

March 1, 2020

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Reference: Winsome Ranch Filing No. 1 Final Plat

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

1. We are glad to see that the application for this final plat includes substantial open space, a noxious weed prevention plan, and establishment of another Firewise community. In addition, the Letter of Intent does a reasonable job in justifying how most of the criteria for a final plat under the EPC Land Development Code 7.2.1.D.3.f. are met. Nevertheless, we do have a number of comments below (some are repeats from the preliminary plan stage) which should be resolved prior to a hearing on this application.
2. Water: The application does not appear to offer adequate evidence to establish that definite provision has been made for a water supply that is sufficient in terms of quantity, dependability, and quality (Colorado Revised Statutes §30-28-133(6)(a)). On the contrary, the Letter of Intent states that "Water rights in the Dawson Aquifer of 232.50 acre-feet annually were allocated in Water Decree No. 1692-BD and will be transferred to the McCune Ranch development following the completion of a water contract between McCune Ranch and PT McCune, LLC" (items above underlined for emphasis). A non-completed contract is not definite anything.
 - a. (Substantially a repeat comment) Although the use of water by this 143-lot development is within what would be expected for an RR-5 zoned development with no open space or wetlands, the pumping and transfer of huge amounts of water from the lower 3 aquifers to a neighboring subdivision is precedent setting in the wrong direction for El Paso County. There is no surer way to empty the Denver Basin than to pump from all 4 aquifers and to send the majority of the water to other landowners who have been allowed (by El Paso County) to develop so many lots on their property that they do not have enough water under them to satisfy their needs. Since use of nontributary groundwater is based upon ownership of the overlying property, the scheme described above does not appear to encourage development of

nontributary groundwater resources consonant with water conservation – which is the policy of the State of Colorado (Colorado Revised Statutes §37-90-102 (2)). Finally, we note that these same aquifers that will supply all this water were evaluated in the Area 3 Water Report 2 years ago as rapidly declining to become only 30% efficient by 2030 (10 years from now) and to being effectively useless by 2050.

- b. (Another repeat comment) From the Water Report, para 3.5: “There will be four (4) well sites on the Winsome Subdivision property to obtain the non-tributary water outlined in Table 3-1 for transmission to the Sterling Ranch Development for municipal uses. In addition, there will also be several transmission lines from the well sites to deliver water to Sterling Ranch Metropolitan District property. These transmission lines will not serve the Winsome Subdivision.”
 - i. The well sites and water transmission lines are still not depicted on this final plat filing. Although we realize the possibility that they may be sited at a different location within the subdivision, is there any other evidence to demonstrate this other than Page 140 of the Water Resources and Wastewater Report which shows one existing well (and no transmission lines) on Winsome Ranch? At the preliminary plan stage, the developer indicated that the wells and transmission lines would be depicted on the final plat. How is the Planning Commission or BoCC supposed to find that “all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions” (LDC 7.2.1 (D)(3)(f)) without determining where the planned wells and water transmission lines are located? What prevents the developer from running the transmission lines right through the wetlands, or placing wells within feet of waste water treatment systems?
 - c. Water Quality: We note that the Water Quality Report, Page 1, indicates that water sampling from a well located close to Winsome Ranch contained more than 160% of the maximum contaminant limit (MCL) for radium. (We wonder why the developer did not choose to test the existing well located on the actual Winsome Ranch property—see paragraph c above.) Although not overly dangerous at this level, the developer’s response of “if residents of the development wish to provide an extra layer of protection on their source water and eliminate all potential of radium in their drinking water the installation of a water softener featuring ion exchange or a residential reverse osmosis unit is fairly simple. A list of manufacturers for these units can be provided to homebuilders, if desired.” We surely hope that mandatory disclosure of this MCL violation will be provided to potential buyers and builders so that they may protect themselves or their customers, if desired.
- 3. (Substantially a repeat comment) Why can’t the developer place all the lots that are less than 5-acres internal to the development rather than have them border neighboring lots of current RR-5 owners? We recommend that all lots that abut neighboring lots that are zoned RR-5 be re-configured to at least 5-acre lots to comply with the EPC Land Development Code, Section 5.3.5(B), third criteria, which states that “The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions”? Although there is an electric easement buffer area to the west, in reality, electrical lines do nothing to buffer, at least sight-wise, smaller lots with homes on them from their neighbors. The same lack of buffering can be said for the southern border that contains an electric easement and Hodgen Road, but no sight-barrier.
 - 4. The Traffic Impact Study (TIS), Page 9, used trip generation from the Trip Generation, 9th Edition, 2012, ITE. The 10th Edition is current and should be used. Realistic expectations should be encouraged in land use planning.

- a. (Repeat comment) TIS, Page 19: “The long-range analysis year 2045 includes the proposed development for the project plus an increase in background traffic. Background traffic growth rate (2%) obtained from the most recent available information in the CDOT Online Transportation Information Systems (OTIS).”
 - i. Surely, a forecast for future traffic in this part of El Paso County should include at least an attempt to look at the traffic from all the developments that have been approved or are likely to be approved in the near future, rather than to just guess at a growth factor! In this vein, NEPCO notes that CDOT’s Traffic Analysis and Forecasting Guidelines, dated July 2018, recommends that the following questions be asked to determine whether a Factor Method or Trip Generation/Distribution Method should be used:
 1. Will surrounding development activity exceed historical growth patterns? Will surrounding development activity impact existing traffic distribution patterns? Is the historical growth rate negative? Does the local jurisdiction maintain trip generation and/or distribution information for previous land use changes? If “yes,” use Trip Generation/Distribution Method.
 - b. (Repeat comment) TIS, Page 19: “KE’s analysis of traffic operations in the site vicinity was conducted to determine the capacity at the identified intersections. The acknowledged source for determining overall capacity is the 2010 Edition of the Highway Capacity Manual (HCM).”
 - i. The current version, the Highway Capacity Manual, Sixth Edition: A Guide for Multimodal Mobility Analysis, or HCM 2016, or HCM6, was released in October 2016. The sixth edition incorporates the latest research on highway capacity, quality of service, active traffic and demand management, and travel time reliability and should be used.
5. As a good neighbor policy, it would be reasonable to have the developer require all lighting -- commercial, municipal, and residential -- to be Dark Sky compliant. The location, 12 miles east of Monument and consisting mostly of shortgrass prairie used for rangeland, should set the standard for night sky friendly lighting.

NEPCO’s Final Comments:

NEPCO has a significant concern about water usage in the County, and this development adds substantially to that concern. In addition, this development will increase traffic, student population, and utility needs, so the planning and execution for this phased development should proceed only at the pace of the roads, schools, and infrastructure funding needed to support it.

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

//SIGNED//

Paul Pirog
Vice Chairman
NEPCO Land Use & Transportation Committee

//SIGNED//

Greg Lynd
President, NEPCO