

EL PASO



COUNTY

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Planning Commission
Jim Egbert, Chair**

**FROM: Kari Parsons, PM/Planner II
Jeff Rice, PE Engineer III
Craig Dossey, Executive Director**

**RE: Project File #: SF-17-013
Project Name: Hannah Ridge at Feathergrass Filing No. 4
Parcel No.: 53323-16-002**

OWNER:	REPRESENTATIVE:
Elite Properties of America 6385 Corporate Drive Colorado Springs Co 80919	M.V.E. Inc 1903 Lelaray Street, Suite 200 Colorado Springs, CO. 80909

Commissioner District: 2

Planning Commission Hearing Date:	11/7/2017
Board of County Commissioners Hearing Date	11/14/2017

EXECUTIVE SUMMARY

Feathergrass Investments, LLC, requests approval of a final plat for the Hannah Ridge at Feathergrass Filing No. 4 subdivision to create and authorize the development of 52 single-family lots and the creation of rights-of-way. The proposed 10.12 acre plat area is included in the approved Hannah Ridge at Feathergrass PUD development plan and preliminary plan. The final plat area is located north of Constitution Avenue, west of Akers Drive and is within Section 32, Township 13 South, Range 65 West of the 6th P.M. The final plat area is not located within the boundaries of a small area plan.

The Hannah Ridge at Feathergrass Filing No. 4 final plat is consistent with the approved Hannah Ridge at Feathergrass PUD development plan and preliminary plan. The final plat application meets the submittal and review criteria for a final plat as well as the

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general development standards of Chapter 6, the final plat review criteria of Chapter 7, and the subdivision design requirements of Chapter 8 of the El Paso County Land Development Code (2016).

Water and wastewater services will be provided by Cherokee Metropolitan District. A finding of water sufficiency is requested and recommended with this application.

A. REQUEST/WAIVERS/AUTHORIZATION

Request: Feathergrass Investments, LLC, requests approval of a final plat for the Hannah Ridge at Feathergrass Filing No. 4 subdivision to create and authorize the development of 52 single-family lots and the creation of rights-of-way. A finding of water sufficiency is requested with this application.

Waiver(s): No waivers are requested with this application.

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. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

In approving a final plat, Section 7.2.1.D.3 of the Code states that the Board of County Commissioners shall find that:

- 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;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in

accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;

- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and 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 this 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 this 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 this 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.]

D. LOCATION

North: PUD (Planned Unit Development)	Single-family/Vacant
South: PUD (Planned Unit Development)	Commercial/Vacant
East: PUD (Planned Unit Development) Ridge at Feathergrass Filing No. 2	Single-family/Hannah
West: PUD (Planned Unit Development) Hannah Ridge at Feathergrass Filing No. 4 (in review)	Single-family/Proposed

E. BACKGROUND

The Hannah Ridge at Feathergrass preliminary plan (SP-07-012) and Planned Unit Development (PUD-07-007) zoning were approved by the Board of County Commissioners on January 24, 2008. Both plans included the following: 355 single-family lots, three (3) open space tracts to be owned and maintained by the homeowners association; multiple trail connections to the regional trail corridor known as the Rock Island Trail, which is owned and maintained by the City of Colorado Springs; four (4) commercial and multi-family future development tracts; rights-of-way; and two (2) hammerhead-style roads to be privately owned and maintained.

The applicant requested a Planned Unit Development amendment (PUD-13-004), to eliminate the private hammerhead-style roads and provided a public cul-de-sac to be built to El Paso County standards, which was administratively approved by the Development Services Department (now Planning and Community Development Department) Director on July 29, 2013.

A subsequent amendment to the preliminary plan (SP-13-006) implemented the amended PUD development plan which eliminated the private hammerhead roads and included a public cul-de-sac to be built to El Paso County standards. The amendment was approved by the Board of County Commissioners on October 8, 2013, and resulted in a reduction of three (3) single-family lots within the subsequently approved and recorded Hannah Ridge at Feathergrass Filing No. 2 subdivision.

The Hannah Ridge at Feathergrass Filing No. 1 subdivision plat (SF-13-013) was approved by the Board of County Commissioners on April 22, 2014. The Hannah Ridge at Feathergrass Filing No. 2 subdivision plat (SF-15-013) was approved by the Board of County Commissioners on October 27, 2015. Hannah Ridge at Feathergrass Filing Nos. 1 and 2 are fully built out. The Hannah Ridge at Feathergrass Filing No. 3 subdivision plat (SF-17-012) was approved by the Board of County Commissioners on October 10, 2017.

The Hannah Ridge at Feathergrass Filing No. 4 final plat request is in conformance with the amended PUD and preliminary plan.

F. ANALYSIS

1. Land Development Code Compliance

This 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 (2016).

2. Zoning Compliance

The Hannah Ridge at Feathergrass Filing No. 4 final plat is consistent with the approved PUD development plan and PUD development guidelines. The Hannah Ridge at Feathergrass PUD development plan provides permitted uses; use, density, and dimensional standards such as setbacks, maximum lot coverages, and maximum building heights; as well as landscaping requirements.

3. Policy Plan Analysis

A finding of consistency with the El Paso County Policy Plan (1998) was made with the previously approved Hannah Ridge at Feathergrass PUD development plan and preliminary plan. The proposed final plat is consistent with the approved PUD development plan and preliminary plan.

4. Small Area Plan Analysis

The proposed Hannah Ridge at Feathergrass Filing No. 4 final plat is not within the boundaries of a small area plan.

5. Other Master Plan Elements

The proposed Hannah Ridge at Feathergrass Filing No. 4 final plat is consistent with or does not create negative impacts to elements depicted on the El Paso County Wildlife Habitat Descriptors Map (1996), the El Paso County Community Services Parks Master Plan (2014), the Master Plan for Mineral Extraction (1996), and the Major Transportation Corridors Plan (2016).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

A geology, soils, and hazards report was submitted and reviewed with the approved PUD development plan and preliminary plan. The report did not identify any hazards that would preclude development.

2. Wildlife

Potential impacts to wildlife are generally low as depicted in the El Paso County Wildlife Descriptors Map (1996).

3. Floodplain

As indicated on FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0752F, the property is located entirely outside of the current 100-year regulatory floodplain.

4. Drainage and Erosion

The proposed development is located within the Sand Creek Drainage Basin. The basin has been studied and drainage and bridge fees have been adopted; fees due are as listed below in the conditions of approval. If the applicant receives credit for basin improvements within the Hannah Ridge at Feathergrass development prior to recording the plat, that credit may be applied toward reducing the drainage fees due with this subdivision.

Drainage from the site generally flows from north to south, towards Constitution Avenue, in a combination of storm drains and open channels. Major drainageways and storm drains, excepting water quality facilities, are proposed to be dedicated to and maintained by El Paso County within tracts and easements. The homeowners association will maintain the Filing No. 4 water quality facilities as documented in the maintenance agreement and easement.

Per the Hannah Ridge at Feathergrass (HRAFG) Master Development Drainage Plan (MDDP), Preliminary Drainage Report, and Filing No. 4 Final Drainage Report, no detention is required with HRAFG Filing Nos. 3 or 4 because the downstream facilities are capable of handling the minor increase in runoff and there is incidental detention storage volume upstream along the north side of the Rock Island Trail (former railroad) embankment. Detention will be required with future filings following Filing No. 4, subject to analyses in the applicable drainage reports.

An existing detention/ponding area, which is on property owned by El Paso County, is located upstream of the former railroad embankment (currently owned by the City of Colorado Springs and designated as a regional trail). El Paso County Department of Public Works' upcoming wetland bank project will provide a public drainage easement to protect the ponding area from future development/infringement and preserve the detention function of the current drainage system. The detention area shall be owned and maintained by El Paso County. The existing seven-foot by seven-foot (7' x 7') box culvert under the Rock Island Trail, which is owned and maintained by the City, will be repaired to City standards by the applicant as part of the Filing No. 3 construction to ensure proper functioning of the drainage system through the HRAFG site. The box

culvert and regional trail is owned and maintained by the City of Colorado Springs Parks Department.

The Hannah Ridge at Feathergrass Filing No. 4 Final Drainage Report concludes that stormwater runoff from this project will not “negatively impact the adjacent properties and downstream drainage facilities.”

5. Transportation

The Hannah Ridge at Feathergrass development takes access from the County road system at Constitution Avenue (a principal arterial roadway) to the south and Akers Drive (nonresidential collector) to the east. The internal street classifications vary from local low volume (50 foot right-of-way) roadways to collector (80 foot right-of-way) roadways, including Hannah Ridge Drive, Winslow Park Drive and Hunter Jumper Drive. This filing connects to, extends and takes access from Winslow Park Drive and Hunter Jumper Drive, both of which have been planned and designed as local streets within this filing, as well as Shawnee Drive, a local street which connects to Constitution Avenue.

Traffic generated from this filing will be approximately 495 average daily trips (ADT). This traffic will contribute to the need for a traffic signal at the intersection of Hannah Ridge Drive and Constitution Avenue, requiring the applicant to escrow funds toward the cost of signal construction as addressed in the conditions of approval. (Transportation impact fees do not apply to intersection signalization.) The development has requested inclusion into the 10 mil PID of the County Road Impact Fee Program.

HRAFG Filing No. 4 will add 1.02 lane miles of local streets to County maintenance.

H. SERVICES

1. Water

Sufficiency: Cherokee Metropolitan District has committed to serve the development.

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney’s summary: The County Attorney’s Office has made a favorable recommendation for a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health has made a favorable recommendation regarding water quality. The Board of County Commissioners is

anticipated to make a finding for water sufficiency, including quality, quantity, and dependability, with approval of this final plat.

2. Sanitation

The Cherokee Metropolitan District provides wastewater service and has committed to serve the property. El Paso County Public Health has reviewed the wastewater report submitted with this application and has no concerns.

3. Emergency Services

The property is within two overlapping districts that provide emergency services. Both the Falcon Fire Protection District and the Cimarron Hills Fire Department have committed to serve the proposed subdivision. The future lot owners will be taxed by the respective district that each individual lot is within.

4. Utilities

Mountain View Electric Association will provide electrical service and Black Hills Energy will provide natural gas service to the development. Public utility easements have been depicted on the final plat.

5. Metropolitan Districts and Other Special Districts

The site lies within Cherokee Metropolitan District which provides water and wastewater services to the proposed development. The property is also within the Constitution Heights Metropolitan District which was established to construct public infrastructure.

The applicant is requesting inclusion into Public Improvement District No. 2.

6. Parks/Trails

Regional park fees (Region 2) of \$21,164.00 and urban park fees (Urban Area 3) of \$13,364.00 in lieu of land dedication shall be paid at the time of final plat recordation.

7. Schools

School fees in the amount of \$12,480.00 in lieu of land dedication shall be paid at the time of final plat recordation for the benefit of Falcon School District No. 49.

I. APPLICABLE RESOLUTIONS

Approval Page 19

Disapproval Page 20

J. STATUS OF MAJOR ISSUES

There are no outstanding issues with this request.

K. 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 (2016) staff recommends the following conditions and notation:

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. The Applicant shall submit the Mylar to Enumerations for addressing.
5. The 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.
6. 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.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the ECM Administrator, shall be filed at the time of recording the Final Plat.

8. 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.
9. 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. 16-454), 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.
10. Developer has opted to be included in the Public Improvement District (PID) #2 at 10 mills. Additionally, it is subject to the 2009 Intergovernmental Agreement between the Constitution Height's Metropolitan District and the County, Resolution Number 09-342. A fee of \$923.00 per unit (lot) shall be due at time of building permit application. The final plat shall not be recorded until the plat has been reviewed and approved by the El Paso County Assessor.
11. Park fees in lieu of land dedication for regional parks (Area 2) and urban park (Area 3) fees shall be paid at time of plat recordation.
12. Fees in lieu of school land dedication shall be paid to El Paso County for the benefit of Falcon School District No. 49 at time of plat recording.
13. The developer shall participate in a fair and equitable manner in the design and future construction of traffic signalization improvements at Constitution Avenue and Hannah Ridge Drive. The fair share attributed to Hannah Ridge at Feathergrass Filing No. 4, as identified in the applicant's traffic study, is escrow to be deposited in the amount of \$11,066.00. Documentation that this amount has been deposited in the existing escrow account for the signal improvements shall be provided prior to recording the final plat.
14. Drainage and bridge fees, for the Sand Creek basin, in the amounts of \$83,972.72 and \$25,439.55, respectively, shall be paid at the time of final plat recording. If credits are established prior to recordation of the final plat, the credits may be used towards the drainage fees due upon final plat recordation.
15. Developer shall provide evidence of vacation/extinguishment of the portions of the utility easements recorded at Book 6916, Page 68 and Book 3896, Page 66 within

this subdivision prior to preliminary acceptance of the roads within this subdivision by El Paso County.

16. Offsite sidewalk/trail improvements within the Rock Island Trail corridor in addition to the sidewalk/trail improvements within proposed Tract A shall be completed by the developer with the construction of the subdivision improvements in order to connect the sidewalk along Hunter Juniper Drive to the existing sidewalk along the north side of Constitution Avenue adjacent to the James Irwin Charter Academy School as agreed to by the developer and the successor (builder).

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified twenty one (21) adjoining property owners on October 18, 2017, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Plat Drawing
State Engineer's Letter
County Attorney's Letter

El Paso County Parcel Information

File Name:

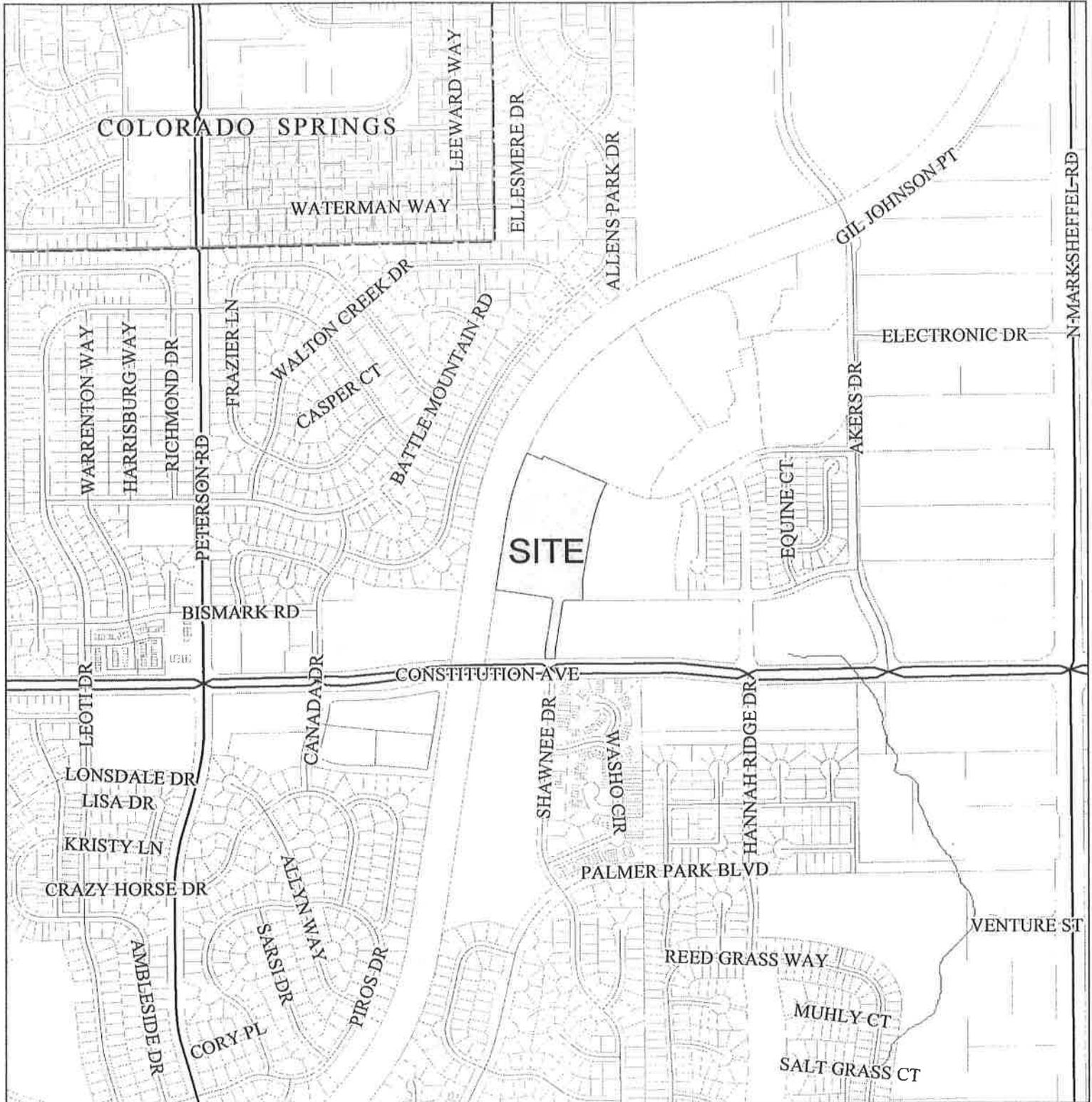
PARCEL	NAME
5332316002	ELITE PROPERTIES OF AMERICA INC

Zone Map No.:

ADDRESS	CITY	STATE
6385 CORPORATE DR	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80919	

Date:



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 (719) 520-6600



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April 17, 2017
Revised August 9, 2017

LETTER OF INTENT
Hannah Ridge at Feathergrass Filing No. 4 Final Plat

Owner:

Feathergrass Investments, LLC
4715 N. Chestnut Street
Colorado Springs, CO 80907
Kenny Driscoll
(719)-593-8367

Applicant / Consultant:

M.V.E., Inc.
1903 Lelaray Street, Suite 200
Colorado Springs, CO
(719) 635-5736
Attn: Dave Gorman

Site Location Size and Zoning:

The site is 10.12± acres located in the Southwest one-quarter of Section 32, Township 13 South, Range 65 West of the 6th P.M. in El Paso County, Colorado. The property is zoned PUD. The proposed subdivision is a replat of Tract GG, Hannah Ridge at Feathergrass Filing No. 1 as recorded under Reception Number 214713468 of the records of El Paso County, Colorado. The property is El Paso County Tax Schedule No. 53323-16-002 located north of Constitution Avenue, west of Akers Drive, south of the Rock Island Trail right of way at the northerly extension of Shawnee Drive from Constitution Avenue.

The site location, size and zoning of the proposed Hannah Ridge at Feathergrass Filing No. 4 is identical to Phase 4 of the amended Hannah Ridge at Feathergrass Preliminary Plan (SP-13-006), approved by the El Paso County Board of County Commissioners by Resolution Number 13-427 and recorded under Reception Number 213127098. The site is located just west of Hannah Ridge at Feathergrass Filing No. 2, recorded under Reception Number 216713822 on July 28, 2016 and Hannah Ridge at Feathergrass Filing No. 3, which is currently under consideration in the El Paso County Land Development process under separate application.

Request and Justification:

The request is for approval of the Final Plat of Hannah Ridge at Feathergrass Filing No. 4, which consists of Phase 4 as shown on the approved Hannah Ridge at Feathergrass Preliminary Plan. This Final Plat will create 52 single-family lots along with public street rights-of-ways including the westerly extensions of both Hunter Jumper Drive and Winslow Park Drive from Hannah Ridge at Feathergrass Filing No. 3. The proposed subdivision contains 10.12± acres of land.

Engineers • Surveyors
1903 Lelaray Street, Suite 200 • Colorado Springs, CO 80909 • Phone 719-635-5736
Fax 719-635-5450 • e-mail mve@mvecivil.com

Letter of Intent - Hannah Ridge at Feathergrass Filing No. 4 Final Plat
April 17, 2017
Revised August 9, 2017
Page 2

The proposed Final Plat is the fourth phase of developing the Hannah Ridge at Feathergrass site in accordance with the approved Hannah Ridge at Feathergrass Preliminary Plan. Development will also be in accordance with the approved Hannah Ridge at Feathergrass PUD Plan. The PUD Guidelines, with which the development will conform, are recorded under Reception Number 208091456.

The proposed development will provide necessary residential housing lots at lower mid-range pricing. The future park & open space acreage, mixed lot widths allowing for varied residential structure plans, improved provisions for site access, adequate provisions for drainage and utilities and continued build-out of the approved amended Preliminary and PUD plan will enhance the public health, safety and general welfare within this portion of El Paso County. The future park will be constructed during Phase 5 by the developer.

The owner understands and agrees to certain Conditions of Approval including payment of School Fees, payment of Park Fees, payment of Drainage and Bridge Fees, and escrow of contribution to the future Constitution Avenue and Hannah Ridge Drive traffic signal. The fees and escrow will be paid at time of plat recording.

This 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 (2016). Final Plats are reviewed and approved in consideration of the review criteria found in the El Paso County Land Development Code.

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

The Master Plan is comprised of several elements. One of the elements is the El Paso County Policy Plan (1998), which does not include site-specific land use policies, but establishes broad policies and goals which are intended to serve as a framework for decision-making regarding development of the County. The project satisfies the following relevant policies from the Policy Plan as they specifically relate to this request: **Policy 6.1.3** - Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access. **Policy 6.1.4** - Encourage the logical timing and phasing of development to allow for the efficient and economical provision of facilities and services. **Policy 6.2.1** - Utilize buffer zones to provide mutually compatible transitions between neighborhoods and adjoining development with differing uses or densities. **Policy 6.2.11** - Encourage compatible physical character, density and scale in existing neighborhoods.

The proposed subdivision is consistent with the surrounding residential zoned properties to the north, east and west. The proposed subdivision is adjacent to and is the logical extension of the recently platted Hannah Ridge at Feathergrass Filing No's 1, 2 and 3. A pre-cast wall along the southern boundary of the site will mitigate the impacts to the residential development within this plan from the proposed multi-family and commercial land uses to the south. The proposed subdivision is the continuation of the ongoing Hannah Ridge at Feathergrass development with similar lot sizes and densities as the completed phases of Hannah Ridge as well as existing residential development in the immediate vicinity. The site is not contained within any Small Area Plans of the County. The proposed subdivision plat is in compliance with the Parks Master Plan, which does not call for trails or parks in the site vicinity. The proposed subdivision is also in compliance with the Master Plan for Mineral Extraction as no separate mineral estate owners were found for the property and the existing development on surrounding properties is not compatible with any potential mineral extraction operations.

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

M.V.E., Inc. • Engineers • Surveyors
1903 Lelaray Street, Suite 200 • Colorado Springs, CO 80909 • Phone 719-635-5736
Fax 719-635-5450 • e-mail mve@mvecivil.com

The proposed Final Plat is consistent and in conformance with the previously approved 2013 Preliminary Plan Amendment for the Hannah Ridge at Feathergrass development.

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.*

The proposed Final Plat is prepared in accordance with all applicable subdivision design standards.

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.*

The site is contained within the service area of Cherokee Metropolitan District and the District has agreed to serve the property. The Owner has secured water rights for the district, which are reserved for use in this development. The Office of the State Engineer has reaffirmed adequate water supply for the last three Final Plat applications contained within the operable Preliminary Plan.

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.*

The site is contained within the service area of Cherokee Metropolitan District and the District has agreed to serve the property. The sanitary sewer mains to serve the proposed site will be extended from mains already constructed in Filing No.'s 1, 2 and 3, which were approved by the District.

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)].*

A soils report has been prepared for the site and the owner will comply with the recommendations of the report.

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 Hannah Ridge at Feathergrass development has planned a comprehensive drainage system that continues to be developed as each project phase is constructed. Filing No. 4 will add adequate drainage improvements necessary to serve this subdivision as well as the future phases of the project. The drainage improvements will be consistent with the operable Drainage Basin Planning Study (DBPS), The Master Development Drainage Plan (MDDP) for Hannah Ridge at Feathergrass, the Preliminary Drainage Report and the Final Drainage Reports for each subdivision filing.

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.*

Each proposed lot on the site will access a public street and there are multiple exit and entry points available for the safety of the future residents. Hannah Ridge Filing No. 4 will provide the northerly extension of Shawnee Drive from Constitution Avenue. This extension will contribute to improved safety of existing Hannah Ridge residents and help to properly distribute traffic to and from the overall development. Access also includes routes to Hannah Ridge Drive and Constitution Avenue, Winslow Park Drive to Akers Drive, and Hunter Jumper Drive to Akers Drive.

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

The site is located within the jurisdiction of the El Paso County Sheriff's Office. The Sheriff's office currently provides police protection for the site and surrounding area. Hannah Ridge at Feathergrass Filing No. 4 is located within two fire protection districts, the Cimarron Hills Fire Department on the west and the Falcon Fire Protection District on the east. Fire Hydrant locations for the site are being reviewed and approved by both fire departments. Water and Sanitary Sewer infrastructure is being provided by the developer in accordance with Cherokee Metropolitan District standards. The completed development will include natural open space and a park area. Transportation is provided by the adjacent existing and proposed roadway system.

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

Hannah Ridge at Feathergrass Filing No. 4 is located within two fire protection districts, the Cimarron Hills Fire Department on the west and the Falcon Fire Protection District on the east. The water main system is designed to provide adequate fire flows at the site as reviewed by Cherokee Metropolitan District. Fire Hydrant locations for the site are being reviewed and approved by both fire departments.

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.*

Offsite transportation and drainage impacts are considered and mitigated by the recommendations of the Final Drainage Report and Traffic Impact Study update Memo. The owners of the subdivision have constructed Akers Drive and made necessary turn lane improvements on Constitution Avenue. The developer will also make improvements to Constitution Avenue due to the addition of the Shawnee Drive intersection. Also, the developer will contribute to escrow funds for a traffic signal at Hannah Ridge Drive and Constitution Avenue. The owner has requested the property be admitted to PID #2 and the developers will pay the required Road Impact Fee upon obtaining individual residential building permits.

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.*

The Subdivision Improvement Agreement (SIA) includes provision to guarantee construction of the necessary infrastructure. The platting of the site will include the collection of the applicable Drainage Fees, School Fees and Park Fees.

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

The subdivision meets the requirements of the Land Development Code and previous subdivision plat filings were approved by the BOCC in 2014 and 2016.

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.]. No separate mineral estate owners were found for the property and the existing development on surrounding properties is not compatible with any potential mineral extraction operations.*

EXISTING AND PROPOSED FACILITIES:

Existing offsite roads include Constitution Avenue (160' row) to which this developer has made previous improvements, Akers Drive (80' row) constructed by this owner/developer in cooperation with El Paso

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1903 Lelaray Street, Suite 200 • Colorado Springs, CO 80909 • Phone 719-635-5736
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County. Other existing facilities include the storm drain line along the north side of Constitution Avenue, the box culvert crossing of Constitution Avenue at Akers Drive and various utility line stub-outs in Akers Drive and Constitution Avenue that were previously constructed by this owner/developer. Hannah Ridge at Feathergrass Filing No. 4 will also include additional improvements to Constitution Avenue at the proposed Shawnee Drive intersection.

Existing facilities provided in Hannah Ridge at Feathergrass Filing No. 1 include portions of Hunter Jumper Drive (60-80' row), Winslow Park Drive (60' row), Equine Court (60' row) and all of Farrier Court (50' row) as well as the associated mainline utilities and utility services for the lots. Storm drainage and stormwater quality facilities were also been provided.

Existing facilities provided in adjacent Hannah Ridge at Feathergrass Filing No. 2 include a portion of Hunter Jumper Drive (60-80' row), a portion of Winslow Park Drive (60' row), all of Half Chaps Court (60' row), and a portion of Hannah Ridge Drive (60'-90' row) as well as the associated mainline utilities and utility services for the lots. Storm drain in Hannah Ridge Drive and Half Chaps Court, the Hannah Ridge Drive concrete box culvert, and stormwater quality facilities were also provided.

Facilities provided in Filing No. 3 include a portion of Hunter Jumper Drive (60' row), a portion of Winslow Park Drive (60' row), a portion of Grand Prix Court (50' row), and all of Horsemanship Court (50' row). Filing No. 3 facilities included the associated mainline utilities and utility services for the lots, the major storm drain line that conveys the Sand Creek Tributary 6 storm flows south to the Constitution Avenue channel, and storm drain lines in Hunter Jumper Drive and the necessary stormwater quality facilities.

Proposed facilities for Filing No. 4 include the westerly portion of Hunter Jumper Drive (60' row), the westerly portion of Winslow Park Drive (60' row), all of Shawnee Drive (60' row) from Constitution Avenue to Winslow Park Drive, and a portion of Pony Club Lane (50' row). Filing No. 4 facilities will include the associated mainline utilities and utility services for the lots, storm drain facilities in Shawnee Drive and the necessary stormwater quality facilities. These new facilities will be connected to the recent improvements of Filing No. 3 as appropriate. All improvements will be in compliance with the approved PUD, Preliminary Plan and El Paso County engineering criteria.

EASEMENT VACATIONS:

The site contains two utility easements for existing Cherokee Metropolitan District sanitary sewer mains are located within the site (Book 3896, Page 66 & Book 6916, Page 68), which are to be vacated. The existing sanitary sewer main, located within these easements, is to be relocated during the upcoming development of Hannah Ridge at Feathergrass Filing No. 3 and the easements will be vacated by separate instrument following the new construction. Cherokee Metropolitan District has provided consent that the existing easements will be vacated after construction of the new sanitary sewer main during development of the proposed subdivision.

TOTAL NUMBER OF RESIDENTIAL UNITS AND DENSITIES:

The gross area of the Filing 3 subdivision is 10.12+/- acres and will contain 52 Single Family Units. An area of 6.51+/- acres will be single-family residential lots. Trail Access Tracts will contain 0.17+/- acres and street rights-of-way take up the remaining 3.44+/- acres. The average lot size for the 52 lots is 5,453

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square feet (sf.). The gross density of the said Filing No. 4 is 5.1+/- units per acre, while the net density, subtracting out the areas of street rights-of-way and trail access tracts is 8.0+/- units per acre.

TYPICAL LOT SIZE:

The proposed subdivision exhibits a mixture of 50 feet wide and 60 feet wide lots. The typical Single Family Residential lot size is 50 feet wide by 100 feet deep. The minimum lot area in Hannah Ridge at Feathergrass Filing No. 4 is 5,000 s.f. A significant portion of lots are larger, ranging up to 6,645 sf.

APPROXIMATE ACREAGE AND PERCENT OF LAND TO BE SET ASIDE AS OPEN SPACE:

Two tracts are being platted in the subdivision for use as trail access to the adjacent and extensive Rock Island Trail, which is owned and maintained by the City of Colorado Springs. These tracts consist of 0.17 acres or 2% of Filing No. 4. The two tracts will be open space and be owned and maintained the Hannah Ridge Home Owners Association (HOA). The Preliminary Plan has provisions for a future park tract to be developed north of Winslow Park Drive during future phase 5 with additional natural open space located north of the future park. All the proposed land uses and open spaces are in accordance with the approved Preliminary Plan.

PHASED CONSTRUCTION AND ANTICIPATED DEVELOPMENT SCHEDULE:

Hannah Ridge at Feathergrass Filing No. 4 represents the 52 lots as the fourth phase of the eight phases for the single family residential development shown in the preliminary plan. The phasing began on the east side of the site between Hunter Jumper Drive and Winslow Park Drive at Akers Drive as Filing No.1 (2014) and is proceeding from east to west (2013-2017); then to the east side in the area of Akers Drive and Under Saddle Street (2018-2019), then to the west side and finally the north central portion (2018-2020). The park will be constructed as part of Phase 5 residential construction (2018-2019). Other open space tracts will be developed with the adjacent residential phases as they occur. Multi-family phases along Constitution Avenue shall be designed and constructed approximately 2017 - 2019. Commercial phases are to be designed and developed approximately 2017 - 2020.

UTILITIES - WATER AND SEWER:

Water and sewer will be provided by Cherokee Metropolitan District. The district has provided a detailed Service Commitment letter which explains how capacity is available for the planned development. The developer has purchased water rights and transferred these right to Cherokee Metropolitan District, which has in turn reserved this water for use in the Hannah Ridge at Feathergrass development. The developer will construct all street, utilities and storm drainage improvements. Utilities will be routed underground in the public streets and utility easements per El Paso County design standards. Cherokee Metropolitan District will provide maintenance of proposed water and sewer system.

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FIRE PROTECTION:

Hannah Ridge at Feathergrass Filing No. 4 is located completely within the Cimarron Hills Fire Protection District and the District has provided a letter of agreement to serve. Additionally, the overall Hannah Ridge development property is located within two fire protection districts, the Cimarron Hills Fire Department on the west and the Falcon Fire Protection District on the east. The boundary between the two is located just east of the Hannah Ridge at Feathergrass Filing No. 4 property, extending to the north and south. In practice, both fire districts respond to incidents in this border area.

PROPOSED USES, RELATIONSHIP BETWEEN USES AND DENSITIES:

Single-family parcels are adjacent to the site on the east and north. Existing single-family residential development exist to the west and northwest on the opposite side of the adjacent Rock Island Trail. Multi-family parcels are adjacent to the south, separated by Hunter Jumper Drive. Densities of this proposal are comparable to densities to the existing surrounding subdivisions. This subdivision provides for a pre-cast ornamental wall and landscaping located along the north side of Hunter Jumper Drive as a buffer with the multi-family property to the south as noted on the PUD plan.

LANDSCAPING AND BUFFERING:

Frontage of Hunter Jumper Drive will be landscaped in accordance with the approved PUD plan. Landscape trees will be planted and a pre-cast concrete wall will be constructed along the north side of Hunter Jumper Drive which will serve as the required buffer to the multi-family and commercial zones to the south.

Regarding the Hannah Ridge development as a whole, significant open space and landscaping will be provided. The future park and open space parcels will be landscaped. The northeastern portion and southern portion ending at the commercial boundary will be designed to be native grassland parks with natural trails. The central park parcel will be more formalized with landscaping and recreational amenities. Street right-of-ways and entries will also be landscaped as indicated on the PUD Plan. The landscaping, wall and open space tracts are to be installed by the Developer of the project and will be maintained by The Communities at Feathergrass Homeowners Association, an existing HOA.

PROPOSED ACCESS LOCATIONS:

Two access locations already exist at the surrounding streets with with curb cuts and have been previously identified by El Paso County. A full movement access is proposed at Akers Drive/Under Saddle Street., A 3/4 movement intersection exists at Winslow Park Drive/Akers Drive as well as the Hunter Jumper Drive/Akers Drive intersection. A Full Movement intersection exists at Akers Drive/Constitution Avenue. A Full Movement access at Hannah Ridge Drive/Constitution Avenue was completed as part of Filing No. 2 construction. Hannah Ridge at Feathergrass Filing No. 4 will provide a new 3/4 movement intersection at Shawnee Drive/Constitution Avenue. A Traffic Impact Study update memo for the proposed development is provided with this application.

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TRAFFIC IMPACT FEES:

This development is subject to fees established by the El Paso County Road Impact Fee Program per El Paso County Resolution Number 12-382. The owner is petitioning for inclusion of the new residential lots into the Public Improvements District No. 2 (the 10 mil PID). The fee per Single-family Detached dwelling in the 10-mil PID is \$923.00. This fee will be paid at the time of building permit issuance. The Hannah Ridge at Feathergrass property is also contained within the Constitution Heights Metropolitan District and lots subject to traffic impact related building permit fees pursuant to a 2009 IGA. The fee in Hannah Ridge at Feathergrass is \$637.15 per single-family residential lot to be paid at the time of building permit issuance. However, the lots in Hannah Ridge at Feathergrass are also eligible for credit in the El Paso County Road Impact Fee Program as established by El Paso County Resolution Number 12-389. The credit is designed to offset the contribution mandated by the IGA as well as amounts already contributed to the County's transportation system in the form of road construction and dedication of right of way for portions of Constitution Avenue and Akers Drive by the developer.

A summary of the fees for each single-family lot in the subdivision is provided below:

The development enters Public Improvements District No. 2 (the 10 mil PID) and is subject to the requirements thereof. The developer will pay the \$923.00 Fee to El Paso County pursuant to the 2009 IGA and Resolution 12-389. The County will reimburse Pikes Peak Rural Transportation Authority from this fee payment. The accrual and use of any credits in the El Paso County Road Impact Fee Program is governed according to Resolution 12-389.

Should County staff or officials require more information, please use the contact information below to reach me.

Very truly yours,

M.V.E., Inc.



David R. Gorman, P.E.

DRG:cwg

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HANNAH RIDGE at FEATHERGRASS FILING NO. 4

A RE-PLAT OF TRACT GG, HANNAH RIDGE AT FEATHERGRASS FILING NO. 1, SECTION 32, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6th PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO



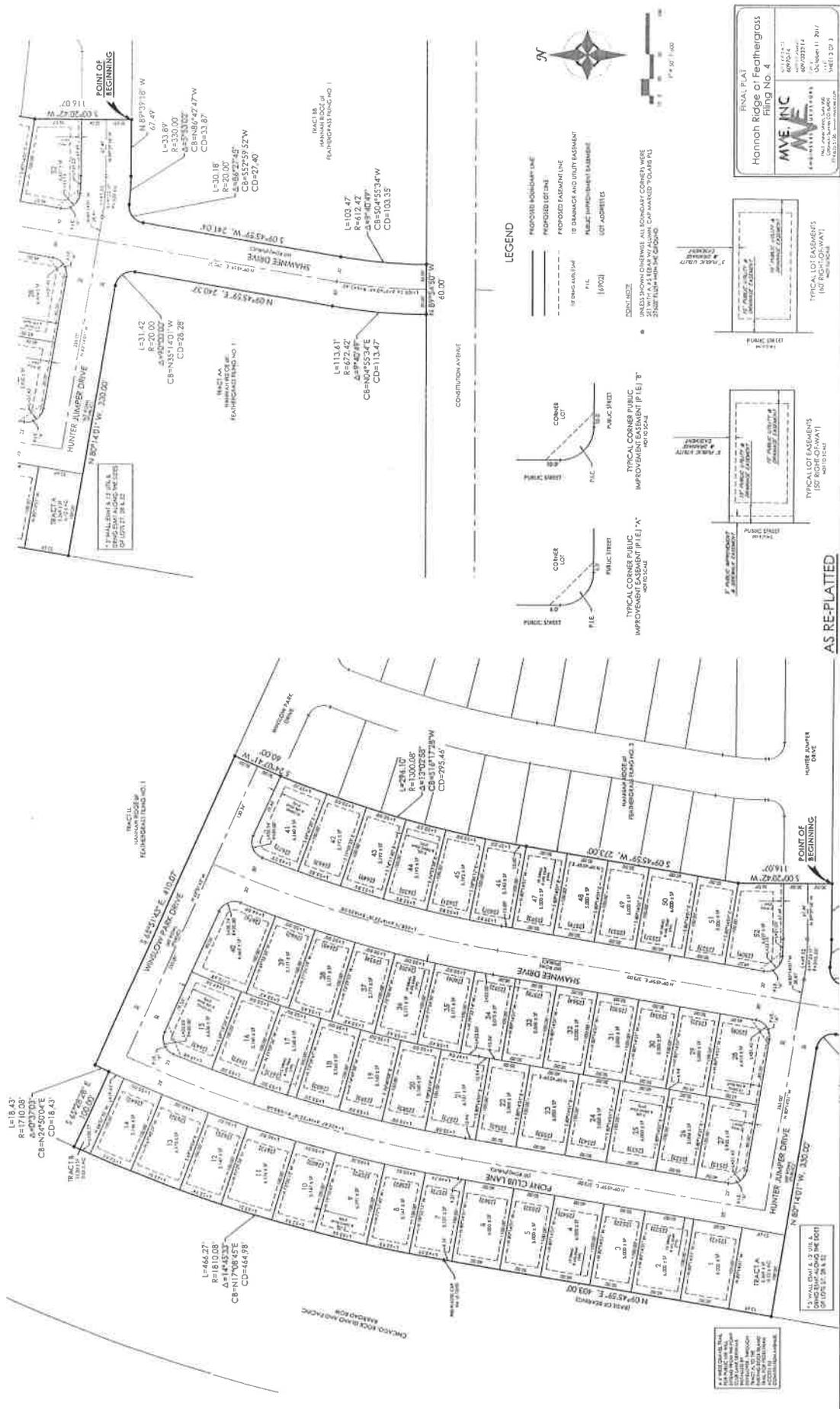
FINAL PLAT
Hannah Ridge at Feathergrass
Filing No. 4

MVE, INC.
MEMPHIS, TENNESSEE
1000 W. WOODBINE BLVD.
MEMPHIS, TN 38114
TEL: 901.521.1000
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AS PLATED

HANNAH RIDGE at FEATHERGRASS FILING NO. 4

A RE-PLAT OF TRACT GG, HANNAH RIDGE AT FEATHERGRASS FILING NO. 1, SECTION 32, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6th PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO



AS RE-PLATED



COLORADO
 Division of Water Resources
 Department of Natural Resources

John W. Hickenlooper
 Governor

Robert Randall
 Executive Director

Dick Wolfe, P.E.
 Director/State Engineer

June 14, 2017

El Paso County Development Services Department
 2880 International Circle, Suite 110
 Colorado Springs, CO 80910-3127

RE: Hannah Ridge at Feathergrass Filing No. 4
 Final Plat
 Sec. 32, Twp. 13S, Rng. 65W, 6th P.M.
 Water Division 2, Water District 10
 CDWR Assigned Subdivision No. 21286

To Whom It May Concern:

We received your submittal concerning the Final Plat for Hannah Ridge at Feathergrass Filing No. 4. Our office previously provided comments for the Hannah Ridge at Feathergrass Preliminary Plan Amendment on May 13, 2013. The proposed Hannah Ridge at Feathergrass Filing No. 4 is a replat of Tract GG, Hannah Ridge at Feathergrass Filing No. 1, and consists of 52 single-family lots on 10.12 +/- acres. The proposed supply of water and wastewater disposal is to be served by the Cherokee Metropolitan District (Cherokee).

Water Supply Demand

The Water Supply Information Summary, Form No. GWS-76, included with the submittal provides an estimated water demand of 0.42 acre-feet/year per lot for 52 lots, for a total estimated water demand of 21.84 acre-feet/year.

Source of Water Supply

The proposed source of water is to be served by Cherokee, and a March 31, 2017 letter of commitment was included with the submittal. Additionally, a February 20, 2013 letter of commitment was included with the previous Preliminary Plan Amendment submittal. According to the letters, there are two sources of water that were purchased by Sand Creek Investments North, LLC for Hannah Ridge at Feathergrass (formerly Hannah Ridge Subdivision).

The first source of water is 60.5 acre-feet per year of the Kane Water Right, as documented by the October 11, 2006 "Water and Sewer Service Agreement" between Cherokee and Sand Creek Investments North, LLC. The Kane Water Right is not a separate water right, but rather a contractual water right for a portion of water removed under contract from the Sweetwater Well Field operated by Cherokee. The Kane Water Right is not viewed by this office as a commitment from Cherokee, but a pre-existing "first-in-line" delivery that Cherokee accepted upon assuming control of the Sweetwater Well Field. Since Sweetwater Nos. 1-3, 5, 8-9, 11, 13 and 15-16 are currently the only wells that may legally be used to supply water outside of the Designated Basin, the State Engineer's Office based its opinion on the understanding that the 200 acre-feet would come from Sweetwater Nos. 1-3, 5, 8-9, 11, 13 and 15-16.

The second source of water is 76 acre-feet per year of Tipton Water, as documented by the December 4, 2006 "Water and Sewer Service Agreement" between Cherokee and Sand Creek

Office of the State Engineer
 1313 Sherman Street, Room 821, Denver, CO 80203 P 303.866.3581
 www.water.state.co.us



Investments North, LLC. The 76 acre-feet is part of 225 acre-feet of fully consumable and exportable water adjudicated to the Tipton Well in Colorado Ground Water Commission Case No. 91GW01, for use and export outside of the Upper Black Squirrel Creek Designated Ground Water Basin.

Additional Comments

Should the project include a proposal to collect stormwater runoff in a drainage/water quality pond, the Applicant should be aware that, unless the proposed improvements to the existing storm water structure can meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR's *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, available on DWR's website at: <http://water.state.co.us/DWRIPub/Documents/DWR%20Storm%20Water%20Statement.pdf>, to ensure that the notice, construction and operation of the proposed structure meets statutory and administrative requirements.

State Engineer's Office Opinion

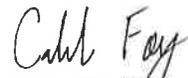
At this time, it appears that Cherokee has 136.5 acre-feet per year of obligation to deliver for the proposed development. This amount of water satisfies the total estimated demand of 19.95 acre-feet/year for Filing No. 1 (which has been reduced from this office's comments dated September 19, 2013), 16.38 acre-feet/year for Filing No. 2 (comments from our office dated August 10, 2015 were previously provided), 1.68 acre-feet/year for Shops at Feathergrass Filing No. 1 (comments from our office dated January 21, 2014 were previously provided), 19.11 acre-feet/year for Filing No. 3 (comments from our office dated May 31, 2017 were previously provided), and 21.84 acre-feet/year for Filing No. 4 (the subject of this submittal), and leaves 57.54 acre-feet per year of obligation for future filings in Hannah Ridge at Feathergrass.

Pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply for Filing No. 4 of Hannah Ridge at Feathergrass can be provided without causing injury to decreed water rights and is expected to be adequate.

The Sweetwater Wells (from which the Kane Water Right is withdrawn from) and the Tipton Well (from which the Tipton Water is withdrawn from) are constructed into the Quaternary alluvium, which is considered to be annually renewable with no administrative life span. The long term adequacy of any ground water source may be subject to fluctuations due to hydrological and climatic trends.

Should you have any questions concerning this matter, please feel free to contact me directly.

Sincerely,



Caleb Foy, P.E.
Water Resources Engineer

cc: Steve Witte, Division 2 Engineer (via email)
Doug Hollister, District 10 Water Commissioner (via email)

CRF:crf

EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY
CIVIL DIVISION

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Diana K. May

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Assistant County Attorneys
M. Cole Emmons
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Kenneth R. Hodges
Lisa A. Kirkman
Steven A. Klaffky
Peter A. Lichtman

October 26, 2017

SF-17-013 Hannah Ridge at Feathergrass Filing No. 4
Final Plat

Reviewed by: Lori Seago, Senior Assistant County Attorney 
Edi Anderson, Paralegal

1. This is a proposal by Feathergrass Investments, LLC ("Applicant") for approval of a Final Plat to subdivide approximately 10.12 +/- acres into 52 single-family residential lots, plus right-of-way for streets and 2 open space tracts. This is a re-plat of Tract GG, Hannah Ridge at Feathergrass Filing No. 1, which was previously platted for future development. The property is currently zoned PUD.

2. The Applicant has provided that the source of water for the subdivision will come from the Kane Water Right and Tipton Water, both as served by the Cherokee Metropolitan District ("District") pursuant to Water and Sewer Service Agreements that Sand Creek Investments North, LLC entered into with the District. Sand Creek Investments North, LLC, entered into Assignment of Water and Sewer Service Agreements with Feathergrass Investments, LLC, whereby Sand Creek assigned all of its rights and obligations under its Agreements with the District to Feathergrass and Feathergrass accepted the same. The Applicant estimates its annual water requirement to serve 52 single family residential lots at 0.42 acre-feet per lot for a total water requirement of 21.84 acre-feet per year for the subdivision. Based on this estimate, the Applicant would need to provide a supply from the District of 6,552 acre-feet (21.84 acre-feet x 300 years) to meet the County's 300 year water supply requirement. Because the State Engineer has determined that both water sources are annually renewable, the water supply is presumed to meet the County's 300 year aquifer life requirement.

3. The General Manager of the District provided a letter of commitment dated March 31, 2017, and an updated formal commitment letter dated June 19, 2017. In addition, the Water Resources Report dated April 17, 2017, provided a review of the



water available for the development. The Water Resources Report stated that the developer “purchased water rights from the Kane and Tipton water rights, which are reserved exclusively for this subdivision developers use” and which water is “sufficient to supply Phases 1 through 6 of the Hannah Ridge at Feathergrass development.” The Water Resources Report indicates there is 136.50 acre-feet of water available from the District and further delineates the water supply provided to Hannah Ridge at Feathergrass Filing 1 at 19.95 acre-feet, Filing 2 at 16.38 acre-feet, Shops at Feathergrass at 1.68 acre-feet, and Filing 3 at 19.11 acre-feet, providing an available water supply of 79.38 acre-feet for Filing 4 and future development. The District commits to serve the 21.84 acre-feet of water annually required by this development. The General Manager stated the “District is able to supply the required 21.84 acre feet of water per year for this project.”

4. In a letter dated June 14, 2017, the State Engineer reviewed information for the Filing 4 Final Plat based on subdividing approximately 10.12 +/- acres into 52 single family residential lots, plus street rights-of-way and open space. The Engineer reviewed the two sources of water to be provided by the District. Regarding the Kane Water Right, the Engineer states the following:

“The first source of water is 60.5 acre-feet per year of the Kane Water Right....The Kane Water Right is not a separate water right, but rather a contractual water right for a portion of water removed under contract from the Sweetwater Well Field operated by Cherokee. The Kane Water Right is not viewed by this office as a commitment from Cherokee, but a pre-existing ‘first-in-line’ delivery that Cherokee accepted upon assuming control of the Sweetwater Well Field. Since Sweetwater Nos. 1-3, 5, 8-9, 11, 13 and 15-16 are currently the only wells that may legally be used to supply water outside of the Designated Basin, the State Engineer’s Office based its opinion on the understanding that the 200 [sic] acre-feet would come from Sweetwater Nos.1-3, 5, 8-9, 11, 13 and 15-16.”

Regarding the Tipton Water, the Engineer states the following:

“The second source of water is 76 acre-feet per year of Tipton Water, as documented by the December 4, 2006 ‘Water and Sewer Service Agreement’ between Cherokee and Sand Creek Investments North, LLC. The 76 acre-feet is part of 225 acre-feet of fully consumable and exportable water adjudicated to the Tipton Well in Colorado Ground Water Commission Case No. 91GW01, for use and export outside of the Upper Black Squirrel Creek Designated Ground Water Basin.”

The State Engineer’s opinion is that “[a]t this time, it appears that Cherokee has 136.5 acre-feet of obligation to deliver for the proposed development. This amount of water satisfies the total estimated demand of 19.95 acre-feet/year for Filing No. 1 ...

16.38 acre-feet/year for Filing No. 2 ... 1.68 acre-feet/year for Shops at Feathergrass Filing No. 1 19.11 acre-feet/year for Filing No. 3 ... and 21.84 acre-feet/year for Filing No. 4 (the subject of this submittal), and leaves 57.54 acre-feet per year of obligation for future filings in Hannah Ridge at Feathergrass. Pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply for Filing No. 4 of Hannah Ridge at Feathergrass can be provided without causing injury to decreed water rights and is expected to be adequate.” Finally, the Engineer notes that the Sweetwater Wells and the Tipton Well are constructed into the Quaternary alluvium, which is considered annually renewable.

NOTE: The State Engineer’s Office also provided an advisory to the Applicant related to any onsite drainage/water quality pond that may be part of the project. The Engineer advised the Applicant that “. . . unless the proposed improvements to the existing storm water structure can meet the requirements of a ‘storm water detention and infiltration facility’ . . . the structure may be subject to administration by this office. The applicant should review the *DWR’s Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado* . . . to ensure that the notice, construction and operation of the proposed structure meets statutory and administrative requirements.”

5. The water quality requirements of Section 8.4.7.B.10 of the Land Development Code must be satisfied.

6. Analysis and Recommendation. With 136.5 acre-feet of water supply contracted to be served by Cherokee Metropolitan District, a proposed annual demand of 21.48 acre-feet for this Filing No. 4, and previous commitments for Filing No. 1 of 19.95 acre-feet, Filing No. 2 of 16.38 acre-feet, and Shops at Feathergrass Filing No. 1 of 1.68 acre-feet, and Filing No. 3 at 19.11 acre-feet, there is a remaining surplus of 57.54 acre-feet; thus, there appears to be a sufficient supply available to meet the demands of this Filing No. 4. Therefore, based on the finding of sufficiency and no injury to existing water rights by the State Engineer, on the commitment to serve by the District, and subject to the conditions set forth below, the County Attorney’s Office recommends a finding of **sufficiency** as to water quantity and dependability for this proposal of 52 single-family lots of Hannah Ridge at Feathergrass Filing No. 4. The El Paso County Health Department will need to make a recommendation as to water quality.

CONDITION OF COMPLIANCE:

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, and specifications set by the District, including the District’s requirement that the project “must achieve

appropriate zoning and a final plat land use entitlement from the El Paso County Development Services within 12 months of the date of this letter” [letter dated June 19, 2017].

- B. It is Applicant’s responsibility to comply with the advisory by the State Engineer’s Office regarding its onsite drainage/water quality pond to ensure that the structure meets the requirements of a ‘storm water detention and infiltration facility’ and that notice, construction and operation of the proposed structure meets statutory and administrative requirements.

cc: Kari Parsons, Project Manager, Planner II