

**Meggan Herington, AICP, Executive Director**  
**El Paso County Planning & Community Development**

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**Board of County Commissioners**

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

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## SUMMARY MEMORANDUM

**TO:** El Paso County Board of County Commissioners  
**FROM:** Planning & Community Development  
**DATE:** 8/1/2023  
**RE:** SF-22-009, Winsome Filing No. 3, Winsome, LLC

### Project Description

A request by Winsome, LLC, for approval of a Final Plat to create thirty-eight (38) single-family residential lots and five (5) tracts. The 349.47-acre property is zoned RR-5 (Residential Rural) and is located at the northwest corner of Hodgen Road and Meridian Road.

### Notation

Please see the adopted Planning Commission Minutes from 7/6/2023 and the attached project manager's staff report for staff analysis and conditions.

### Planning Commission Recommendation and Vote

Fuller moved / Carlson seconded to recommend approval of the Winsome Filing No. 3 final plat, utilizing the resolution attached to the staff report, with ten (10) conditions and three (3) notations, and a finding of water sufficiency with regards to quality, quantity, and dependability, that this item be forwarded to the Board of County Commissioners for their consideration. The motion was **approved (7-0)**. The item was heard as a consent agenda item.

### Discussion

Mr. Whitney commented that he is concerned about the longevity of the water finding when taking current consumption into account. This item was recommended for approval unanimously as a consent agenda item.

### Attachments

1. Adopted PC Minutes.
2. Signed PC Resolution.
3. PC Staff Report.
4. Draft BOCC Resolution.

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## **EL PASO COUNTY PLANNING COMMISSION**

### **MEETING RESULTS (UNOFFICIAL RESULTS)**

Planning Commission (PC) Meeting

Thursday, July 6<sup>th</sup>, 2023

El Paso County Planning and Community Development Department

2880 International Circle – Second Floor Hearing Room

Colorado Springs, Colorado

#### **REGULAR HEARING, 9:00 A.M.**

**PC MEMBERS PRESENT AND VOTING:** THOMAS BAILEY, SARAH BRITTAIN JACK, JAY CARLSON, BECKY FULLER, KARA OFFNER, BRYCE SCHUETTEL, AND CHRISTOPHER WHITNEY.

**PC MEMBERS VIRTUAL AND VOTING:** NONE.

**PC MEMBERS PRESENT AND NOT VOTING:** JEFFREY MARKEWICH AND WAYNE SMITH.

**PC MEMBERS ABSENT:** BRANDY MERRIAM, ERIC MORAES, AND TIM TROWBRIDGE.

**STAFF PRESENT:** MEGGAN HERINGTON, JUSTIN KILGORE, RYAN HOWSER, ASHLYN MATHY, KYLIE BAGLEY, ED SCHOENHEIT, JEFF RICE, GILBERT LAFORCE, MIRANDA BENSON, AND EL PASO COUNTY ATTORNEY LORI SEAGO.

**OTHERS PRESENT AND SPEAKING:** BRETT LOUK, TIM MURPHY, ERIN DURAN, SARAH COLE, HILARY BRENDEMUHL, AND BILL BRENDEMUHL.

**1. REPORT ITEMS** – The next PC Hearing is Thursday, July 20<sup>th</sup>, 2023, at 9:00 A.M.

**Ms. Herington** updated the PC of the revised public notice procedures. Notifications will now be sent to property owners within 500 feet and will be sent after the submittal of the application. This will result in the information being more accessible to the public. Certified bulk mailing certificates will replace the certified mailing (green card) requirement. She also advised the board that Mr. Gilbert LaForce was promoted to EPC Public Works Engineering Manager.

**Mr. Whitney** asked for clarification on certified bulk mailing certificates.

**Ms. Herington** explained that the USPS certifies how many letters were sent in a bulk mailing. The applicant will submit a list of who the letters were sent to.

**Mr. Kilgore** advised the board that the applicant for agenda item 3D, VR-21-014, has requested a continuance. Also, the advertisement for PC vacancies closes 7/12/2023.

2. **Call for public comment for items not on hearing agenda – NONE.**

3. **CONSENT ITEMS**

A. **Adoption of Minutes** of meeting held June 15<sup>th</sup>, 2023.

**PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (7-0).**

B. **VR-22-013**

**MATHY**

**VACATION AND REPLAT  
1384 BUCKWOOD LANE**

A request by Murphy's Custom Homes for approval to Vacate and Replat one (1) residential lot into four (4) residential lots. The 3.81-acre property is zoned RR-0.5 (Residential Rural) and is located at the northwest terminus of Buckwood Lane, approximately one-tenth of a mile from the intersection of Buckwood Lane and Fawnwood Road. (Parcel No. 7111101042) (Commissioner District No. 1).

**PC ACTION: ITEM 3B WAS PULLED TO THE CALLED-UP CONSENT CALENDAR (MOVED TO AGENDA ITEM 4).**

C. **CR-22-001**

**BAGLEY**

**MAP AMENDMENT (REZONE)  
11745 OWL PLACE COMMERCIAL REZONE**

A request by Baseline Engineering for approval of a Map Amendment (Rezone) of 4.61 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located at 11745 Owl Place, directly southwest of the intersection of Meridian Road and Owl Place. (Parcel No. 5301001015) (Commissioner District No. 2).

**NO PUBLIC COMMENT OR DISCUSSION.**

**PC ACTION: CARLSON MOVED / SCHUETTPELZ SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3C, FILE NUMBER CR-22-001, FOR A MAP AMENDMENT (REZONE), 11745 OWL PLACE COMMERCIAL REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH THREE (3) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).**

D. **VR-21-014**

**BAGLEY**

**VACATION AND REPLAT  
VILLA CASITAS FILING NO. 4**

A request by Jesus Barron for approval of a 5.80-acre Vacation and Replat illustrating a vacation of one single-family residential lot and platting into one (1) single-family lot which will include a portion of County right-of-way. The property is zoned RR-5 (Residential Rural), and is located at 10015 Calle Bernardo Point, directly south of the intersection of Calle Bernardo Point and La Piedra Point. (Parcel No. 5735004001) (Commissioner District No. 4).

**THE APPLICANT REQUESTED A CONTINUANCE. NO PUBLIC COMMENT OR DISCUSSION.**

**PC ACTION: FULLER MOVED / CARLSON SECONDED TO CONTINUE CONSENT ITEM NUMBER 3D, FILE NUMBER VR-21-014, FOR VACATION AND REPLAT, VILLA CASITAS FILING NO. 4, TO A DATE CERTAIN OF JULY 20, 2023. THE MOTION WAS APPROVED (7-0).**

**E. MS-22-008**

**BAGLEY**

**MINOR SUBDIVISION  
IVILO MINOR SUBDIVISION**

A request by Pawel Posorski for approval of a 14-acre Minor Subdivision illustrating three (3) single-family lots. The property is zoned RR-2.5 (Residential Rural) and is located 0.37 miles west of the intersection of Vessey Road and Black Forest Road and 0.15 miles south of the intersection of Vessey Road and Pine Castle Drive. (Parcel No. 5206000065) (Commissioner District No. 1).

**NO PUBLIC COMMENT OR DISCUSSION.**

**PC ACTION: FULLER MOVED / CARLSON SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3E, FILE NUMBER MS-22-008, FOR A MINOR SUBDIVISION, IVILO MINOR SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, TWO (2) NOTATIONS, ONE (1) WAIVER, AND A RECOMMENDED FINDING OF WATER SUFFICIENCY WITH REGARD TO QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).**

**F. MS-22-005**

**BAGLEY**

**MINOR SUBDIVISION  
OWL RIDGE MINOR SUBDIVISION**

A request by SMH Consultants for approval of a 27-acre Minor Subdivision illustrating two (2) single-family lots. The property is zoned RR-5 (Residential Rural) and is located at 18885 Brown Road, adjacent to the intersection of Brown Road and Running Horse View. (Parcel No. 5100000447) (Commissioner District No. 1).

**DISCUSSION**

**Ms. Fuller** asked how the shape of this property came to be.

**Mr. Brett Louk**, with SMH Consultants, answered that when the current owner bought the land, the shape was already established. His parents own the adjacent lot to the east. The flag on the west side is a driveway to his parents' house.

**PC ACTION: SCHUETTELZ MOVED / OFFNER SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3F, FILE NUMBER MS-22-005 FOR A MINOR SUBDIVISION, OWL RIDGE MINOR SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, ONE (1) NOTATION, ONE (1) WAIVER, AND A RECOMMENDED FINDING OF WATER SUFFICIENCY WITH REGARD TO QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).**

G. SF-22-009

HOWSER

**FINAL PLAT  
WINSOME FILING NO. 3**

A request by Winsome, LLC, for approval of a Final Plat to create thirty-eight (38) single-family residential lots and five (5) tracts. The 349.47-acre property is zoned RR-5 (Residential Rural) and is located at the northwest corner of Hodgen Road and Meridian Road. (Parcel Nos. 5124000003, 5124000004, 5100000524, and 5100000526) (Commissioner District No. 1).

**DISCUSSION**

**Mr. Whitney** stated his concern regarding the water finding. The State Engineer stated there is an adequate water sufficiency but also stated that it's unknown how long the water will be in the Denver Basin. Therefore, they suggested that the County might want to consider requiring the applicant to provide a permanent water supply for whenever that may be. Ms. Seago's office correctly relies in part on the finding of the State Engineer to determine water sufficiency, but then there's a plat note that essentially says, "but don't count your chickens" because if the water isn't there, they reserve the right to amend or withdraw the recommendation of sufficiency. It's there today but it may not be there tomorrow. He finds this concerning, but he's not sure what the answer may be.

**PC ACTION: FULLER MOVED / CARLSON SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3G, FILE NUMBER SF-22-009 FOR A FINAL PLAT, WINSOME FILING NO. 3, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TEN (10) CONDITIONS, THREE (3) NOTATIONS, AND A RECOMMENDED FINDING OF WATER SUFFICIENCY WITH REGARD TO QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).**

H. SF-22-039

HOWSER

**FINAL PLAT  
TERRA RIDGE NORTH**

A request by Phillip S. Miles and Jennifer Miles for approval of a Minor Final Plat to create eleven (11) single-family residential lots and to replat two (2) existing single-family residential lots to accommodate the dedication of land for right-of-way. The 39.72-acre property is zoned RR-5 and RR-2.5 and is located approximately three-quarters of a mile south of the intersection of Black Forest Road and Hodgen Road. (Parcel Nos. 5129300002, 5129302011, and 5129302012) (Commissioner District No. 1).

**NO PUBLIC COMMENT OR DISCUSSION.**

**PC ACTION: CARLSON MOVED / SCHUETTELZ SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3H, FILE NUMBER SF-22-039, FOR A FINAL PLAT, TERRA RIDGE NORTH, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, THREE (3) NOTATIONS, AND A RECOMMENDED FINDING OF WATER SUFFICIENCY WITH REGARD TO QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).**

#### 4. CALLED-UP CONSENT ITEMS

3B. VR-22-013

MATHY

##### VACATION AND REPLT 1384 BUCKWOOD LANE

A request by Murphy's Custom Homes for approval to Vacate and Replat one (1) residential lot into four (4) residential lots. The 3.81-acre property is zoned RR-0.5 (Residential Rural) and is located at the northwest terminus of Buckwood Lane, approximately one-tenth of a mile from the intersection of Buckwood Lane and Fawnwood Road. (Parcel No. 7111101042) (Commissioner District No. 1).

#### STAFF & APPLICANT PRESENTATIONS

**Mr. Bailey** reiterated that the Criteria of Approval from the LDC is what the PC uses to make a recommendation to the BOCC. The presentation continued.

**Mr. Whitney** asked the applicant if they anticipated any issues with the concerns submitted by CPW regarding fencing and the removal of trees.

**Mr. Tim Murphy**, owner/applicant, replied that he met with CPW last week and they discussed the removal of dead trees. There were also fences on the property that needed to be removed due to non-compliance with Woodmoor. That has all been cleaned up.

**Mr. Schuettpelz** mentioned that this property consisted of 4 lots previously. He asked if Mr. Murphy's proposal was identical to the way the property looked in 2010?

**Mr. Murphy** confirmed. It will look like it did in 2010 and 1963.

#### PUBLIC COMMENT

**Ms. Erin Duran** stated she would be addressing Criteria of Approval numbers 1, 3, 6, and 7. She lives adjacent to the subject property. When making her purchase, she was told by a realtor that the area was not a vacant lot to be developed. She stated that she and other neighbors requested Woodmoor Improvement Association (WIA) and the Architectural Control Committee (ACC) deny this proposal, but they did not. She thinks WIA would not deny the request because the BOCC makes the ultimate decision. When she and others moved into the neighborhood, the subject property was a single lot. She sees wildlife on the property. She stated that geological hazards, traffic and congestion, and soils and drainage were all sited as concerns during the application review process. She stated those concerns were also mentioned in 2010 when it was merged.

**Ms. Sarah Cole**, on the phone, lives adjacent to the subject property. She stated that the sliver of land added to "Lot 4A" was from their property. She has documents from that application process, which happened in 2010. The previous owner listed concerns from the Tri-Lakes Comprehensive Plan: erosion and steep topography (up to 40%) make this area difficult to build on, the roadway system is inadequate for additional population, and stated County services like police are inadequate for the existing population. She stated that the rationale cited in 2010 is still valid today.

**Ms. Hilary Brendemuhl** lives adjacent to the subject property. She stated the former owner of the property was concerned about preserving the area, which is why they combined the four lots into one. She was also told by a realtor that this lot would not be further developed. On page 5 of the staff report, it says *"New developments are to be expected, however at this point no development is proposed at the current vacant lots being created with this project."* The applicant indicated that they plan to build three additional homes during their presentation. On page 2 of the staff report, in the approval criteria, it says *"Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved."* Mr. Murphy shared a letter from the HOA, but she questions the permission that has been given. When the lot was combined, it only required one access point, soils test, etc. The HOA allowed access points to the three proposed lots and there are now prospective driveways (which she referenced in her slideshow). Trees and foliage that help with erosion were removed. The HOA Board of Directors has a history of making arbitrary and capricious decisions.

**Mr. Bill Brendemuhl** lives adjacent to the subject property. He stated he was a real estate-related attorney. He questions if undoing the previous owner's replating will set an unintended precedent. He found examples of people combining lots to expand, but he did not find examples of people dividing their large lots. He does not think this proposal complies with the CC&Rs. Woodmoor HOA follows the Colorado Common Interest Ownership Act (CCIOA) which states in Section 38-33.3-217 Amendment of declaration, that *"(a), the declaration, including the plats and maps, may be amended only by the affirmative vote or agreement of unit owners of units to which more than fifty percent of the votes in the association are allocated..."* He does not have a record of their HOA following that procedure for this proposal. He stated that he participated in meetings with WIA and ACC after seeking the services of a land-use attorney, but after their presentation of where the HOA was overstepping, they never heard back from the attorney. The only response he or the attorney received was that WIA approved it. He has concerns about the geological report available on the EDARP website. There are problems with the soil, drainage, and slope. The engineer from the Colorado Geological Survey recommended that a plat note be added to require lot-specific soils and foundations investigations before development of the lots. The plat attached to the staff report does not include that recommendation. The Geological Survey also states it's critical that all recommendations made by the Geotechnical Engineer be followed when developing the property. He wants to ensure there are safeguards built-in to review any successive development. He also mentioned that there is a Deed of Trust put on the property but no signage block on the plat for the trust holder to sign.

**Mr. Bailey** noted that many concerns mentioned were between the property owners and their HOA.

**Mr. Murphy** replied to the comment that the previous landowner wanted to keep the land a certain way. He stated that he checked, and there are no deed restrictions. He added that the wife was planning to do the same thing but didn't want to go through the process. Regarding the engineering comments, he stated that the issues can be mitigated with proper planning, engineering, and construction. There will be engineer-designed foundations and drainage for all future homes.

**Mr. Bailey** added that this is a multi-step process. Vacation and Replat is the first step. There will be subsequent site plan reviews, etc., before a house is built.

## **DISCUSSION**

**Ms. Fuller** noted that the opposing public comments involved the last criteria of approval regarding the CC&Rs. However, Mr. Murphy has a letter from the HOA stating he complies. In her opinion, he has met that criterion. She suspects the lots were combined in part for tax purposes. This area is zoned RR-0.5 so anyone who exceeds a 1-acre lot that meets the criteria or approval, could divide their lot. She often hears that a realtor told someone “That will never be developed”, but the reality is that this parcel exceeds 2 acres in RR-0.5 zoning and *can* be divided into smaller lots. She believes the criteria is being met and she is in favor of the application.

**Mr. Whitney** agreed with Ms. Fuller’s comments and added that the neighbors have an issue with the actions of the HOA. That issue is not in this review criteria.

**PC ACTION: FULLER MOVED / BRITAIN JACK SECONDED FOR APPROVAL OF CALLED-UP CONSENT ITEM NUMBER 3B, FILE NUMBER VR-22-013, FOR A VACATION AND REPLAT, 1384 BUCKWOOD LANE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) CONDITIONS, ONE (1) NOTATIONS, AND A RECOMMENDED FINDING OF WATER SUFFICIENCY WITH REGARD TO QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).**

**5. REGULAR ITEMS – NONE.**

**6. NON-ACTION ITEMS – NONE.**

**MEETING ADJOURNED** at 10:14 A.M.

**Minutes Prepared By:** Miranda Benson



FINAL PLAT (RECOMMEND APPROVAL)

Fuller moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SF-22-009

WINSOME FILING NO. 3

WHEREAS, Winsome, LLC did file an application with the El Paso County Planning and Community Development Department for approval of a final plat for the Winsome Filing No. 3 Subdivision for the property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on July 6, 2023; 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.
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, when approving a Final Plat, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1.D.3.f of the Land Development Code (2022):

1. The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
2. The subdivision is in substantial conformance with the approved preliminary plan;
3. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
4. Either 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, or, with respect to applications for administrative final plat approval, such finding was previously made by the BoCC at the time of preliminary plan approval;
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 that the proposed subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)];
7. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the ECM;
8. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Code and the ECM;
9. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;

10. The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code;
11. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Code;
12. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
13. The subdivision meets other applicable sections of Chapter 6 and 8 of the Code; and
14. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.].

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 Winsome, LLC for a final plat of Winsome Filing No. 3 be approved by the Board of County Commissioners with the following conditions and notations:

#### CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. 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 species.

5. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
6. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Engineer / ECM Administrator, shall be filed at the time of recording the Final Plat.
7. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
8. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
9. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated April 25, 2023, as provided by the County Attorney's Office.
10. After construction of the subdivision improvements are completed, the applicant shall process and obtain a Letter of Map Revision (LOMR) with FEMA to revise the regulatory floodplain and establish the base flood elevations. The LOMR is required prior to recording the plat if the constructed improvements raise the BFEs shown on the Plat.

#### NOTATIONS

1. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.
3. The subdivision is in West Kiowa Creek drainage basin which is an unstudied basin with no drainage or bridge fees.

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.

CARLSON seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	<u>aye</u> / nay / non-voting / absent / recused
Sarah Brittain Jack	<u>aye</u> / nay / non-voting / absent / recused
Jay Carlson	<u>aye</u> / nay / non-voting / absent / recused
Becky Fuller	<u>aye</u> / nay / non-voting / absent / recused
Jeffrey Markewich	aye / nay / <u>non-voting</u> / absent / recused
Brandy Merriam	aye / nay / non-voting / <u>absent</u> / recused
Eric Moraes	aye / nay / non-voting / <u>absent</u> / recused
Kara Offner	<u>aye</u> / nay / non-voting / absent / recused
Bryce Schuettpelz	<u>aye</u> / nay / non-voting / absent / recused
Wayne Smith	aye / nay / <u>non-voting</u> / absent / recused
Tim Trowbridge	aye / nay / non-voting / <u>absent</u> / recused
Christopher Whitney	<u>aye</u> / nay / non-voting / absent / recused

The Resolution was adopted by a vote of 7 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 6th day of July, 2023, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By:   
Thomas Bailey, Chair

DATED: July 6, 2023

EXHIBIT A  
LEGAL DESCRIPTION: WINSOME FILING NO. 3

A TRACT OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 13 AND A PORTION OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST AND A PORTION OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN BEING MONUMENTED ON THE SOUTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED "LS 28658" AND AT THE NORTHERLY END BY A 3-1/2" ALUMINUM CAP STAMPED "LS 12103" BEING ASSUMED TO BEAR N00°14'25"E A DISTANCE OF 2636.99 FEET AS SHOWN IN LAND SURVEY PLAT RECORDED UNDER RECEPTION 218900072 RECORDS OF EL PASO COUNTY, COLORADO.

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 24, SAID POINT BEING THE POINT OF BEGINNING; THENCE N00°14'25"E ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24, SAID LINE ALSO BEING ON THE WEST BOUNDARY OF PARCEL 4, AS RECORDED UNDER RECEPTION NUMBER 218900072, A DISTANCE OF 2,636.99 FEET TO THE NORTHWEST CORNER OF SAID SECTION 24; THENCE N89°21'38"E ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 2,633.02 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 24; THENCE N00°10'29"E ON THE WEST LINE OF THE SOUTH HALF OF THE SOUTH EAST QUARTER OF SECTION 13, TOWNSHIP 11 SOUTH, RANGE 65 WEST, A DISTANCE OF 1,321.95 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE N89°20'26"E ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 13, A DISTANCE OF 1,873.37 FEET; THENCE S00°34'43"W, A DISTANCE OF 2,706.21 FEET; THENCE S89°15'17"E, A DISTANCE OF 155.82 FEET; THENCE S00°17'06"W, A DISTANCE OF 239.06 FEET; THENCE N89°42'54"W, A DISTANCE OF 609.60 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT, WHOSE CENTER BEARS N85°44'53"W, HAVING A DELTA OF 05°13'06", A RADIUS OF 1,710.00 FEET, A DISTANCE OF 155.74 FEET TO A POINT ON CURVE; THENCE S89°02'00"W, A DISTANCE OF 60.00 FEET; S89°29'13"W, A DISTANCE OF 722.44 FEET; THENCE S15°45'23"W, A DISTANCE OF 1,195.74 FEET; THENCE N82°21'05"W, A DISTANCE OF 229.91 FEET; THENCE N89°29'30"W, A DISTANCE OF 757.49 FEET; THENCE S20°46'13"W, A DISTANCE OF 758.90 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT, WHOSE CENTER BEARS N22°56'03"E, HAVING A DELTA OF 03°42'28", A RADIUS OF 1,470.00 FEET, A DISTANCE OF 95.13 FEET TO A POINT ON CURVE; THENCE S19°13'35"W, A DISTANCE OF 60.00 FEET; THENCE S18°06'10"W, A DISTANCE OF 383.72 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 02°06'44", A RADIUS OF 1,790.00 FEET, A DISTANCE OF 65.99 FEET TO A POINT ON CURVE; THENCE N69°47'06"W, A DISTANCE OF 306.30 FEET; THENCE N89°45'39"W, A DISTANCE OF 128.26 FEET; THENCE S29°41'56"W, A DISTANCE OF 768.98 FEET; THENCE N89°41'23"W, A DISTANCE OF 820.25 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 24; THENCE N00°14'17"E ON THE WEST LINE OF SOUTHWEST QUARTER OF SAID SECTION 24 A DISTANCE OF 1,684.27 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 15,222,954 SQUARE FEET OR 349.471 ACRES.

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

HOLLY WILLIAMS  
STAN VANDERWERF  
LONGINOS GONZALEZ, JR.

**PLANNING & COMMUNITY DEVELOPMENT**

**TO:** El Paso County Planning Commission  
Thomas Bailey, Chair

**FROM:** Ryan Howser, AICP, Planner III  
Gilbert LaForce, PE, Senior Engineer  
Meggan Herington, AICP, Executive Director

**RE:** Project File Number: SF-22-009  
Project Name: Winsome Filing No. 3  
Parcel Nos: 51240-00-003, 51240-00-004, 51000-00-524, and 51000-00-526

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Winsome, LLC 1864 Woodmoor Drive, Suite 100 Monument, CO 80132	N.E.S., Inc. 619 North Cascade Avenue, Suite 200 Colorado Springs, CO 80903

**Commissioner District: 1**

<b>Planning Commission Hearing Date:</b>	<b>7/6/2023</b>
<b>Board of County Commissioners Hearing Date:</b>	<b>8/1/2023</b>

**EXECUTIVE SUMMARY**

A request by Winsome, LLC for approval of a Final Plat to create thirty-eighty (38) single-family residential lots and five (5) tracts. The 349.47-acre property is zoned RR-5 (Residential Rural) and is located at the northwest corner of Hodgen Road and Meridian Road.

**A. WAIVERS/AUTHORIZATION**

**Waiver:**

There are no waiver or deviation requests associated with the Final Plat. The applicants requested and received approval at the Preliminary Plan stage of a waiver to Section

8.4.3.B. of the Code to allow for two (2) of the proposed new lots to not have access from a public road.

Section 8.4.3.B, Minimum Frontage, of the Code states: *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 waiver granted under Section 8.4.4 (E).*

Two (2) of the lots are proposed to have access to Alamar Way via a shared access easement, as depicted on the Preliminary Plan. Per the Final Plat, adequate lot accessibility can be provided via the proposed access easement. The applicant has depicted a layout that accommodates lot access to Alamar Way, a proposed public road.

**Authorization to Sign:** Final Plat, Subdivision Improvements Agreement, Detention Pond Maintenance Agreement and any other documents necessary to carry out the intent of the Board of County Commissioners.

## **B. APPROVAL CRITERIA**

In approving a Final Plat, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2021):

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the approved preliminary plan;
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
- Either 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, or, with respect to applications for administrative final plat approval, such finding was previously made by the BoCC at the time of preliminary plan approval;

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- 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;
- 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 [C.R.S. § 30-28-133(6)(c)];
- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the ECM;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Code and the ECM;
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code;
- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
- The subdivision meets other applicable sections of Chapter 6 and 8; and
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.].

**C. LOCATION**

North:	RR-5 (Residential Rural)	Residential
South:	RR-2.5 (Residential Rural)	Residential
East:	RR-5 (Residential Rural)	Residential
West:	RR-5 (Residential Rural)	Residential

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## D. BACKGROUND

The property was zoned A-1 (Agricultural) on September 21, 1965, when zoning was first initiated for this portion of El Paso County (Board of County Commissioners Resolution No. 434870). Due to changes in the nomenclature of the Land Development Code, the A-1 zoning district was renamed as the RR-5 (Residential Rural) zoning district.

The Board of County Commissioners (BoCC) approved the Winsome Preliminary Plan (PCD File No. SP-18-006) on July 9, 2019. The Plan encompasses 766.66 acres and consists of 143 single-family residential lots, 1 commercial lot, open space and drainage tracts, and public rights-of-way.

The BoCC also approved two (2) concurrent rezoning requests on July 9, 2019, to rezone portions of the Winsome Preliminary Plan area from RR-5 (Residential Rural) to RR-2.5 (Residential Rural) and CC (Commercial Community) (PCD File Nos. P-18-006 and CC-18-001, respectively).

The BoCC approved an amendment to the Winsome Preliminary Plan (PCD File No. SP-21-002) on December 21, 2021. The amendment increased the total number of lots within the Preliminary Plan area from 143 to 146. The additional lots were proposed to be located within Filing No. 3. The applicant is now seeking approval of the Final Plat for Winsome Filing No. 3.

## E. ANALYSIS

### 1. Land Development Code / Zoning

The Final Plat application meets the Final Plat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code.

The property is zoned RR-5 (Residential Rural). The RR-5 zoning district is intended to accommodate low-density, rural, single family residential development. The density and dimensional standards for the RR-5 zoning district are as follows:

- *Minimum lot size: 5 acres \**
- *Minimum width at the front setback line: 200 feet*
- *Minimum setback requirement: front 25 feet, rear 25 feet, side 25 feet \**
- *Maximum lot coverage: 25%*
- *Maximum height: 30 feet*

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*\* In the event that the land to be partitioned, platted, sold or zoned abuts a section line County road, the minimum lot area for lots abutting the road shall be 4.75 acres and minimum lot width shall be 165 ft.*

*\*Agricultural stands shall be setback a minimum of 35 feet from all property lines.*

The applicant is not proposing construction of any new structures at this time. In order to initiate any new residential uses on the property, the applicant will need to obtain site plan approval, which will include confirmation that all site improvements will comply with the dimensional standards included in Chapter 5 as well as the Development Standards of Chapter 6 of the Code.

## **F. MASTER PLAN ANALYSIS**

### **1. Your El Paso County Master Plan**

#### **a. Placetype Character: Rural**

*The Rural placetype comprises rangeland, farms, and other agricultural uses. The primary land use in this placetype is agriculture however residential uses such as farm homesteads and estate residential are allowed as support uses. Residential lot development within the Rural placetype typically cover 35 acres or more per two units with the minimum lot area consisting of 5-acres per unit. The Rural placetype covers most of the eastern half of the County.*

*Rural areas typically rely on well and septic and parcels for residential development tend to be substantial in size. Rural areas are remotely located and distant from high activity areas or dense suburban or urban places, making access to regional transportation routes, such as Highway 24 and Highway 94, vital to the quality of life for rural community residents.*

*The agricultural lands that Rural areas contain represent a valuable economic resource and unique lifestyle that should be preserved. The Rural placetype includes agricultural lands which represent a valuable economic resource and allow for a unique lifestyle that should be preserved. As growth occurs, some Rural areas may develop and transition to another placetype, however leapfrog development should be discouraged, by pro-actively permitting changing areas contiguous to existing development to another placetype.*

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## Recommended Land Uses:

### Primary

- Agriculture
- Parks/Open Space
- Farm/Homestead Residential

### Supporting

- Estate Residential (Minimum 1 unit/5-acres)
- Institutional

## Analysis:

The property is located within the Rural placetype. According to the Master Plan, *the Rural Placetype supports the County's established agricultural and rural identity. This placetype is uniquely sensitive to new development due to limited water access and infrastructure making sustainable growth a priority.* Relevant goals and objectives are as follows:

**Goal LU1** – *Ensure compatibility with established character and infrastructure capacity.*

**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.*

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

The applicant is proposing to subdivide the property with a minimum lot size of 5 acres, which is consistent with the Rural placetype. In order to preserve the sensitive environmental features located on the property, the applicant is proposing to incorporate these areas into open space tracts.

### 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.*

**Analysis:**

The property is located within the Minimal Change: Undeveloped Area of Change. The Master Plan identifies that there may be some development in these areas; however, such development shall not result in a significant change in character for the area. The proposal is not expected to significantly alter the character of the surrounding area, as the proposed subdivision is compatible with similar developments in the surrounding area and is consistent with the zoning in place and the adopted Preliminary Plan for the Winsome development.

A relevant specific strategy is as follows:

***Goal LU1 Specific Strategy*** – *The Minimal Change: Undeveloped areas should 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.*

**c. Key Area Influences:** Forested Area

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

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*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.*

**Analysis:**

The property is located within the Forested Area. A relevant specific strategy is as follows:

***Goal LU1 Specific Strategy*** – *New development and any redevelopment in Forested Areas should be of a lower intensity to mitigate any impacts on the Forest, properly manage stormwater, provide safe access to major roads and state highways for the traveling public and emergency response vehicles and adhere to the strictest building codes to prevent any hazards such as fires and soil erosion related to poor planning, design, and construction.*

The lot sizes and lot layout of the proposed subdivision are consistent with the existing development pattern in the area, which largely protects the character of the Forested Area, and specifically within Black Forest. In addition, the proposed subdivision will serve as an extension of the existing “small-scale, low intensity development” that has already occurred in the area.

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

The property is not located within a priority development area.

**2. Water Master Plan**

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:

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

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

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

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

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 4a of the Plan. The following information pertains to water demands and supplies in Region 4a for central water providers:

The Plan identifies the current demand for Region 4a to be 725 acre-feet per year (AFY) (Figure 5.1) with a current supply of 725 AFY (Figure 5.2). The projected demand in 2040 for Region 4a is at 958 AFY (Figure 5.1) with a projected supply of 725 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region is 4a is at 1,170 AFY (Figure 5.1) with a projected supply of 725 AFY (Figure 5.2) in 2060. This means that by 2060 a deficit of 445 AFY is anticipated for Region 4a.

Please see the Water section below for a summary of the water findings and recommendations for the proposed subdivision.

### **3. Other Master Plan Elements**

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

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The Master Plan for Mineral Extraction (1996) identifies potential floodplain deposits, valley fill, and upland deposits 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.

Please see attached for the Parks Advisory Board review letter regarding conformance with The El Paso County Parks Master Plan (2013).

Please see the Transportation Section below for information regarding conformance with the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP).

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

Geologic hazards were identified during the review of the Final Plat. Downslope creep was identified on Lots 7, 8, 10, and 11. Potentially unstable slopes were identified on Lots 31 and 32. Potentially seasonally high groundwater was identified on Lots 1-6, 10-14, 22, 24, 25, and 27-38. The Colorado Geological Survey has reviewed the Final Plat documents and has no outstanding comments at this time. Proposed mitigation measures include perimeter drains where necessary and engineered OWTS systems for all lots. These will be evaluated at the time of building permit for the individual lots.

### **2. Floodplain**

FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0350G identifies a 100-year regulatory floodplain along the southeast side of the subdivision. A Conditional Letter of Map Revision (CLOMR) was submitted with Winsome Filing No. 1 and approved under FEMA Case No. 19-08-0185R. Draft model-backed base flood elevations (BFEs) for this area have been developed as part of Phase 1 of the ongoing El Paso County, CO Risk Map project. The data has been reviewed and approved through FEMA's QA/QC process on May 11, 2022, and is in the Mapping Information Platform under Case No. 19-08-0037S. The BFEs shown on the plat are based on this data.

After construction of the subdivision improvements is completed, the applicant shall process and obtain a Letter of Map Revision (LOMR) with FEMA to revise the regulatory floodplain and establish the new base flood elevations. The LOMR is required prior to recording the plat if the constructed improvements raise the BFEs shown on the Plat.

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### 3. Drainage and Erosion

The subdivision is located in West Kiowa Creek drainage basin which is an unstudied basin with no drainage or bridge fees.

The subdivision area generally drains to the south. Stormwater runoff is conveyed by roadside ditches and natural drainageways into three full spectrum detention ponds, one water quality pond and one permanent sedimentation basin. The ponds and sedimentation basin are private and will be maintained by the Winsome Metropolitan District No. 1.

A grading and erosion control plan has been submitted with this application. The plan calls for permanent and construction control measures to prevent sediment and debris from affecting adjoining properties and the public stormwater system before, during, and after grading activities.

### 4. Transportation

The subdivision is located northwest of Winsome Filing Nos. 1 and 2, northwest of the intersection of Hodgen Road and Meridian Road. Access to Hodgen Road and Meridian Road is via extensions of internal local roadways that were constructed with Winsome Filing Nos. 1 and 2. All of the streets within the subdivision are planned to be public roads and will be dedicated to the County. This subdivision will result in the dedication of approximately 1.9 miles of developer constructed rural local roadways. No off-site improvements are proposed.

The MTCP identifies a 2040 Roadway Improvement Project along Hodgen Road (Project ID U6), from an unimproved county road to a minor arterial road. Traffic generated by the overall Winsome development does not warrant construction of the MTCP 2040 Roadway improvement Project. Turn lanes on Hodgen Road going into the subdivision were constructed with the previous filings.

The development is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471), as amended.

## H. SERVICES

### 1. Water

Water will be provided by individual onsite wells. Water sufficiency has been analyzed with the review of the proposed subdivision. The applicant has shown a sufficient

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water supply for the required 300-year period. The State Water Engineer's Office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office is recommending a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health is recommending a finding of sufficiency with regard to water quality.

## **2. Sanitation**

Wastewater is provided by individual onsite wastewater treatment systems (OWTS). The applicant submitted an OWTS report which indicated that the lots are suitable for the construction of these systems.

## **3. Emergency Services**

The property is within the Falcon Fire Protection District. The District was sent a referral and has no outstanding comments.

## **4. Utilities**

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

## **5. Metropolitan Districts**

The property is located within the Winsome Metropolitan District No. 3. The purpose of the District is to provide street improvements and safety protection, design, construction, and maintenance of drainage facilities, design, construction, and maintenance of recreation facilities, mosquito control, and covenant enforcement.

## **6. Schools**

Fees in lieu of school land dedication in the amount of \$9,120.00 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recording.

## **I. APPLICABLE RESOLUTIONS**

See attached resolution.

## **J. STATUS OF MAJOR ISSUES**

There are no major issues.

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## **K. RECOMMENDED CONDITIONS AND NOTATIONS**

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2021) staff recommends the following conditions and notations:

### **CONDITIONS**

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. 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 species.
5. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
6. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Engineer / ECM Administrator, shall be filed at the time of recording the Final Plat.

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7. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
8. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
9. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated April 25, 2023, as provided by the County Attorney's Office.
10. After construction of the subdivision improvements are completed, the applicant shall process and obtain a Letter of Map Revision (LOMR) with FEMA to revise the regulatory floodplain and establish the base flood elevations. The LOMR is required prior to recording the plat if the constructed improvements raise the BFEs shown on the Plat.

#### **NOTATIONS**

1. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.
3. The subdivision is in West Kiowa Creek drainage basin which is an unstudied basin with no drainage or bridge fees.

#### **L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified forty-six (46) property owners on June 13, 2023 for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing.

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## **M. ATTACHMENTS**

Maps

Letter of Intent

Plat Drawing

State Engineer's Letter

County Attorney's Letter

El Paso County Public Health Recommendation Letter

Parks Advisory Board Letter

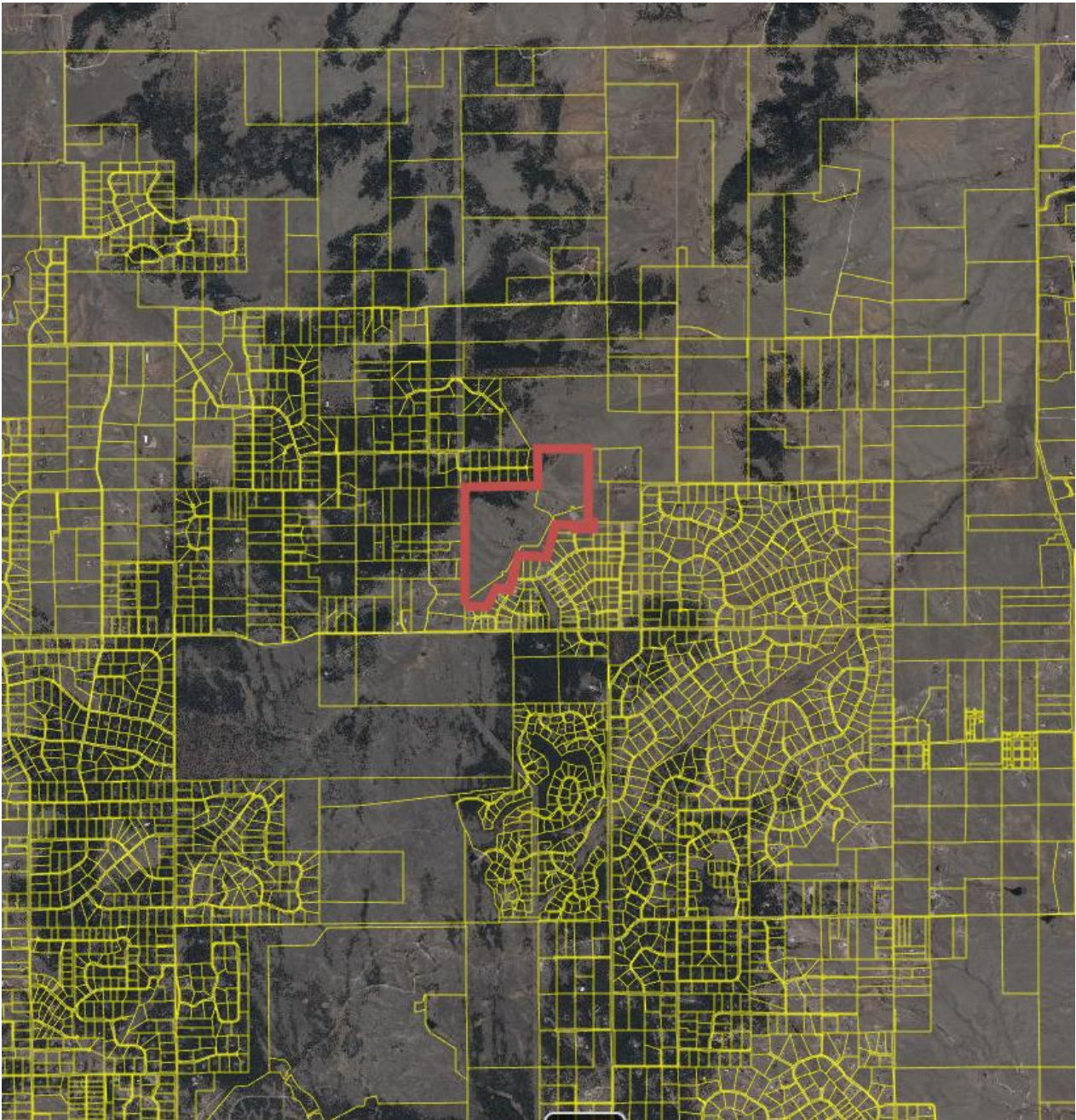
Draft Resolution

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300

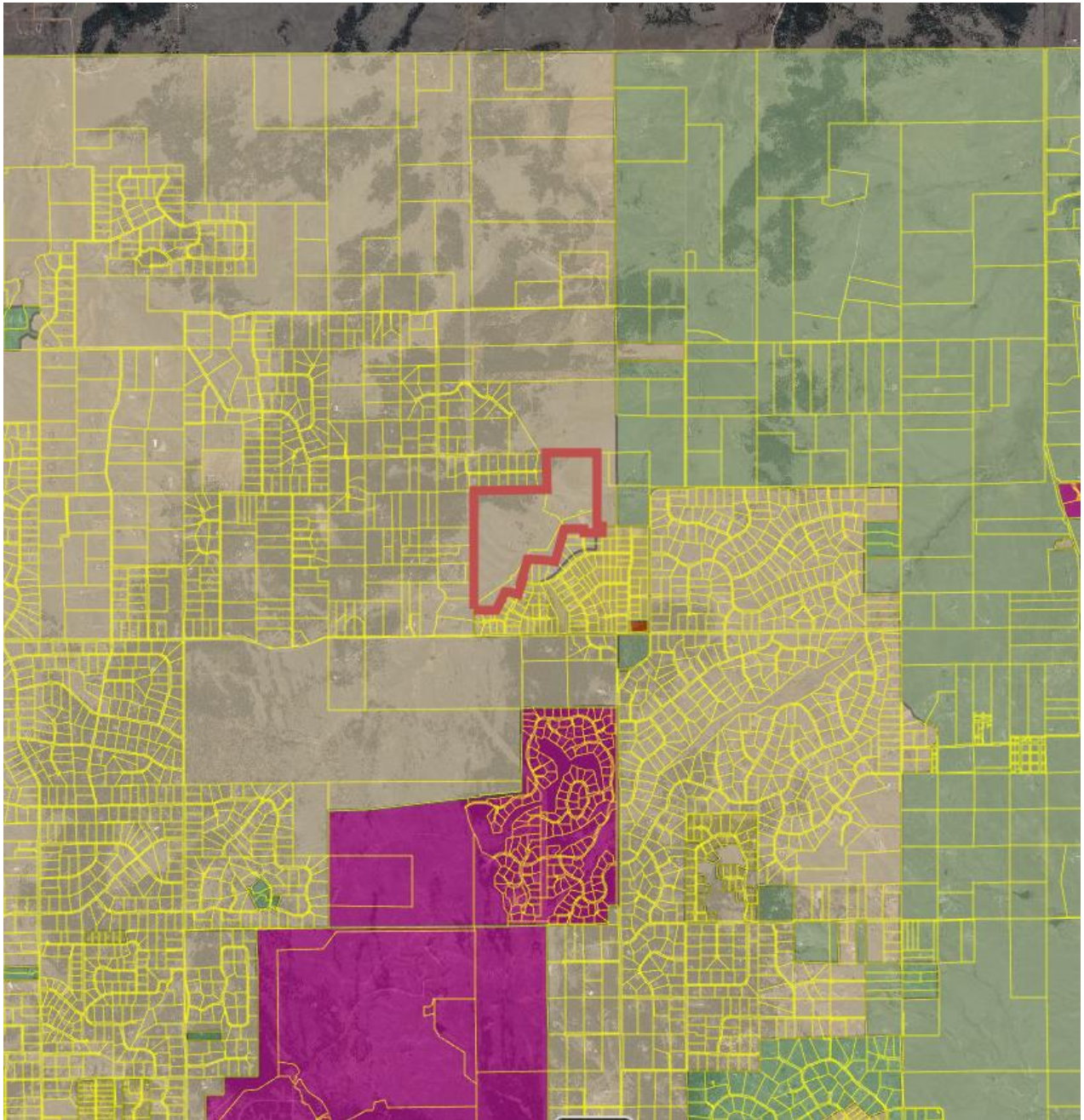


COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

Map 1: Vicinity

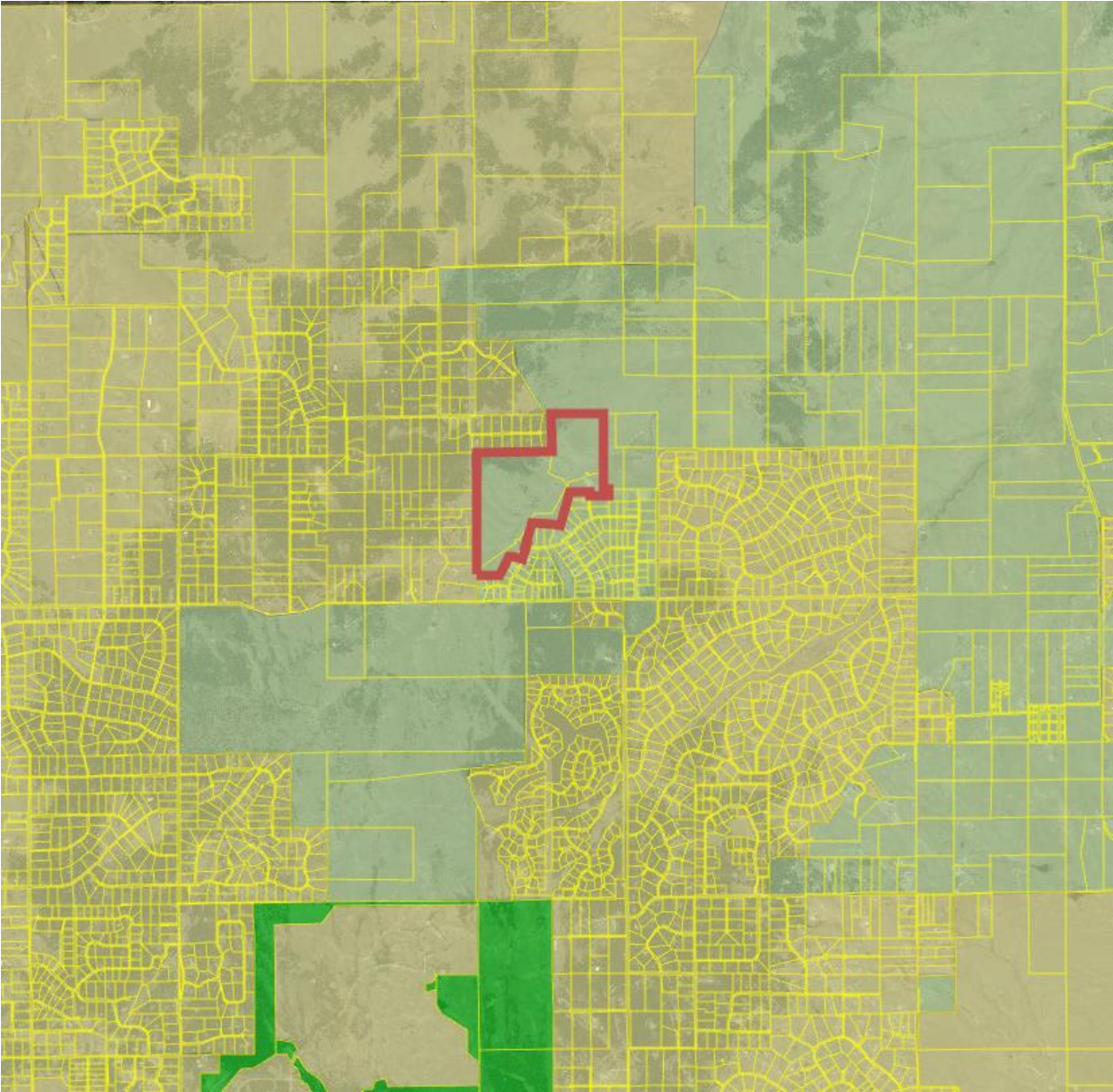


## Map 2: Zoning



- A-5: Agricultural (5 acres)
- A-35: Agricultural (35 acres)
- CC: Commercial Community
- PUD: Planned Unit Development
- RR-2.5: Residential Rural (2.5 acres)
- RR-5: Residential Rural (5 acres)

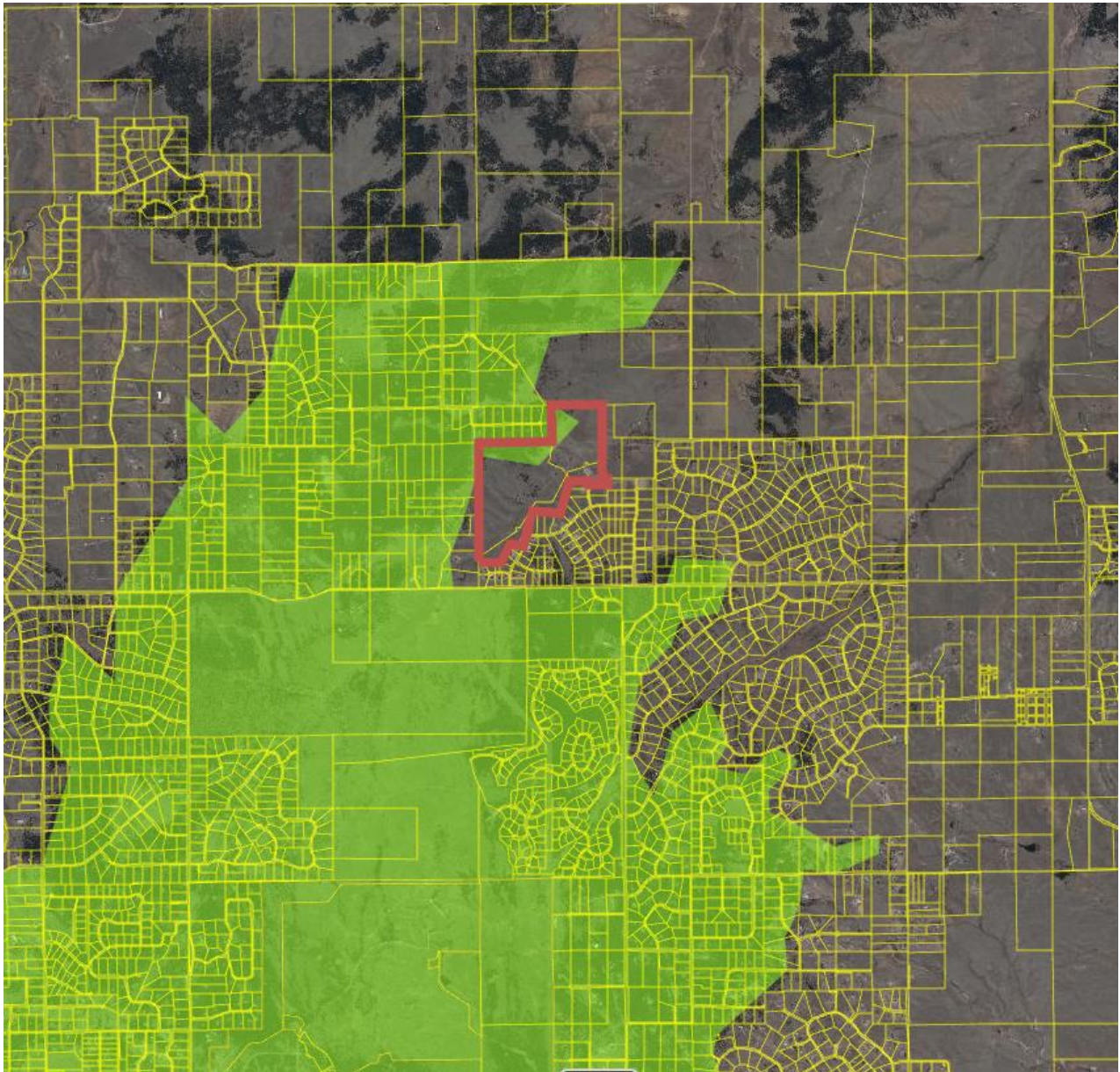
Map 3: Your El Paso Master Plan Placetype



- Rural
- Large-Lot Residential
- Suburban Residential
- Urban Residential
- Rural Center
- Regional Center
- Employment Center
- Regional Open Space
- Mountain Interface
- Military
- Utility
- Incorporated Area

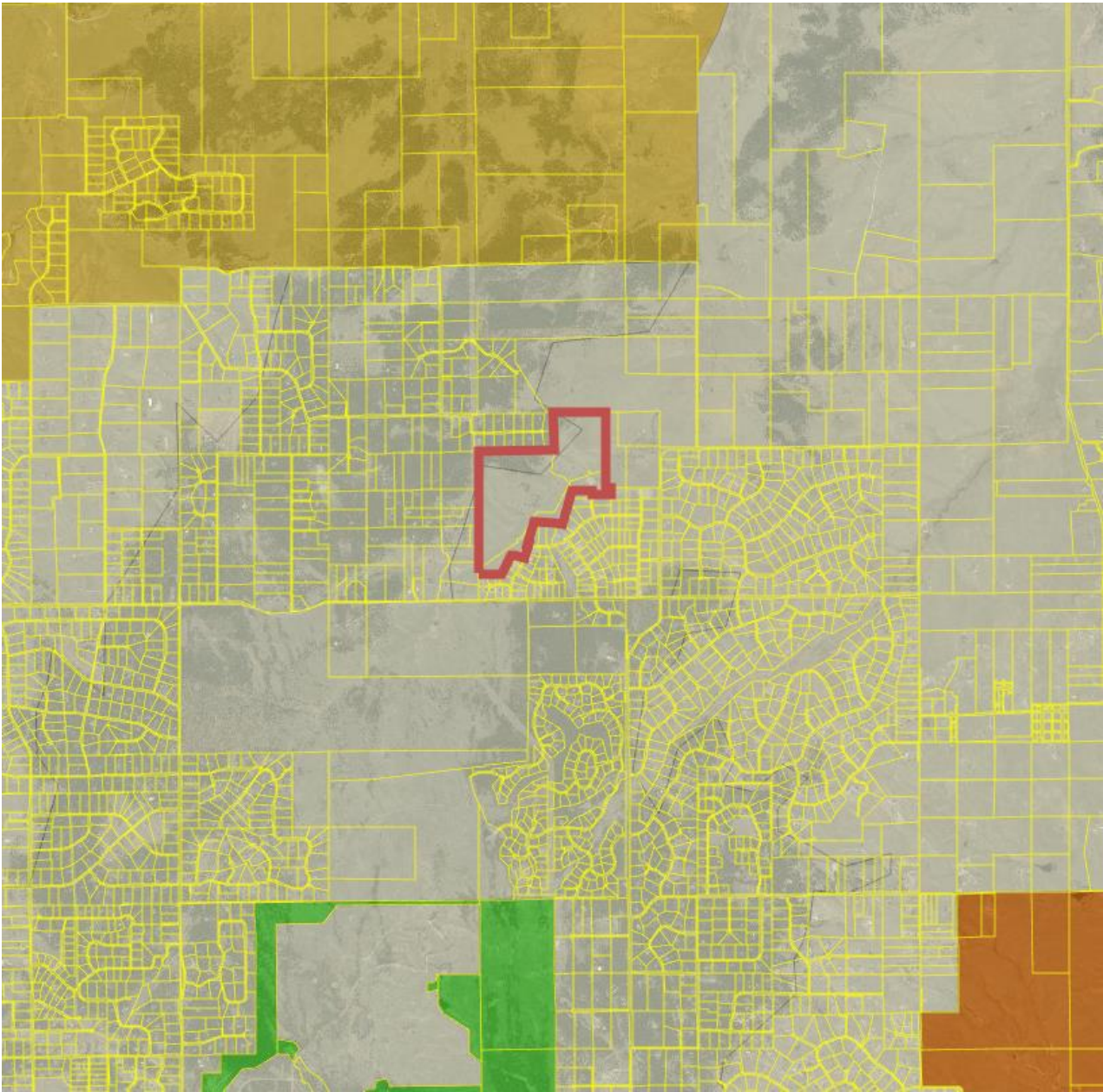


Map 4: Your El Paso Master Plan Key Area



- Military Installations
- Potential Areas for Annexation
- Enclaves or Near Enclaves
- Small Towns & Rural Communities
- Fountain Creek Watershed Flood Control & Greenway District
- Forested Area
- Pikes Peak Influence Area
- Tri-Lakes Area
- Colorado Springs Airport/Peterson Field
- Uncommon Natural Resources

Map 5: Your El Paso Master Plan Area of Change



- Protected/Conservation Area
- Minimal Change: Undeveloped
- Minimal Change: Developed
- New Development
- Transition

## **WINSOME FILING NO.3 FINAL PLAT**

### ***LETTER OF INTENT***

**JANUARY 2022; REVISED APRIL 2023**

#### **PROPERTY OWNER**

Winsome LLC  
1864 Woodmoor Dr, Ste 100  
Monument, CO 80132  
(719) 476-0800  
[JDesJardin@proterraco.com](mailto:JDesJardin@proterraco.com)

#### **APPLICANT:**

Winsome LLC  
1864 Woodmoor Dr, Ste 100  
Monument, CO 80132  
(719) 476-0800  
[JDesJardin@proterraco.com](mailto:JDesJardin@proterraco.com)

#### **CONSULTANT:**

N.E.S. Inc.  
619 North Cascade Ave,  
Colorado Springs, CO 80903  
(719) 471-0073  
[bswenson@nescolorado.com](mailto:bswenson@nescolorado.com)

**TSN:** 5100000525, 5100000524, 5100000526

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#### **REQUEST**

Winsome LLC requests approval of a Final Plat for Winsome Filing No. 3, comprising 38 residential lots and 5 tracts on approximately 350 acres. A concurrent request for pre-development grading and utilities is submitted separately.

#### **SUPPORTING DOCUMENTS**

The following reports are submitted in support of this Final Plat and are referenced in this Letter of Intent:

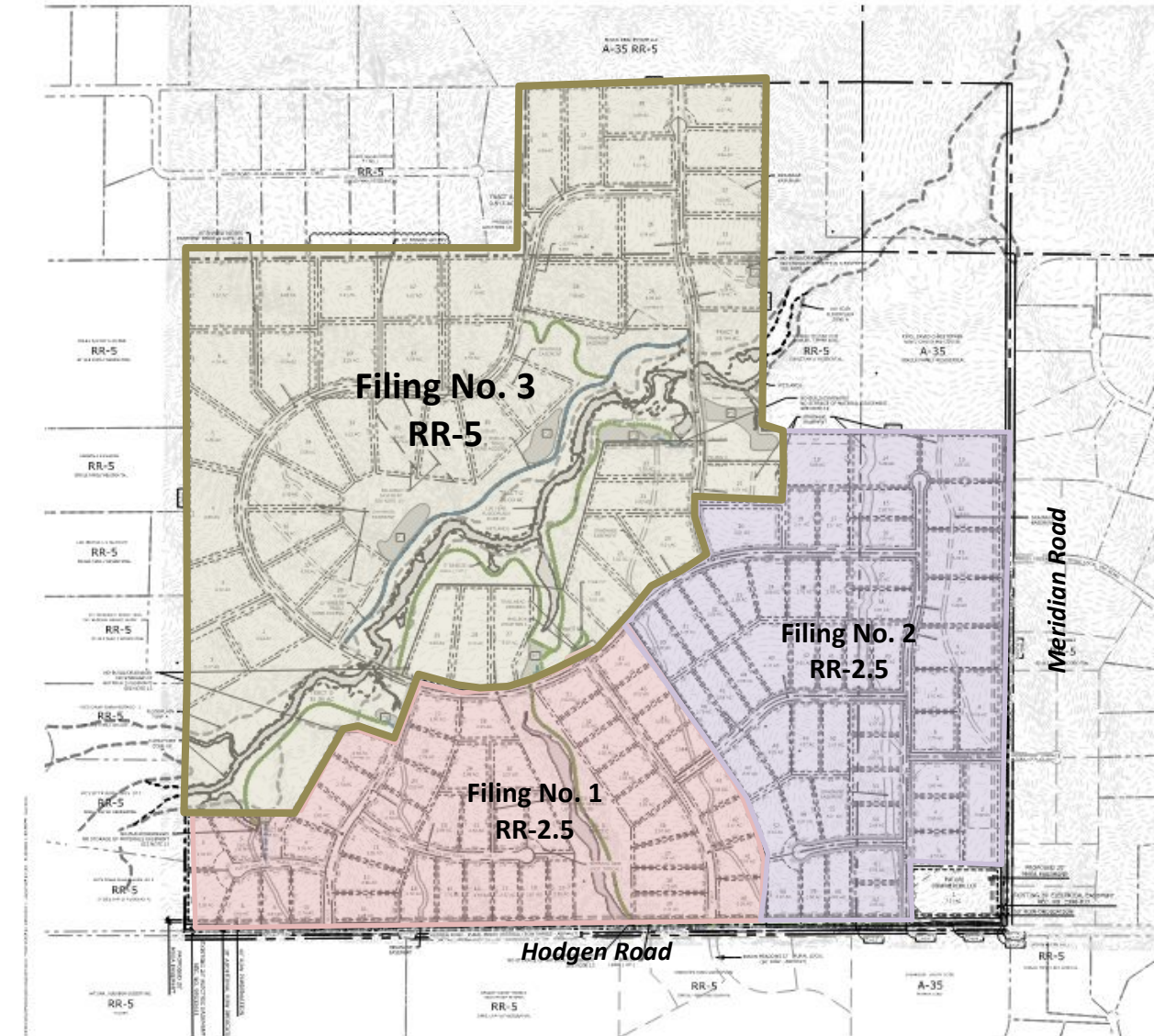
- Soils, Geology and OWTS Report prepared by Entech Engineering, Inc.
- Natural Features and Wetlands Report prepared by Ecosystem Services, LLC (ECOS)
- Wildland Fire & Hazard Mitigation Plan prepared by Ecosystem Services, LLC (ECOS)
- Water Resources and Wastewater Report prepared by Entech Engineering, Inc.
- Final Drainage Report prepared by Kimley Horn.
- Stormwater Management Plan prepared by Kimley Horn.
- FEMA CLOMR Report prepared by Kimley Horn.

#### **PROJECT DESCRIPTION**

Winsome Filing No. 3 is part of the 766-acre Winsome subdivision (formerly McCune Ranch) located northwest of the intersection of Hodgen Road and Meridian Road in northeast El Paso County. On July 9 2019, the Board of County Commissioners approved multiple applications to rezone and preliminary plan the Winsome property, as follows:

1. A rezone of 350 acres from RR-5 (Residential Rural, 5-Acre Lots) and A-35 (Agricultural, 35-acre lots) to RR-2.5 (Residential Rural, 2.5 acre lots);
  2. A rezone of 7.9 acres from A-35 (Agricultural, 35-acre lots) to CC (Commercial Community); and
-

3. A Preliminary Plan for the Winsome subdivision, consisting of 143 single-family lots and one commercial lot on approximately 766.66 acres.  
On December 21, 2021, the Board of County Commissioners approved an amendment to the Winsome Preliminary Plan, which increased the total number of single-family residential lots from 143 to 146.



The properties surrounding Winsome Filing No. 3 include:

**North:** Country Squire Estates Filing No. 1, subdivision of similar rural density development.

**South:** Winsome Filing 1 and 2 subdivisions.

**East:** Part of the original McCune Ranch, divided into three 40-acre parcels.

**West:** Rural residential, generally 20-acre lots.

Through the approval of the Preliminary Plan, it was concluded by County Staff, the Planning Commission, and the Board of County Commissioners that the density, lot sizes and transitions in lot sizes proposed for the Winsome subdivision are compatible with the neighboring properties.

Winsome Filing No. 3 is the third 350-acre phase of the Winsome subdivision and is located immediately north of Filing No. 1. The 38 lots proposed in Filing No.3 are in the area that remained under the existing RR-5 zoning after the rezone of part of the property in 2019. The lots meet the minimum zoning standards set out in Table 5-4 of the Land Development Code for the RR-5 zone.

The original Preliminary Plan had 35 lots in Filing 3. A Preliminary Plan Amendment is currently under review, adding three additional lots to this area. This Filing 3 plat aligns with the Preliminary Plan Amendment.

#### **ACCESS AND TRAFFIC**

Access to the Winsome subdivision is from three full movement accesses off Hodgen Road and a full movement access off Meridian Road. Twinkling Star Lane and Alamar Way provide access to Filing 3 through the already approved Filings 1 and 2.

The Traffic Impact Study (TIS) prepared by Kellar Engineering assesses the trips generated by the proposed development in the context of 2020 short-term and 2045 long-term background traffic. All required road improvements were included in Filings 1 and 2.

This filing will not be entering into a PID, and road impact fees will be paid at time of recording.

Lots 8 and 11 do not have direct access to a public street and has a shared access through the adjacent Lots 7 and 12. A waiver to this requirement of Chapter 8.4.3(C)(2)(e) of the Land Development Code was approved with the Preliminary Plan Amendment.

#### **OPEN SPACE AND TRAILS**

The overall Winsome subdivision proposes 151-acres as open space to preserve the natural resource of the West Kiowa Creek and its associated floodplain and wetlands and to preserve existing vegetation. This open space will also provide recreational opportunities for the residents of the proposed subdivision and surrounding neighborhoods. A network of looping trails is proposed through the open spaces, connecting with the internal rural local roads to provide multiple access points. All open space tracts will be owned and maintained by the Winsome Metropolitan District.

Within Filing 3, tracts A-E provide 112 acres of open space containing trails, trail signage and drainage facilities. All open space tracts in this filing will be owned and maintained by the Winsome Metropolitan District.

#### **DRAINAGE**

The Final Drainage Report prepared by Kimley Horn examines the existing drainage characteristics of the site and any required improvements in accordance with the requirements of the LDC and ECM. The proposed Winsome Subdivision is part of the West Kiowa Creek Drainage Basin, with Kiowa Creek flowing from the southwest to the northeast across the property. Proposed drainage infrastructure includes roadside ditches, culverts to convey stormwater under roads, swales, and three full-spectrum

detention ponds. Additionally, two box culvert crossings at Alamar Way and Twinkling Star Lane are proposed with this filing.

#### **UTILITIES**

Water: The Water Resources Report and Wastewater Disposal Report prepared by JDS Hydro indicate that water service will be provided by individual domestic wells for the 38 residential lots. The wells will be drilled into the Dawson Aquifer, which has an allocated 300-year supply for this development of 232.66 acre-feet annually per Water Decree No. 1692-BD. The 38 lots in Filing 3 will generate an annual demand of approximately 22.8 acre-feet per year. The combined total waster demand for Filings 1, 2 and 3 is 87.6 acre feet per year, for which there is more than sufficient capacity in the Dawson aquifer. Replacement water required to augment depletions from the Dawson aquifer will be available through return flows from the OWTS septic fields. A replacement water plan has been reviewed and published by the State Water Engineer.

Wastewater: Wastewater service will be provided by onsite wastewater treatment systems (OWTS). Entech's OWTS Report concludes that the property is generally suitable for OWTS and that contamination of surface and subsurface water sources should not occur provided the systems are installed according to El Paso County and State guidelines.

Gas: Gas Service will be provided by Black Hills Energy and a Will Serve letter is provided.

Electric: Electric Service will be provided by Mountain View Electric Association and a Will Serve letter is provided.

#### **NATURAL FEATURES**

The ECOS Natural Features Report prepared for the Preliminary Plan assessed the topography, vegetation, wetlands and wildlife. The only constraint imposed on the Winsome development as a result of this assessment is the requirement for "no build"/preservation easements where the wetlands are within lots. In Filing 3, the two box culvert crossings on Twinkling Star Lane and Alamar Way require a Nationwide Permit. The application has been submitted (NWP 29 Application prepared by Bristlecone Ecology) and is under review.

The site is mainly native prairie grassland, with a concentration of Ponderosa Pine trees in the northwest portion of Filing No. 3. There is the potential to improve the vegetation with the proposed noxious weed management plan and native plant restoration outlined in the ECOS Natural Features Report.

#### **NOXIOUS WEEDS**

The noxious weeds on the site are mainly contained with the proposed open space areas. ECOS provided a noxious weed management plan within the Natural Features Report, which recommends weed control prior to and during construction to eliminate existing weeds and to prevent introducing new weeds. Following construction, the Metropolitan District and/or Homeowners Association will be responsible for weed control in the open space. With the individual lots, weed control will be the responsibility of the individual homeowner and will be enforced through covenants.

### **FLOODPLAIN**

The property is located within a designated FEMA Zone A floodplain with no BFEs as determined by the flood insurance rate map, community map number 0800590350G, effective date December 07, 2018. Draft model backed BFEs for this area have been developed as part of Phase 1 for the ongoing El Paso County, CO, Risk Map Project. The data has been reviewed and approved through FEMA's QA/QC process (May 11, 2022) and is currently in the MIP (case no. 19-08-0037s). No structures or fences are permitted within the designated floodplain. FEMA issued a CLOMR dated September 30, 2019 relating to the proposed creek crossings.

### **WILDLIFE**

The ECOS report indicates that the site currently provides good habitat for a variety of wildlife. Birds are the most common wildlife, with mammals in the treed areas and reptiles and amphibians in and around the creek. The extensive area of open space proposed for the subdivision and within Filing 3 will provide a wide upland buffer for wildlife along the creek and the large lot configuration will minimize impact on wildlife. There will be low to no impact on protected species. The noxious weed management plan and recommended native plant revegetation will improve the wildlife habitat. Post and rail fencing is proposed on the perimeter of the subdivision and similar fencing will be the standard for the individual lots, which will be enforced by the Metro District and/or Homeowners Association.

### **SOILS AND GEOLOGY**

The Soils and Geology Report prepared by Entech identifies the geologic conditions that occur intermittently on the property, including artificial fill, loose or collapsible soils, expansive soils, slope stability, downslope creep, floodplain and potential high ground water. Many of these constraints are within the open space area and the floodplain is wholly within the open space. The report indicates that these conditions can be mitigated through proper engineering design and construction techniques, including special foundation design and subsurface drains. A no build easement is included across parts of lots 31 and 32 to address unstable slope conditions in this area.

The following lots may be impacted by geologic hazards. Mitigation measures and a map of the hazard area can be found in the report: Soil, Geology, and Geologic Hazard Study-Winsome Filing No. 3 prepared by Entech Engineering, inc., revised February 15, 2023, in the file Winsome Filing no. 3 Final Plat, SF-229 available at the El Paso County services department:

- downslope creep - lots 7, 8, 10, 11
- potentially unstable slopes - lots 31, 32
- potentially seasonally high ground water - lots 1-6, 10-14, 22, 24, 25, 27-38

### **WILDFIRE HAZARD MITIGATION**

The treed areas within Filing 3 lie within an area mapped as High Hazard for wildfire. The previous owners of the property undertook fire mitigation in 2013 and 2015, which included thinning trees, removing ladder fuels and modifying stand structure. The covenants for the subdivision have set out standards for fire mitigation to ensure that this is a Firewise community and meets the County Development Standards for Fire Protection. Future fire mitigation will be the responsibility of the individual lots to bring them into compliance with these standards. The location and type of new landscaping on individual lots will also be controlled to minimize wildfire risks. The Wildland Fire & Hazard Mitigation Plan prepared by ECOS provides more detail on the potential wildfire fuels on the property and suggested mitigation measures.

## **PROJECT JUSTIFICATION**

The Final Plat is consistent with the approval criteria in Section 7.2.1.D.3.f of the LDC as follows:

### **1. The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;**

#### **Your EPC Master Plan**

The new County Master Plan denotes the site as a Rural Residential Placetype, which consists of predominantly single-family homes occupying 2.5 acres or more. The Filing No. 3 plat proposes lots of 5-acres or more, aligning with the master plan placetype. The site is located in an Area of Minimal Change on the Areas of Change map, where new development may occur on previously undeveloped land, but overall there will be no change to the prioritized rural and natural environments. The Filing No. 3 plat proposes 5-acre + lot development consistent with its RR-5 zoning and preserves the floodplain and wetland areas along West Kiowa Creek as open space. This is consistent with the rural character of the surrounding area and preserves the natural environment on the property. The northwestern edge of Filing 3 is within the Forested Area as identified in the Your EPC Master Plan Key Areas, where new development should be of a lower intensity to mitigate any impacts on the Forest. No roads or grading is proposed in the forested area and the lot layout has been designed to ensure maximum tree retention in this area.

The plat is consistent with Core Principle 1, Land Use and Development, which seeks to “manage growth to ensure a variety of compatible land uses that preserve all character areas of the county,” in addition to goal 1.1, “ensure compatibility with established character and infrastructure capacity.” The plat proposes 5-acre lots which is consistent with the RR-5 zoning of the site and the rural residential character of the surrounding area.

It is also consistent with Goal 2, Housing & Communities, which seeks to “preserve the character of rural and environmentally sensitive areas”. The proposed road and lot layout preserves the environmentally sensitive areas associated with the creek. The site design works with the existing topography to best preserve vegetation and terrain by reducing over-lot grading.

#### **El Paso County Water Master Plan**

The subject property lies within the El Paso County Water Master Planning area, Region #4a. Expected buildout of the subject property is 38 residential lots, ranging from 4.998 to 8.343 acres. Demands for the entire subdivision are listed in Section 3.0 of the Water Resources Report for Winsome Filing No. 3 prepared by JDS-Hydro Consultants, Inc.

Per El Paso County criteria, the 300-year supply of water for the subject property appears to be more than adequate for full buildout, which would include both the 2040 and 2060 scenarios. However, the proposed supply in the Dawson aquifer is based on non-renewable sources. If needed beyond the 300-year supply in the Dawson formation, the subdivision has water rights in the Denver aquifer. Remaining rights in the Denver, Arapahoe, and Laramie Fox-Hills are subject to sale to



Sterling Ranch Metropolitan District. The closest source for a potential interconnect is the Park Forest Water District – approximately 3.5 miles to the southwest. It is not anticipated (and Park Forest Water District has not been contacted) that an interconnect is needed or warranted. The subject property has adequate water supply to meet the needs of the proposed subdivision on a 300-year basis.

**2. The subdivision is in substantial conformance with the approved preliminary plan;**

Winsome Filing No. 3 is in conformance with the Preliminary Plan Amendment, which added three additional lots to the approved Preliminary Plan.

**3. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;**

Winsome Filing 3 is consistent with the subdivision design standards and regulations, other than the two waivers that were approved with the Preliminary Plan. All necessary studies, plans, reports and supporting material have been submitted. The subdivision design standards set out in Chapter 8 of the Land Development Code are met, including but not limited to:

- Adequate provision for traffic, drainage, open space, recreation and parks;
- provision of properly designed roads to provide for safe and convenient vehicular circulation and identification of required road improvements;
- Adequate provision for water, sewer and other utilities;
- Ensuring that structures will harmonize with the physical characteristics of the site;
- Ensuring that land is divided into lots that are of adequate size and configuration for the purpose for which they are intended to be used; and
- Protecting the natural resources, considering the natural vegetation.

**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 this Code;**

Water service will be provided by individual domestic wells for the 38 residential lots. The wells will be drilled into the Dawson Aquifer. 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. The 38 lots in Filing 3 will generate an annual demand of approximately 22.8 acre-feet, for which there is sufficient capacity in the Dawson aquifer. Replacement water required to augment depletions from the Dawson aquifer will be available through return flows from the OWTS septic fields. A replacement water plan has been reviewed and published by the State Water Engineer.

**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 this Code;**

Wastewater service will be provided by onsite wastewater treatment systems (OWTS). Entech's OWTS Report concludes that the property is generally suitable for OWTS and that contamination of surface and subsurface water sources should not occur provided the systems are installed according to El Paso County and State guidelines.

- 6. 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 [C.R.S. § 30-28-133(6)(c)];**

The Soils and Geology Report prepared by Entech identifies the geologic conditions that occur intermittently on the property, including artificial fill, loose or collapsible soils, expansive soils, slope stability, downslope creep, floodplain and potential high ground water. Many of these constraints are within the open space area and the floodplain is wholly within the open space. The report indicates that these conditions can be mitigated through proper engineering design and construction techniques, including special foundation design and subsurface drains.

- 7. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;**

The Final Drainage Report prepared by Kimley Horn analyses the existing drainage characteristics of the site and any required improvements in accordance with the requirements of the LDC and ECM. The proposed Winsome Subdivision is part of the West Kiowa Creek Drainage Basin with Kiowa Creek flowing from the southwest to the northeast across the property. Proposed drainage infrastructure includes road side ditches, culverts to convey stormwater under roads, swales, and three full-spectrum detention ponds.

- 8. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;**

All lots have direct access to public right-of-way, in some limited cases via a joint driveway access and maintenance agreement.

- 9. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;**

All necessary services are available to the subdivision and will serve letters form all utility providers have been submitted. The site will be served by well and septic as described above. Mountain View Electric and Black Hills Energy will provide electric and natural gas services as stated in the Will Serve letters included in this submittal. The subdivision will be adequately served by public streets and substantial areas of open space and recreational trails are provided.

**10. The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;**

The Falcon Fire Protection District has adequate capacity to provide fire protection to the proposed subdivision. A Fire Protection Report and a Will Serve letter from the Fire Chief is included with this submittal.

**11. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;**

No off-site improvement is identified for Filing 3.

**12. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;**

All public improvements are to be constructed or financially guaranteed through the SIA. Cash in lieu of regional park and school land provision will be paid on recordation of the Final Plat.

**13. The subdivision meets other applicable sections of Chapter 6 and 8; and**

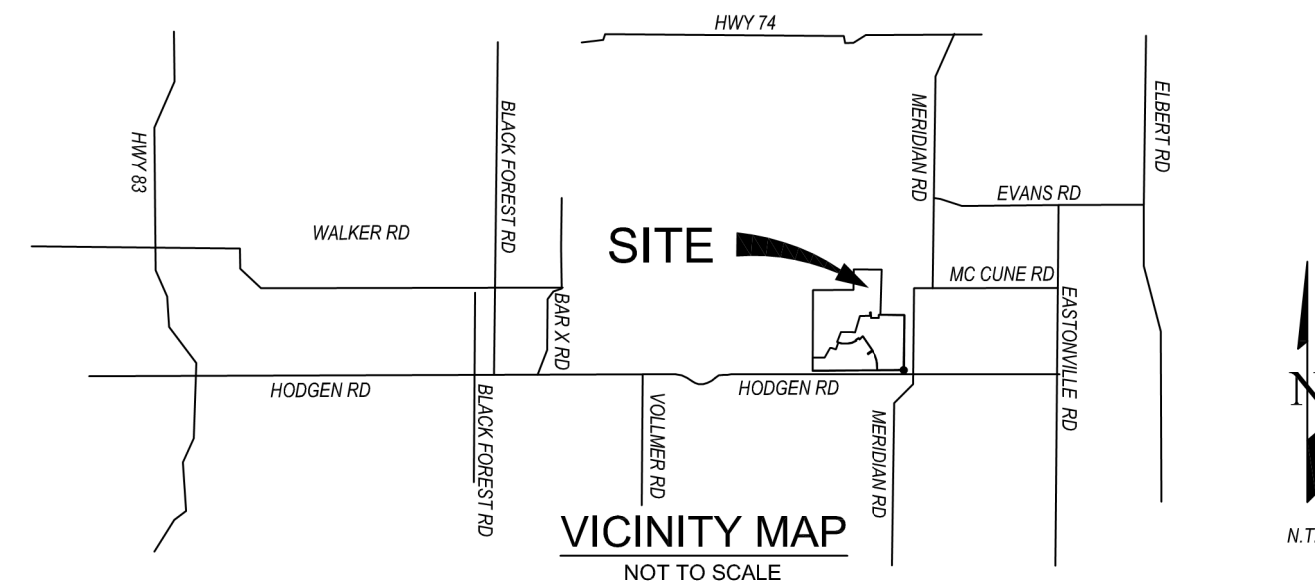
The subdivision meets all applicable sections of Chapter 6 and 8, subject to the waivers approved with the Preliminary Plan, which were justified in the context of preserving the existing topography and natural features on the site.

**14. The extraction of any known commercial mining deposit shall not be impeded by this subdivision.**

There are no known mineral estate interests associated with this property.

# WINSOME FILING NO. 3

## A PORTION OF THE SOUTHEAST QUARTER OF SECTION 13, AND A PORTION OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO



TRACT TABLE:			
TRACT NO.	AREA	USE/ALLOWED STRUCTURES	OWNER/MAINTENANCE
A	22,667 SQ.FT	OPEN SPACE, FIRE ACCESS, FIRE CISTERN	WINSOME METROPOLITAN DISTRICT NO. 1
B	607,408 SQ.FT	OPEN SPACE, PUBLIC TRAIL, DRAINAGE, PUBLIC UTILITY	WINSOME METROPOLITAN DISTRICT NO. 1
C	2,764,119 SQ.FT	OPEN SPACE, PUBLIC TRAIL, DRAINAGE, PUBLIC UTILITY	WINSOME METROPOLITAN DISTRICT NO. 1
D	1,484,496 SQ.FT	OPEN SPACE, PUBLIC TRAIL, DRAINAGE, PUBLIC UTILITY	WINSOME METROPOLITAN DISTRICT NO. 1
E	290,144 SQ.FT	OPEN SPACE, PUBLIC TRAIL, DRAINAGE, PUBLIC UTILITY	WINSOME LLC

**GENERAL NOTES: (CONTINUED)**

- NO LOT OR INTEREST THEREIN, SHALL BE SOLD, CONVEYED OR TRANSFERRED WHETHER BY DEED OR BY CONTRACT, NOR SHALL BUILDING PERMITS BE ISSUED, UNTIL AND UNLESS EITHER THE REQUIRED PUBLIC AND COMMON DEVELOPMENT IMPROVEMENTS HAVE BEEN CONSTRUCTED AND COMPLETED AND PRELIMINARILY ACCEPTED IN ACCORDANCE WITH THE SUBDIVISION IMPROVEMENTS AGREEMENT BETWEEN THE APPLICANT/OWNER AND EL PASO COUNTY AS RECORDED AT RECEPTION NO. \_\_\_\_\_ IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, OR, IN THE ALTERNATIVE, OTHER COLLATERAL IS PROVIDED, TO MAKE PROVISION FOR THE COMPLETION OF SAID IMPROVEMENTS IN ACCORDANCE WITH THE EL PASO COUNTY LAND DEVELOPMENT CODE AND ENGINEERING CRITERIA MANUAL. ANY SUCH ALTERNATIVE COLLATERAL MUST BE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OR, IF PERMITTED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT, BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR AND MEET THE POLICY AND PROCEDURE REQUIREMENTS OF EL PASO COUNTY PRIOR TO THE RELEASE BY THE COUNTY OF ANY LOTS FOR SALE, CONVEYANCE OR TRANSFER.
- THIS PLAT RESTRICTION MAY BE REMOVED OR RESCINDED BY THE BOARD OF COUNTY COMMISSIONERS OR, IF PERMITTED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT, BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR UPON EITHER APPROVAL OF AN ALTERNATIVE FORM OF COLLATERAL OR COMPLETION AND PRELIMINARY ACCEPTANCE BY THE EL PASO BOARD OF COUNTY COMMISSIONERS OF ALL IMPROVEMENTS REQUIRED TO BE RELEASED OF LOTS FOR SALE, CONVEYANCE OR TRANSFER MAY ONLY BE GRANTED IN ACCORDANCE WITH ANY PLANNED PARTIAL RELEASE OF LOTS AUTHORIZED BY THE SUBMISSIONS IMPROVEMENTS AGREEMENT.
- THIS PROPERTY IS SUBJECT TO A PRIVATE DETENTION BASIN/STORMWATER QUALITY BMP MAINTENANCE AGREEMENT AND EASEMENT AS RECORDED AT RECEPTION NO. \_\_\_\_\_ OF THE RECORDS OF EL PASO COUNTY. THE METROPOLITAN DISTRICT IS RESPONSIBLE FOR MAINTENANCE OF THE \_\_\_\_\_ SUBJECT DRAINAGE FACILITIES.
- THE SUBDIVIDER AGREES ON BEHALF OF HIM/HERSELF AND ANY DEVELOPER OR BUILDER SUCCESSORS AND ASSIGNEES THAT SUBDIVIDER AND/OR SAID SUCCESSOR/SOLUTION AND ASSIGNS SHALL BE REQUIRED TO PAY TRAFFIC IMPACT FEES IN ACCORDANCE WITH EL PASO COUNTY ROAD IMPACT FEE PROGRAM (RESOLUTION NO. 19-471), OR ANY AMENDMENTS THERETO, AT OR PRIOR TO THE TIME OF BUILDING PERMIT SUBMITTALS.

**LIMITATION OF ACTIONS AGAINST LAND SURVEYORS:**

ALL ACTIONS AGAINST ANY LAND SURVEYOR BROUGHT TO RECOVER DAMAGES RESULTING FROM ANY ALLEGED NEGLIGENT OR DEFECTIVE LAND SURVEY SHALL BE BROUGHT WITHIN THREE YEARS AFTER THE PERSON BRINGING THE ACTION EITHER DISCOVERED OR IN THE EXERCISE OF REASONABLE DILIGENCE AND CONCERN SHOULD HAVE DISCOVERED THE NEGLIGENCE OR DEFECT WHICH GAVE RISE TO SUCH ACTION, AND NOT THEREAFTER, BUT IN NO CASE SHALL SUCH AN ACTION BE BROUGHT MORE THAN TEN YEARS AFTER THE COMPLETION OF THE SURVEY UPON WHICH SUCH ACTION IS BASED.

**SURVEYOR'S STATEMENT:**

I, JONATHAN W. TESSIN, 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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, BY ME OR MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AND SHOWN HEREON; THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:10,000; AND THAT SAID PLAT HAD BEEN PREPARED IN FULL COMPLIANCE WITH ALL 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\_\_\_\_.

\_\_\_\_\_  
 JONATHAN W. TESSIN, PROFESSIONAL LAND SURVEYOR      DATE  
 COLORADO P.L.S. NO. 33196  
 FOR AND ON BEHALF OF EDWARD-JAMES SURVEYING, INC.

**BOARD OF COUNTY COMMISSIONERS:**

THAT THIS PLAT OF WINSOME FILING NO.3 WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, A.D. SUBJECT TO ANY NOTES SPECIFIED HEREON AND ANY CONDITIONS INCLUDED IN THE RESOLUTION APPROVAL. THE DEDICATIONS OF LAND TO THE PUBLIC (STREETS AND EASEMENTS) ARE INCLUDED, BUT PUBLIC IMPROVEMENTS THEREON WILL NOT BECOME MAINTENANCE RESPONSIBILITY OF EL PASO COUNTRY UNTIL PRELIMINARY ACCEPTANCE OF THE PUBLIC IMPROVEMENTS IN ACCORDANCE WITH THE REQUIREMENTS OF LAND DEVELOPMENT CODE AND ENGINEERING CRITERIA MANUAL, AND SUBDIVISION IMPROVEMENTS AGREEMENT.

\_\_\_\_\_  
 CHAIR, BOARD OF COUNTY COMMISSIONER      DATE

\_\_\_\_\_  
 EXECUTIVE DIRECTOR, PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT      DATE

**CLERK AND RECORDER:**

STATE OF COLORADO      )  
 ) SS  
 COUNTY OF EL PASO      )

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT \_\_\_\_\_ O'CLOCK \_\_\_\_M., THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, A.D., AND WAS RECORDED UNDER RECEPTION NUMBER \_\_\_\_\_ OF THE RECORDS OF EL PASO COUNTY, COLORADO.

BY: \_\_\_\_\_ DEPUTY      STEVE SCHLEIKER, RECORDER

**FEES:**

SCHOOL FEE:	_____
BRIDGE FEE:	_____
PARK FEE:	_____
DRAINAGE FEE:	_____

PCD No.: SF-229

**KNOW ALL MEN BY THESE PRESENTS:**

THAT WINSOME LLC, BEING THE OWNER OF THE FOLLOWING DESCRIBED TRACT OF LAND, TO WIT:

**LEGAL DESCRIPTION:**

A TRACT OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 13, AND A PORTION OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN MONUMENTED ON THE SOUTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED "LS 28658" AND AT THE NORTHERLY END BY A 3-1/4" ALUMINUM CAP STAMPED "LS 12103" BEING ASSUMED TO BEAR N00°14'25"E A DISTANCE OF 2636.99 FEET AS SHOWN IN LAND SURVEY PLAT RECORDED UNDER RECEPTION 218900072 RECORDS OF EL PASO COUNTY, COLORADO.

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 24, SAID POINT BEING THE POINT OF BEGINNING; THENCE N00°14'25"E ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24, SAID LINE ALSO BEING ON THE WEST BOUNDARY OF PARCEL 4, AS RECORDED UNDER RECEPTION NUMBER 218900072, A DISTANCE OF 2,636.99 FEET TO THE NORTHWEST CORNER OF SAID SECTION 24; THENCE N89°21'38"E ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 2,633.02 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 24; THENCE N00°10'29"E ON THE WEST LINE OF THE SOUTH HALF OF THE SOUTH EAST QUARTER OF SECTION 13, TOWNSHIP 11 SOUTH, RANGE 65 WEST, A DISTANCE OF 1,321.99 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE N89°20'28"E ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 13, A DISTANCE OF 1,873.37 FEET; THENCE S00°34'43"W, A DISTANCE OF 2,706.21 FEET; THENCE S89°15'17"E, A DISTANCE OF 155.74 FEET TO A POINT ON CURVE TO THE LEFT, WHOSE CENTER BEARS N85°44'53"W, HAVING A DELTA OF 05°13'06", A RADIUS OF 1,710.00 FEET, A DISTANCE OF 155.74 FEET TO A POINT ON CURVE; THENCE S89°02'00"W, A DISTANCE OF 60.00 FEET; S89°29'13"W, A DISTANCE OF 722.44 FEET; THENCE S15°45'23"W, A DISTANCE OF 1,195.74 FEET; THENCE N62°21'05"W, A DISTANCE OF 229.91 FEET; THENCE N89°29'30"W, A DISTANCE OF 757.49 FEET; THENCE S20°46'13"W, A DISTANCE OF 766.90 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT, WHOSE CENTER BEARS N22°56'03"E, HAVING A DELTA OF 03°42'28", A RADIUS OF 1,470.00 FEET, A DISTANCE OF 95.13 FEET TO A POINT ON CURVE; THENCE S19°13'35"W, A DISTANCE OF 60.00 FEET; THENCE S18°06'10"W, A DISTANCE OF 383.72 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 02°06'44", A RADIUS OF 1,790.00 FEET, A DISTANCE OF 65.99 FEET TO A POINT ON CURVE; THENCE N89°47'06"W, A DISTANCE OF 306.30 FEET; THENCE N89°45'39"W, A DISTANCE OF 128.26 FEET; THENCE S29°41'56"W, A DISTANCE OF 768.98 FEET; THENCE N89°41'23"W, A DISTANCE OF 820.25 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 24; THENCE N00°14'17"E ON THE WEST LINE OF SOUTHWEST QUARTER OF SAID SECTION 24 A DISTANCE OF 1,684.27 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 15,222,954 SQUARE FEET OR 349.471 ACRES.

**DEDICATION:**

THE UNDERSIGNED BEING THE OWNER IN THE LAND DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED, AND PLATTED SAID LANDS INTO LOTS, TRACTS, STREETS AND EASEMENTS AS SHOW SHOWN HEREON SHALL BE KNOWN AS WINSOME FILING NO. 3, IN THE COUNTY OF EL PASO, STATE OF COLORADO. ALL STREETS HEREBY PLATED ARE HEREBY DEDICATED TO PUBLIC USE AND SAID OWNER DOES HEREBY PERSONALLY COVENANT AND AGREE THAT THE PUBLIC IMPROVEMENTS WILL BE CONSTRUCTED TO EL PASO COUNTY STANDARDS AND THAT PROPER DRAINAGE AND EROSION CONTROL FOR THE SAME WILL BE PROVIDED AT SAID OWNERS EXPENSE, ALL TO THE SATISFACTION OF THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO. UPON ACCEPTANCE BY RESOLUTION, ALL PUBLIC IMPROVEMENTS SO DEDICATED WILL BECOME MATTERS OF MAINTENANCE BY EL PASO COUNTY, COLORADO. THE UTILITY EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES AND COMMUNICATION SYSTEMS AND OTHER PURPOSES AS SHOWN HEREON. THE ENTITIES RESPONSIBLE FOR PROVIDING THE SERVICES FOR WHICH THE EASEMENTS ARE ESTABLISHED ARE HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO ADJACENT PROPERTIES FOR INSTALLATION, MAINTENANCE, AND REPLACEMENT OF UTILITY LINES AND RELATED FACILITIES.

**OWNER:**

THE AFOREMENTIONED, WINSOME, LLC, BY ANDREW J. BIGGS, MANAGER HAS EXECUTED THIS DOCUMENT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, A.D.

\_\_\_\_\_  
 ANDREW J. BIGGS, MANAGER, WINSOME LLC

**NOTARIAL:**

STATE OF COLORADO      )  
 ) SS  
 COUNTY OF EL PASO      )

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, A.D., BY ANDREW J. BIGGS, MANAGER OF WINSOME, LLC

WITNESS MY HAND AND OFFICIAL SEAL:

MY COMMISSION EXPIRES: \_\_\_\_\_

\_\_\_\_\_  
 NOTARY PUBLIC

**ACCEPTANCE CERTIFICATE FOR TRACTS:**

THE DEDICATION OF TRACTS A, B, C AND D, WITH ANY IMPROVEMENTS THEREON, WITH USES STATED IN THE TRACT TABLE, WILL BE CONVEYED FOR OWNERSHIP AND MAINTENANCE TO THE WINSOME METROPOLITAN DISTRICT NO. 1 BY SEPARATE DOCUMENT.

BY: \_\_\_\_\_

ANDREW J. BIGGS

AS PRESIDENT OF WINSOME METROPOLITAN DISTRICT NO. 1

**GENERAL NOTES:**

- THE DATE OF PREPARATION IS JULY 1, 2021.
- THE BASIS OF BEARINGS IS THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN BEING MONUMENTED ON THE SOUTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED "LS 28658" AND AT THE NORTHERLY END BY A 3-1/4" ALUMINUM CAP SHOWN IN LAND SURVEY PLAT RECORDED UNDER RECEPTION 218900072 RECORDS OF EL PASO COUNTY, COLORADO.
- THIS PLAT DOES NOT CONSTITUTE A TITLE SEARCH BY EDWARD-JAMES SURVEYING, INC. TO DETERMINE OWNERSHIP OF THIS TRACT, VERIFY THE DESCRIPTION SHOWN, VERIFY THE COMPATIBILITY OF THIS DESCRIPTION WITH THAT OF ADJACENT TRACTS, OR VERIFY EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHT-OF-WAY, OR TITLE OF RECORD, EDWARD-JAMES SURVEYING, INC. RELIED UPON ORDER NUMBER SC55072022-16, PREPARED BY LAND TITLE GUARANTEE COMPANY WITH AN EFFECTIVE DATE OF JANUARY 13, 2020 AT 5:00 P.M.
- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENTS OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.
- THE ADDRESS EXHIBITED ON THIS PLAT ARE FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT THE LEGAL DESCRIPTION AND ARE SUBJECT TO CHANGE.
- LINEAL UNIT OF MEASURE IS THE U.S. SURVEY FOOT.
- THE PROPERTY IS LOCATED WITHIN A DESIGNATED FEMA FLOODPLAIN, EFFECTIVE ZONE A FLOODPLAIN WITH NO BFES AS DETERMINED BY THE FLOOD INSURANCE RATE MAP, COMMUNITY MAP NUMBER 08041C03506 EFFECTIVE DATE DECEMBER 07, 2018. DRAFT MODEL BACKED BFES FOR THIS AREA HAVE BEEN DEVELOPED AS PART OF PHASE 1 FOR THE ONGOING EL PASO COUNTY, CO. RISK MAP PROJECT. THE DATA HAS BEEN REVIEWED AND APPROVED THROUGH FEMA'S QA/QC PROCESS (MAY 11, 2022) AND IS CURRENTLY IN THE MIP (CASE NO. 19-08-00375). NO STRUCTURES OR FENCES ARE PERMITTED WITHIN THE DESIGNATED FLOODPLAIN UNLESS OTHERWISE PERMITTED AS PART OF THE FLOODPLAIN DEVELOPMENT PERMIT. FEMA ISSUED A CLOMR DATED SEPTEMBER 30, 2019, REGARDING THE PROPOSED CREEK CROSSING. BFES SHOWN HEREON ARE BASED ON THE NAVD 88 DATUM.
- UNLESS OTHERWISE INDICATED, FRONT LOT LINES ARE HEREBY PLATTED WITH A 10-FOOT-WIDE PUBLIC UTILITY, IMPROVEMENT AND DRAINAGE EASEMENT (PUIE) AND AN ADJACENT 10-FOOT-WIDE PUBLIC UTILITY EASEMENT (PUE), ALL SIDE AND REAR LOT LINES ARE HEREBY PLATTED ON EITHER SIDE WITH A 10 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT UNLESS OTHERWISE INDICATED. THE SOLE RESPONSIBILITY FOR MAINTENANCE OF THESE EASEMENTS SHALL BE VESTED WITH THE INDIVIDUAL PROPERTY OWNERS.
- ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGH THEIR PROPERTY. PUBLIC DRAINAGE EASEMENTS AS SPECIFICALLY NOTED ON THE PLAT SHALL BE MAINTAINED BY THE WINSOME METROPOLITAN DISTRICT.
- THE FOLLOWING REPORTS HAVE BEEN SUBMITTED AND ARE ON FILE AT THE COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT: FINAL DRAINAGE REPORT, WATER RESOURCE REPORT, WASTEWATER DISPOSAL REPORT; GEOLOGY AND SOILS REPORT, FIRE PROTECTION REPORT, WILDLIFE HAZARD REPORT; NATURAL FEATURES REPORT; TRANSPORTATION IMPACT STUDY.
- THE FOLLOWING LOTS MAY BE IMPACTED BY GEOLOGIC HAZARDS, MITIGATION MEASURES AND A MAP OF THE HAZARD AREA CAN BE FOUND IN THE REPORT: SOIL, GEOLOGY, AND GEOLOGIC HAZARD STUDY-WINSOME FILING NO. 3 PREPARED BY ENTECH ENGINEERING, INC., REVISED FEBRUARY 15, 2023, IN THE FILE WINSOME FILING NO. 3 FINAL PLAT, SF229 AVAILABLE AT THE EL PASO COUNTY SERVICES DEPARTMENT:
  - DOWNSLOPE CREEP - LOTS 7, 8, 10, 11
  - POTENTIALLY UNSTABLE SLOPES - LOTS 31, 32
  - POTENTIALLY SEASONALLY HIGH GROUND WATER - LOTS 1-6, 10-14, 22, 24, 25, 27-38
- ACCORDING TO THE WASTEWATER STUDY PREPARED BY ENTECH ENGINEERING, INC. REVISED FEBRUARY 15, 2023, ALL LOTS WILL REQUIRE AN ENGINEERED OWTS SYSTEM. INDIVIDUAL LOT SOIL TESTING IS REQUIRED PRIOR TO CONSTRUCTION.
- DEVELOPER SHALL COMPLY WITH FEDERAL AND STATE LAWS, REGULATIONS, ORDINANCES, REVIEW AND PERMIT REQUIREMENT, AND OTHER AGENCY REQUIREMENTS, IF ANY APPLICABLE AGENCIES INCLUDING, BUT NOT LIMITED TO, THE COLORADO DEPARTMENT OF WILDLIFE, COLORADO DEPARTMENT OF TRANSPORTATION, U.S. ARMY CORP OF ENGINEERS, THE U.S. FISH & WILDLIFE SERVICE AND/OR REGARDING THE ENDANGERED SPECIES ACT, PARTICULARLY AS IT RELATES TO THE LISTED SPECIES (EG., PREBLE'S MEADOW JUMPING MOUSE).
- STRUCTURES, FENCES, MATERIALS OR LANDSCAPING THAT COULD IMPEDE THE FLOW OF RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENTS. AREAS WITHIN THE DRAINAGE EASEMENT ARE NO BUILD AREAS AND NOT SUITABLE FOR OWTS LOCATION.
- FOUNDATIONS MUST HAVE A MINIMUM 30-INCH DEPTH FOR FROST PROTECTION. IN AREAS WHERE HIGH SUBSURFACE MOISTURE CONDITIONS ARE ANTICIPATED, SUBSURFACE PERIMETER DRAINS ARE REQUIRED.
- NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAD BEEN GRANTED BY EL PASO COUNTY.
- MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY AND UNITED STATES POSTAL SERVICE REGULATIONS.
- INDIVIDUAL LOT PURCHASERS ARE RESPONSIBLE FOR CONSTRUCTING DRIVEWAYS, INCLUDING NECESSARY DRAINAGE CULVERTS PER LAND DEVELOPMENT CODE SECTION 6.3.3.C.2 AND 6.3.3.C.3. DRIVEWAYS LONGER THAN 300-FEET NEED TO BE APPROVED BY THE FALCON FIRE DISTRICT. SOME LOTS REQUIRE CULVERTS LARGER THAN 18-INCHES BASED ON THE FINAL DRAINAGE REPORT AND SHALL BE SIZED AND DESIGNED BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF COLORADO. IF A DRIVEWAY IS PROPOSED TO CROSS A DRAINAGE EASEMENT, AN ENGINEERED SITE PLAN WILL BE REQUIRED FOR COUNTY REVIEW.
- WILDLAND FIRE PROTECTION WILL BE INDIVIDUAL OWNER'S RESPONSIBILITY.
- THE WINSOME METROPOLITAN DISTRICT NO. 1, IS ESTABLISHED IN THE DOCUMENT RECORDED UNDER RECEPTION NUMBER 219085336, RECORDS OF EL PASO COUNTY, COLORADO.
- NOTICE: THIS PROPERTY IS WITHIN A SPECIAL TAXING DISTRICT, WINSOME METROPOLITAN DISTRICT NO. 2, CREATED FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING CERTAIN DRAINAGE AND PARK AND RECREATION IMPROVEMENTS. SPECIAL TAXING DISTRICTS ARE SUBJECT TO GENERAL OBLIGATION INDEBTEDNESS THAT IS PAID BY REVENUES PRODUCED FROM ANNUAL TAX LEVIES ON THE TAXABLE PROPERTY WITHIN SUCH DISTRICTS. THE BUYER SHOULD FAMILIARIZE HIMSELF/HERSELF WITH THIS POTENTIALITY AND RAMIFICATIONS THEREOF.

REVISIONS NO.	DESCRIPTION	DATE

**EDWARD-JAMES SURVEYING, INC.**

4732 Eagleridge Circle  
 Pueblo, CO 81008  
 Office: (719) 545-6240  
 Fax: (719) 545-6247

926 Elkton Drive  
 Colorado Springs, CO 80907  
 Office: (719) 576-1216  
 Fax: (719) 576-1206

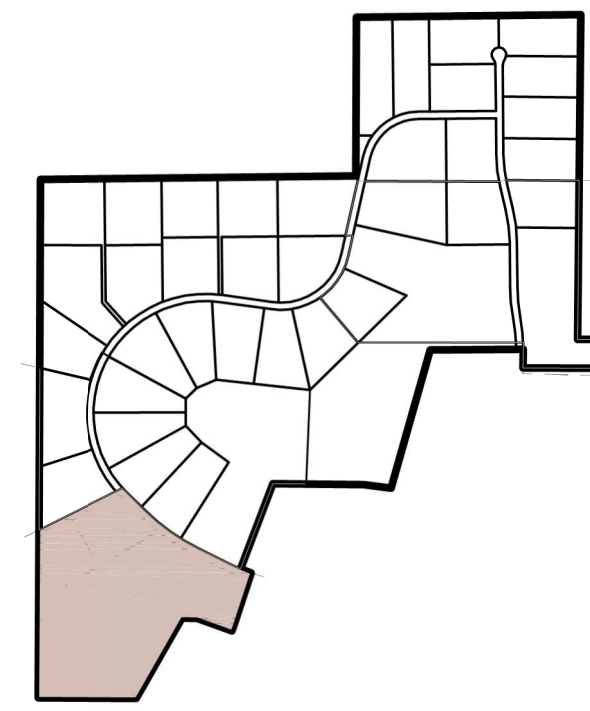
**WINSOME FILING NO. 3  
FINAL PLAT**

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 13,  
 A PORTION OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST,  
 OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO

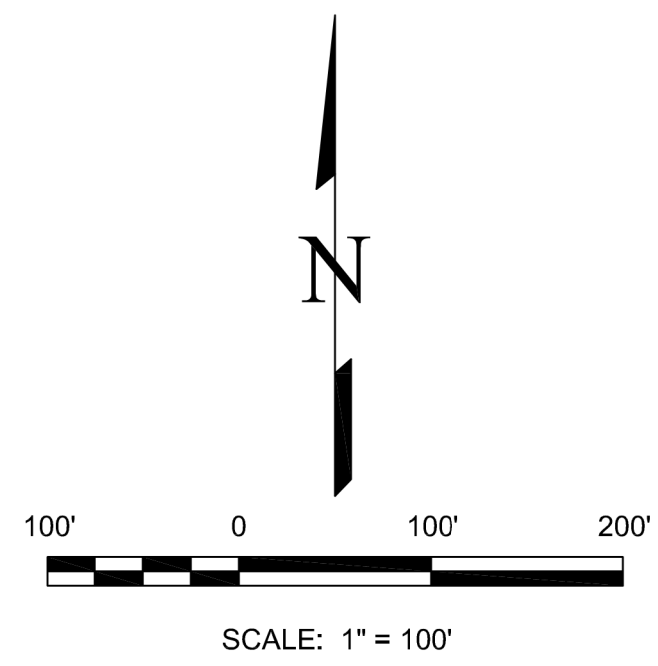
DRAWN BY	<b>JWT</b>
CHECKED BY	<b>TWS</b>
H-SCALE	<b>N/A</b>
JOB NO.	<b>1858-04</b>
DATE CREATED	<b>7/1/2021</b>
DATE ISSUED	<b>4/28/2023</b>
SHEET NO	<b>1 OF 7</b>

# WINSOME FILING NO. 3

## A PORTION OF THE SOUTHEAST QUARTER OF SECTION 13, AND A PORTION OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO

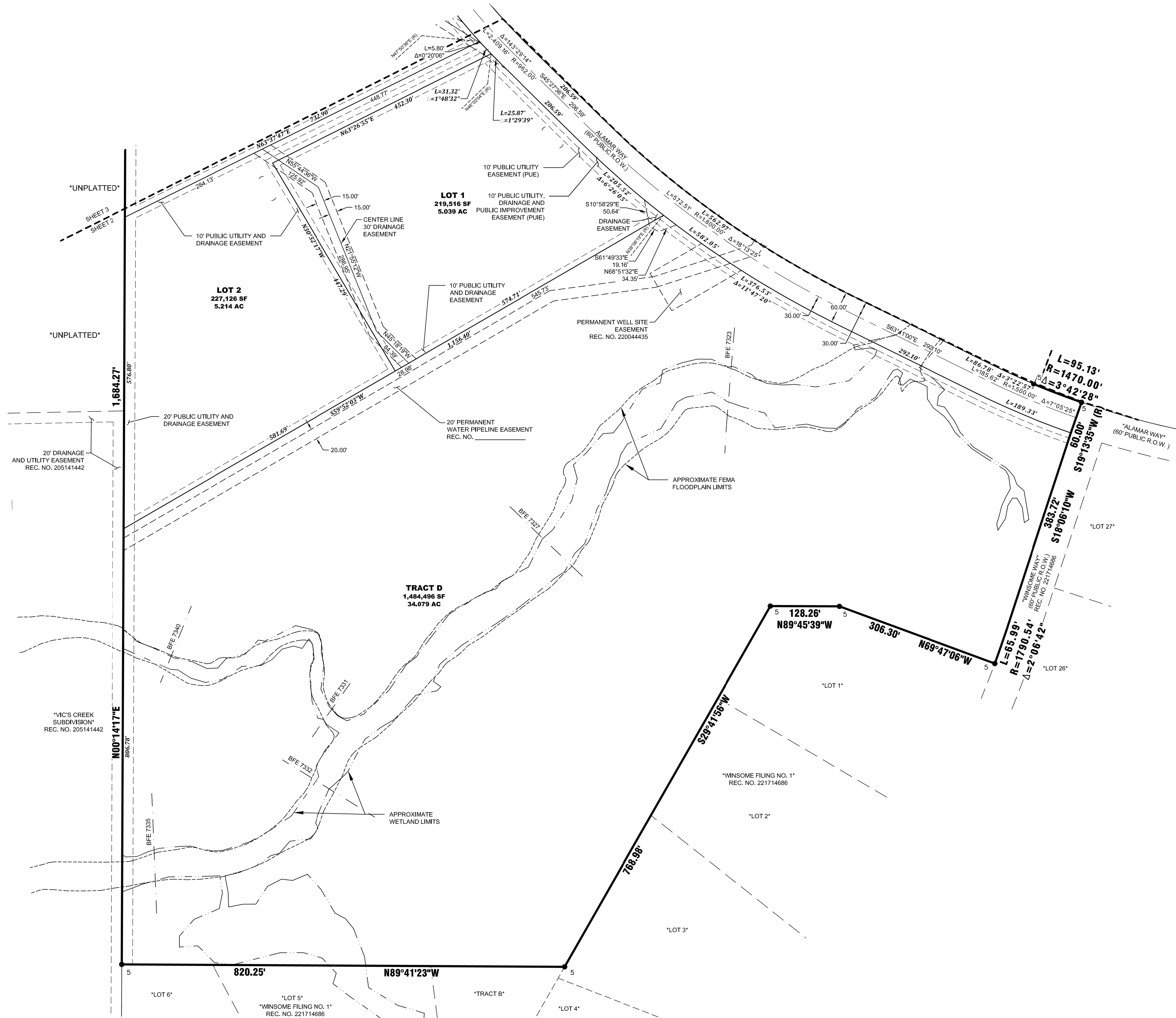


KEY MAP



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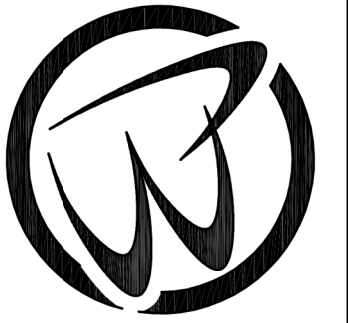
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  - 4 FOUND YELLOW PLASTIC CAP ILLEGIBLE
  - 5 FOUND NO. 5 REBAR AND PLASTIC CAP STAMPED EDWARD-JAMES PLS 33196\*-GROUND LEVEL
  - 6 SET NO. 5 REBAR AND PLASTIC CAP STAMPED \* EDWARD-JAMES PLS 33196\*-GROUND LEVEL
  - \* AREA NOT INCLUDED IN THIS SURVEY
- BOUNDARY LINE
- - - - - EASEMENT LINE
- · - · - · WETLAND DELINEATION
- - - - - APPROXIMATE FEMA FLOODPLAIN
- ( ) ADDRESS
- (R) RADIAL BEARING



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 Colorado Springs, CO 80907  
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 Fax: (719) 576-1206

4732 Eagleledge Circle  
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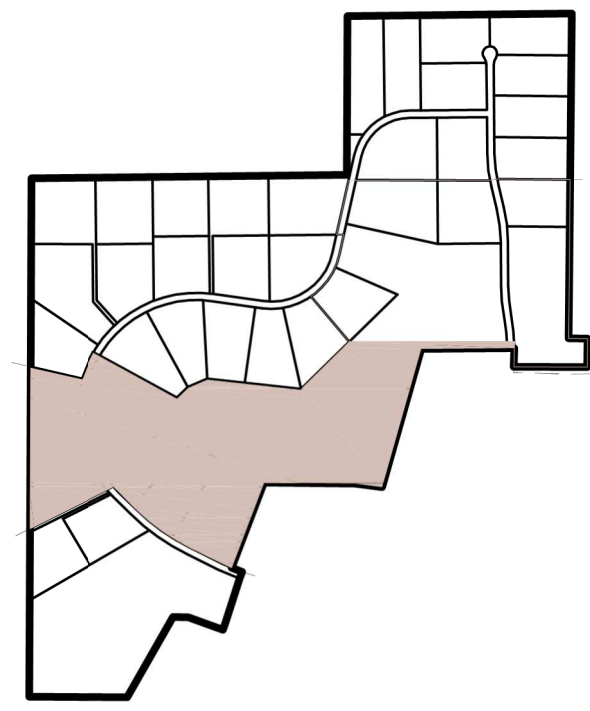
**WINSOME FILING NO. 3  
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A PORTION OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST,  
OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO

DRAWN BY	JWT
CHECKED BY	TWS
H-SCALE	1"=100'
JOB NO.	1858-04
DATE CREATED	7/1/2021
DATE ISSUED	4/28/2023
SHEET NO	2 OF 7

# WINSOME FILING NO. 3

## A PORTION OF THE SOUTHEAST QUARTER OF SECTION 13, AND A PORTION OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO



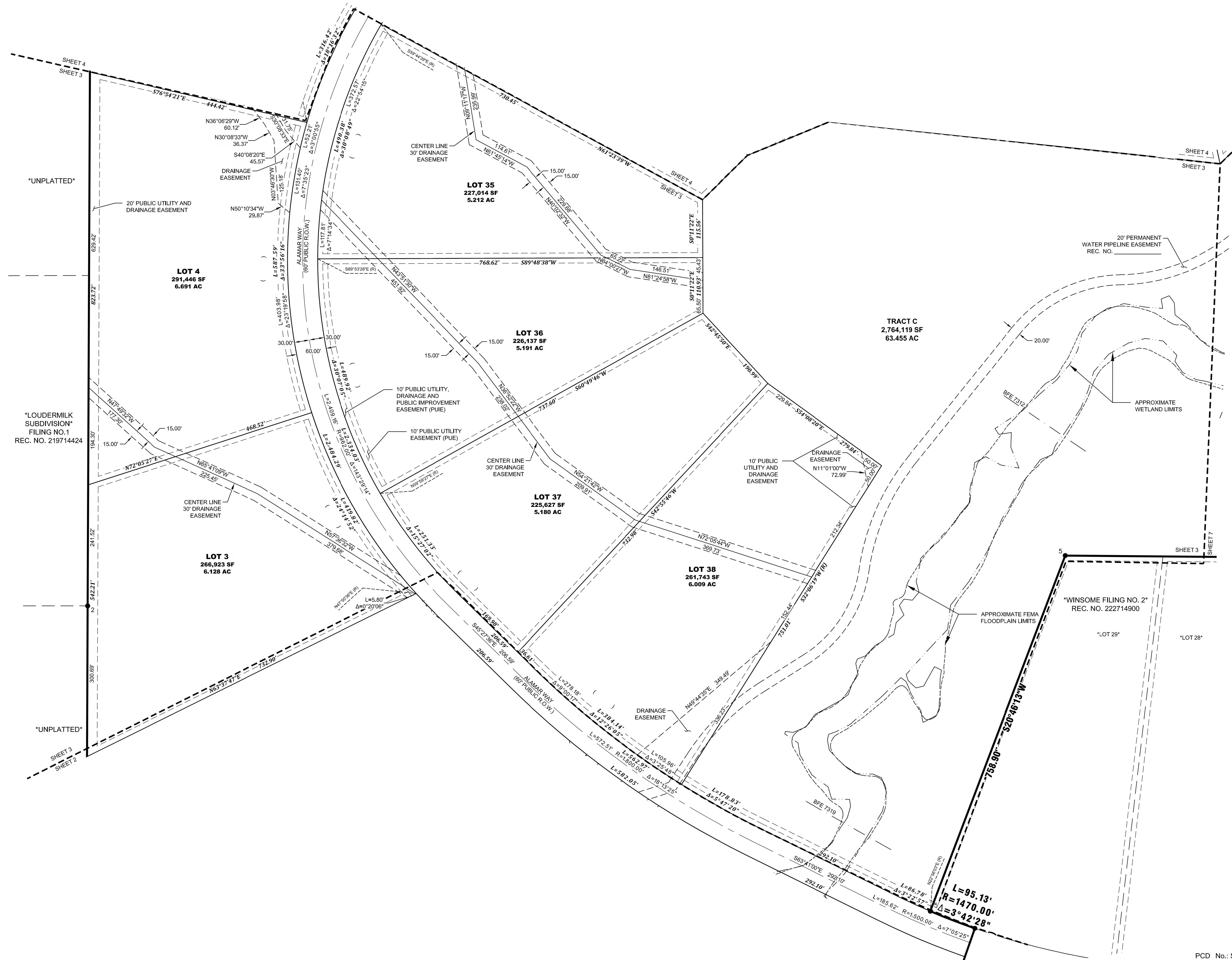
KEY MAP



SCALE: 1" = 100'

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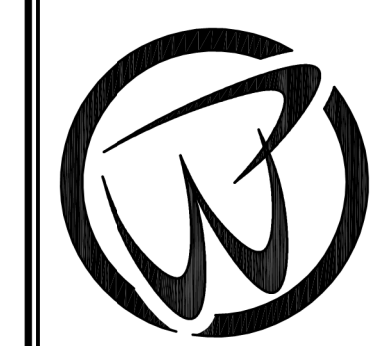
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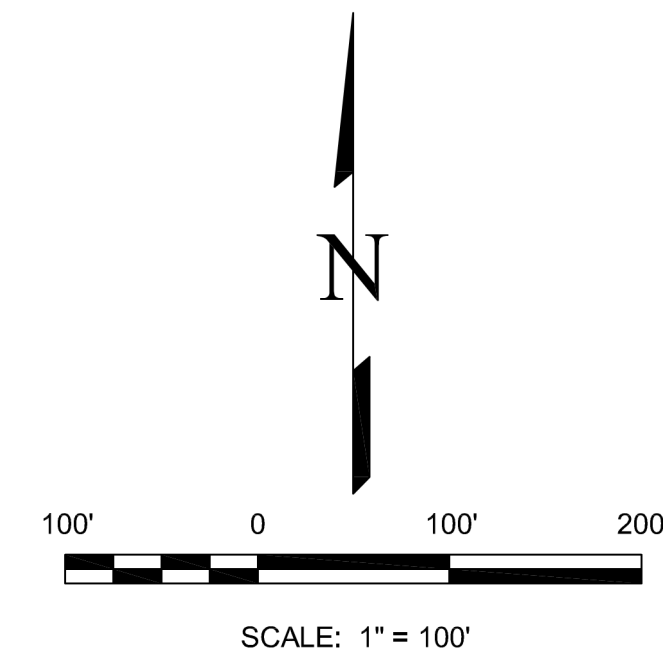
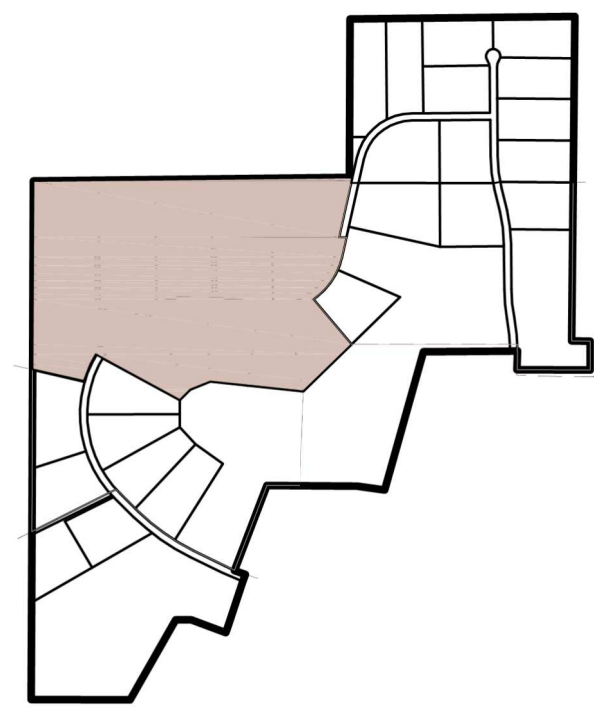
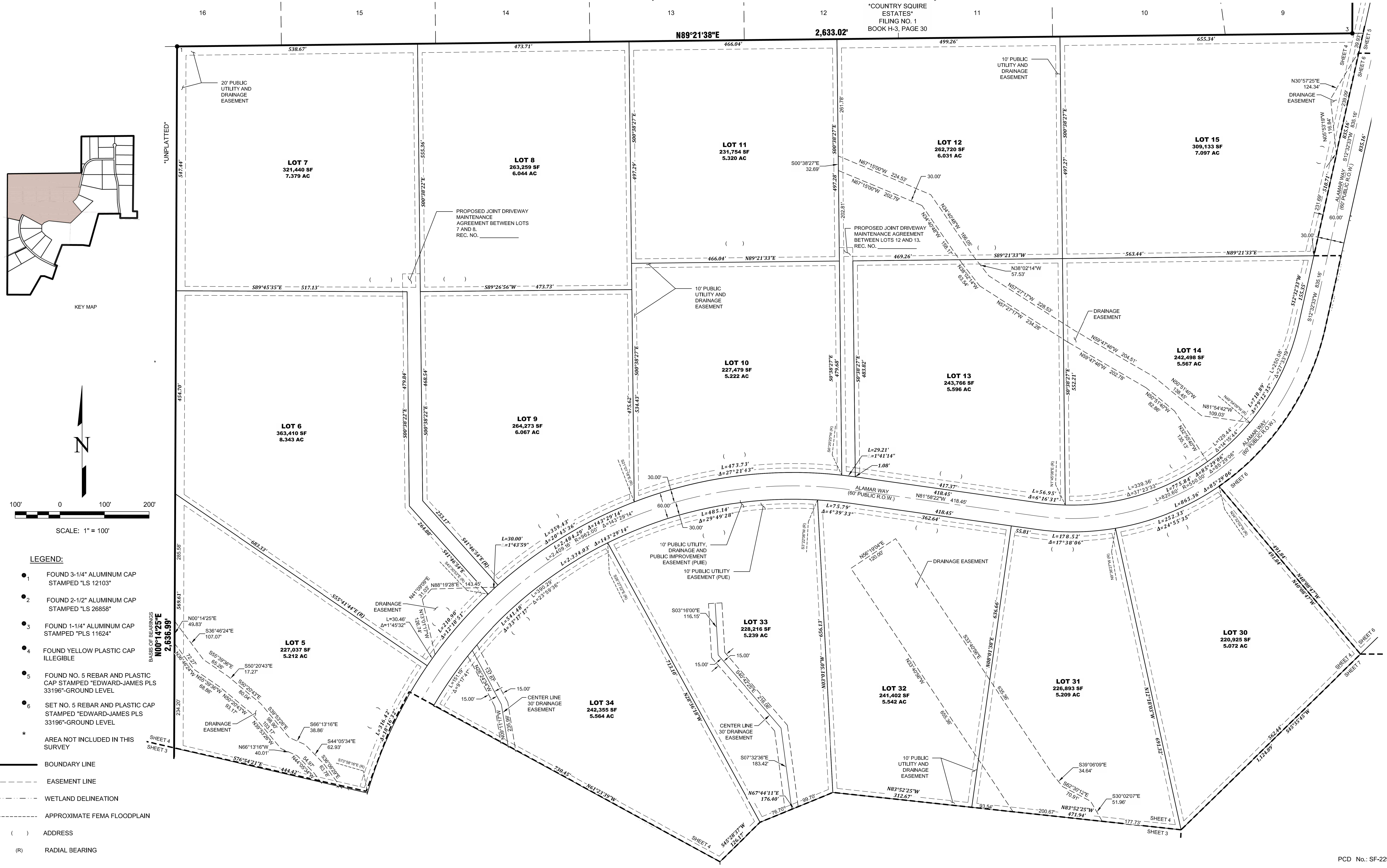
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DRAWN BY	JWT
CHECKED BY	TWS
H-SCALE	1"=100'
JOB NO.	1858-04
DATE CREATED	7/1/2021
DATE ISSUED	4/28/2023
SHEET NO	3 OF 7

# WINSOME FILING NO. 3

## A PORTION OF THE SOUTHEAST QUARTER OF SECTION 13, AND A PORTION OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO



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**WINSOME FILING NO. 3  
FINAL PLAT**

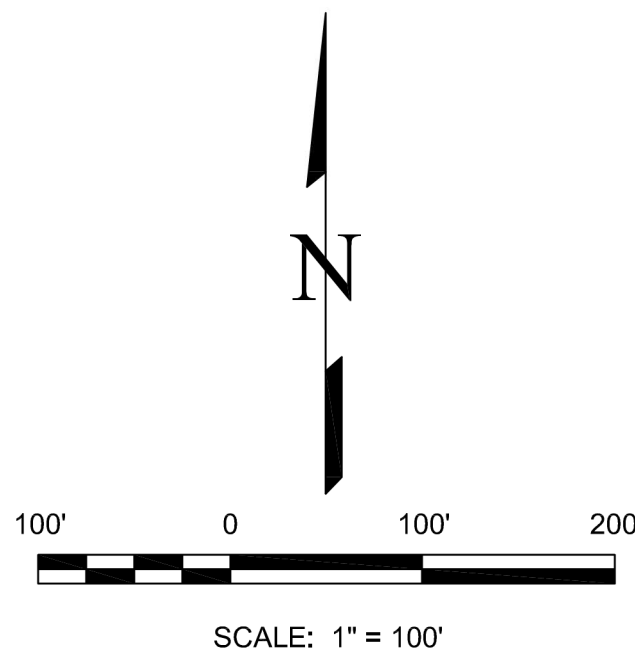
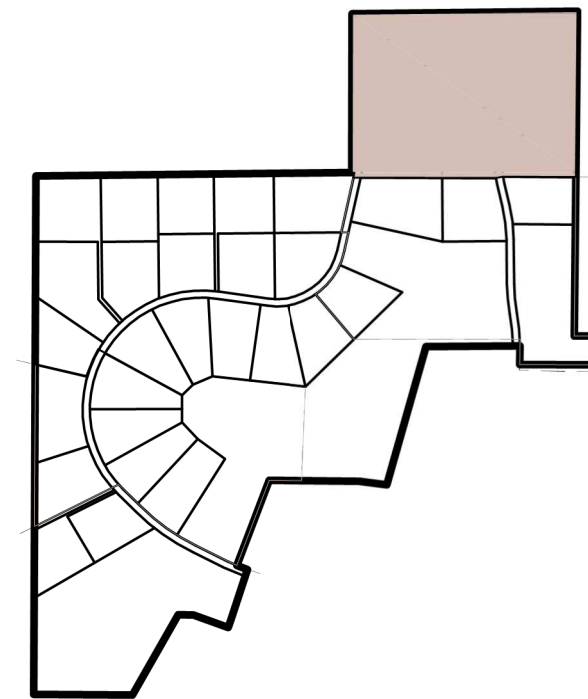
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H-SCALE	1"=100'
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DATE CREATED	7/1/2021
DATE ISSUED	4/28/2023
SHEET NO	4 OF 7

PCD No.: SF-229

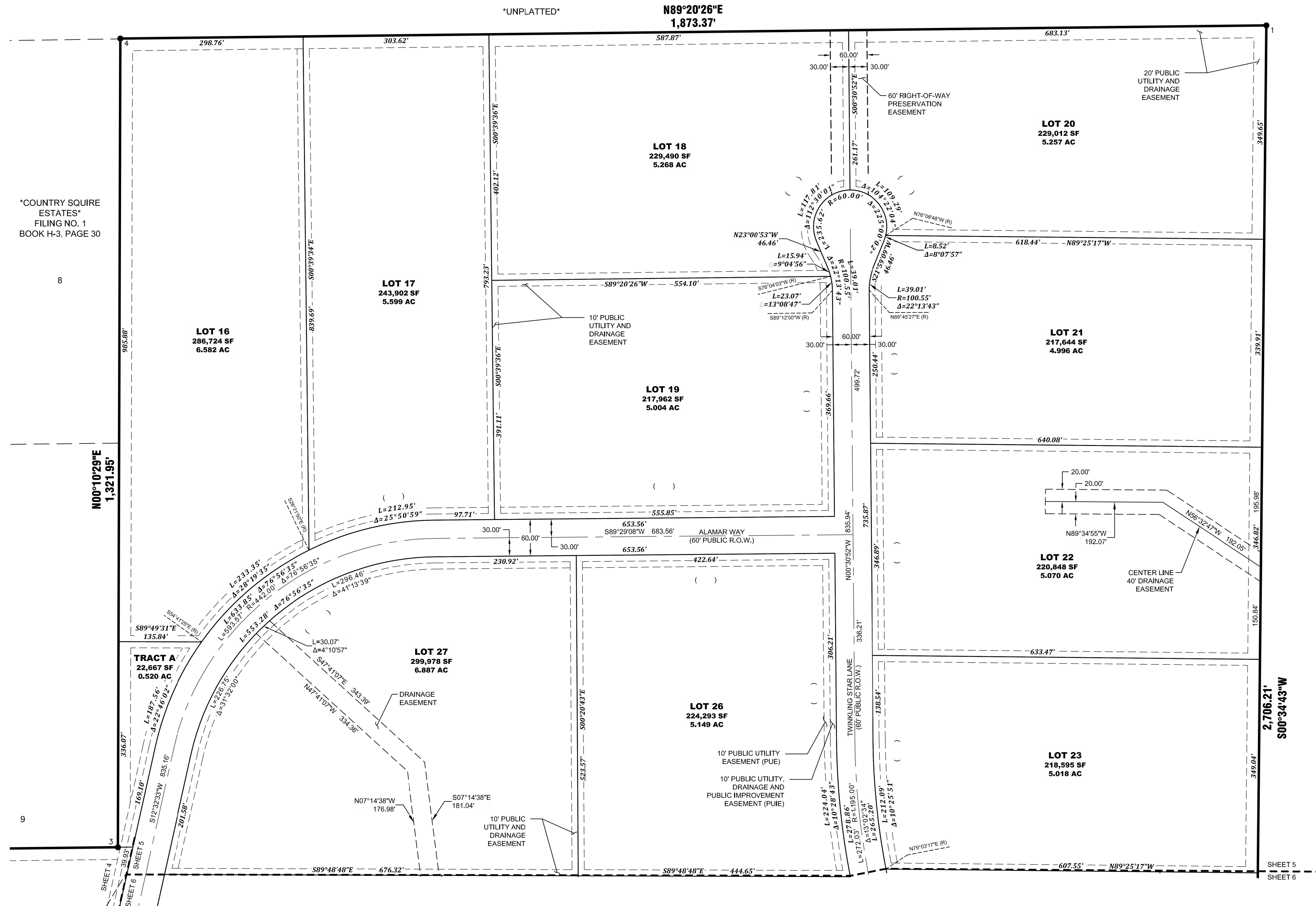
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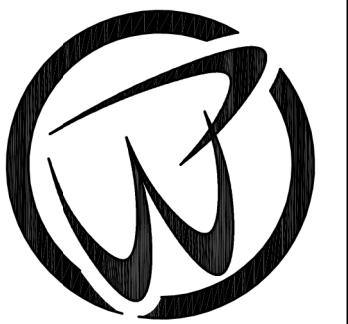
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**WINSOME FILING NO. 3  
FINAL PLAT**

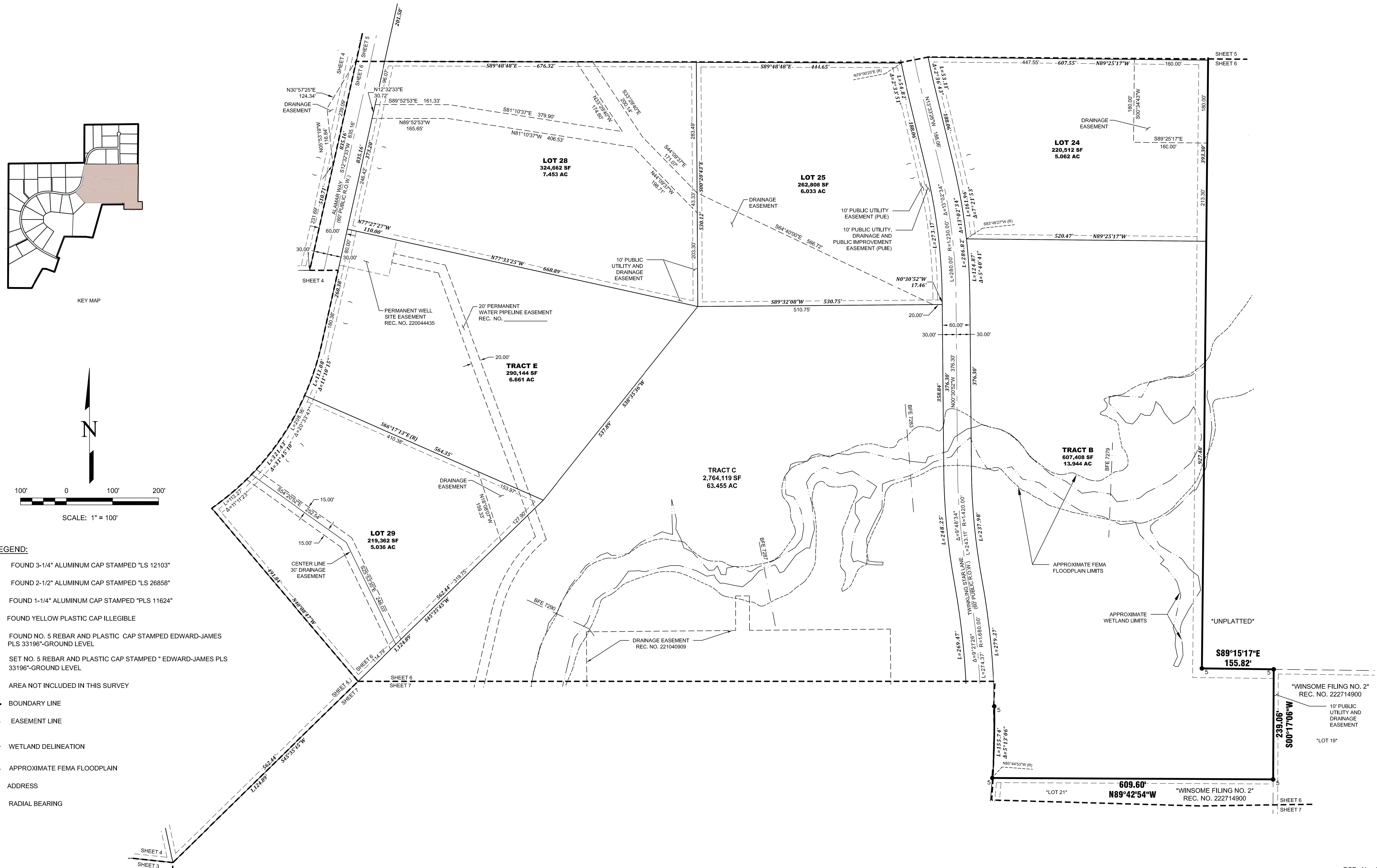
A PORTION OF THE SOUTHEAST QUARTER OF SECTION 13,  
A PORTION OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST,  
OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO

DRAWN BY	JWT
CHECKED BY	TWS
H-SCALE	1"=100'
JOB NO.	1858-04
DATE CREATED	7/1/2021
DATE ISSUED	4/28/2023
SHEET NO	5 OF 7



# WINSOME FILING NO. 3

## A PORTION OF THE SOUTHEAST QUARTER OF SECTION 13, AND A PORTION OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO



- LEGEND:**
- 1 FOUND 3-1/4" ALUMINUM CAP STAMPED "LS 12103"
  - 2 FOUND 2-1/2" ALUMINUM CAP STAMPED "LS 26858"
  - 3 FOUND 1-1/4" ALUMINUM CAP STAMPED "PLS 11624"
  - 4 FOUND YELLOW PLASTIC CAP ILLEGIBLE
  - 5 FOUND NO. 5 REBAR AND PLASTIC CAP STAMPED EDWARD-JAMES PLS 33196"-GROUND LEVEL
  - 6 SET NO. 5 REBAR AND PLASTIC CAP STAMPED " EDWARD-JAMES PLS 33196"-GROUND LEVEL
  - \* AREA NOT INCLUDED IN THIS SURVEY
- BOUNDARY LINE  
 - - - - - EASEMENT LINE  
 - · - · - · WETLAND DELINEATION  
 - · - - - - APPROXIMATE FEMA FLOODPLAIN  
 ( ) ADDRESS  
 (R) RADIAL BEARING

NO.	REVISIONS	DESCRIPTION	DATE

**EDWARD-JAMES SURVEYING, INC.**  
 926 Elkton Drive  
 Colorado Springs, CO 80907  
 Office: (719) 576-1216  
 Fax: (719) 576-1206

4732 Eagleridge Circle  
 Pueblo, CO 81008  
 Office: (719) 545-6240  
 Fax: (719) 545-6247

**WINSOME FILING NO. 3  
FINAL PLAT**

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 13,  
A PORTION OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST,  
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H-SCALE	1"=100'
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DATE CREATED	7/1/2021
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SHEET NO	6 OF 7





March 2, 2022

John Green  
El Paso County Development Services Department  
[DSDcomments@elpasoco.com](mailto:DSDcomments@elpasoco.com)

RE: Winsome Filing No. 3  
Part of Sec. 24, T11S, R65W, 6<sup>th</sup> P.M. and Part of the W ½ of the W ½ of Sec. 19, T11S,  
R64W, 6<sup>th</sup> P.M.  
Water Division 1, Water District 1  
Kiowa-Bijou Designated Basin

Dear Mr. Green:

We have reviewed your February 3, 2022 submittal concerning the above referenced proposal to subdivide 366 acres into 38 residential lots. Our office previously commented on the McCune Ranch Preliminary Plan (containing 766.66 acres) in a letter dated May 3, 2019, of which the Winsome Filing No. 3 is a portion.

### Water Supply Demand

According to the submitted Water Resources Report for Winsome Filing No. 3 dated May 2021 and revised September 2021 (“Water Resources Report”) the total estimated water requirement is 22.8 acre-feet/year. The estimated water requirement of 0.6 acre-feet/year per residential lot assumes that 0.3 acre-foot per year is required for domestic indoor use, 0.25 acre-feet per year is required for irrigation of up to 4,000 square feet of lawn, garden and trees, and 0.05 acre-feet per year is required for watering of four large domestic animals.

### Source of Water Supply

According to the Water Resources Report, the proposed source of water supply for the residential lots is individual on-lot wells producing from the not-nontributary Dawson Aquifer that would be permitted pursuant to Determination of Water Right no. 1692-BD and the associated Replacement Plan No. 1692-RP, No. 4.

Determination of Water Right no. 1692-BD was issued by the Ground Water Commission (“Commission”) on June 25, 2008 for an allowed average annual amount of withdrawal of ground water of 819 acre-feet from the Dawson Aquifer (based on an aquifer life of 100 years) to be used on 900.52 acres (which include the 366 acres of the subject subdivision). On March 13, 2018, the Commission approved Amendment No. 1 of Determination of Water Right no. 1692-BD which cancelled an allowed average annual withdrawal of 12 acre-feet from the Determination, leaving an allowed average annual amount of withdrawal of 807 acre-feet (based on an aquifer life of 100 years) in the Determination.

On August 27, 2021, the Commission approved Replacement Plan No. 1692-RP, No. 4, which cancelled Replacement Plan No. 1692-RP, No. 3, previously approved on December 1, 2020. Replacement Plan No. 1692-RP, No. 4, allows for the withdrawal of 37.8 acre-feet per year of ground



water from the Dawson aquifer for 300 years, through 63 wells to be located on 63 residential lots on 479.4 acres, of which the subject 366 acres is a part. The remaining 25 wells that are the subject of Replacement Plan No. 1692-RP, No. 4 are within Winsome Filing No. 2. Each well may withdraw 0.6 acre-feet per year of ground water to be used for use in one single family dwelling, the irrigation of landscape and lawn and gardens and the watering of domestic animals and stock. These allowed uses are consistent with the proposed uses specified in the Water Supply Report.

The proposed source of water for this development is a bedrock aquifer allocation from the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which the bedrock aquifer sources will be a physically and economically viable source of water. According to 37-90-107(7)(a), C.R.S., "Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years." Based on this allocation approach, the annual amount of water determined in Determination of Water Right No. 1692-BD is equal to one percent of the total amount, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

The *El Paso County Land Development Code*, Section 8.4.7.(B)(7)(b) states:

"(7) Finding of Sufficient Quantity

(b) Required Water Supply. The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of 300 years."

The State Engineer's Office does not have evidence regarding the length of time for which this source will "meet the average annual demand of the proposed subdivision." However, treating El Paso County's requirement as an **allocation** approach based on three hundred years, the allowed average annual amount of withdrawal for the 38 wells of 22.8 acre-feet may be withdrawn in that amount for a maximum of 300 years, pursuant to Replacement Plan No. 1692-RP, No. 4.

The Water Resources Report submitted makes reference to other water rights, including those in the Denver, Arapahoe and Laramie-Fox Hills Aquifers under Determination of Water Right nos. 1691-BD, 1690-BD and 1689-BD, but those rights are not identified as a sources of water for the subdivision.

In our letter dated May 3, 2019 regarding the McCune Ranch Subdivision Preliminary Plan we noted that there is an existing small-capacity Dawson Aquifer well, permit no. 162283, with a permitted well location that would place it on the 766.6 acres. Well permit no. 162283 was issued on a tract of 40 acres described as the NW ¼ of the SW ¼ of Sec. 19, Twp. 11 S, Range 64 W, 6<sup>th</sup> P.M., without consideration of material injury to other water rights. According to the January 7, 2019 water resources report submitted with that referral request a search for the well structure was conducted on January 7, 2019, resulting in no evidence that the structure exists at or near the location depicted in the permit. In addition, the then owner of the property, Mary Sue Liss with McCune Ranch, indicated that she has never seen a well casing or structure since she has owned or lived on the property. Therefore it is believed that the well is not located on property. However, the developer agreed to abandon the well per Colorado Well Construction Rules and Regulations should the well structure be found during construction of the development. In the event that the well is located and plugged and abandoned the well owner must submit a Well Abandonment Report (Form GWS-09) available for download at: <https://dwr.colorado.gov/services/well-construction-inspection>.

**State Engineer's Office Opinion**

Based upon the above and pursuant to Sections 30-28-136(1)(h)(l), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to water rights.

Our opinion that the water supply is **adequate** is based on our determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions.

Our opinion that the water supply can be **provided without causing injury** is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory **allocation** approach, for the proposed uses on the subdivided land is greater than the annual amount of water required to supply existing water commitments and the demands of the proposed subdivision.

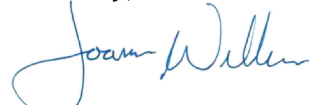
Our opinion is qualified by the following:

The Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the above-referenced decree, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifer, and identified in this letter, are calculated based on estimated current aquifer conditions. The source of water is from a non-renewable aquifer, the allocations of which are based on a 100 year aquifer life. The county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 100 years (or 300 years) used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.

If you, or the applicant, have any questions, please contact Melissa van der Poel at 303-866-3581 ext. 8216.

Sincerely,



Joanna Williams  
Water Resources Engineer

Ec: Division 1  
Project no. 27576  
Permit no. 162283

Winsome Filing 3.docx

County Attorney

Kenneth R. Hodges, County Attorney  
719-520-6485  
Centennial Hall  
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Board of County Commissioners  
Holly Williams, District 1  
Carrie Geitner, District 2  
Stan VanderWerf, District 3  
Longinos Gonzalez, Jr., District 4  
Cami Bremer, District 5

April 25, 2023

SF-22-9 Winsome Filing No. 3 Subdivision  
Final Plat

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal for approval of a Final Plat for Winsome Filing No. 3 subdivision by Winsome, LLC (“Applicant”) for a 38-lot subdivision on a 347.47-acre parcel 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 22.80 annual acre-feet, comprised of 11.40 acre-feet/year for household use for 38 single-family dwellings, 9.50 acre-feet/year for irrigation of 9.5 acres, and 1.9 acre-feet/year for animal watering for 152 large animals. Based on this total demand, Applicant must be able to provide a supply of 6,840 acre-feet of water (22.80 acre-feet/year x 300 years) to meet the Count’s 300-year water supply requirement.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from individual on-lot wells producing from the not-nontributary Dawson aquifer as provided in the Determination of Water Rights No. 1692-BD and Replacement Plan No. 1692-RP, No. 4 issued by the Colorado Ground Water Commission (“Commission”). In the Determination and Replacement Plan, the Commission authorized

ASSISTANT COUNTY ATTORNEYS

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BRYAN E. SCHMID  
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MERI GERINGER

the withdrawal of 37.8 acre-feet per year for 300 years from the Dawson aquifer, for up to 63 lots.<sup>1</sup> The Replacement Plan requires the use of septic return flows for replacement water through the installation and use of a septic system on each residential lot which has a well.

4. Applicant provided a *Water Resources Report for Winsome Filing No. 3* dated January 2023 (“*Report*”). The *Report* estimates the total water demand for the subdivision at 22.8 acre-feet/year, or 0.6 acre-feet/year/lot for 38 lots. The *Report* notes that Determination of Water Rights No. 1692-BD approved the withdrawal of 819 acre-feet of water per year from the Dawson aquifer over a period of 100 years for a 900.52-acre parcel of land, of which this subdivision is a part. Replacement Plan No. 1692-RP, No. 4 subsequently approved the withdrawal of 37.8 acre-feet per year from the Dawson aquifer over a period of 300 years from 63 wells located on 479.4 acres of the original 900.52 acres. 38 of those 63 wells are proposed for this subdivision.

#### State Engineer’s Office Opinion

5. In a letter dated March 2, 2022, the State Engineer stated that “...the total estimated water requirement is 22.8 acre-feet/year. The estimated water requirement of 0.6 acre-feet/year per residential lot assumes that 0.3 acre-foot [sic] per year is required for domestic indoor use, 0.25 acre-feet per year is required for irrigation of up to 4,000 square feet of lawn, garden and trees, and 0.05 acre-feet per year is required for watering of four large domestic animals.” The State Engineer noted that the proposed source of water supply is individual on-lot wells producing from the not-nontributary Dawson Aquifer and permitted pursuant to Determination of Water Right no. 1692-BD and the associated Replacement Plan No. 1692-RP, No. 4, which allow 63 wells, including the 38 proposed for this Subdivision, to withdraw 0.6 acre-feet/year of ground water each over 300 years.

Finally, the State Engineer provided their opinion “...that the proposed water supply is adequate and can be provided without causing injury to water rights.”

#### Recommended Findings

6. Quantity and Dependability. Applicant’s water demand for the Winsome Filing No. 3 Final Plat is 22.80 acre-feet per year for a total demand of 6,840 acre-feet for the subdivision for 300 years. Determination of Water Right No. 1692-BD and Replacement Plan 1692-RP, No. 4 allow 38 wells to withdraw 0.6 acre-feet per year for 300 years for the uses proposed in this subdivision.

**Based on the water demand of 22.80 acre-feet/year for the Winsome Filing No. 3 Final Plat and the Determination of Water Rights and Replacement Plan permitting withdrawals in that among, the County Attorney’s Office recommends a finding of sufficient water quantity and dependability for this subdivision.**

7. Quality. 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.**

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<sup>1</sup> 25 of the approved lots are within Winsome Filing No. 2, and the remaining 38 are in this Filing No. 3.

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the Water Supply Information Summary submitted March 13, 2023, the Water Resources Report dated January 2023, the State Engineer's Office Opinion dated March 2, 2022, and Determination of Water Rights No. 1692-BD and Replacement Plan No. 1692-RP, No 4. 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.***

9. Reserved

**REQUIREMENTS:**

A. Applicant and its successors and assigns shall comply with all requirements of the Colorado Ground Water Commission Determination No. 1692-BD and Replacement Plan No. 1692-BD, No. 4, specifically, that water withdrawn from the aquifer by each of the proposed thirty-eight wells permitted shall not exceed 0.60 annual acre-feet based on a total combined annual withdrawal of 22.80 acre-feet. Depletions shall be replaced by individual on-lot non-evaporative septic systems.

B. The County requires that when there is an augmentation/replacement plan, Applicant create a homeowners' association ("HOA") for the purpose of enforcing covenants and assessing any necessary fees related to compliance with the water decrees and augmentation plans 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 Colorado Ground Water Commission Determination No. 1692-BD and Replacement Plan No. 1692-BD, No. 4.

Covenants shall address the following:

1) Identify the water rights associated with the property. The Covenants shall reserve 6,840 acre-feet of Dawson aquifer water pursuant to Colorado Ground Water Commission Determination 1692-BD and Replacement Plan No. 1692-RP, No. 4 to satisfy El Paso County's 300-year water supply requirement for the 38 lots of the Winsome Filing No. 3 Subdivision. The Covenants shall further identify that 180 acre-feet (0.60 AF/year) of Dawson aquifer water is allocated to each lot. 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.

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. 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 Determination No. 1692-BD and Replacement Plan No. 1692-RP, No. 4 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 aquifers.

6) Require well permits. The Covenants shall Require that well permits be obtained pursuant to the requirements of Determination No. 1692-BD and Replacement Plan No. 1692-RP, No. 4 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 the Winsome Filing No. 3 Subdivision pursuant to Determination No. 1692-BD and Replacement Plan No. 1692-RP, No. 4. 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 Determination No. 1692-BD and Replacement Plan No. 1692-RP, No. 4 are also terminated by the Colorado

Ground Water Commission 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 180 acre-feet (0.60 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 the Winsome Filing No. 3 Subdivision. 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 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 prior to recording the final plat. Said Declaration shall cross-reference Determination No. 1692-BD and Replacement Plan No. 1692-RP, No. 4 and shall identify the obligations of the individual lot owners thereunder.

G. Applicant and its successors and assigns shall record all applicable documents, including, but not limited to, Determination No. 1692-BD and Replacement Plan No. 1692-RP, No. 4, agreements, assignments, and 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.

H. 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.”

A. cc: Ryan Howser, Project Manager, Planner



Prevent • Promote • Protect

Environmental Health Division  
1675 W. Garden of the Gods Road  
Suite 2044  
Colorado Springs, CO 80907  
(719) 578-3199 *phone*  
(719) 578-3188 *fax*  
[www.elpasocountyhealth.org](http://www.elpasocountyhealth.org)

### Winsome, Filing No. 3, Final Plat (Major), SF-22-9

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

- The proposed 350-acre, 38-residential lot will be served water by individual private wells, and wastewater service by onsite wastewater treatment systems (OWTS).
- Water service for the development will be provided by individual private wells. El Paso County Public Health has determined there is a finding for sufficiency in terms of water quality based on the 05Mar2019 sample results reported by Hazen Research, Inc., and the 21Feb2019, Colorado Analytical Laboratories, Inc. water quality report. Future residents should be aware that the sample result for radium was slightly above the maximum contaminant limit (MCL) of the State of Colorado Primary Drinking Water Regulations. In addition, the sample result for manganese was above the secondary maximum contaminant limit (SMCL). Future lot owners are encouraged to resample for both constituents, as a single sample result is not 100% indicative of source water contamination throughout the site. Radium and manganese, if found above the MCL, can be removed with the installation of residential reverse osmosis (RO) units, or ion exchange water softeners.
- The Entech Engineering, Inc., Soil, Geology, Geologic Hazard Study dated 21May2021 (revised 15February2023) for Winsome Filing No. 3, and the JDS Hydro, Wastewater Disposal Report for Winsome, Filing No. 3, May2021 (revised January2023) were both reviewed for the determination of suitability of the site for onsite wastewater treatment systems (OWTS) installations. The overall number of soil test pits performed for the 38 lots proposed for OWTS meets the Land Development Code requirement for the soil test requirement of 20% of the total number of proposed lots.
- The soil test pits within the reports indicated ground water was not encountered; however, the report did show most of the soil in the area will likely not be suitable for conventional onsite wastewater treatment systems and will require professional engineer designs. The most common reason for concern is how shallow the Dawson formation is throughout the area.
- Lots identified on the Entech Engineering 2018 Preliminary Plan Report (Figure 9) map show areas "Unsuitable for OWTS's" on several lots. Per a discussion held with Entech Engineering on 01May2019 these unsuitable areas can be crossed by a driveway and/or OWTS piping or avoided entirely with proper homesite and well planning and placement.

**Winsome, Filing No. 3, Final Plat (Major), SF-22-9**

- **El Paso County Public Health encourages planned walkability of residential communities with sidewalks, walking paths, and bike trails to surrounding neighborhood parks, schools, and commercial areas. Walkability features promote exercise, help reduce obesity and lower the risk of heart disease.**
- **Radon resistant construction techniques/practices are encouraged in this area. The EPA has determined that Colorado, and specifically the El Paso County area, have higher radon levels than other areas of the country.**
- **Earthmoving activities greater than 25 acres require a Construction Activity Permit from the Colorado Department of Public Health and Environment, Air Pollution Control Division. Go to:  
<https://www.colorado.gov/pacific/cdphe/general-air-permits>**
- **Water quality basins must have mosquito control responsibilities included as a part of the construction design and maintenance plan to help control mosquito breeding habitat and minimize the potential for West Nile Virus.**

**Mike McCarthy  
El Paso County Public Health  
[mikemccarthy@elpasoco.com](mailto:mikemccarthy@elpasoco.com)  
719-332-5771  
28April2023**

**COMMUNITY SERVICES DEPARTMENT**  
PARK OPERATIONS ~ ENVIRONMENTAL SERVICES ~ RECREATION/CULTURAL SERVICES

February 15, 2022

John Green  
El Paso County Planning and Community Development  
2880 International Circle  
Colorado Springs, CO 80910

**Subject: Winsome Filing No. 3 Final Plat (VR222)**

John,

The Planning Division of the Community Services Department has reviewed the development application for Winsome Filing No.3 Final on behalf of El Paso County Parks. This application and the following comments and recommendations will be presented to the Park Advisory Board for endorsement on March 9, 2022 and its recommendation provided after the meeting.

This is a request by NES on behalf of Winsome LLC for approval of a final plat for Winsome Filing No. 3, comprising 38 residential lots and 3 tracts on approximately 350 acres. Winsome Filing No. 3 is part of the 766-acre Winsome subdivision (formerly McCune Ranch) located northwest of the intersection of Hodgen Road and Meridian Road in northeast El Paso County. The Winsome Preliminary Plan was approved by the Board of County Commissioners on July 9, 2019. Winsome Filing No. 3 is located immediately north of Filing No. 1. The 38 lots proposed in Filing No.3 are in the RR-5 zone and will be developed as 5 acre residential lots.

The overall Winsome subdivision proposes 151-acres as open space to preserve the natural resource of the West Kiowa Creek and its associated floodplain and wetlands and to preserve existing vegetation. This open space will also provide recreational opportunities for the residents of the proposed subdivision and surrounding neighborhood. A network of looping trails is proposed through the open space, connecting with the internal rural local roads to provide multiple access points. All open space tracts will be owned and maintained by the Winsome Metropolitan District.

Within Filing 3, tracts A, B, and C provide 118 acres of open space containing trails, trail signage and drainage facilities. All open space tracts in this filing will be owned and maintained by the Winsome Metropolitan District.



The 2013 El Paso County Parks Master Plan shows the proposed Hodgen Road and Meridian Road Bicycle Routes located immediately adjacent the southern and eastern boundaries of the property, respectively. Dedicated public right-of-ways already exist along the aforementioned bicycle routes, so no trail easement requests are necessary in those locations.

The Open Space Master Plan of the Parks Master Plan shows the Black Forest South Candidate Open Space encompassing the southern half of the project site. Natural resource values include montane ponderosa pine forests intermixed with permanent and intermittent wetlands and woodland prairie communities, serving as habitats for native, relict, and various rare plant species. This project would not conflict with the plan since the open space corridors preserve the West Kiowa Creek corridor.

Since there are no impacts to County trails, staff recommends fees in lieu of land for regional park purposes. Again, this application is scheduled for El Paso County Park Advisory Board consideration on March 9th and its recommendation will be provided after the meeting.

### **Recommended Motion - Final Plat**

**The Park Advisory Board recommends that the Planning Commission and the Board of County Commissioners include the following condition when considering and/or approving Winsome Filing No. 3 Final Plat: Require fees in lieu of land dedication for regional park purposes in the amount of \$17,480.**

Sincerely,

Greg Stachon  
Landscape Architect  
Community Services Department  
[GregStachon@elpasoco.com](mailto:GregStachon@elpasoco.com)

**Development  
Application  
Permit  
Review**



**COMMUNITY SERVICES DEPARTMENT**  
 Park Operations - Community Outreach - Environmental Services  
 Veterans Services - Recreation / Cultural Services

**March 9, 2022**

Subdivision requirements referenced in Section 8.5.2 of the El Paso County Land Development Code. Fees are based on average land values within designated areas. See El Paso County Board of County Commissioners (BoCC) Resolution for fees established on an annual basis. The Park Advisory Board meets the second Wednesday of each month, 1:30 p.m., BoCC Auditorium, second floor of Centennial Hall, 200 South Cascade Avenue, Colorado Springs.

<b>Name:</b>	Winsome Filing No. 3 Final Plat	<b>Application Type:</b>	Final Plat
<b>PCD Reference #:</b>	VR222	<b>Total Acreage:</b>	350.00
		<b>Total # of Dwelling Units:</b>	38
<b>Applicant / Owner:</b>	<b>Owner's Representative:</b>	<b>Dwelling Units Per 2.5 Acres:</b>	0.27
	NES, Inc.	<b>Regional Park Area:</b>	2
Winsomome LLC	Andrea Barlow	<b>Urban Park Area:</b>	3
1864 Woodmoor Dr, Suite 100	619 North Cascade Ave, Suite 200	<b>Existing Zoning Code:</b>	RR-5
Monument, CO 80132	Colorado Springs, CO 80903	<b>Proposed Zoning Code:</b>	RR-5

**REGIONAL AND URBAN PARK DEDICATION AND FEE REQUIREMENTS**

Regional Park land dedication shall be 7.76 acres of park land per 1,000 projected residents, while Urban Park land dedication shall be 4 acres of park land per 1,000 projected residents. The number of projected residents shall be based on 2.5 residents per dwelling unit.

The EPC Land Development Code defines urban density as land development of higher density and intensity which is characteristically provided with services of an urban nature. This category of development includes residential uses with densities of more than one dwelling unit per 2.5 acres.

**LAND REQUIREMENTS**

**Regional Park Area: 2**

0.0194 Acres x 38 Dwelling Units = 0.737  
**Total Regional Park Acres: 0.737**

Urban Density (>= 1 Dwelling Unit Per 2.5 Acres): **NO**

**Urban Park Area: 3**

Neighborhood:	0.00375 Acres x 38 Dwelling Units =	0.00
Community:	0.00625 Acres x 38 Dwelling Units =	0.00
	<b>Total Urban Park Acres:</b>	<b>0.00</b>

**FEE REQUIREMENTS**

**Regional Park Area: 2**

\$460 / Dwelling Unit x 38 Dwelling Units = \$17,480  
**Total Regional Park Fees: \$17,480**

**Urban Park Area: 3**

Neighborhood:	\$114 / Dwelling Unit x 38 Dwelling Units =	\$0
Community:	\$176 / Dwelling Unit x 38 Dwelling Units =	\$0
	<b>Total Urban Park Fees:</b>	<b>\$0</b>

**ADDITIONAL RECOMMENDATIONS**

**Staff Recommendation:**










The Park Advisory Board recommends that the Planning Commission and the Board of County Commissioners include the following conditions when considering and/or approving the Winsome Filing No. 3 Final Plat: require fees in lieu of land dedication for regional park purposes in the amount of \$17,480.

**Park Advisory Board Recommendation:**

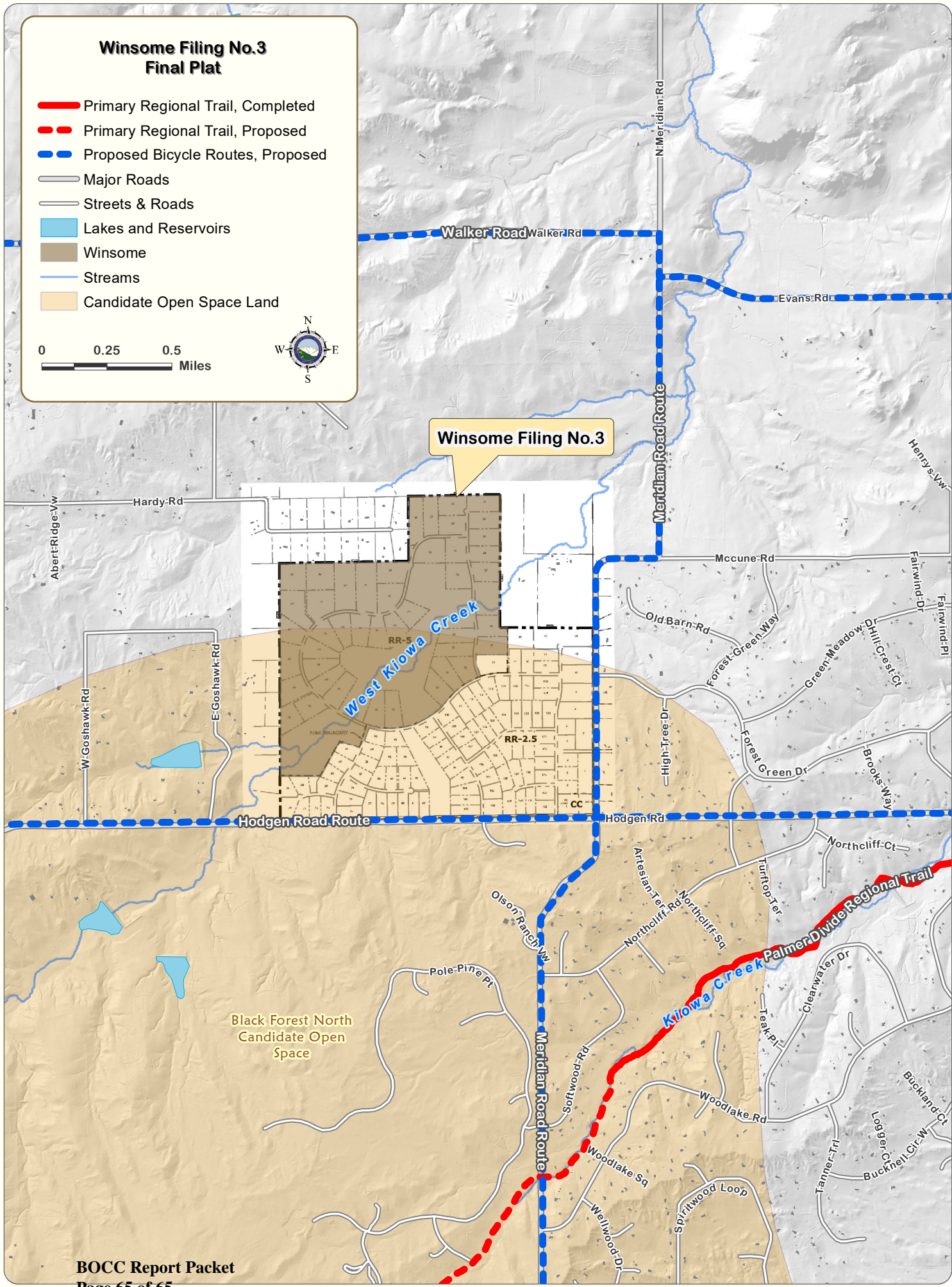
**PAB Endorsed 03-09-2022**



# Winsome Filing No.3 Final Plat

-  Primary Regional Trail, Completed
-  Primary Regional Trail, Proposed
-  Proposed Bicycle Routes, Proposed
-  Major Roads
-  Streets & Roads
-  Lakes and Reservoirs
-  Winsome
-  Streams
-  Candidate Open Space Land

0 0.25 0.5  
Miles



RESOLUTION NO. 23-

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

APPROVAL OF FINAL PLAT  
WINSOME FILING NO. 3 (SF-22-009)

WHEREAS, Winsome, LLC, did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Winsome Filing No. 3 Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on July 6, 2023, upon which date the Planning Commission did by formal resolution recommend approval of the final plat application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on August 1, 2023; 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, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. All exhibits were received into evidence.
5. The subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is in substantial conformance with the approved preliminary plan.

7. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. 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)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. A public sewage disposal system has been established or, 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 Land Development Code.
10. 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 [C.R.S. §30-28-133(6)(c)].
11. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and Engineering Criteria Manual.
12. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
13. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
14. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Land Development Code.
15. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the Subdivision Improvements Agreement so the impacts of the subdivision will be adequately mitigated.
16. The subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
17. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.].
18. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.

19. For the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the final plat application for the Winsome Filing No. 3 Subdivision;

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

#### CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. 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 species.
5. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
6. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Engineer / ECM Administrator, shall be filed at the time of recording the Final Plat.
7. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.

8. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
9. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated April 25, 2023, as provided by the County Attorney's Office.
10. After construction of the subdivision improvements are completed, the applicant shall process and obtain a Letter of Map Revision (LOMR) with FEMA to revise the regulatory floodplain and establish the base flood elevations. The LOMR is required prior to recording the plat if the constructed improvements raise the BFEs shown on the Plat.

NOTATIONS

1. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.
3. The subdivision is in West Kiowa Creek drainage basin which is an unstudied basin with no drainage or bridge fees.

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 1<sup>st</sup> day of August 2023 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
County Clerk & Recorder

EXHIBIT A

**LEGAL DESCRIPTION: WINSOME FILING NO. 3**

A TRACT OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 13 AND A PORTION OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST AND A PORTION OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN BEING MONUMENTED ON THE SOUTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED "LS 28658" AND AT THE NORTHERLY END BY A 3-1/2" ALUMINUM CAP STAMPED "LS 12103" BEING ASSUMED TO BEAR N00°14'25"E A DISTANCE OF 2636.99 FEET AS SHOWN IN LAND SURVEY PLAT RECORDED UNDER RECEPTION 218900072 RECORDS OF EL PASO COUNTY, COLORADO.

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 24, SAID POINT BEING THE POINT OF BEGINNING; THENCE N00°14'25"E ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24, SAID LINE ALSO BEING ON THE WEST BOUNDARY OF PARCEL 4, AS RECORDED UNDER RECEPTION NUMBER 218900072, A DISTANCE OF 2,636.99 FEET TO THE NORTHWEST CORNER OF SAID SECTION 24; THENCE N89°21'38"E ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 2,633.02 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 24; THENCE N00°10'29"E ON THE WEST LINE OF THE SOUTH HALF OF THE SOUTH EAST QUARTER OF SECTION 13, TOWNSHIP 11 SOUTH, RANGE 65 WEST, A DISTANCE OF 1,321.95 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 13; THENCE N89°20'26"E ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 13, A DISTANCE OF 1,873.37 FEET; THENCE S00°34'43"W, A DISTANCE OF 2,706.21 FEET; THENCE S89°15'17"E, A DISTANCE OF 155.82 FEET; THENCE S00°17'06"W, A DISTANCE OF 239.06 FEET; THENCE N89°42'54"W, A DISTANCE OF 609.60 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT, WHOSE CENTER BEARS N85°44'53"W, HAVING A DELTA OF 05°13'06", A RADIUS OF 1,710.00 FEET, A DISTANCE OF 155.74 FEET TO A POINT ON CURVE; THENCE S89°02'00"W, A DISTANCE OF 60.00 FEET; S89°29'13"W, A DISTANCE OF 722.44 FEET; THENCE S15°45'23"W, A DISTANCE OF 1,195.74 FEET; THENCE N82°21'05"W, A DISTANCE OF 229.91 FEET; THENCE N89°29'30"W, A DISTANCE OF 757.49 FEET; THENCE S20°46'13"W, A DISTANCE OF 758.90 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT, WHOSE CENTER BEARS N22°56'03"E, HAVING A DELTA OF 03°42'28", A RADIUS OF 1,470.00 FEET, A DISTANCE OF 95.13 FEET TO A POINT ON CURVE; THENCE S19°13'35"W, A DISTANCE OF 60.00 FEET; THENCE S18°06'10"W, A DISTANCE OF 383.72 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 02°06'44", A RADIUS OF 1,790.00 FEET, A DISTANCE OF 65.99 FEET TO A POINT ON CURVE; THENCE N69°47'06"W, A DISTANCE OF 306.30 FEET; THENCE N89°45'39"W, A DISTANCE OF 128.26 FEET; THENCE S29°41'56"W, A DISTANCE OF 768.98 FEET; THENCE N89°41'23"W, A DISTANCE OF 820.25 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 24; THENCE N00°14'17"E ON THE WEST LINE OF SOUTHWEST QUARTER OF SAID SECTION 24 A DISTANCE OF 1,684.27 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 15,222,954 SQUARE FEET OR 349.471 ACRES.