

FALCON MEADOWS AT BENT GRASS FILING 2

LETTER OF INTENT

SEPTEMBER 2021, REVISED JANUARY 2022

OWNER/APPLICANT:

Challenger Homes
8605 Explorer Dr.
Colorado Springs, CO 80920

CONSULTANT:

N.E.S. Inc.
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Colorado Springs, CO. 80903

TAX ID: 5301000019, 5301201061

REQUEST

N.E.S. Inc. on behalf of Challenger Homes request approval of the Falcon Meadows at Bent Grass Filing 2 Plat for 108 single-family residential lots, and 7 tracts on 36.4 acres.

PROJECT DESCRIPTION & CONTEXT

The Falcon Meadows at Bent Grass Filing 2 Plat contains 108 lots northwest of Bent Grass Meadows Drive. The Plat is a 36.4-acre portion of the Falcon Meadows at Bent Grass PUD and Preliminary Plan consisting of 67 total acres. The PUD and Preliminary Plan includes 267 single-family lots; approximately 25 acres of open space, trail corridors, and drainage; and roughly 10.5 acres of public right-of-way. Filing 2 is the second of four phases comprising the Falcon Meadows at Bent Grass PUD and Preliminary Plan.

There are seven tracts platted on the site (20.44 acres). These tracts combine for 7.71 acres of open space and public accessways. Tracts A, B, C, E, and G are designated open space, public access, utilities, and drainage. Tract D includes the well site. Tract F is 12.46 acres, designated for future development. Tracts B, C, E and G include acres of trail corridors, while tract A includes a maintenance road.

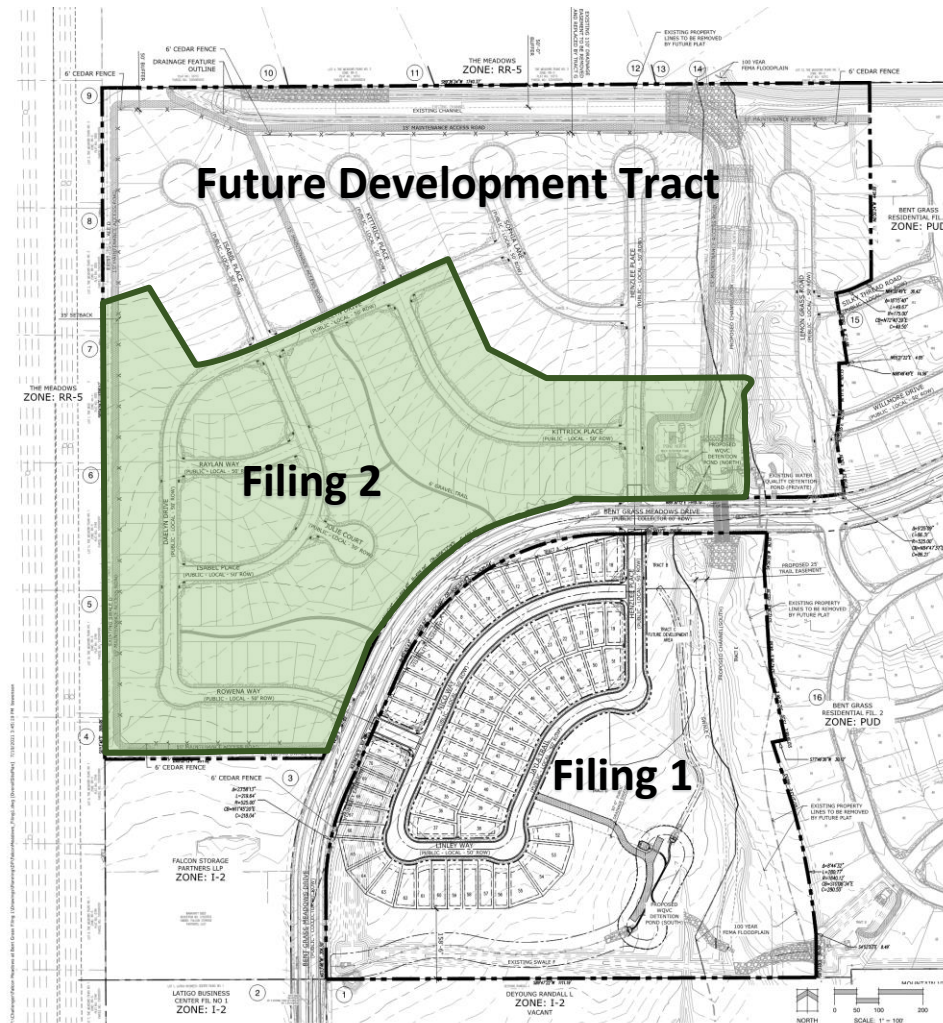
The properties surrounding Bent Grass Filing No. 2 include:

North: Falcon Meadows at Bent Grass (future filing with similar density)

East: Bent Grass Residential Filing No. 2 of similar density to the Falcon Meadows at Bent Grass PUD.

South: Falcon Meadows Filing No. 1, a smaller lot higher density residential development.

West: The Meadows 5-acre residential subdivision.



SUPPORTING DOCUMENTS

The following reports and information were submitted in support of the Falcon Meadows at Bent Grass PUD Preliminary Plan and are referenced in this Letter of Intent:

- Traffic Impact Study prepared by LSC Transportation Consultants
- Soils and Geology Study prepared by RMG Rocky Mountain Group
- Natural Features and Wetlands Report prepared by American Geoservices
- Water Resources and Wastewater Report prepared by JDS Hydro
- Final Drainage Report prepared by Galloway & Company, Inc.

TRAFFIC: Two full movement accesses are proposed off Bent Grass Meadows Drive, which connect internally to form a loop through the second phase of development. This provides the two points of access required by Chapter 8.4.4.D of the Land Development Code. Upon final buildout, Falcon Meadows at Bent Grass can be expected to generate about 2,520 vehicle trips on the average weekday, with about half entering and exiting in a 24-hour period. During the morning peak hour, which generally occurs for one hour between 6:30 and 8:30 a.m., about 49 vehicles would enter, and 148 vehicles would exit the

site. During the afternoon peak hour, which generally occurs for one hour between 4:15 and 6:15 p.m., about 167 vehicles would enter, and 98 vehicles would exit the site.

AIR QUALITY: The proposed residential use will not negatively impact air quality. The Filing 2 development is located within a developing area with two convenient access points to Bent Grass Meadows Drive and Woodmen Road providing shorter travel time to employment and commercial facilities.

WATER: The proposed residential development is not a source of water pollution.

NOISE: The Land Development Code requires the impacts of noise pollution to residents to be mitigated. The entire development is outside the DNL 65 Noise Contour. Therefore, no noise mitigation is required for aircraft noise from Peterson AFB / Colorado Springs Airport.

FLOODPLAINS: A review of El Paso County FEMA FIRM panels indicate portions of the project area are adjacent to an unnamed tributary to Black Squirrel Creek No. 2 (Falcon Basin West Tributary) are at risk of inundation by a 100-year flood. This area is wholly incorporated within Tract H on the Plat. The remainder of the property is identified as Zone X flood zone, which consists of areas of minimal flood risk. The project is within FEMA Firm panel 08041C0553G, El Paso County. No development is proposed within the 100-year floodplain.

GEOLOGIC & SOIL HAZARDS: The geologic hazards anticipated to affect this site are faults/seismicity and radioactivity/radon gas. The most significant geologic constraints to development recognized at this site are expansive/compressible soils and shallow groundwater. The geologic conditions encountered at this site are relatively common to the immediate area and mitigation can be accomplished by implementing common engineering and construction practices. None of these conditions are anticipated to preclude the proposed development. (Soils & Geology Study, December 2020, prepared by RMG)

The builder has agreed to restrict construction to non-basement foundation types in areas where groundwater is anticipated to be shallower than 14 feet below ground surface (lots 1-9, 23-59, 76-108) as presented on the Engineering and Geology Map, Figure 10), unless performance of a groundwater monitoring program at some future date indicates that the lots are suitable for basement construction. Mitigation measures and a map of the hazard area can be found in the report Soils & Geology Study by Rocky Mountain Group dated December 10, 2020 in file (PUDSP20-005) available at the El Paso County Planning and Community Development Department.

VEGETATION & WILDLIFE: The wildlife/biological assessment provided by American Geoservices provided an assessment of the Preble Jumping Mouse Habitat, a wetlands assessment, and soils. The general vegetation types within the study area include upland grassy/weedy habitat, riparian habitat, and minor adjacent landscaped areas. The entirety of the site is covered by the Preble's block clearance zone and has been shown to be unsuitable for Preble Mouse habitat.

USE OF, OR CHANGES IN PREEXISTING WATERFORMS, WATERCOURSES OR BODIES OF WATER: There are no National Wetland Inventory (NWI) mapped wetlands on the site. Based on the field reconnaissance there are no wetlands on the site.

DISTRICTS SERVING THE PROPERTY

The following districts will serve the property:

- Woodmen Hills Metro District will provide water and wastewater services. A will serve letter is provided with this application.
- Mountain View Electric Association will provide electric service. A will serve letter is provided with this application.
- Colorado Springs Utilities will provide natural gas service. A will serve letter is provided with this application.
- Falcon Fire Protection District will provide fire protection and emergency services. A will serve letter is provided with this application.
- School District 49 will serve the property.
- Pikes Peak Library District.
- Bent Grass Metropolitan District ownership and maintenance of tracts and open space.
- Woodmen Road Metropolitan District

RELATIONSHIP TO THE ADOPTED COUNTY MASTER PLANS

The adopted county plans include the County Master Plan, the 2040 Major Transportation Corridor Plan, the County Parks Master Plan, and the Water Master Plan. The proposed residential subdivision satisfies the following policies of the plans.

EPC PARKS MASTER PLAN

The Plan shows a secondary regional trail running north to south through the drainage way on the site. This drainageway is to be channelized with a 15-foot maintenance access that will serve a dual purpose as a trail. This trail is included in Tract E and is within a 25-foot trail easement for the benefit of the El Paso County Community Services Department. There are also multiple 6-foot gravel trails throughout the open space tracts within the development that connect the community to this regional trail.

2040 MAJOR TRANSPORTATION CORRIDOR PLAN (MTCP)

No provisions in the MTCP affect this development.

YOUR EPC MASTER PLAN

The project site is denoted as a suburban residential placetype within a new development area in the County Master Plan. This placetype consists of predominantly single family detached residential areas, and is supportive of single-family attached, multifamily residential, commercial retail, parks, and open space. Aligning with the plat, this placetype deviates from the traditional grid pattern of streets, containing a more curvilinear pattern. The plat proposes single-family detached residential development which is consistent with the suburban density placetype objectives.

In the Areas of Change chapter of the County Master Plan, area is identified as a “New development” area. New Development Areas will be significantly transformed as new development takes place. These areas are often on undeveloped or agricultural areas, and are expected to be complimentary to adjacent development.

The preliminary plan is also 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.”

It is also consistent with Core Principle 2, Housing & Communities, which seeks to “preserve and develop neighborhoods with a mix of housing types”, as well as Goal 2.2 to “preserve the character of rural and environmentally sensitive areas” and Goal 2.3 to “locate attainable housing that provides convenient access to goods, services, and employment”.

WATER MASTER PLAN

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

Goal 3.1 – Promote cooperation among water providers to achieve increased efficiencies on infrastructure.

Goal 3.2 – Promote cooperation among water providers to achieve increased efficiencies on treatment.

Goal 3.7 – Encourage the interconnection of infrastructure owned by water providers and projects that will have access to more than one water source, both to foster conjunctive use and to better accommodate water supply emergencies.

Goal 5.1 – Identify the potential water supply gap at projected full development build-out (2060).

Goal 5.4 – Promote the long-term use of renewable water. Goal 5.5 – Identify any water supply issues early on in the land development process.

Goal 6.0 – Require adequate water availability for proposed development.

Policy 6.0.8 – Encourage development patterns and higher density, mixed use developments in appropriate locations that propose to incorporate meaningful water conservation measures.

Policy 6.0.11 – Continue to limit urban level development to those areas served by centralized utilities.

Woodmen Hills Metro District has sufficient supply and existing infrastructure in the area to serve this development. Water quality is good and Woodmen Hills is in compliance with all regulatory limits.

The project is located within Region 3, Falcon Area, containing 4 growth areas projected to be completed by 2040, three areas to be completed by 2060, and two other growth areas located on the north and south sides of Falcon Highway directly east of Falcon. Specifically, the Water Master Plan states:

“Region 3 contains four growth areas west of Falcon projected to be completed by 2040. Other areas of 2040 growth are projected for the north-central part of the region west of Highway 24 extending from Falcon to 4-Way Ranch. North of Falcon along Highway 24, growth is projected by 2060 on both sides of the highway. Just west of Falcon, another small development is projected by 2060 on the north and south sides of Woodmen Road. On the east side of Highway 24, three separate areas of growth are projected for development by 2060, with the largest of the three spanning from south of Judge Orr Road to east of Peyton Highway into Region 4c. This development will likely consist of 35-acre lots that will require individual wells to use Denver Basin groundwater. The other two growth areas will be located on the

north and south sides of Falcon Highway directly east of Falcon. See Figure 5.5 for Region 3 growth map projections.”

Full build out of the Woodmen Hills Metro District (District) is anticipated within the 2040 timeframe. The Water Resources Report indicates that the District has sufficient supply to meet the expected need at full build out by 2040 and 2060. Region 3 has a current water supply of 7,164-acre feet per year and a current demand of 4,494-acre feet per year. The 2040 water supply is projected to be 7,921-acre feet per year and the projected demand is 6,403-acre feet. As stated in the Water Resources Report, this development is projected to need 91.78-acre feet of water per year. The District has committed this amount of water to the Falcon Meadows at Bent Grass project. Current supply is 1,459.5-acre feet on a 300-year basis.

The District currently incorporates a 20% reserve into their future planning. Based on the needs, current supply, and reserve the District has sufficient water to meet the needs but a possible very small shortage of 23.5 annual acre-feet might be expected due to the 20% reserve. However, additional long-range planning, regionalization, and acquisitions are discussed in the Water and Wastewater Report under future supplies.

Woodmen Hills Metropolitan Districts (District) has provided a water and wastewater commitment letter to serve the development. The Districts has roughly 14 wells and four different types of water supply from renewable and non-renewable sources:

- local wells mainly in the Arapahoe and Laramie Fox-Hills formations, (non-renewable source)
- off-site wells four operating in the Denver Basin in the Guthrie Ranch and adjacent area (non-renewable source)
- offsite alluvial wells also in the Guthrie Ranch Area which pump renewable water from Upper Black Squirrel Basin (renewable source)
- a perpetual right to 350 acre-feet of water per year from Cherokee Water utilizing the Upper Black Squirrel Basin (renewable source).

The District developed a water policy intended to facilitate goals of continual addition of water sources prioritizing renewable sources. In addition, the District will be acquiring and or improving sources of supply and increasing water reliability and efficiency over time. New sources/expansions are expected to come from five areas: developer inclusion, acquisition, regionalization, facility expansion (including extensions of existing jointly owned transmission systems), and indirect, lawn irrigation return flows (LIRF) credits and direct reuse. The District has Municipal Interconnects on both the raw water and potable water systems. Current connecting systems include Meridian Service Metropolitan District; Cherokee Metropolitan District; and Falcon Highlands Metropolitan District. The District has two major off-site transmission lines which are jointly owned with Meridian Service Metropolitan District. The District is responsible for the operation of both the Tamlin and Guthrie systems. The District owns and operates three water treatment plants and three water storage facilities. The District treats and filters 100% of their water supply. A fourth tank is under construction and will bolster fire flows, service pressures, system reliability, and potable water storage.

The District’s current use is based on an average of 53% renewable water sources and is continually acquiring and working towards establishing additional renewable sources. Discussions of long-term

planning are included in the Water Wastewater Report. Current Water Quality is presented in the Water and Wastewater Report in the Appendix E being the WHMD 2020 Consumer Confidence Report.

FINAL PLAT CRITERIA OF APPROVAL (7.2.1.D.3.F.)

- 1. THE SUBDIVISION IS IN CONFORMANCE WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE MASTER PLAN; EL PASO COUNTY, COLORADO LAND DEVELOPMENT CODE RULES GOVERNING DIVISIONS OF LAND – CHAPTER 7- PAGE 9 EFFECTIVE 09/2019**

Filing 2 is consistent with the Falcon Meadows PUD Preliminary Plan that was approved in July 2021. The PUD Preliminary Plan analyzed the then applicable County Policy Plan and the Falcon/Peyton Small Area Plan, as well as the current County Water Master Plan. The development is also consistent with the new County Master Plan and the goal of providing additional housing at various densities in an urbanizing area.

- 2. THE SUBDIVISION IS IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED PRELIMINARY PLAN;**

Filing 2 is consistent with the approved PUD 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;**

Filing 2 is consistent with the subdivision design standards and regulations as discussed with the PUD Preliminary Plan. All necessary studies, plans, reports and supporting materials have been submitted. The subdivision design standards set out in Chapter 8 of the Land Development Code are met.

- 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;**

Woodmen Hills Metro District has a sufficient water supply to support this development. The raw water supplied to the District is generally of good quality. The quality of the water is monitored, and the District has been successful in complying with regulatory limits. (Water Resources Report, Aug. 2020) As part of the PUD Preliminary Plan review process the Colorado Division of Water Resources has determined the water supply is adequate and the County Attorney's Office has provided a Finding of Water Sufficiency.

- 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;**

Woodmen Hills Metro District will serve the project and has sufficient capacity. Public sewage disposal is addressed in the Water Resources and Wastewater Treatment Report prepared by JDS Hydro.

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 most significant geologic constraints to development recognized at this site are expansive/compressible soils and shallow groundwater. These geologic conditions are relatively common to the immediate area and mitigation can be accomplished by implementing common engineering and construction practices. None of these conditions are anticipated to preclude the proposed development. (Soils & Geology Study, December 2020 prepared by RMG)

Due to seasonally high groundwater, the builder has agreed to restrict construction to non-basement foundation types in areas where groundwater is anticipated to be shallower than 14 feet below ground surface (lots 1-9, 23-59, 76-108) will be restricted to non-basement foundation types, unless performance of a groundwater monitoring program at some future date indicates that the lots are suitable for basement construction. Mitigation measures and a map of the hazard area can be found in the report Soils & Geology Study by Rocky Mountain Group dated December 10, 2020 in file (PUDSP20-005) available at the El Paso County Planning and Community Development Department.

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;

Drainage improvements are addressed in the Drainage Report and the grading and erosion control plans prepared by Galloway Engineering. Detention and water quality are provided on site and meets the DCM criteria.

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;

The site has two accesses proposed off of Bent Grass Meadows Drive and public roads meeting ECM criteria within the development.

9. NECESSARY SERVICES, INCLUDING POLICE AND FIRE PROTECTION, RECREATION, UTILITIES, AND TRANSPORTATION SYSTEMS, ARE OR WILL BE MADE AVAILABLE TO SERVE THE PROPOSED SUBDIVISION;

Water and sanitary sewer service are to be provided by Woodmen Hills Metropolitan District. Mountain View Electric Association Inc. and Colorado Springs Utilities will provide electric and natural gas services to the subdivision respectively. The required Will Serve letters are included with the submittal. Falcon Fire Protection District will provide fire protection and emergency services.

10. THE FINAL PLANS PROVIDE EVIDENCE TO SHOW THAT THE PROPOSED METHODS FOR FIRE PROTECTION COMPLY WITH CHAPTER 6 OF THIS CODE;

The site lies within the Falcon Fire Protection District. A will serve letter from the FPD and a Fire Protection Report are included with the 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;

The development will connect to Bent Grass Meadows Drive which terminates at Meridian Road to the east and Woodmen Frontage Road to the south the west. The Bent Grass Metropolitan District is responsible for improvements to the Meridian Road and Bent Grass Meadows Drive intersection, included a new, recently completed traffic signal.

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. No Parks Land Agreement is anticipated at this time.

13. THE SUBDIVISION MEETS OTHER APPLICABLE SECTIONS OF CHAPTER 6 AND 8; AND EL PASO COUNTY, COLORADO LAND DEVELOPMENT CODE RULES GOVERNING DIVISIONS OF LAND – CHAPTER 7-PAGE 10 EFFECTIVE 05/2016

The subdivision meets all applicable sections of Chapter 6 and 8.

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.]

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

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