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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

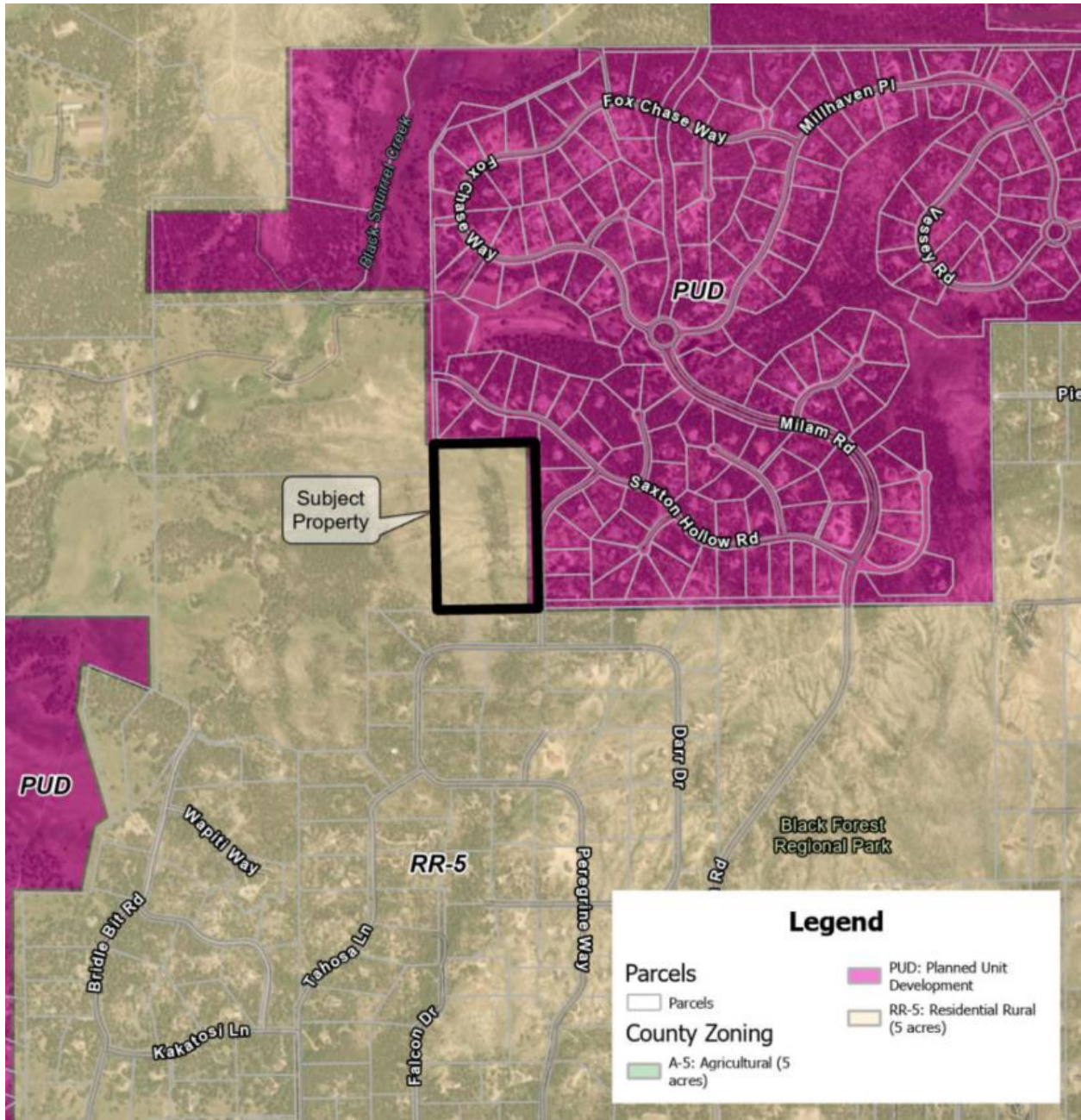
EXECUTIVE SUMMARY

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.

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Zoning Map

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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,*

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- 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;*

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- *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

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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

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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*

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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

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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.

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- 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.

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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

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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.

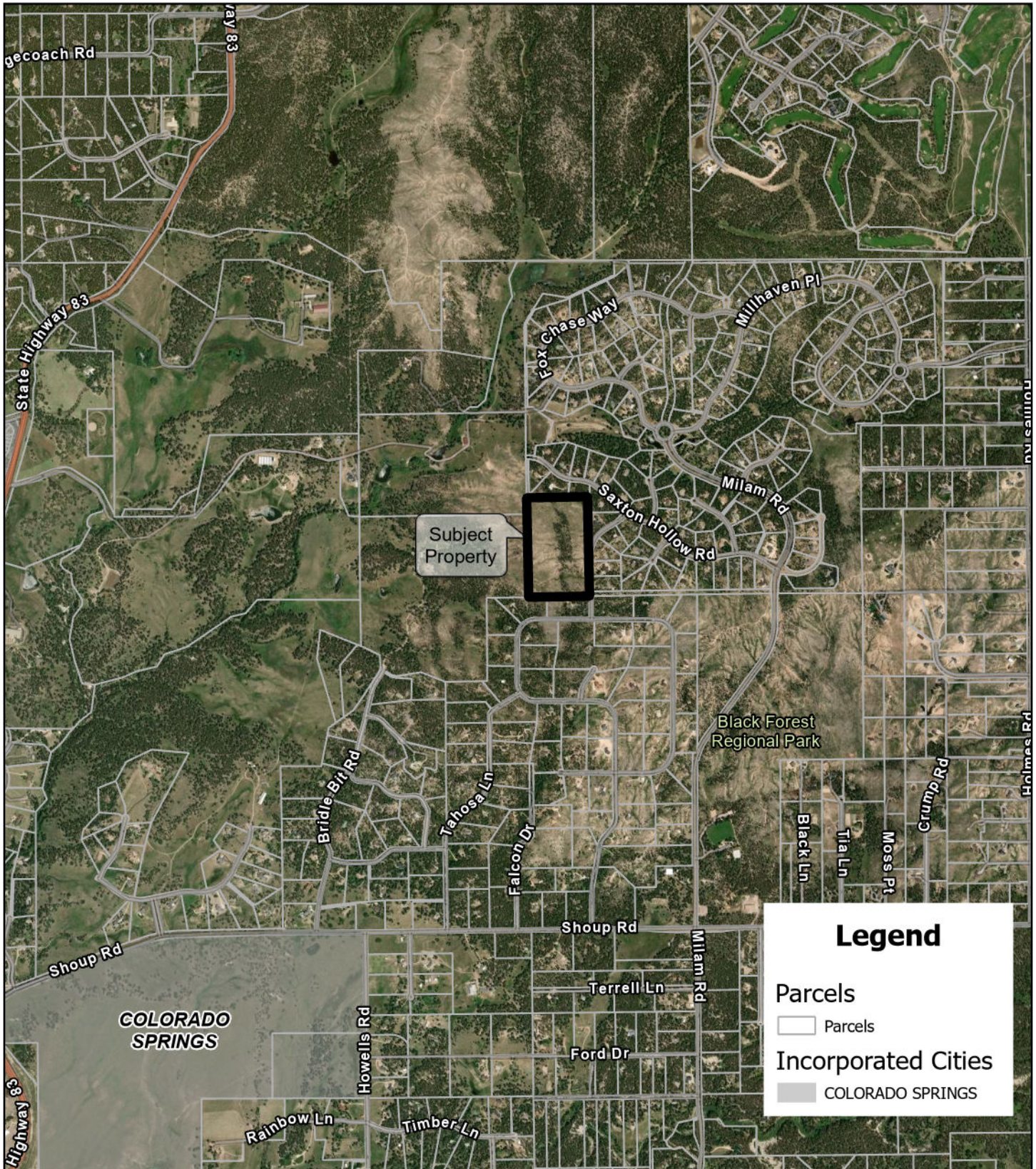
L. ATTACHMENTS

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

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Legend

Parcels
 [White box with black border] Parcels

Incorporated Cities
 [Grey box] COLORADO SPRINGS

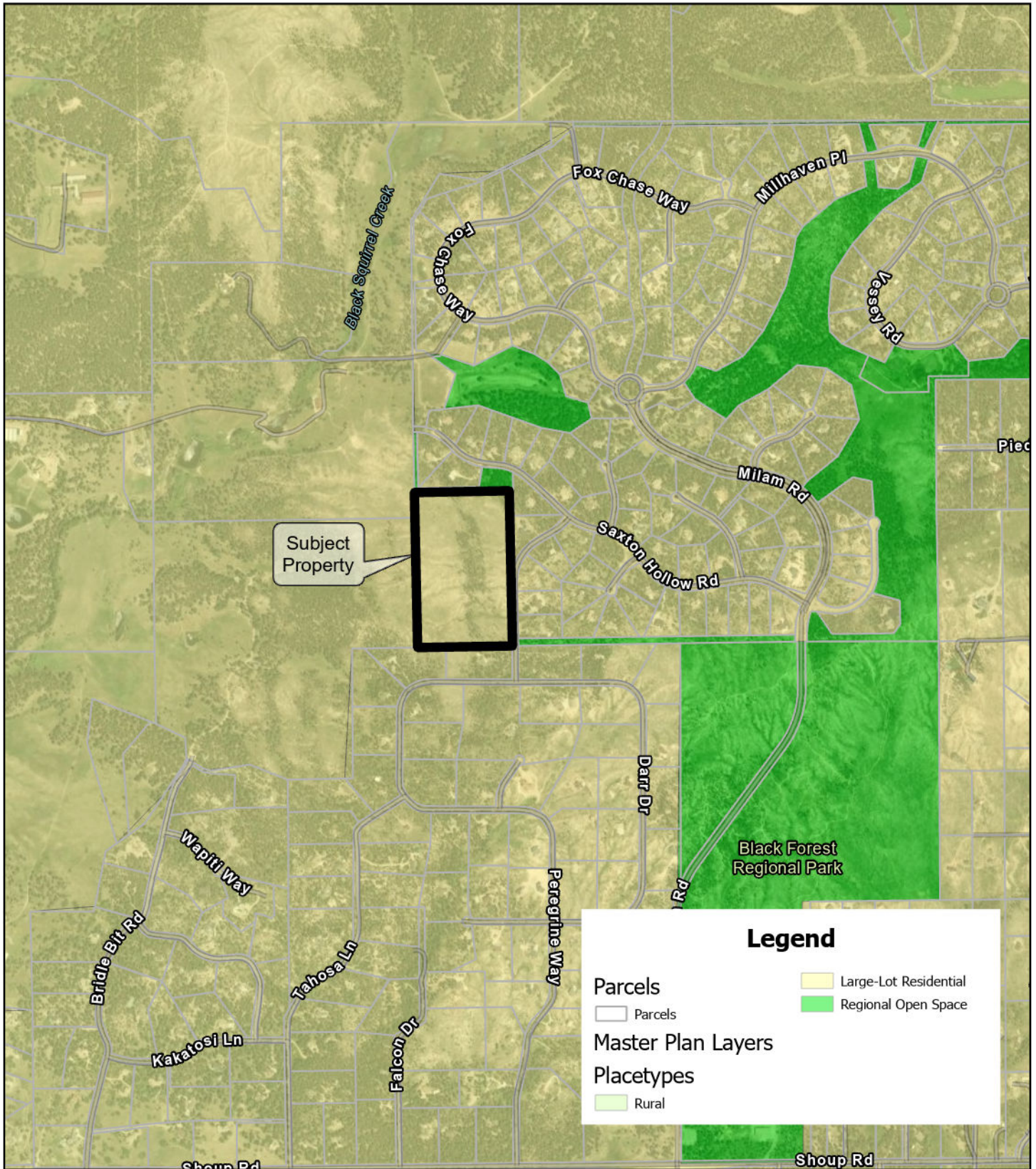


Aerial Map



File No. PUDSP2210

Map Series No. 1



Subject Property

Legend

Parcels	Large-Lot Residential
Parcels	Regional Open Space
Master Plan Layers	
Placetypes	
Rural	



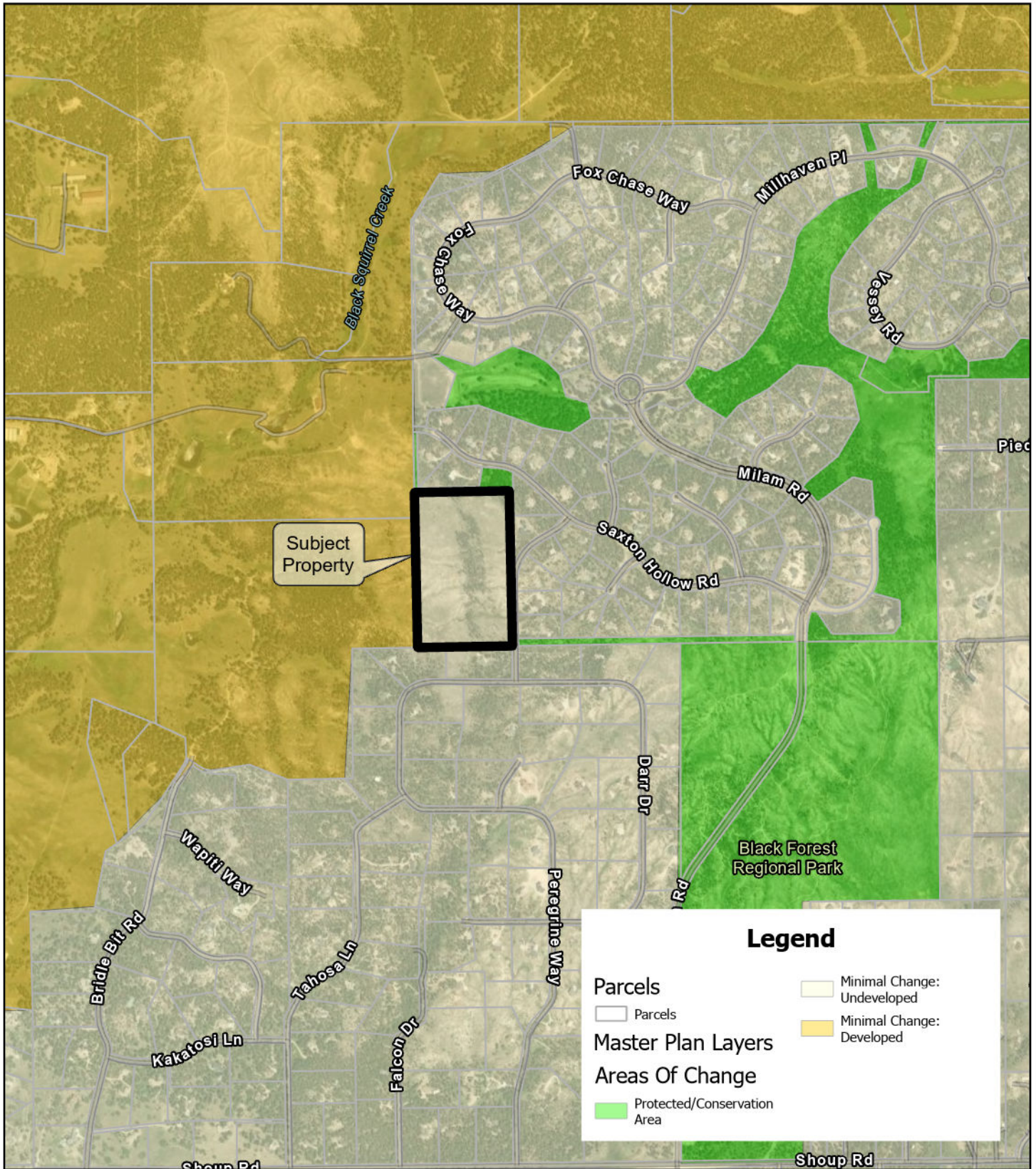
Placetype Map



0 0.10.1 0.2 Miles

File No. PUDSP2210

Map Series No. 2



Area of Change Map



0 0.10.1 0.2 Miles

File No. PUDSP2210

Map Series No. 2



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/>

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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

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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 Hamptonshire Court.

Part 4a: Intersection grades approaching the proposed gate on Hamptonshire 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 Hamptonshire 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 Hamptonshire 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 Hamptonshire 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, Hamptonshire Court to intersect Winslow Drive at a right angle, and the need to meet intersection grades at the Winslow Drive/Hamptonshire Court and Hamptonshire 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 Hamptonshire 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 the common open space, 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

EXISTING ZONING: RR-5 PROPOSED ZONING: PUD

EXISTING LAND USE: VACANT

PROPOSED DENSITY: 228 DU/AC (Gross), 276 DU/AC (Net)

TOTAL NUMBER OF DWELLING UNITS: 8

SETBACKS: 25' FRONT, 25' SIDE AND 25' REAR

WIDTH AT SETBACK LINE: 200'

MAX. LOT COVERAGE: 25%

MAXIMUM HEIGHT: 30'

VICINITY MAP:

APPLICANT:

GREGG & ELAINE CAVILFIELD

VILLAGREE DEVELOPMENT LLC

5710 VESSEY RD

COLORADO SPRINGS, COLORADO 80908

PHONE: (719) 415-6900

EMAIL: gregg@vilagree.com

Elaine@vilagree.com

PLAN PREPARER:

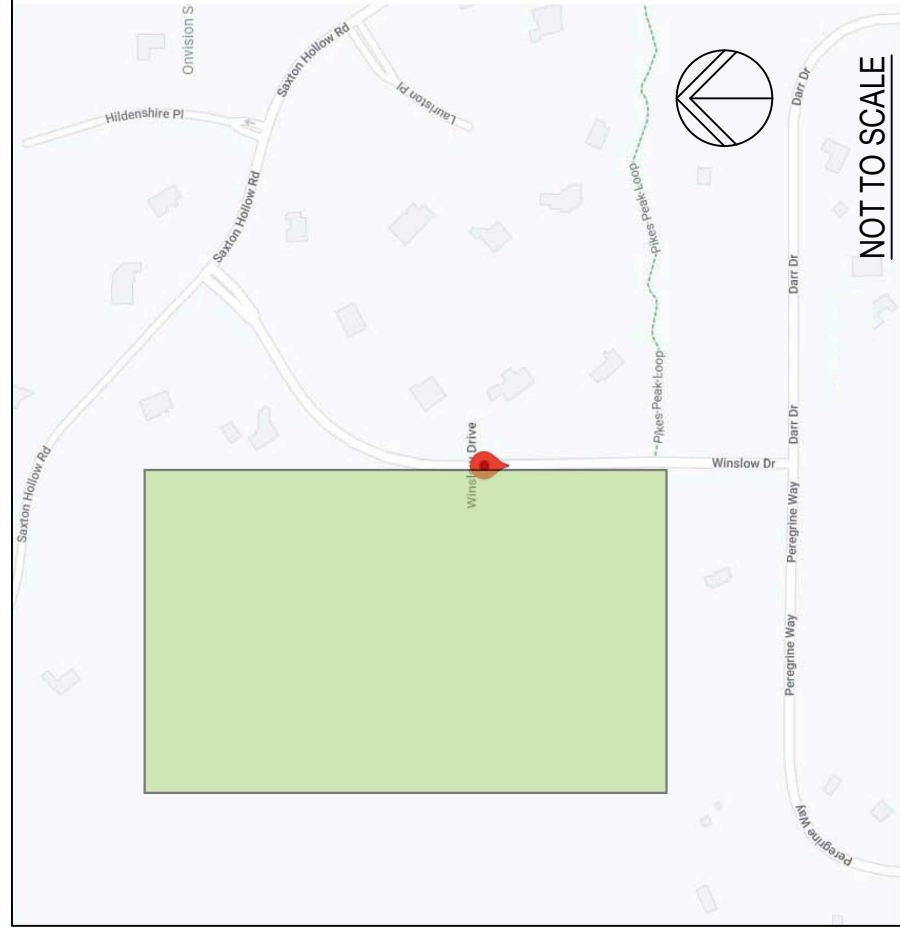
WILLIAM GUMAN & ASSOC., LTD.

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 14 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO

El Paso County Parks Dept.
4455 Saxton Hollow Road
Colorado Springs, CO 80908
TSN# 6202002005

Shawn G Ryan
4665 Saxton Hollow Road
Colorado Springs, CO 80908
TSN# 6202002003

Reynaldo Francisco III
13640 Winslow Drive
Colorado Springs, CO 80908
TSN# 6202002004

Robert T Shandy
13595 Winslow Drive
Colorado Springs, CO 80908
TSN# 6202003003

Joe T Pyle
13555 Winslow Drive
Colorado Springs, CO 80908
TSN# 6202003002

Home Court LLC
13515 Winslow Drive
Colorado Springs, CO 80908
TSN# 6202003001

El Paso County Parks Dept.
13510 Millam Road
Colorado Springs, CO 80908
TSN# 6202003014

Palmer Divide Regional Trail
Palmer Divide Regional Trail
RR-5

Josephine A. Sorge
13475 Winslow Drive
Colorado Springs, CO 80908
TSN# 6211001001

Josephine A. Sorge
13480 Winslow Drive
Colorado Springs, CO 80908
TSN# 6211002001

Terrance L. Slokka
13420 Peregrine Way
Colorado Springs, CO 80908
TSN# 6211002002

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

Mary Letha Robison
13855 Highway 83
Colorado Springs, CO 80908
TSN# 620000304

Line Legend

- Setback Line
- Black Forest Regional Trail (existing)
- Proposed Trail Connections
- Adjacent Property Lines
- 10' Landscape Setback
- Property Lines
- Easement Line
- Open Space Easement
- Tract C For PUD
- 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 _____ (NAME(S) OF INDIVIDUAL(S) MAKING STATEMENT), _____ 20____

BY _____ Clerk and Recorder

(NOTARY'S OFFICIAL SIGNATURE)

(TITLE OF OFFICE)

(COMMISSION EXPIRATION)

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: tsmor@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

PCO DIRECTOR

MEGAN HERRINGTON

2880 INTERNATIONAL CIRCLE, STE 110

COLORADO SPRINGS, COLORADO 80910

PHONE: (719) 520-7941

EMAIL: meganherrington@elpasoco.com

CLERK AND RECORDER

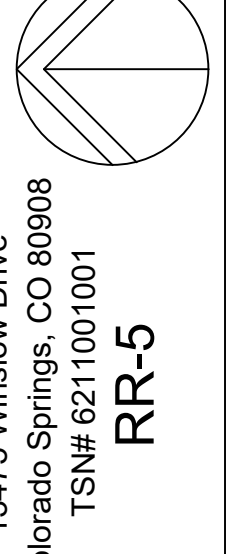
STEVE SCHLEKER

1675 W. GARDEN OF THE GODS RD., STE 2201

COLORADO SPRINGS, COLORADO 80907

PHONE: (719) 520-6202

EMAIL: steveschleker@elpasoco.com



SCALE: 1" = 100' - 0"

RR-5

RR-5

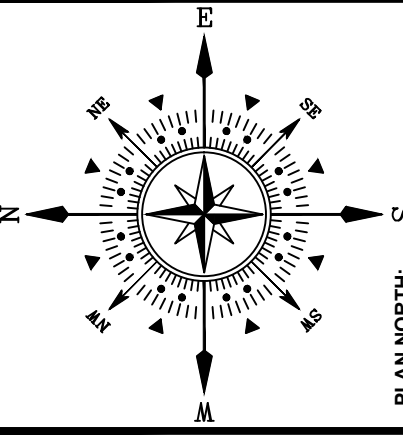
RR-5

RR-5

RR-5



WILLIAM GUMAN & ASSOCIATES, LLC
1311 North Weber Street
Colorado Springs, CO 80903
(719) 533-9700
www.gumanland.com
bill@guman.net



ESTATES AT CATHEDRAL PINES
WINSLOW DRIVE
BLACK FOREST, CO 80908
PUD DEVELOPMENT PLAN

PROJECT NAME:
PROJECT ADDRESS:
PROJECT DESCRIPTION:
DATE: 12/13/2022
DESIGNED: EM
CHECKED: WES

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

SHEET TITLE PUD DEVELOPMENT PLAN
MEGAN HERRINGTON
1675 W. GARDEN OF THE GODS RD., STE 2201
COLORADO SPRINGS, COLORADO 80907
PHONE: (719) 520-6202
EMAIL: steveschleker@elpasoco.com

SHEET NO. 1	1 OF 2 SHEETS	FILE NO. PUDSP2210
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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
CHIEF CLERK
PC Report Packet

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

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

_____ 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.

_____ seconded the adoption of the foregoing Resolution.

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

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

The Resolution was adopted by a vote of ____ to ____ 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.

