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 2 for central water providers:

The Plan identifies the current demand for Region 2 to be 7,532 acre-feet per year (AFY) (Figure 5.1) with a current supply of 13,607 AFY (Figure 5.2). The projected demand in 2040 for Region 2 is at 11,713 AFY (Figure 5.1) with a projected supply of 20,516 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region 2 is at 13,254 AFY (Figure 5.1) with a projected supply of 20,756 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 7,502 AFY is anticipated for Region 2.

See the water section below for a summary of the water findings and recommendations.

3. Other Master Plan Elements

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

The Master Plan for Mineral Extraction (1996) identifies no significant resources 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.

F. PHYSICAL SITE CHARACTERISTICS

1. Hazards

A soils & geology report was received with the review of the Preliminary Plan. Geologic hazards that could preclude development of the site were not identified. The Colorado Geological Survey was sent a referral and has no outstanding comments.

- 2. Floodplain:** The property is not located within a floodplain as determined by a review of the FEMA Flood Insurance Rate Map number 08041C0315G, effective December 7th, 2018. The property is in Zone "X" which is an area of minimal flood hazard determined to be outside the 500-yr flood zone.



- 3. Drainage and Erosion:** The property is in the Black Squirrel Creek Drainage Basin (FOMO3600) which is included in the El Paso County Drainage Basin Fees program. Basin and bridge fees are due at plat recording. Drainage on the parcel generally flows from east to west toward natural drainageways. No public drainage improvements are proposed or required. A private detention pond has been proposed with the development. A drainage report was prepared by JR Engineering. The drainage report concluded that the proposed development will not adversely affect surrounding or downstream properties with respect to stormwater runoff.
- 4. Transportation:** The property is located along Winslow Drive which is a County maintained paved local road approximately one mile north of Shoup Road. The development is proposed to be served by private internal roads maintained by the Homeowners Association. The development is projected to generate approximately 76 daily trips to the surrounding road network. The property is subject to the El Paso County Road Impact Fee program. Public improvements consist of adding road signage to the north and south of the new intersection along Winslow Drive.

G. SERVICES

1. Water

The applicant has requested a finding of sufficiency with regards to water quality, quantity, and dependability with the review of the Proposed Preliminary Plan. The applicant has shown a sufficient water supply for the required 300-year period. The State Engineer and the County Attorney's Office have recommended that the proposed subdivision has an adequate water supply in terms of quantity and dependability. El Paso County Public Health has recommended that there is an adequate water supply in terms of quality.

2. Sanitation

Wastewater is provided by on-site wastewater treatment systems (OWTS). El Paso County Public Health was sent a referral and has no outstanding comments at this time.

3. Emergency Services

The property is within the Black Forest Fire Protection District, which is committed to providing fire protection services to the proposed development. The District was sent a referral and has no outstanding comments.



4. Utilities

Mountain View Electric Association (MVEA) will provide electrical service and Black Hills Energy (BHE) will provide natural gas service to the subject property. Both utility providers were sent referrals for the Map Amendment; MVEA has no outstanding comments and BHE did not provide a response.

5. Metropolitan Districts

The property is not located within the boundary of a metropolitan district.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a Map Amendment (Rezoning) application or 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 Map Amendment (Rezoning) application or a Preliminary Plan application. Fees in lieu of school land dedication will be due at the time of recording the Final Plat.

H. APPLICABLE RESOLUTIONS

See attached resolution.

I. STATUS OF MAJOR ISSUES

There are no major issues.

J. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 4.2.6, and Section 7.2.1 of the El Paso County Land Development Code (as amended), staff recommends the following conditions and notations:

CONDITIONS

1. Development of the property shall be in accordance with this PUD Development Plan. Minor changes in the PUD Development Plan, including a reduction in residential density, may be approved administratively by the Director of the Planning and Community Development Department consistent with the Land



Development Code. Any substantial change will require submittal of a formal PUD Development Plan amendment application.

2. Approved land uses are those defined in the PUD Development Plan.
3. All owners of record must sign the PUD Development Plan.
4. The PUD Development Plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any final plats for hearing by the Planning Commission. The development guide shall be recorded in conjunction with the PUD Development Plan.
5. 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 Parks and 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 threatened species.
6. Applicable park, school, drainage, bridge, and traffic fee shall be paid to El Paso County Planning and Community Development at the time of Final Plat(s) recordation.
7. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 8/29/2023, as provided by the County Attorney's Office.

NOTATIONS

1. Subsequent Final Plat Filings may be approved administratively by the Planning and Community Development Director.
2. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time



limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

3. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.
4. Preliminary Plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.
5. Approval of the Preliminary Plan will expire after two (2) years unless a Final Plat has been approved and recorded or a time extension has been granted.

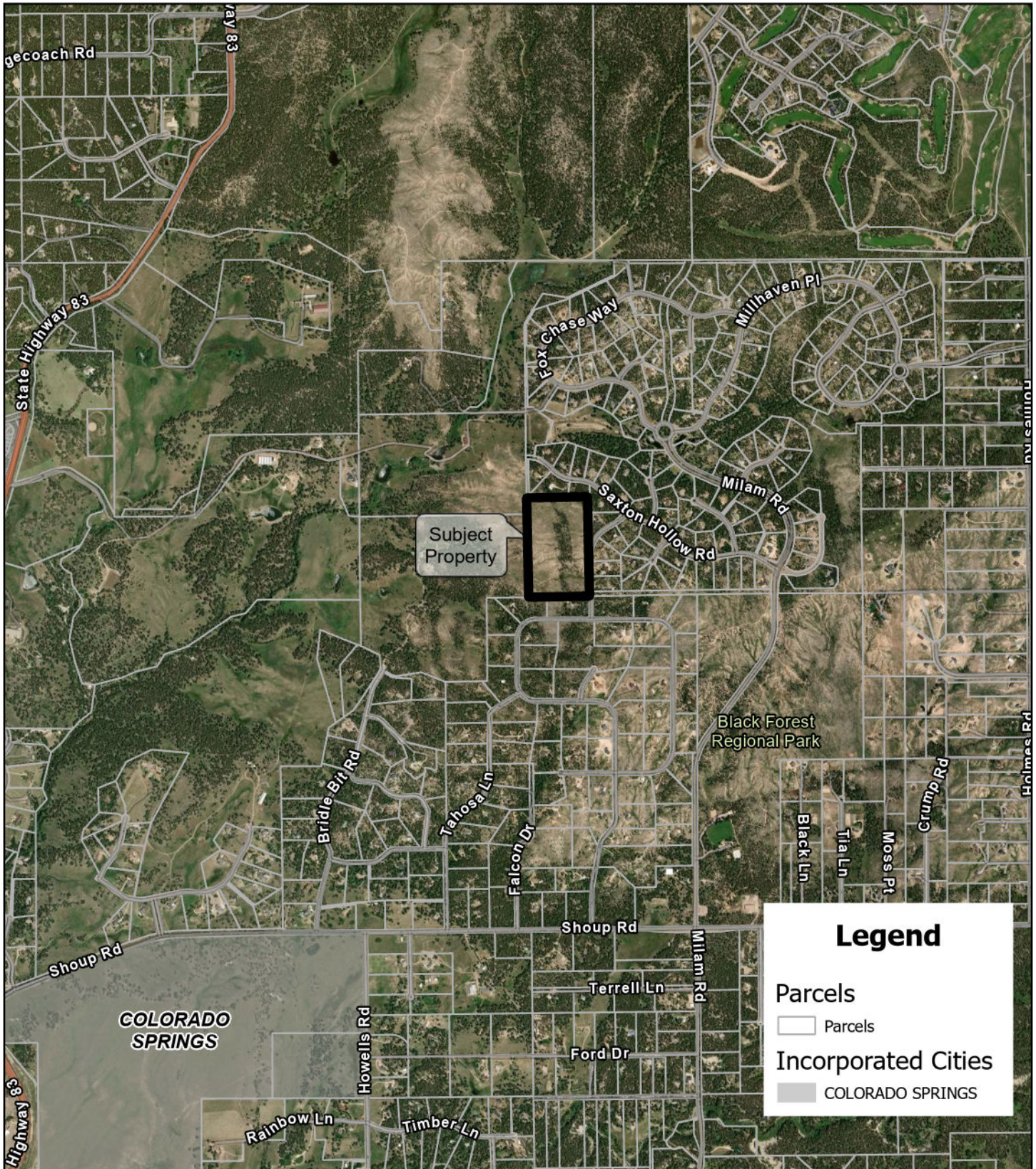
K. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 29 adjoining property owners on July 30, 2024, for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing.

L. ATTACHMENTS

Map Series
Letter of Intent
Development Plan / Preliminary Plan
County Attorney's Letter
Draft Resolution





Legend

Parcels
 [White box with black border] Parcels

Incorporated Cities
 [Grey box] COLORADO SPRINGS

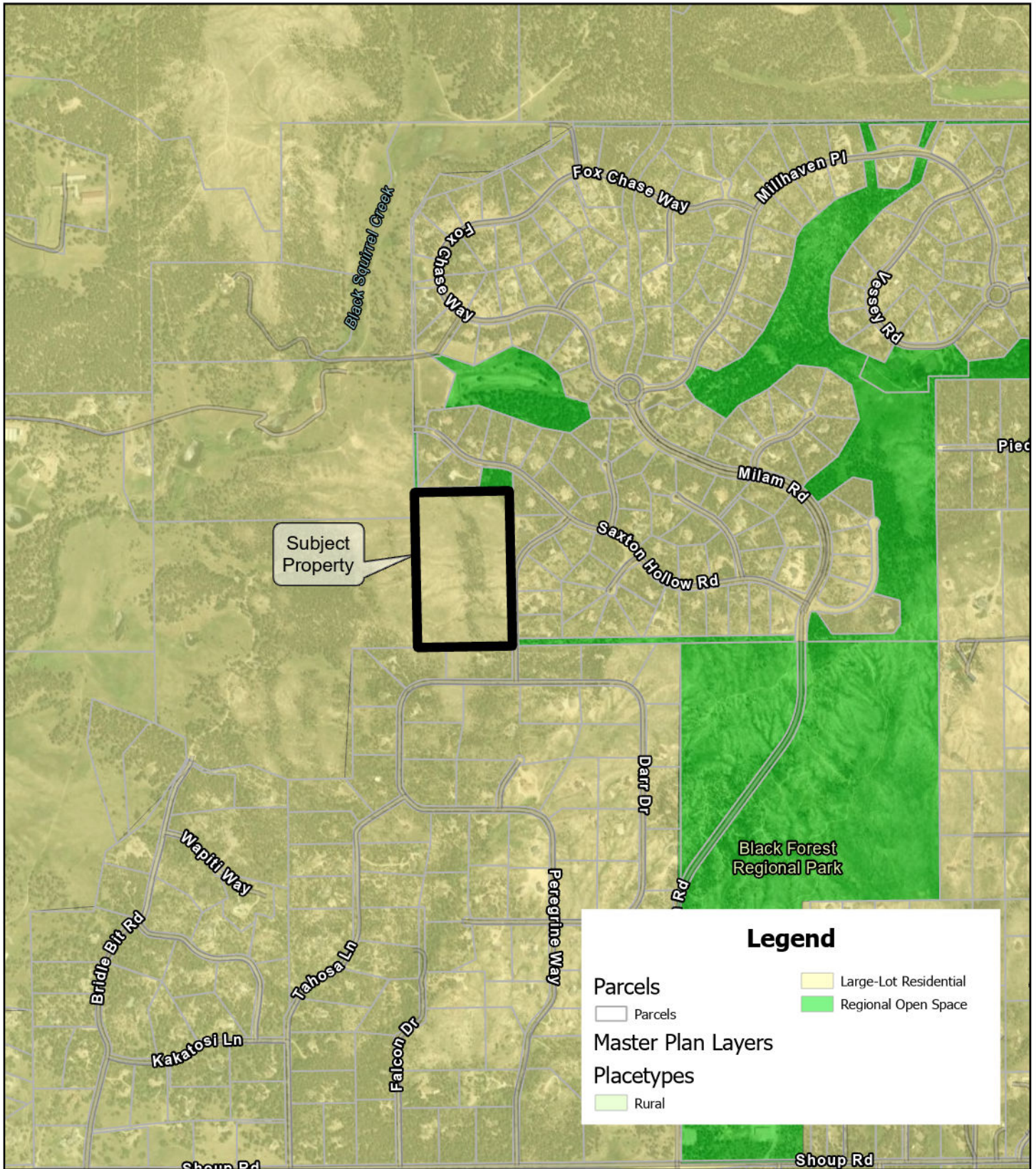


Aerial Map

File No. PUDSP2210

Map Series No. 1





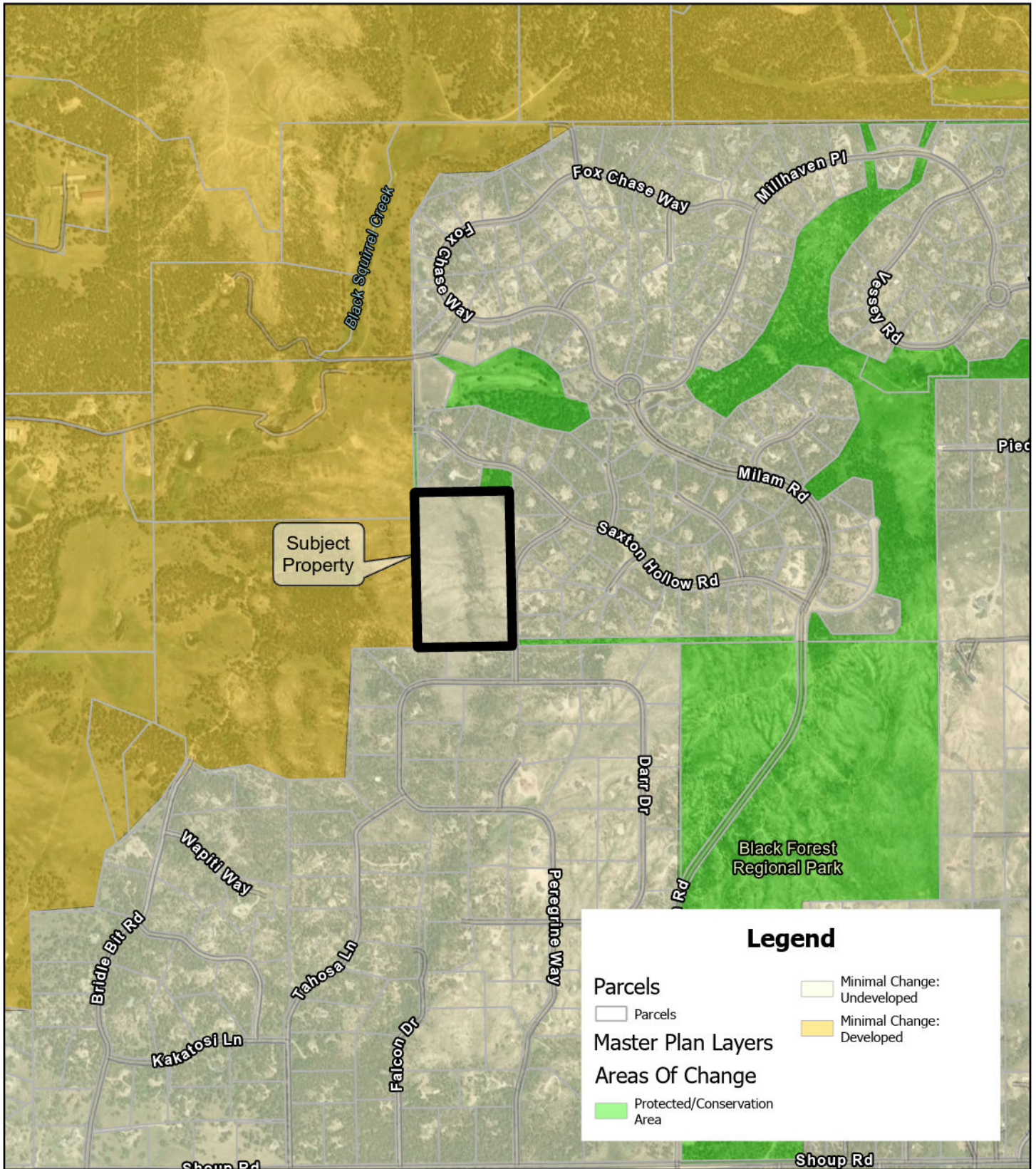
Placetype Map

File No. PUDSP2210

Map Series No. 2



0 0.10.1 0.2 Miles



Area of Change Map

File No. PUDSP2210

Map Series No. 2



0 0.10.1 0.2 Miles



William Guman & Associates, Ltd.

Bill Guman, RLA, ASLA | Principal

Colorado Springs City Councilman 1993-2001
Colorado Springs Planning Commissioner 1992-1993
Regional Building Commissioner 1997-2001

URBAN PLANNING | COMMUNITY DESIGN | LANDSCAPE ARCHITECTURE | ENTITLEMENT

731 North Weber Street, Suite 10 | Colorado Springs, CO 80903 | (719) 633-97

<http://www.gumanltd.com/>

MEMBERS AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS



EL PASO COUNTY

LETTER OF INTENT FOR: THE ESTATES AT CATHEDRAL PINES

COLORADO SPRINGS, CO 80908

PUDSP

TSN 6200000411

PCD File # PUDSP2210

□ OWNER/APPLICANT, AND PLANNING CONSULTANT:

Owner/Applicant:

Villagree Development Corporation
Gregg Cawfield
5710 Vessey Road
Colorado Springs, CO 80908
(719) 413-6900
Gregg@villagree.com

Planner:

William Guman & Associates, Ltd.
Bill Guman, RLA/ASLA
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Colorado Springs, CO 80903
(719) 633-9700
bill@guman.net

El Paso County Planner:

Ryan Howser, Senior Planner
El Paso County Development Services
2880 International Circle
Colorado Springs, CO 80910
(719) 520-6049

PROJECT LOCATION/DESCRIPTION AND HISTORY OF PROPERTY:

The property for this PUDSP application is located on Winslow Drive, south of Saxton Hollow Road, in the unincorporated community of Black Forest in El Paso County, Colorado. The site is approximately nineteen (19) miles north of downtown Colorado Springs.

As context, the proposal is for approval of a PUDSP of a 35 +/- acre subdivision. Currently, the land is vacant, and has a zoning of RR-5. The plan is to provide eight (8) residential lots on the property. The subdivision is planned with adequate provisions for open space, site access, drainage, and utilities, and is consistent with development existing and proposed in the area.

For this development, eight (8) single family residences shall be provided on approximately thirty-five (35) acres. The El Paso County tax schedule number for the project is 6200000411. Lots range in size from 2.93 to 4.23 acres in area. The overall net density for the development is .22 DU/AC. None of the lots proposed encroaches into any floodplain.

Public infrastructure to serve the new lots, including roads, drainage facilities, and utilities will all be constructed in compliance with applicable county standards, regulations and criteria in effect at the time of this application. In keeping with the rural character of the surrounding Black Forest community, internal circulation will be comprised of paved, private Rural Local roads. A waiver of LDC 8.4.4.C will be sought, as this shall be a private road.

JUSTIFICATION FOR REQUEST

This request is consistent with the purposes of the ***Your El Paso County Master Plan (2021)*** (adopted May 26, 2021). The proposed Development Plan is in conformance with subdivision design standards and establishes an adequate level of compatibility with surrounding areas of the site already constructed and other known surrounding areas currently proposed for development.

EXISTING AND PROPOSED IMPROVEMENTS

A central drive will be added from Winslow Drive to serve the proposed residences. Drainage facilities will be constructed and maintained in conformance with County standards and specifications. Electric, natural gas, and telecommunication service points-of-connection will be extended from the roadway up to the new lots. Additionally, open, recreational areas are to flank the entrance drive. There will be entrance signage with the name of the development. There will be a community mail kiosk located along the entrance drive to serve the community.

Maintenance of tracts, open spaces, EDBs and the road will fall to the homeowners' association. Specifically, within the document, **Declaration of Covenants, Conditions and Restrictions for The Estates at Cathedral Pines**, under Article 1, General, 1.2.c, **Purposes of Declaration**:

“to provide for an Association as a vehicle to hold, maintain, care for, and manage Association Properties and/or amenities, if any, including internal landscaped areas, private open space areas, detention areas, private roads and access driveways, perimeter fencing and project signage to benefit all Owners of Sites.”

Under Definitions, in Article 2, The Association mentioned above is named The Estates at Cathedral Pines Homeowners Association, a Colorado non-profit corporation, its successors and assigns.

The required setbacks of 25’ from front, rear, and side setbacks have been met with the new lot configuration. No existing building intrudes within the allotted setback. To this end, a site plan has been drawn to demonstrate compliance.

Grading and earthmoving activities will be limited to driveway, drainage and utility construction areas. Individual lot owners will assume responsibility for grading their respective lot; no ‘overlot’ grading is proposed to occur over most of the site. Additionally, minimal disturbance is planned for the existing copses on site.

The foundation systems for the proposed single-family residential structures and any retention/detention facilities should be designed and constructed based upon recommendations developed in a lot-specific subsurface soil investigation, required prior to construction.

EL PASO COUNTY ROAD IMPACT FEE PROGRAM

The El Paso County Road Impact Fee Program is applicable and fees will apply.

ANALYSIS OF THE APPROVAL CRITERIA PER EL PASO COUNTY LAND DEVELOPMENT CODE FOR PUD ZONING AND DEVELOPMENT PLAN APPROVAL AS A PRELIMINARY PLAN (PER SECTION 4.2.6.D AND 4.2.6.E)

The proposed PUD District zoning advances the stated purposes set forth in Section 4.2.6.D as follows:

- *The application is in general conformity with the Master Plan.*
- *The proposed development is in compliance with the requirements of this Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County.*

The proposed use on the property is a gated community of eight single family homes. It is the intent of the designer and developer to tread lightly on the site with care to preserve an existing copse of trees, as an open space easement, and provide landscaped tracts near the streetside of the development to affect visual buffering into the community. The development fits in well with the surrounding residential land use.

- *The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment; and will not have a negative impact upon the existing and future development of the surrounding area.*

The PUD zoned property will provide single family residences in a neighborhood of single family residences. The lot sizes range from 2.93 acres to 4.23 acres. The lots adjacent to Winslow Drive to the east are under PUD zoning, as well, and generally cover an area of 2.5 to 2.6 acres each containing single family homes. The northern property line is adjacent to El Paso County Parks Department with PUD zoning. Remaining neighboring properties are RR-5 and PUD to the south and west. All of these neighboring properties are residential as well.

- *The proposed development provides adequate consideration for any potentially detrimental use to use relationships (e.g. commercial use adjacent to single family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site which may include innovative treatments of use to use relationships.*

The property is zoned PUD and is adjacent to similar properties, as noted above. The proposed development is residential, and joins surrounding properties in its single family home use on site.

- *The allowed uses, bulk requirements and required landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community.*

The development will conform to all constraints and criteria to ensure compatibility with the surrounding community. There is a stand of trees within the development, which will be preserved as an open space easement. Within the development, there are tracts dedicated for landscaping and allowing a recreational opportunity for residents. Additionally, there is the required streetside buffer of trees along Winslow Drive.

- *Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project.*

Although there are no significant historical or cultural sites, the plan for Estates at Cathedral Pines is designed to preserve the existing stand of evergreen trees bisecting the property from north to south. Care was taken to orient the internal street so impact would be avoided.

Additionally, driveways will be sited with the same goal. Additionally, there is a recreational linkage due to the property's proximity to the existing Black Forest Regional Trail. This will provide an opportunity for walkers, runners and cyclists to explore the surrounding area including nearby Black Forest Regional Park and the Pike's Peak Loop.

- *Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide a reasonable walking and biking opportunities.* A trail connection is proposed along our eastern property line. This will link the existing Pike's Peak Trail section to the north with the Black Forest Regional Trail section to the south property corner. This provides the trail system with much needed continuity and clarity.
- *The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g., fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed.*

The proposed development of eight single family homes will not overburden the capacities of existing or planned roads, utilities and other public facilities. The community will be under the purview of Black Forest Fire Protection. Regarding fire protection, the Land Development Code requests standards of accessibility, a sufficient firetruck turnaround, and meeting design standards for water supply. These code requirements are met with the 60' right-of-way extensions with local and rural paved roadway sections meeting the International Fire Code (IFC) requirements. The typical sections of the roadways are sufficient for access. The cul-de-sacs at the end of roadways are per County standards and meet the Fire District's turnaround template by meeting the dimensions for radius diameter and curves. The internal roadways are fully accessible by an emergency vehicle. The roadway of Sterling Manor Heights consists of two cul-de-sacs, one to the north and one to the south for emergency vehicle turnaround. The Fire District has indicated that there are no required fire hydrants, private lot dry hydrants, or sprinklers for the residences in order to meet their standards for this site as long as a centralized cistern is provided with sufficient distance to the dwelling units and sufficient water supply volume. As part of the fire protection measures, the site will utilize an existing 30,000 gallon cistern located north of the site within Tract 1 of Cathedral Pines Subdivision Filing No. 1 (off of Saxton Hollow Road) and allows for the required spacing/access to the cistern hook-up location. The location of the cistern is within a 1/2 -mile radius from the proposed lots. The existing cistern provides sufficient water supply volume and adequate coverage for the proposed dwelling units for fire protection operations. Black Hills Energy will be the natural gas distributor on site. The development is expected to generate about 75 vehicle trips on the average weekday, with half entering and half exiting the site over a 24 hour period. During the morning peak hour, which generally occurs for one hour between 6:30 a.m. and 8:30 a.m., about 1 vehicle would enter and 4 vehicles would exit the site. During the afternoon peak hour, which generally occurs for one hour between 4:15 p.m. and 6:15 p.m., about 5 vehicles would exit the site. A traffic memo was generated for this development as opposed to a Traffic Impact Study (TIS), as it fell beneath the threshold of

requirement. Among the criteria met with the project is that the increase in the number of vehicular trips does not exceed the existing trip generation by more than 10 peak hour trips or 100 daily trip ends. Potable water is provided via wells supplied by the Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers. A water resource report has been prepared attesting to sufficiency. Onsite septic (lot by lot) will provide for wastewater. Mountain View Electric Association, Inc. has confirmed its coverage with a service letter.

- *The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy efficient site design.*

A trail connection is proposed along our eastern property line. This will link the existing Pike's Peak Trail section to the north with the Black Forest Regional Trail section to the south property corner. This provides the trail system with much needed continuity and clarity. This will be of great benefit for walkers, runners and cyclists to explore the surrounding area including nearby Black Forest Regional Park and the Pike's Peak Loop. Additionally, here is a preserved stand of trees within the development, which will be preserved as an open space easement. Internal roadway is minimized on the site plan, serving only to provide access to the residential lots from Winslow Drive. Landscape tracts flank the entrance, to provide a pleasing, natural transition into the site.

- *The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner.*

An affidavit of notification to severed mineral estates owner(s) has been provided to the County. After researching records of the El Paso County Clerk and Recorder, it was determined that there was not a mineral estate owner on the property.

- *Any proposed exception or deviation from the requirements of the zoning resolution or the subdivision regulations is warranted by virtue of the design and amenities incorporated in the development plan and development guide; and*
- *The owner has authorized the application.*

Regarding Section 4.2.6.E, and its criteria pursuant to the PUD Development Plan being approved as a Preliminary Plan:

The proposed subdivision is in general conformance purposes of this code, as well as with the goals, subdivision design standards, objectives, and policies of the Master 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 water resources report has been completed as well as a water supply information summary sheet attesting to sufficiency. Potable water is provided via wells supplied by the Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers.

- 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. Sanitary concerns will be addressed on site with individual septic systems. A wastewater report has been generated.
- 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)]. A soils and geology report has been generated for this project.
- 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. A drainage report has been generated for this project.
- 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 project is a private, gated community. The internal street serves solely to provide access to the individual homeowners' lots.
- 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. (1) There is a stand of trees within the development, which will be preserved. Pursuant to Section 4.2.6.F.8.c (Calculation of Open Space), we will be including the area to be preserved as an open space easement, with concomitant restrictions on development and building, i.e. becoming a no-build area outside of the restrictions in the PUD section of the Code. Additionally, there are landscape tracts totaling 2.5 acres, and a 2.3 acre open space easement crossing lots 2 through 7, and adjacent to lots 1 and 8 dedicated as greenspace and allowing a casual recreational opportunity for residents. (2) There will be

little increase in vehicular traffic as a result of this subdivision. The increase in the number of vehicular trips does not exceed the existing trip generation by more than 10 peak hour trips or 100 daily trip ends. The impact was small enough, that a Traffic Memo was requested, rather than a more elaborate Traffic Impact Study. Multi-modal options are provided by our proposed trail linkage from the Pike's Peak Trail to the Black Forest Regional Trail. (3) The subdivision, in compliance with the landscape code, has provided a series of street trees in the landscape buffer along Winslow Drive. In addition to this, there is a gated entrance with planting provided at the entrance. Additionally, two landscape tracts will flank the entrance feature, further providing a landscaped, transitional green space when viewed from Winslow Drive. (4) There are no riparian and limited wetland areas on the site as described in the Natural Features Report provided separately. The existing stand of trees we seek to preserve will provide cover and habitat for wildlife. Placement of the driveways will be located to minimize impact to the Ponderosa pine forest. (5) Levels of service will not be negatively impacted from the development.

- Necessary services, including police and fire protection, recreation, utilities, open space and transportation systems, are or will be available to serve the proposed subdivision. The community will be under the purview of Black Forest Fire Protection, who has provided a commitment letter for the subdivision. In terms of recreation, a trail connection is proposed along our eastern property line. This will link the existing Pike's Peak Trail section to the north with the Black Forest Regional Trail section to the south property corner. This provides the trail system with much needed continuity and clarity. This will be of great benefit for walkers, runners and cyclists to explore the surrounding area including nearby Black Forest Regional Park and the Pike's Peak Loop. There is a stand of trees within the development, which will be preserved as an open space easement, with concomitant restrictions on development and building. There will be little increase in vehicular traffic as a result of this subdivision. The increase in the number of vehicular trips does not exceed the existing trip generation by more than 10 peak hour trips or 100 daily trip ends. The impact was small enough, that a Traffic Memo was requested, rather than a more elaborate Traffic Impact Study. Multi-modal options are provided by our proposed trail linkage from the Pike's Peak Trail to the Black Forest Regional Trail.
- The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;
- 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.

**ANALYSIS OF COMPLIANCE WITH THE SUBDIVISION CRITERIA IN CHAPTER 7 OF
THE EL PASO COUNTY LAND DEVELOPMENT CODE (RULES GOVERNING
DIVISIONS OF LAND, 7.2.1 (D)(2) PRELIMINARY PLAN)**

The plan for The Estates at Cathedral Pines has met the criteria for approval by achieving those standards of conformance outlined in the El Paso County Land Development Code. Addressing the standards called out on Chapter 7, specifically, 7.2.1(D)(2). As described in the following section, the Development Plan adheres to the Your El Paso County Master Plan (2021), regarding its compatibility with land use and character. The surrounding placetype is complimented through the development of lots no smaller than 2.93 acres, and preservation of open space. Two and a half acres of open space has been designated on-site, along with a goal of minimal disturbance of existing trees within the property.

We shall provide all documentation required by the County throughout the review process for this project. Such material includes, but is not limited to, final plat drawings, legal description, mineral rights certification, title commitment and a vicinity/location map. Documents and plans are subject to review by County engineers and planners, and all comments and requests for revision to come into compliance shall be addressed.

Individual wells will provide water to the homes. A water resources report and a water supply information summary are being prepared for the project. Legal and physical access is provided to all proposed parcels. Access to the lots is from an internal, paved road. An entrance drive will connect the residences to Winslow Drive. This private roadway will be designed to County standard.

Off-site impacts regarding potentially increased traffic volume is anticipated to be negligible, with the proposed addition of eight residences. A waiver of LDC 8.4.4.C will be sought, as this shall be a private road. Stormwater will be retained on-site and directed into detention ponds as needed, thereby avoiding any additional runoff from the property post-development. As a residential community, off-site impacts of light or sound will be minimal.

Upon records search, it was found that no mineral estate owners have claim on the property.

**ADHERENCE WITH THE YOUR EL PASO COUNTY MASTER PLAN (2021), WATER
MASTER PLAN AND PARKS MASTER PLAN**

Land Use & Development, Core Principle: Manage growth to ensure a variety of compatible land uses that preserve all character areas of the County.

The 2021 Your El Paso County Master Plan (the “Master Plan”) addresses issues directly related to the Development Plan and development of the *Estates at Cathedral Pines* development. The policies specifically related to the Development Plan request include:

Goal 1.1 - *Ensure compatibility with established character and infrastructure capacity*

The Development Plan proposed for the new single family rural residential lots is compatible with the existing adjacent Large-Lot Residential lots along Winslow Drive. New lots will be similar in size to existing lots, and roads serving the new lots will be compatible with the types of local roadways in nearby adjacent neighborhoods. Zoning of neighboring lots is PUD.

Goal 1.4 – *Continue to encourage policies that ensure “development pays for itself”.*

The Estates at Cathedral Pines is proposed as a development of eight single family residences within a non-urban density, Large-Lot Residential area of the Black Forest community. Utilities and road infrastructure needed to serve the new lots, such as new drives, drainage and detention facilities, erosion control, etc. will eventually be constructed as part of this development.

Housing & Communities, Core Principle: Preserve and develop neighborhoods with a mix of housing types.

Goal 2.2 – *Preserve the character of rural and environmentally sensitive areas.*

The Development Plan with PUD zoning for the site is harmonious and compatible with the Large-Lot Residential character of adjacent and nearby neighborhoods that are also zoned PUD. The Applicant proposes to avoid overlot grading across the 35 acre site, and instead will limit grading to roadways and drainage infrastructure in keeping with the established land use character of surrounding sub-areas of the county. Lower density will help to sustain the appearance and unique environmental conditions of adjacent properties.

Transportation & Mobility, Core Principle: Connect all areas of the County with a safe and efficient multimodal transportation system.

Goal 4.2-*Promote walkability and bikeability where multimodal transportation systems are feasible.*

Walking paths, trails and other designated routes to provide additional access and recreational areas are an important component of the Large-Lot Residential placetype. The quiet nature of this location provides access to nearby hiking trails, equestrian trails and other light impact adjacent to the proposed development. Non-motorized multi-modal transportation linkages are available within the neighborhood. A connection for the Black Forest Regional Trail is proposed along the eastern boundary of this development, linking the trailway sections along the north and south of the property.

Community Facilities & Infrastructure, Core Principle: Continue to coordinate with local and regional agencies to provide well-managed, high-quality community facilities and services.

Goal 5.3 – Ensure adequate provision of utilities to manage growth and development.

Electric, natural gas, and telecommunication service points-of-connection will be extended from the roadway up to the new lots. Wells will be provided on individual lots for water. All lots will have private, on-site, septic systems.

Goal 5.4-Use best management practices to protect water quality, conserve water, minimize impacts of flooding, and beautify El Paso County.

The development shall adhere to the four step process to minimize adverse impacts of development. This includes reducing runoff volumes, stabilizing drainageways, treating the water quality capture volume (WQCV), and consider the need for Industrial Commercial best management practices (BMPs).

Environment & Natural Resources, Core Principle: Prioritize and protect the County’s natural environment.

Goal 9.2- Promote sustainable best practices with regard to development and infrastructure.

The surrounding area of the Development Plan has sufficient carrying capacity to support the new development regarding roadway capacity, water supply, septic suitability, educational facilities, and organized structural fire protection (Black Forest Fire Rescue Protection District).

The Development Plan design, which includes home sites ranging from 2.93 acres to 4.23 acres preserves expanses of open space, ensures that development of this site will remain compatible and contiguous with existing rural residential areas. At .22 DU/AC, The Estates at Cathedral Pines is compatible with adjacent properties in the community.

Recreation & Tourism, Core Principle: Maintain and expand the County’s recreation and tourism options.

Goal 7.3- Plan for and provide a variety of parks, trails, and open space within the region.

The El Paso County parks system totals more than 8,000 acres. It offers a range of natural features and recreational opportunities. There are 19 parks facilities and more than 130 miles of regional trails within the County. The diverse and varied landscape is a signature of the region’s sense of place. We recognize that open space is a vital component of residents’ quality of life, providing much needed social interaction and exercise.

The proposed development is adjacent to Black Forest Regional Trail on its northern property line. Our plan provides for a trail connection along its eastern property line to rejoin the Black Forest Trail near the southeastern property corner. An additional 25' trail easement is proposed along the northwest portion of the development, adding an additional linkage to the trail. Within the community, there are two landscape tracts and an open space easement totaling 4.8 acres for residents to enjoy.

WATER SERVICE

The following information is provided by request of El Paso County per the *El Paso County Water Master Plan, Chapter 7, Implementation*:

Water Quality, Quantity and Dependability:

A Water Resources Report and Water Supply Information Summary have been provided to the County with this application.

The Water Resource Report provides data for the Planning Commission and the Board of County Commissioners (BoCC) which confirms the proposed water supply for The Estates at Cathedral Pines is sufficient in terms of quality, quantity and dependability for the proposed subdivision. The report includes documentation that the proposed water supply is sufficient in terms of quantity, dependability and quality for the proposed subdivision.

The Estates at Cathedral Pines will provide for eight (8) single-family residences. The lots range in size from 2.93 acres to 4.23 acres. The total acreage of this parcel is 35.09 acres.

All residences will be served by an on-site commercial well drilled into the not-nontributary Denver aquifer below The Estates at Cathedral Pines. The proposed subdivision lies within the Upper Black Squirrel Creek Designated Groundwater Basin and is managed by the Upper Black Squirrel Creek Groundwater Management District.

The not-nontributary Dawson Aquifer, which will serve as the water source for The Estates at Cathedral Pines, is estimated to provide a 300-year supply of 5.95 AF/year of water. Each residential dwelling unit is assumed to require indoor use of 0.26 AF/year/lot of water, totaling 2.080 AF/year of total residential demand at full build-out. Residential irrigation for all lots is 0.87 AF/year and total domestic watering accounting for a horse per lot per year amounts to 0.088 AF/horse/year. This amounts to a total residential use of 3.04 AF/year to be served by Villagree Wells Nos. 1-8. Additional use to irrigate the public landscape areas amounts to 0.16 AF/year to be served by Villagree Well No. 9. Thus, the total expected water demand is 3.20 AF/year. An overall demand of 3.20 AF/year for the proposed subdivision is less than the amount of the supply listed in the decrees, determinations and findings of fact, District Court, Water Division 2, Colorado, Case No. 22CW3027 (Ref. 09CW0076). The 3.20 AF/year, is less

than the 5.95 AF/year 300-year annual allocation out of the Dawson Aquifer to The Estates at Cathedral Pines.

The estimated maximum depletion to the alluvial aquifer from 300-years of pumping from the Dawson formation at 3.2 AF/year is estimated at 24% of pumping, or 0.79 AF/year by year 300. The estimated annual return flows from each residence are sufficient to cover the estimated depletions to the alluvium as shown in the replacement plan application provided in the Water Resources Report.

Assuming a 0.26 AF/year domestic use per resident with 90% return flows through the septic system per resident, this results in a 0.234 AF/year replacement through the septic system per resident (or 1.872 AF/year total).

In Part 26 of Case Number 22CW3027 the revision to the previous augmentation plan contained in Case Number 09CW0076 states that post-pumping depletions after 300-years of pumping amount to approximately 960 AF. The property can set aside 998 AF of nontributary Laramie-Fox Hills groundwater, which results in approximately 960 AF of available post-pumping augmentation water, which will be sufficient to replace post-pumping depletions.

The water quality in the Dawson aquifer in this area has typically been suitable for residential potable use. Water samples were obtained from a neighboring well located at 4310 Saxton Hollow Road (well permit #80695-F) on April 19, 2022. Water quality analysis was performed by Colorado Analytical Laboratories and Hazen Research, Inc., per the El Paso County Land Development Code section 8.4.7(B). All compounds returned results below their respective maximum containment levels (MCL) except the Langlier Index (LI). Acceptable results for LI range from -1.0 to 1.0. The LI result for the sampled well was -1.87 which typically defines that the groundwater is very clean, yet likely corrosive. It would be recommended that copper piping not be used for the piping of the well or home due to the low LI results.

Because of the absence of any and all evidence of fecal contamination in the form of E. Coli or Total Coliform, or that all sampled and analyzed constituents were below all primary and secondary standards, the proposed water source emanating from the Dawson Aquifer is deemed safe for public consumption.

DEVIATION REQUEST

A deviation request is for intersection spacing and a few other geometric/roadway design elements on Hamptonshire Court. As such, this deviation includes several itemized parts/elements. The deviation is requested from the standards of or in Section 2.3.2 of the Engineering Criteria Manual (ECM.)

The deviation request is for intersection spacing and a few other geometric/roadway design elements on Hamptonshire Court.

Part 1: Section 2.3.2, Table 2-5: Roadway Design Standards for Rural Collectors and Locals. Local roadway intersection spacing shall be 330 feet (centerline spacing.)

Part 2: Section 2.3.2, Table 2-5: Roadway Design Standards for Rural Collectors and Locals. The minimum centerline curve radius on local roadways shall be 300 feet.

Part 3: Section 2.3.4.A, Table 2-12: Design Controls for Stopping Sight Distances on Crest Vertical Curves. K-values less than 19 shall not be permitted on a roadway with a design speed of 30 m.p.h.

The following are for the proposed gate location on Hampshire Court.

Part 4a: Intersection grades approaching the proposed gate on Hampshire Court. Intersection grades on Rural Local roadways shall be between 1-4 percent. While not for a bona-fide “street intersection,” this part addresses the proposed mid-block gate location on Hampshire Court. This has been included based upon LSC’s (transportation engineers on the project) engineering judgement, as the proposed gate will likely cause a “stop-condition” for motorists, similar to an intersection.

Part 4b: Stopping sight distance on the westbound approach to the proposed gate location on Hampshire Court. ECM Section 2.3.6.D, Table 2-17: Stopping Sight Distances at Grade. The stopping sight distance for 30-mph design speed (speed-by-classification) on a Rural Local roadway per ECM Table Section 2.3.2, Table 2-5, and stopping sight distance on a grade, as per ECM Section 2.3.6.D, Table 2-18.

The deviations for Hampshire Court are requested due to the topography of the site, the limited location for an access to Winslow Drive to meet intersection sight distance, and the shape of the parcel and the limited options for minimum 2.5-acre lot size and road layout, the requirement for the entry street, Hampshire Court to intersect Winslow Drive at a right angle, and the need to meet intersection grades at the Winslow Drive/Hampshire Court and Hampshire Court/Sterling Manor Heights intersections. Locating the site-access street in a location that meets intersection sight distance along Winslow (needed to be located higher on the hill on Winslow) caused grade challenges for the local roads.

The gate location has been shown mid-block on Hampshire Court. The ECM does not contain criteria specifically for private road gates, as private roads are not County standard. However, components of ECM criteria would apply to a private road gate, and as such the analysis of the gate location is included in the deviation. The deviation presents analysis of the gate location shown on the plans with respect to applicable ECM roadway grade and sight distance criteria.

Safety and Operations:

On Part 1, the requested spacing of 300 feet spacing vs. 330 feet spacing is reasonable given the site-specific road configuration with stop signs on each end. Vehicle speeds along this street will be limited and the 330 feet for stopping sight distance for eastbound/westbound motorists would not be necessary.

Regarding Part 2, eastbound and westbound vehicle speeds through the curve would be limited. It is unlikely that Eastbound vehicles on Hamptonshire Court would be travelling at the 30-m.p.h. design speed (by road classification) through the horizontal or vertical curve due to the short length of Hamptonshire Court, the 8%-4% uphill grade and the stop condition just east of the vertical curve with the stop sign approaching Winslow Drive. The K-Value (K-12) for a design speed of 25-m.p.h. appears much more appropriate than the K-19 value which would be applied to a design speed of 30-m.p.h. The proposed centerline radius of 200 feet is needed to meet the requirement for the entry street, Hamptonshire Court, to intersect Winslow Drive at a right angle. The length of this horizontal curve is only 30 feet with a shallow deflection angle.

For Part 3 the proposed K-value on Hamptonshire Court would meet the minimum rate of vertical curvature (12) for a roadway with a design speed of 25-m.p.h. As discussed above, this is appropriate for the site conditions.

On Part 4, the gate location has been shown mid-block on Hamptonshire. The gate analysis is shown in Deviation Exhibits 6a and 6b in the updated deviation. The options for placement of the gate are limited due to the short roadway length, vertical profile and the need for some vehicle stacking distance at the gate, and separation from the intersection of Winslow/Hamptonshire Court. This deviation presents analysis of the gate. Given the analysis results, an alternative location closer to the internal intersection of the Hamptonshire Court/Sterling Manor Heights could be considered. The following mitigation measures could be considered with the gate placement and design.

- Ensure that the height of the gate or roadside portion of the gate assembly (and/or roadside sign/object marker) is sufficiently high enough for vehicles turning from Winslow Drive onto Hamptonshire Court to see the gate location ahead.
- Install a “gate ahead” warning sign approximately 50-75 feet upstream of the gate (to the east).
- Install a pavement heating system beneath the roadway surface on Hamptonshire Court to keep the roadway surface free of snow and ice.
- Install a mechanism that automatically opens the gate so that exiting vehicles do not need to stop on the 8 percent grade.

The plan for The Estates at Cathedral Pines has met the criteria for approval by achieving those standards of conformance outlined in the El Paso County Land Development Code. Addressing

the standards called out in Chapter 7, specifically, 7.2.1(D)(2). As described in the following section, the Development Plan adheres to the Your El Paso County Master Plan (2021), regarding its compatibility with land use and character. The surrounding placetype is complemented through the development of lots no smaller than 2.93 acres, and preservation of open space. Two and a half acres of open space has been designated on-site, along with a goal of minimal disturbance of existing trees within the property.

We shall provide all documentation required by the County throughout the review process for this project. Such material includes, but is not limited to, final plat drawings, legal description, mineral rights certification, title commitment and a vicinity/location map. Documents and plans are subject to review by County engineers and planners, and all comments and requests for revision to come into compliance shall be addressed.

Individual wells will provide water to the homes. A water resources report and a water supply information summary are being prepared for the project.

Legal and physical access is provided to all proposed parcels. Access to the lots is from an internal, paved road. An entrance drive will connect the residences to Winslow Drive. This private roadway will be designed to County standard.

Off-site impacts regarding potentially increased traffic volume is anticipated to be negligible, with the proposed addition of eight residences. A waiver of LDC 8.4.4.C will be sought, as this shall be a private road. Stormwater will be retained on-site and directed into detention ponds as needed, thereby avoiding any additional runoff from the property post-development. As a residential community, off-site impacts of light or sound will be minimal.

END

A STATEMENT ESTABLISHING THE PURPOSE AND INTENT OF THE PUD ZONING DISTRICT in maintaining consistency with the zoning of surrounding properties, this development shall be a PUD. Further, the lot sizes are of similar area to those neighboring the development. PUD zoning allows for the accommodation of lot sizes sought, while taking into account those natural features within the property, and minimizing developmental impact on the environment therein.

Authority: This PUD is authorized by Chapter 4 of the El Paso County Land Development Code, adopted pursuant to the Colorado Planned Unit Development Act of 1972, as amended.

Applicability: The provisions of this PUD shall run with the land. The landowners, their successors, heirs or assigns shall be bound by this development plan, as amended and approved by the Planning and Community Development Department/Director or Board of County Commissioners.

Adoption: The adoption of this development plan shall evidence the findings and decisions of the El Paso County Board of County Commissioners that this development plan for Estates at Cathedral Pines is in general conformity with the El Paso County Master Plan, El Paso County Policy Plan and applicable Small Area Plan(s); is authorized under the provision of the El Paso County Land Development Code; and that the El Paso County Land Development Code and this development plan complies with the Colorado Planned Unit Development Act of 1972, as amended.

The provisions of this Development Plan shall prevail and govern the development of Estates at Cathedral Pines, provided, however, that where the provisions of this Development Plan do not address a particular subject, the relevant provisions of the El Paso County Land Development Code, as amended and in effect at the time of the PUD plan approval (or owner acknowledge the PUD changes with the Code), or any applicable resolutions or regulations of El Paso County, shall be applicable.

To further the mutual interest of the residents, occupants, and owners of the PUD and of the public in the preservation of the integrity of this development plan, the provisions of this plan relating to the use of land and the location of common open space shall run in favor of El Paso County and shall be enforceable law or in equity by the County without limitation on any power or regulation otherwise granted by law.

Where there is more than one provision within the development plan that covers the same subject matter, the provision which is most restrictive or imposes higher standards or requirements shall govern.

The total number of dwellings shown on the development plan for development within the specified planning areas is the maximum development requested for platting or construction (plus any approved density transfers). The actual number of dwellings or level of development may be less due to subdivision or Site Development Plan requirements, land carrying capacity, or other requirements of the Board of County Commissioners.

At the time of any final application, the applicant shall provide a summary of the development, to date, to Planning and Community Development Department, in order to assure maximum development limits are not exceeded.

The cover sheet shall include any cross reference to the ZCP or previous PUD Development Plan, including any recording references.

Floodplain statement: The parcel is within FEMA Floodplain Map number 0804100315G, effective 12/7/2018. The property is regarded as Zone X, an area of minimal flood hazard.

There shall be no direct lot access to Winslow Drive.

Easements: Unless otherwise indicated, all side, front, and rear lot lines are hereby platted on either side with a 10 foot public utility and drainage easement unless otherwise indicated. All exterior subdivision boundaries are hereby platted with a 20 foot public utility and drainage easement. The sole responsibility for maintenance of the easements is hereby vested with the individual property owners.

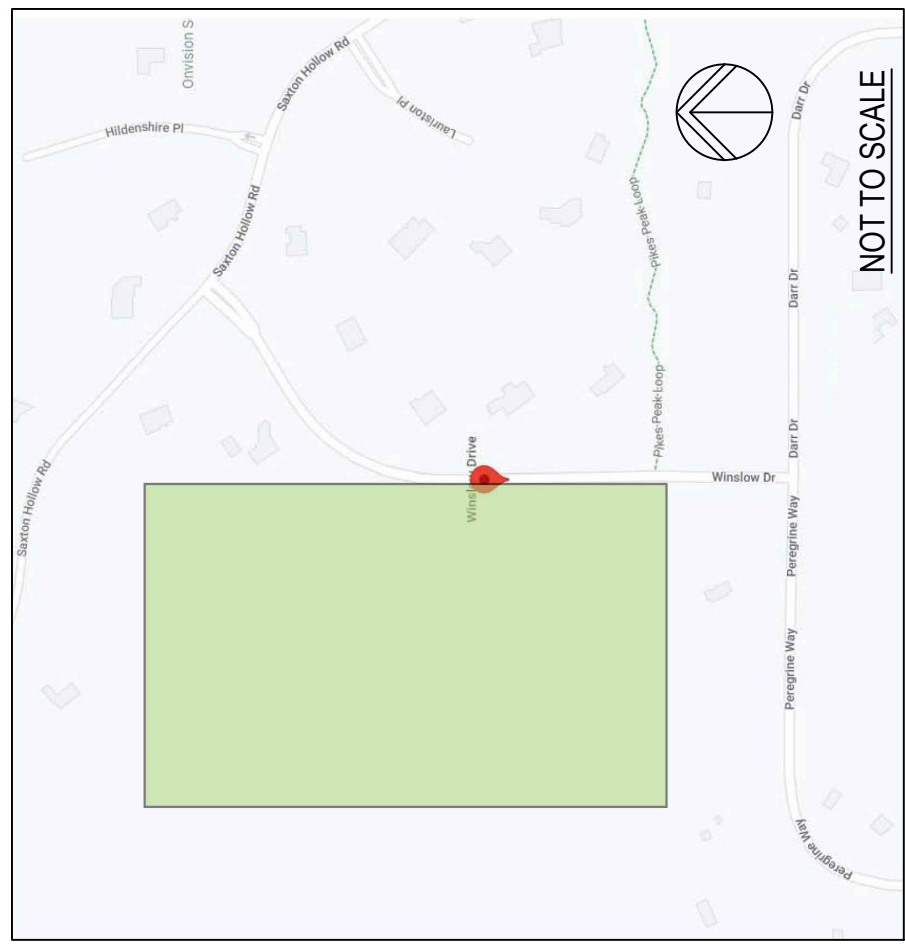
LEGAL DESCRIPTION: TR IN SE4 SEC 2-12-66 DES AS FOLS: BEG AT SW COR OF SEA SEC 2, TH N 00°49'17" 1533.77 FT. N 89°17'56" E 965.20 FT. S 00°49'17" E 1583.77 FT TO A PT ON S LN OF SD SEA, TH S 89°17'56" W 965.20 FT TO POB, TOG WITH INGRESS-EGRESS EASEMENT DES BY REC #2002778: EL PASO COUNTY, COLORADO

TAX SCHEDULE NUMBER: 620000411
PROPOSED LAND USE: SINGLE-FAMILY RESIDENTIAL
AND ACCESSORY DWELLING UNITS
TAX STATUS: TAXABLE
OPEN SPACE AREAS: Tract "A": 1.64 acres
Tract "B": 0.86 acres
Open Space Easement: 2.30 acres
Total area: 4.80 acres
OPEN SPACE PERCENTAGE: 13.6%

OWNER NAME AND ADDRESS:
GREGG & ELAINE CAWFIELD
VILLAGREE DEVELOPMENT LLC
5710 VESSEY RD
COLORADO SPRINGS, COLORADO 80908
PHONE: (719) 415-6900
EMAIL: gregg@vilagree.com
Elaine@vilagree.com

APPLICANT:
GREGG & ELAINE CAWFIELD
VILLAGREE DEVELOPMENT LLC
5710 VESSEY RD
COLORADO SPRINGS, COLORADO 80908
PHONE: (719) 415-6900
EMAIL: gregg@vilagree.com
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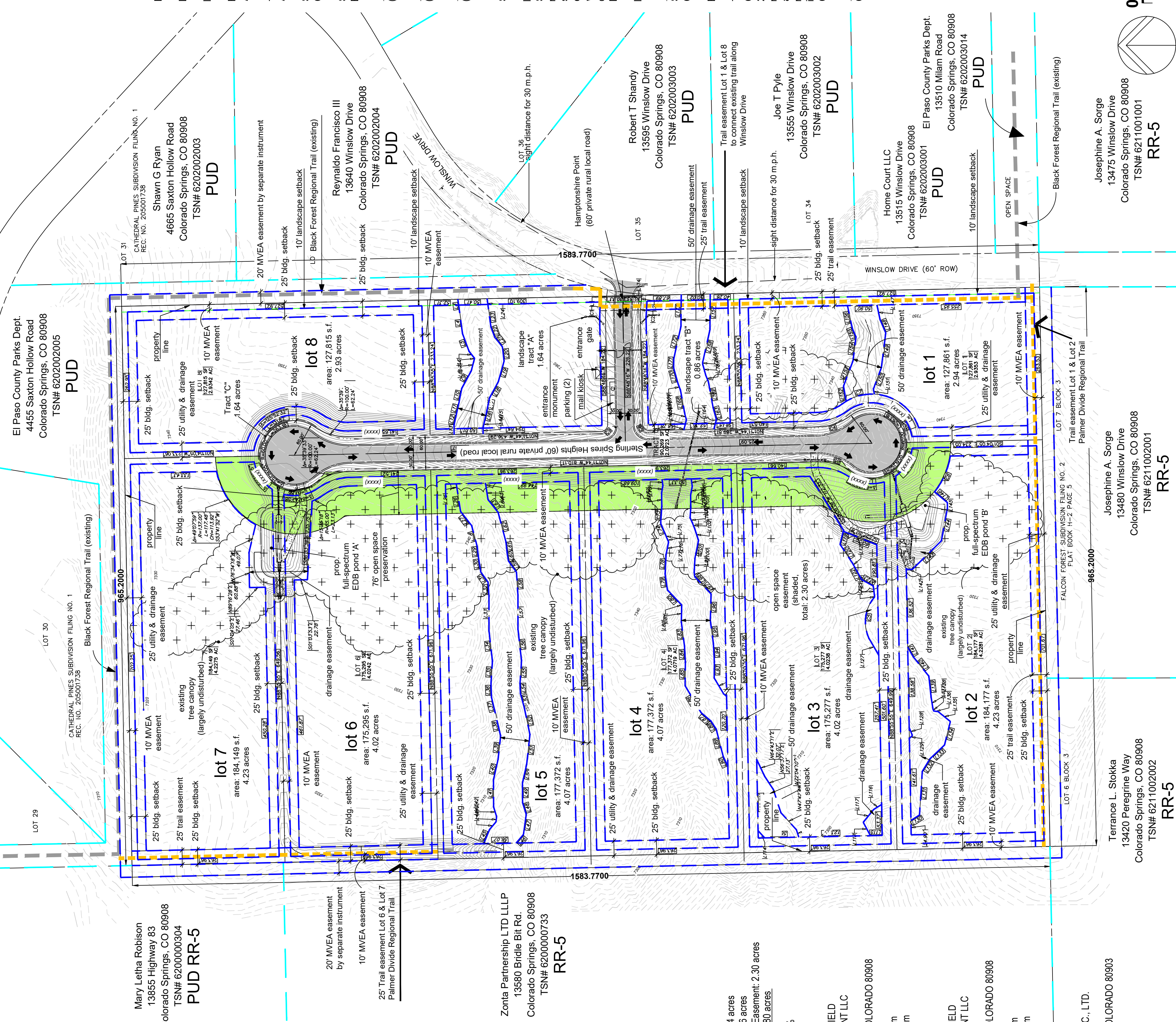
PLAN PREPARER:
WILLIAM GUMAN & ASSOC., LTD.
731 N. WEBER STREET
COLORADO SPRINGS, COLORADO 80903
PHONE: (719) 633-9700
EMAIL: bill@guman.net



ESTATES AT CATHEDRAL PINES PUD DEVELOPMENT PLAN PRELIMINARY PLAN

A PORTION OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 12 SOUTH, RANGE 66 WEST

OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO



Mary Letha Robison
13855 Highway 83
Colorado Springs, CO 80908
TSN# 620000304
PUD RR-5

Zonia Partnership LTD LLLP
13580 Bridle Bit Rd.
Colorado Springs, CO 80908
TSN# 620000733
RR-5

20' MVEA easement
by separate instrument
10' MVEA easement
25' Trail easement Lot 6 & Lot 7
Palmer Divide Regional Trail

20' MVEA easement
by separate instrument
10' MVEA easement
25' Trail easement Lot 1 & Lot 2
Palmer Divide Regional Trail

20' MVEA easement
by separate instrument
10' MVEA easement
25' Trail easement Lot 1 & Lot 2
Palmer Divide Regional Trail

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by separate instrument
10' MVEA easement
25' Trail easement Lot 1 & Lot 2
Palmer Divide Regional Trail

20' MVEA easement
by separate instrument
10' MVEA easement
25' Trail easement Lot 1 & Lot 2
Palmer Divide Regional Trail

A "Soils and Geology Study, Winslow Drive, Estates at Cathedral Pines, El Paso County, Colorado" prepared by RMG - Rocky Mountain Group (July 21, 2023), indicated geologic hazards were not found to be present at this site. Potential geologic constraints were found on site and include: potentially expansive soils, bedrock, potentially compressible soils, hard bedrock, seasonally shallow groundwater and potentially seasonally wet (psw) areas. The areas indicated as psw are identified as "No Build Areas".

The study concluded that the proposed development is feasible, and the geologic conditions identified are typical for the Front Range region of Colorado. Appropriate planning, engineering and suitable construction practices will be implemented to mitigate geologic conditions in areas where avoidance is not possible.

Line Legend

Setback Line	---	Setback Line
Black Forest Regional Trail (existing)	---	Black Forest Regional Trail (existing)
Proposed Trail Connections	---	Proposed Trail Connections
Adjacent Property Lines	---	Adjacent Property Lines
10' Landscape Setback	---	10' Landscape Setback
Property Lines	---	Property Lines
Easement Line	---	Easement Line
Open Space Easement	---	Open Space Easement
Tract C For PUD	---	Tract C For PUD
Addressing Marker (xxx)	---	Addressing Marker (xxx)

LAND OWNER CERTIFICATION
IN WITNESS WHEREOF:
HAS EXECUTED THESE PRESENTS THIS ____ DAY OF ____ 20__
A.D., A COLORADO LIMITED LIABILITY COMPANY

AUTHORIZED AGENT, MANAGER
STATE OF COLORADO
COUNTY OF _____
SIGNED BEFORE ME ON _____, 20__
BY _____ (NAME(S) OF INDIVIDUAL(S) MAKING STATEMENT),
Clerk and Recorder

(NOTARY'S OFFICIAL SIGNATURE)
(TITLE OF OFFICE)
(COMMISSION EXPIRATION)
STATE OF COLORADO
COUNTY OF EL PASO
I hereby certify that this instrument was
filed in my office on this ____ day
of ____ 20__ and was
recorded at Reception No. ____
of the records of El Paso County

Surveyor's Certificate
I, _____ a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that this plat truly and correctly represents the results of a survey made on _____ by me or under my direct supervision and that all monuments exist as shown hereon, that mathematical closure errors are less than 1:10,000, and that said plat has been prepared in full compliance with all applicable laws of the State of Colorado dealing with monuments, subdivision, or surveying of land and all applicable provisions of the El Paso County Land Development Code.

I attest the above on this ____ day of ____ 20__
Surveyor's Name, (Signature) _____ Date
Colorado registered PLS # _____

Board of County Commissioners Certificate
This plat for _____ was approved for filing by the El Paso County, Colorado Board of County Commissioners on the ____ day of _____, 20__. Subject to any notes specified hereon and any conditions included in the resolution of approval. The dedications of land to the public (streets, trails, easements) are accepted, but public improvements thereon will not become the maintenance responsibility of El Paso County until preliminary acceptance of the public improvements in accordance with the requirements of the Land Development Code and Engineering Criteria Manual, and the Subdivision Improvements Agreement.

Chair, Board of County Commissioners
Date
TITLE VERIFICATION:
STEWART TITLE CO. dba UNIFIED TITLE
1710 JET STREAM DR., STE 200
COLORADO SPRINGS, COLORADO 80921
PHONE: (719) 578-5900
EMAIL: lsmon@unifiedtitle.com

BOARD OF COUNTY COMMISSIONERS:
BOCC
200 SOUTH CASCADE AV. STE 100
COLORADO SPRINGS, COLORADO 80903
PHONE: (719) 520-7276
EMAIL: carcboc@elpasoco.com

PCD DIRECTOR
MEGAN HERRINGTON
2880 INTERNATIONAL CIRCLE, STE 110
COLORADO SPRINGS, COLORADO 80907
PHONE: (719) 520-7941
EMAIL: merrigherrington@elpasoco.com

REGISTERED PROFESSIONAL ENGINEER
3475 TECH CENTER DR., STE 235
COLORADO SPRINGS, COLORADO 80919
PHONE: (719) 593-2593
EMAIL: info@engineering.com

REGISTRATION NUMBER
13515 Millam Road
Colorado Springs, CO 80908
TSN# 6202003014
PUD

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Colorado Springs, CO 80908
TSN# 6202003014
PUD

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13515 Millam Road
Colorado Springs, CO 80908
TSN# 6202003014
PUD

REGISTRATION NUMBER
13475 Winslow Drive
Colorado Springs, CO 80908
TSN# 6211001001
RR-5

REGISTRATION NUMBER
13420 Peregrine Way
Colorado Springs, CO 80908
TSN# 6211002002
RR-5

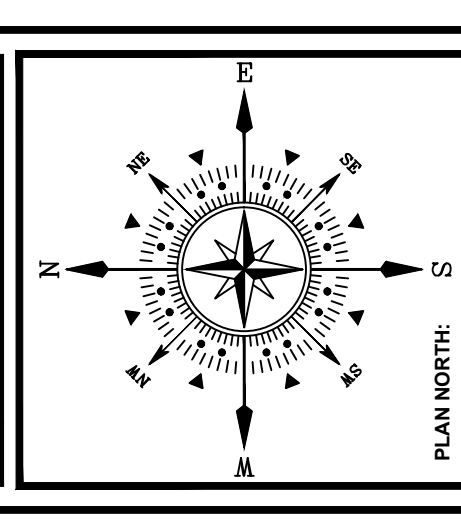


SCALE: 1" = 100' - 0"

signature block

William Guman & Associates, LLC
LAND PLANNING | ARCHITECTURE
731 North Weber Street
Colorado Springs, CO 80903
(719) 633-9700
www.guman.net
bill@guman.net

THE DRAWING IS A REPRESENTATION OF SERVICE AND NOT A GUARANTEE OF ACCURACY. THE ENGINEER HAS CONDUCTED A VISUAL GENERAL SURVEY OF THE PROPERTY AND HAS FOUND NO OBVIOUS DISCREPANCIES. THE ENGINEER HAS CONDUCTED A VISUAL GENERAL SURVEY OF THE PROPERTY AND HAS FOUND NO OBVIOUS DISCREPANCIES.



PROJECT NAME: **ESTATES AT CATHEDRAL PINES**
PROJECT ADDRESS: **WINSLOW DRIVE, CO 80908**
PUD DEVELOPMENT PLAN
BLACK FOREST, CO 80908

DATE: 12/13/2023
DESIGNED: EM
CHECKED: WFS

REVISIONS:	DATE:	BY:	DESCRIPTION:
	05/17/2024	EM	ADDRESS COUNTY CHANGES
	07/23/2024	EM	ADD ADDRESSING NUMBER

PLAN SCALE: 1" = 100' (R/S NOTED ON P. 24)
SHEET TITLE PUD DEVELOPMENT PLAN
SHEET NO. 1 OF 2 SHEETS
FILE NO. PUDSP2210

ESTATES AT CATHEDRAL PINES

PUD DEVELOPMENT PLAN PRELIMINARY PLAN

A PORTION OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF
SECTION 2, TOWNSHIP 12 SOUTH, RANGE 66 WEST
OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO

All property owners are responsible for maintaining proper storm water drainage in and through their property. Public drainage easements as specifically noted on the plat shall be maintained by the individual lot owners unless otherwise indicated. Homebuilders are responsible to ensure proper drainage around structures, including elevations of foundations and window wells in relation to side-lot drainage easements and swales. Homeowners shall not change the grade of the lot or drainage swales within said easements, as constructed by the builder, in a manner that would cause adverse drainage impacts to properties. Structures, fences, materials or landscaping that could impede the flow of runoff shall not be placed in drainage easements.

No driveway shall be established unless an access permit has been granted by El Paso County.

Tracts A & B shall be utilized as drainage tract, open space and pedestrian access. Ownership and maintenance of said Tracts A & B shall be vested to The Estates at Cathedral Pines Homeowners Association.

Tract C shall be utilized as a private road. Ownership and maintenance of said Tract C shall be vested to Estates at Cathedral Pines Homeowners Association.

The subdividers agree on behalf of him/herself and any developer of builder successors and assigns that subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program (Resolution No. 19-477), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documents on all sales documents and in plat notes to ensure that a title search would find the fee obligation before sale of the property.

Individual wells are the responsibility of each property owner. Permits for individual wells must be obtained from the State Engineer, who by law, has the authority to set conditions for the issuance of these permits.

Sewage treatment is the responsibility of each property owner. The El Paso County Department of Health and Environment must approve each system and, in some cases, the Department may require an engineer designed system prior to permit approval. These systems may cost more to design, install, and maintain.

Except as otherwise noted on the Preliminary Plan, individual lot purchasers are responsible for constructing driveways, including necessary drainage culverts per Land Development Code 6.3.3.C2 and 6.2.2.C.3. Due to their length, some of the driveways must be approved by the Fire District.

The private roads as shown on this plan will not be maintained by El Paso County until and unless the streets are constructed in conformance with El Paso County standards in effect at the date of the request for dedication and maintenance.

Unless otherwise indicated, all side, front and rear lot lines are platted on either side with a 10 foot public utility and drainage easement. All exterior subdivision boundaries are platted with a 20 foot public utility and drainage easement. The sole responsibility for maintenance of these easements is vested with the individual property owners.

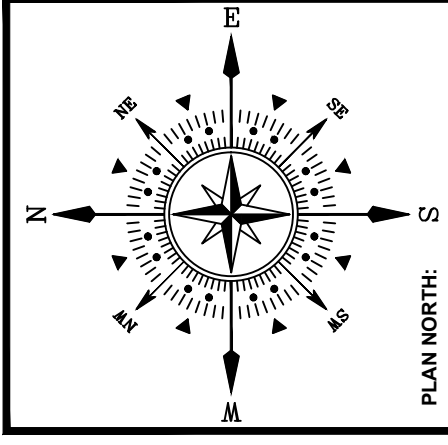
The open space easement crossing through Lots 2 through 7 shall be maintained by the individual lot owners.

LUTERNA PLANNING & ARCHITECTURE, LLC
LANDSCAPE ARCHITECTURE

William Gunnar
& ASSOCIATES, LLC
LANDSCAPE ARCHITECTURE

731 North Weber Street
Colorado Springs, CO 80903
(719) 533-9700
www.gunnarllc.com
bill@gunnarllc.com

I HEREBY CERTIFY THAT THE DRAWING IS AN INSTRUMENT OF SERVICE AND THAT I AM A LICENSED LANDSCAPE ARCHITECT IN THE STATE OF COLORADO. I HEREBY CERTIFY THAT THE DRAWING IS AN INSTRUMENT OF SERVICE AND THAT I AM A LICENSED ARCHITECT IN THE STATE OF COLORADO. I HEREBY CERTIFY THAT THE DRAWING IS AN INSTRUMENT OF SERVICE AND THAT I AM A LICENSED ARCHITECT IN THE STATE OF COLORADO. I HEREBY CERTIFY THAT THE DRAWING IS AN INSTRUMENT OF SERVICE AND THAT I AM A LICENSED ARCHITECT IN THE STATE OF COLORADO.



PROJECT NAME: **ESTATES AT CATHEDRAL PINES**
PROJECT ADDRESS: **WINSLOW DRIVE
BLACK FOREST, CO 80908**
PUD DEVELOPMENT PLAN

DATE: 12/13/2022
DESIGNED: EM
CHECKED: WF

REVISIONS:	BY:	DESCRIPTION:
DATE:	05/17/2024	GEN ADDRESS COUNTY CHANGES

PLAN SCALE: 1" = 100' (IF AS NOTED ON PLAN)

SHEET TITLE: PUD
DEVELOPMENT
PLAN

SHEET NO. 2
2 OF 2 SHEETS

FILE NO. PUDSP2210

signature block

County Attorney

Kenneth R. Hodges, County Attorney
719-520-6485
Centennial Hall
200 S. Cascade, Suite 150
Colorado Springs, CO 80903
www.ElPasoCo.com

Board of County Commissioners
Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

August 29, 2023

PUDSP-22-10 Estates at Cathedral Pines

Reviewed by: Lori L. Seago, Senior Assistant County Attorney
April Willie, Paralegal

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal for approval of Estates at Cathedral Pines, an application for subdivision by Villagree Development, LLC (“Applicant”) for an 8-lot subdivision on a parcel of 35 acres of land (the “property”). The property is zoned RR-5 (Rural Residential).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary (“WSIS”), the water demand for the subdivision is 3.2 acre-feet/year, comprised of .26 acre-feet/year for household use for each of the 8 residential lots totaling 2.08 acre-feet/year, 0.158 acre-feet per year to be used for irrigation and other purposes from an additional well number 9, 0.0566 acre-feet/1,000 square feet of irrigation for a total of .872 acre-feet per year, and 0.011 acre-feet/year per head for stock watering of up to eight for a total of .088 acre-feet per year. Each lot is estimated to use 0.38 acre-feet of water per year, and the additional well will withdraw up to 0.158 acre-feet per year. Based on this total demand, Applicant must be able to provide a supply of 960 acre-feet of water (3.2 acre-feet per year x 300 years) to meet the County’s 300-year water supply requirement.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the not-nontributary Dawson aquifer as provided in the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree in Division 2 Case No. 2022CW3027 (“Decree”). The Decree recognizes the water rights previously decreed in Case No. 09CW76 and amends the augmentation plan approved in that case. The groundwater decreed underlying the property includes 1,785 acre-feet of water in the Dawson aquifer, 3,094 acre-feet of water in the Denver aquifer, 1,339 acre-feet of water in the Arapahoe

ASSISTANT COUNTY ATTORNEYS

NATHAN J. WHITNEY
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STEVEN A. KLAFFKY
TERRY A. SAMPLE

LORI L. SEAGO

BRYAN E. SCHMID
STEVEN W. MARTYN

MERI GERINGER
DOREY L. SPOTTS

aquifer and 998 acre-feet of water in the Laramie-Fox Hills aquifer. The Decree approved the pumping of up to 3.2 acre-feet per year for 300 years and 960 acre-feet total of Dawson aquifer water. The Court further awarded a vested right to use up to 8 wells on the property, with an additional 9th well being used for irrigation, recreation, wildlife, fire protection, and exchange and augmentation purposes for development of the property.

The approved augmentation plan has a term of 300 years and requires that non-evaporative septic system return flows be used for augmentation during the pumping period for the 9 approved wells. Applicant must reserve 998 acre-feet of its water rights in the Laramie-Fox Hills aquifer which shall be used for replacement of post-pumping depletions. Each of the 8 wells may pump up to 0.38 acre-feet annually, and well number 9 to pump a maximum of .16 acre-feet per year, for a maximum of 3.2 acre-feet of water pumping from the Dawson aquifer per year for 300 years.

State Engineer's Office Opinion

4. In a letter dated April 4, 2023, the State Engineer stated that “[t]he estimated water demand for the development is 3.2 acre-feet/year for the entire development.” The State Engineer noted that the wells will produce from the Dawson aquifer pursuant to the augmentation plans decreed in Case Nos. 09CW76 and 22CW3027. The State Engineer further noted that well number 9 will be used to irrigate 2800 square-feet of lawn/garden.

Finally, the State Engineer provided their opinion, “pursuant to CRS 30-28-136(1)(h)(I), that the anticipated water supply can be provided without causing material injury to decreed water rights...”

Recommended Findings

5. Quantity and Dependability. Applicant’s water demand for the Estates at Cathedral Pines is 3.2 acre-feet per year for a total demand of 960 acre-feet for the subdivision for 300 years. The Decree allows for 9 wells to withdraw water from the Dawson aquifer up to 3.2 acre-feet per year, for a total of 960 acre-feet over 300 years.

Based on the water demand of 3.2 acre-feet/year for Estates at Cathedral Pines and the Decree’s allowable amount of the same, the County Attorney’s Office recommends a finding of sufficient water quantity and dependability for Estates at Cathedral Pines.

6. The water quality requirements of Section 8.4.7.B.10.g. of the El Paso County Land Development Code must be satisfied. **El Paso County Public Health shall provide a recommendation as to the sufficiency of water quality.**

7. Basis. The County Attorney’s Office reviewed the following documents in preparing this review: a *Water Resources Report* dated February 2023, the Water Supply Information Summary, the State Engineer’s Office Opinion dated April 4, 2023, and Findings of Fact, Conclusions of Law, Ruling of Referee and Decree in Division 2 Case Nos. 09CW0076 and 22CW3027 entered on January 18, 2023. The recommendations herein are based on the

information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

REQUIREMENTS:

A. Applicant and its successors and assigns shall comply with all requirements of the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree in Division 2 Case No. 22CW3027, specifically, that water withdrawn from the Dawson aquifer by each of the proposed 8 wells permitted shall not exceed 0.38 annual acre-feet, with an additional .16 pumped by well number 9 with on a total combined annual withdrawal of 3.2 acre-feet. Depletions during pumping shall be replaced by individual on-lot non-evaporative septic systems.

B. Applicant must create a homeowners' association ("HOA") for the purpose of enforcing covenants and assessing any necessary fees related to compliance with the water decree and augmentation plan for the property.

C. Applicant shall create restrictive covenants upon and running with the property which shall advise and obligate future lot owners of this subdivision, their successors and assigns, and the HOA regarding all applicable requirements of the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree in Division 2 Case No. 22CW3027.

Covenants shall address the following:

1) Identify the water rights associated with the property. The Covenants shall reserve 960 acre-feet of Dawson aquifer water and 998 acre-feet of Laramie-Fox Hills aquifer water pursuant to Findings of Fact, Conclusions of Law, Ruling of Referee and Decree in Division 2 Case No. 22CW3027 to satisfy El Paso County's 300-year water supply requirement for the 8 lots of the Estates at Cathedral Pines with additional well number 9. The Covenants shall further identify that 114 acre-feet (0.38 acre-feet/year) of Dawson aquifer water is allocated to each of the 8 lots, and 48 acre-feet (0.16 acre-feet/year) of Dawson aquifer water for well number 9 and 998 acre-feet of Laramie Fox Hills aquifer water shall be allocated to the HOA. Said reservations shall not be separated from transfer of title to the property and shall be used exclusively for primary water supply.

2) Advise of responsibility for costs. The Covenants shall advise the HOA, lot owners, and their successors and assigns of their obligations regarding the costs of operating the plans for augmentation, which include pumping of the Dawson wells in a manner to replace depletions during pumping and the cost of drilling the Laramie-Fox Hills aquifer well in the future to replace post-pumping depletions.

3) Require non-evaporative septic systems and reserve return flows from the same. The Covenants shall require each lot owner to use a non-evaporative septic system to ensure

that return flows from such systems are made to the stream system to replace actual depletions during pumping and shall state that said return flows shall not be separately sold, traded, assigned, or used for any other purpose. The Covenants more specifically shall require that each lot in the subdivision have an occupied single-family dwelling that is generating return flows from a non-evaporative septic system before any irrigation or animal watering is allowed from the well. The Covenants shall also include the following or similar language to ensure that such return flows shall only be used for replacement purposes: "Return flows shall only be used for replacement purposes, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned, or encumbered in whole or in part for any other purpose."

4) Address future lot conveyances. The following or similar language shall be included in the Covenants to address future conveyances of the lots subsequent to the initial conveyance made by Applicant/Declarant:

"The water rights referenced herein shall be explicitly conveyed; however, if a successor lot owner fails to so explicitly convey the water rights, such water rights shall be intended to be conveyed pursuant to the appurtenance clause in any deed conveying said lot, whether or not Findings of Fact, Conclusions of Law, Ruling of Referee and Decree in Division 2 Case No. 22CW3027 and the water rights therein are specifically referenced in such deed. The water rights so conveyed shall be appurtenant to the lot with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title."

5) Advise of monitoring requirements. The Covenants shall advise the HOA, future lot owners of this subdivision, and their successors and assigns of their responsibility for any metering and data collecting that may be required regarding water withdrawals from existing and future wells in the Dawson and/or Laramie-Fox Hills aquifers.

6) Require well permits. The Covenants shall require that well permits be obtained pursuant to the requirements of Findings of Fact, Conclusions of Law, Ruling of Referee and Decree in Division 2 Case No. 22CW3027 and C.R.S. § 37-90-137(4) and (10).

7) Address amendments to the covenants. The Covenants shall address amendments using the following or similar language:

"Notwithstanding any provisions herein to the contrary, no changes, amendments, alterations, or deletions to these Covenants may be made which would alter, impair, or in any manner compromise the water supply for Estates at Cathedral Pines pursuant to Findings of Fact, Conclusions of Law, Ruling of Referee and Decree in Division 2 Case No. 22CW3027. Further, written approval of any such

proposed amendments must first be obtained from the El Paso County Planning and Community Development Department, and as may be appropriate, by the Board of County Commissioners, after review by the County Attorney's Office. Any amendments must be pursuant to the Colorado Ground Water Commission approving such amendment, with prior notice to the El Paso County Planning and Community Development Department for an opportunity for the County to participate in any such determination."

8) Address termination of the covenants. The Covenants shall address termination using the following or similar language:

"These Covenants shall not terminate unless the requirements of Findings of Fact, Conclusions of Law, Ruling of Referee and Decree in Division 2 Case No. 22CW3027 are also terminated by the Division 2 Water Court and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County."

D. Applicant and its successors and assigns shall reserve in any deeds of the property Dawson aquifer water in the decreed amount of 114 acre-feet (0.38 acre-feet per year) per lot. Said reservation shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for primary and replacement supply.

E. Applicant and its successors and assigns shall convey by recorded warranty deed these reserved Dawson aquifer water rights at the time of lot sales. Specifically, Applicant and future lot owners shall convey sufficient water rights in the Dawson aquifer underlying the respective lots to satisfy El Paso County's 300-year water supply requirement.

Any and all conveyance instruments shall also recite as follows:

For the water rights and return flows conveyed for the primary supply (Dawson aquifer): "These water rights conveyed, and the return flows therefrom, are intended to provide a 300-year water supply, and replacement during pumping, for each of the lots of Estates at Cathedral Pines. The water rights so conveyed and the return flows therefrom shall be appurtenant to each of the respective lots with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned, or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title."

F. Applicant shall convey to the HOA by recorded warranty deed 48 acre-feet of Dawson aquifer water for withdrawal by well no. 9 and the reserved 998 acre-feet of Laramie-Fox Hills aquifer water rights for use in the augmentation plan to replace post-pumping depletions. Applicant shall recite in the deed that the Laramie-Fox Hills water shall be used exclusively for augmentation supply

and shall not be sold, conveyed, traded, bartered, assigned, or encumbered in whole or in part for any other purpose.

G. Applicant and its successors and assigns shall submit a Declaration of Covenants, Conditions, and Restrictions, form deeds, and any plat notes required herein to the Planning and Community Development Department and the County Attorney's Office for review, and the same shall be approved by the Planning and Community Development Department and the County Attorney's Office in connection with the final plat application. Said Declaration shall cross-reference Findings of Fact, Conclusions of Law, Ruling of Referee and Decree in Division 2 Case No. 22CW3027 and shall identify the obligations of the individual lot owners thereunder.

H. Applicant and its successors and assigns shall record all applicable documents, including but not limited to Findings of Fact, Conclusions of Law, Ruling of Referee and Decree in Division 2 Case No. 22CW3027, agreements, assignments, warranty deeds regarding the water rights, and Declaration of Covenants in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

I. The following plat note shall be added that addresses the State Engineer's admonition to advise landowners of potential limited water supplies in the Denver Basin:

"Water in the Denver Basin aquifers is allocated based on a 100-year aquifer life; however, for El Paso County planning purposes, water in the Denver Basin aquifers is evaluated based on a 300-year aquifer life. Applicant and all future owners in the subdivision should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than either the 100 years or 300 years used for allocation indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply."

J. Prior to submitting the final plat, the Applicant shall upload a corrected Water Supply Information Summary that has the correct subdivision name in Section 1.

cc: Ryan Howser, Project Manager, Planner

Miranda Benson

From: ML Wolbrink <mlwolbrink345@gmail.com>
Sent: Tuesday, August 13, 2024 4:14 PM
To: PCD Hearings; ML Wolbrink; A Wolbrink; Ryan Howser; Meggan Herington
Subject: Villagree Development LLC The estates at Cathedral pines PUDSP2210

Follow Up Flag: Follow up
Flag Status: Flagged

[You don't often get email from mlwolbrink345@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Dear Board of County Commissioners,

We reside in Cathedral Pines and received the information on the public hearing for the preliminary plan for the Estates at Cathedral Pines.

Studying the trail proposal (the yellow dotted lines), Mr. Cawfield (Villagree Development LLC) is proposing a portion of the trail access from Winslow Drive to the SW corner of his property. According to the map, it ends abruptly forcing trail users to turnaround and head back to Winslow Drive. He proposes a trail along Winslow Drive but that area gets covered by snow chunks from snow plows in the winter. It looks like he has a portion of trail from a back gate of his gated community on the west side of his property that meets the existing cathedral pines/Black Forest Regional trail on the NW side of his property. This would only benefit the residents of his gated community, no one else.

Our request is to have Mr. Cawfield complete the trail access from the SW portion of his property to the trail access on the West side of his property. This will allow trail users to continue their hike/ride/snowshoe/ski from the Black Forest Regional trail, on the south side of Cathedral Pines, cross Winslow drive, head west, then turn North to meet the Black Forest Regional trail on the NW side of the Estates at Cathedral Pines. This would be very helpful and safer for trail users rather than having to walk/run/ride on Winslow Drive especially in the winter when that portion of the trail would not be usable.

Mr. Cawfield's interrupted trail access proposal is probably an oversight on his part and we would appreciate your assistance in making sure that the trail goes from Winslow drive through the SW and Western edges of his property to benefit trail users.

Thank you very much for your time and consideration.

ML and Alex Wolbrink

RESOLUTION NO. 24-

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

APPROVAL OF PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN
THE ESTATES AT CATHEDRAL PINES (PUDSP2210)

WHEREAS, Villagree Development, LLC did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone property located within the unincorporated area of the County and more particularly described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated by reference, from the RR-5 (Residential Rural) zoning district to the PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development plan; and

WHEREAS, in accordance with Section 4.2.6.E of the El Paso County Land Development Code (as amended) (hereinafter "Code"), A PUD Development Plan May be Approved as a Preliminary Plan, the applicants are also requesting the PUD development plan be approved as a Preliminary Plan with a finding of water sufficiency for water quality, dependability, and quantity; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on August 15, 2024, upon which date the Planning Commission did by formal resolution recommend approval of the subject Planned Unit Development and Preliminary Plan; and

WHEREAS, a public hearing was held by this Board on September 12, 2024; and

WHEREAS, based upon the evidence presented, including testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Board of County Commissioners.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and Board of County Commissioners of El Paso County.
3. The hearings before the Planning Commission and Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. The proposed PUD District zoning advances the stated purposes set forth in Chapter 4, Section 4.2.6, of the Code.

5. The application is in general conformity with the El Paso County Master Plan.
6. The proposed development is in compliance with the requirements of this Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County.
7. The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment, and will not have a negative impact upon the existing and future development of the surrounding area.
8. The proposed development provides adequate consideration for any potentially detrimental use to use relationships (e.g., commercial use adjacent to single family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site which may include innovative treatments of use-to-use relationships.
9. The allowed uses, bulk requirements and landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community.
10. Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project.
11. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities.
12. The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g., fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed.
13. The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy efficient site design.
14. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner.
15. Any proposed exception or deviation from the requirements if the zoning resolution or the subdivision regulation is warranted by virtue of the design and amenities incorporated in the development plan and development guide.
16. The owner has authorized the application.

17. The proposed subdivision is in general conformance with the goals, objectives, and policies of the El Paso County Master Plan.
18. The subdivision is consistent with the purposes of the Code.
19. The subdivision is in conformance with the subdivision design standards and any approved Sketch Plan.
20. 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 the Land Development Code.
21. 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 the Code.
22. 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)].
23. Adequate drainage improvements complying with State law [C.R.S. §30-28- 133(3)(c)(VIII)] and the requirements of the Code and the El Paso County Engineering Criteria Manual (hereinafter "ECM") are provided by the design.
24. The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development.
25. 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 the Code and the ECM.
26. 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.

27. Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
28. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.
29. The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.
30. For the above-stated and other reasons, the proposed zoning is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the application to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the RR-5 (Residential Rural) zoning district to the PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development Plan.

BE IT FURTHER RESOLVED that in accordance with Section 4.2.6.E of the El Paso County Land Development Code (as amended), the Board of County Commissioners hereby approves the PUD Development Plan as a Preliminary Plan.

BE IT FURTHER RESOLVED the following conditions and notations shall be placed upon this approval:

CONDITIONS

1. Development of the property shall be in accordance with this PUD Development Plan. Minor changes in the PUD Development Plan, including a reduction in residential density, may be approved administratively by the Director of the Planning and Community Development Department consistent with the Land Development Code. Any substantial change will require submittal of a formal PUD Development Plan amendment application.
2. Approved land uses are those defined in the PUD Development Plan.
3. All owners of record must sign the PUD Development Plan.
4. The PUD development plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to any Final Plat approvals.
5. 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 Parks and 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 threatened species.

6. Applicable park, school, drainage, bridge, and traffic fee shall be paid to El Paso County Planning and Community Development at the time of Final Plat(s) recordation.
7. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 8/29/2023, as provided by the County Attorney's Office.

NOTATIONS

1. Subsequent Final Plat Filings may be approved administratively by the Planning and Community Development Director.
2. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
3. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.
4. Preliminary Plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.
5. Approval of the Preliminary Plan will expire after two (2) years unless a Final Plat has been approved and recorded or a time extension has been granted.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 12th day of September 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

PROPERTY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE 6TH P.M. BEING MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "LS 9132" AT THE SOUTH 1/4 CORNER AND A 2-1/2" ALUMINUM CAP STAMPED "LS 9132" AT THE CENTER 1/4 CORNER, SAID LINE BEARING N00°11'44"W AS SHOWN ON THE PLAT OF CATHEDRAL PINES SUBDIVISION FILING NO. 1 RECORDED UNDER RECEPTION NO. 205001738 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER.

BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 2;

THENCE ON THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2, N01°11'44"W A DISTANCE OF 1583.77 FEET, TO A POINT ON THE WESTERLY LINE OF CATHEDRAL PINES SUBDIVISION FILING NO. 1 RECORDED UNDER RECEPTION NO. 205001738 IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;

THENCE ON SAID WESTERLY LINE, THE FOLLOWING TWO (2) COURSES:

1. N88°55'55"E A DISTANCE OF 965.20 FEET;
2. S01°11'44"E A DISTANCE OF 1583.77 FEET, TO A POINT ON THE NORTHERLY LINE OF FALCON FOREST SUBDIVISION FILING NO. 2 RECORDED IN PLAT BOOK H-2 AT PAGE 5;

THENCE ON THE NORTHERLY LINE OF SAID FALCON FOREST SUBDIVISION FILING NO. 2, S88°55'55"W A DISTANCE OF 965.20 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1,528,651 SQUARE FEET OR 35.0930 ACRES.

