

March 29, 2021

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Reference: Winsome Filing No. 2 Final Plat

NEPCO is providing the collective input from its membership that includes 9,500 homeowners, 45+ HOAs, and 20,000 registered voters within and around Monument. The purpose of NEPCO, a volunteer coalition of Homeowner Associations in northern El Paso County, is to promote a community environment in which a high quality of life can be sustained for constituent associations, their members, and families in northern El Paso County. We collectively address growth and land use issues with El Paso County Planners and the Town of Monument, as well as addressing HOA issues of common interest among the members. NEPCO achieves this by taking necessary steps to protect the property rights of the members, encouraging the beautification and planned development and maintenance of northern El Paso County.

1. We are glad to see that the application for this final plat includes substantial open space, a noxious weed prevention plan, continued establishment of Firewise communities, and especially, an effort to place larger lots approximating 5 acres along the eastern boundary of the development near neighboring 5-acre lots. (The same should be considered for the southern border that contains an electric easement and Hodgen Road, but no sight-barrier.) In addition, the Letter of Intent does a reasonable job in justifying how most of the criteria for a final plat under the EPC Land Development Code 7.2.1.D.3.f. are met. Nevertheless, we do have a number of comments below (many are repeats from the Preliminary Plan stage and the Filing No. 1 Final Plat) which should be resolved prior to a hearing on this application.
2. Water: The application still does not appear to offer adequate evidence to establish that definite provision has been made for a water supply that is sufficient in terms of quantity, dependability, and quality (Colorado Revised Statutes §30-28-133(6)(a)). On the contrary, the Letter of Intent still states that “Water rights in the Dawson Aquifer of 232.50 acre-feet annually were allocated in Water Decree No. 1692-BD and will be transferred to the McCune Ranch development following the completion of a water contract between McCune Ranch and PT McCune, LLC” (items above underlined for emphasis). A non-completed contract is not definite anything, especially since this (so far) ethereal intent to contract appears to have been first promoted over two years ago in October 2018!
 - a. From the new Combined Water Resources Report and Water Quality Report, para 5.4: “Unrelated to the Winsome Subdivision there will be four (4) well sites on the Winsome Subdivision property to transfer non-tributary water from the property to the Sterling Ranch Development for municipal uses. In addition, there will

also be several transmission lines from the well sites to deliver water to Sterling Ranch Metropolitan District property. These transmission lines will not serve the Winsome Subdivision.”

- i. These well sites and water transmission lines are not depicted on this final plat filing. Although we realize the possibility that they may be sited at a different location within the subdivision, we cannot find them anywhere on final plat depictions. At the preliminary plan stage, the developer indicated that the wells and transmission lines would be depicted on the final plat. How is the Planning Commission or BoCC supposed to find that “all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions” (LDC 7.2.1 (D)(3)(f)) without determining where the planned wells and water transmission lines are located? What prevents the developer from running the transmission lines right through the wetlands, or placing wells within feet of waste water treatment systems?
 - b. Water Quality: We note that the Combined Water Resources Report and Water Quality Report, para 5.5, indicates that water sampling from a well located close to Winsome contained more than 160% of the maximum contaminant limit (MCL) for radium. Although not overly dangerous at this level, the developer’s response is noteworthy for its apathy: “...if residents of the development wish to provide an extra layer of protection on their source water and eliminate all potential of radium in their drinking water the installation of a water softener featuring ion exchange or a residential reverse osmosis unit is fairly simple. A list of manufacturers for these units can be provided to homebuilders, if desired.” We surely hope that mandatory disclosure of this MCL violation will be provided to potential buyers and builders so that they may protect themselves or their customers, if desired.
3. January 2021 Traffic Impact Study (TIS): Given the sheer volume of repeated information from this “updated” TIS, we strongly encourage El Paso County to closely scrutinize this report.
- a. TIS, Page 10, used trip generation from the Trip Generation, 9th Edition, 2012, ITE. The 10th Edition (which debuted in 2017 and now includes a 2020 supplement) is current and should be used. Realistic expectations should be encouraged in land use planning.
 - b. TIS, Page 20: “The long-range analysis year 2045 includes the proposed development for the project plus an increase in background traffic. Background traffic growth rate (2%) obtained from the most recent available information in the CDOT Online Transportation Information Systems (OTIS).”
 - i. Surely, a forecast for future traffic in this part of El Paso County should include at least an attempt to look at the traffic from all the developments that have been approved or are likely to be approved in the near future, rather than to just guess at a growth factor! In this vein, NEPCO notes that CDOT’s Traffic Analysis and Forecasting Guidelines, dated July 2018, recommends that the following questions be asked to determine whether a Factor Method or Trip Generation/Distribution Method should be used:
 1. Will surrounding development activity exceed historical growth patterns? Will surrounding development activity impact existing traffic distribution patterns? Is the historical growth rate negative? Does the local jurisdiction maintain trip generation

and/or distribution information for previous land use changes? If “yes,” use Trip Generation/Distribution Method.

- c. TIS, Page 20: “KE’s analysis of traffic operations in the site vicinity was conducted to determine the capacity at the identified intersections. The acknowledged source for determining overall capacity is the 2010 Edition of the Highway Capacity Manual (HCM).”
 - i. The current version, the Highway Capacity Manual, Sixth Edition: A Guide for Multimodal Mobility Analysis, or HCM 2016, or HCM6, was released in October 2016. The sixth edition incorporates the latest research on highway capacity, quality of service, active traffic and demand management, and travel time reliability and should be used.
4. As a good neighbor policy, it would be reasonable to have the developer require all lighting -- commercial and residential -- to be Dark Sky compliant. The location, 12 miles east of Monument and consisting mostly of shortgrass prairie used for rangeland, should set the standard for night sky friendly lighting.
5. Finally, given the total lack of transparency about the commercial lot, including any information genuinely concerning a possible building and its intended use (see below), potential environmental issues, parking, lighting, signs, etc., it would be impossible to find that it meets all of the approval criteria in the LDC.
 - a. The only information we have uncovered about what this lot might contain was discovered in the TIS – which used a 30,000 sq ft specialty retail center for trip generation! Since the purpose of a Commercial Community zone is to accommodate retail sales and service establishments that generally require freestanding or small center type buildings and that primarily serve adjoining neighborhoods, where is the analysis for the needs of the neighborhood? What actually will be occupy such a building? A sexually-oriented business? A rehabilitation facility? Or a convenience store with gas station? All are allowed uses – it makes a big difference!

NEPCO’s Final Comments:

NEPCO has a significant concern about water usage in the County, and this development adds substantially to that concern, especially the precedent-setting pumping and transfer of huge amounts of water from the Dawson aquifer to a neighboring subdivision. In addition, this development will increase traffic, student population, and utility needs, so the planning and execution for this phased development should proceed only at the pace of the roads, schools, and infrastructure funding needed to support it. In addition, evaluation of the commercial lot should be deferred until EPC actually has enough information to judge whether or not it meets the approval criteria for a final plat.

NEPCO requests that our organization be informed of subsequent actions related to this development and be a participant in the review and coordination process. Thank you.

//SIGNED//

Paul Pirog

Vice Chairman

NEPCO Land Use & Transportation Committee

//SIGNED//

Greg Lynd

President, NEPCO