

EL PASO



COUNTY

COMMISSIONERS:
MARK WALLER (CHAIR)
LONGINOS GONZALEZ, JR. (VICE-CHAIR)

HOLLY WILLIAMS
STAN VANDERWERF
CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Board of County Commissioners
Mark Waller, Chair

FROM: Kari Parsons, Planner III
Jeff Rice, PE Engineer III
Craig Dossey, Executive Director

RE: Project File #: SF-19-014
Project Name: Bent Grass Residential Filing No. 2
Parcel Nos.: 53010-00-036, 53010-00-037, 53010-00-020, 53010-00-021

OWNER:	REPRESENTATIVE:
Challenger Communities, LLC 3555 Hill Circle Colorado Springs, CO 80904	Galloway & Company, Inc. 1755 Telstar Drive, Suite 107 Colorado Springs, CO 80920

Commissioner District: 2

Planning Commission Hearing Date:	4/7/2020 and 4/21/2020
Board of County Commissioners Hearing Date	4/28/2020

EXECUTIVE SUMMARY

A request by Challenger Communities, LLC, for approval of a final plat for the Bent Grass Residential Filing No. 2 subdivision to create and authorize the development of 178 single-family lots; 13 tracts to be utilized for open space, drainage, public utilities; and rights-of-way. The proposed 68.55-acre final plat area is zoned PUD (Planned Unit Development) and is located a quarter-mile north of Woodmen Road, east of Golden Sage Road, west of Meridian Road, and is within Section 01, Township 13 South, Range 65 West of the 6th P.M. The parcel is located within the boundaries of the Falcon Peyton Small Area Plan (2008) planning area.

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

The Bent Grass Residential Filing No. 2 final plat is consistent with the Bent Grass PUD (Planned Unit Development) zoning district and approved preliminary plan. The final plat application meets the submittal and review criteria for a final plat as well as the 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 (2019).

A finding of water sufficiency for quality, quantity and dependability is requested with this final plat application. A subdivision improvement agreement addressing the phasing of the construction of the rights-of-way for Bent Grass Meadows Drive and the intersection of Bent Grass Meadows Drive and Meridian Road is also being requested.

A. REQUEST/WAIVERS/AUTHORIZATION

Request: A request by Challenger Communities, LLC, for approval of a final plat to create 178 single-family lots, 13 tracts, and rights-of-way.

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

Authorization to Sign: Final Plat, Subdivision Improvement 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: As a Consent item at the 4/7/2020 and 4/21/2020 PC hearings.

Recommendation: TBD at time of required posting in Agenda.net

Waiver Recommendation: N/A

Vote: TBD at time of required posting in Agenda.net

Vote Rationale: N/A

Summary of Hearing: TBD at time of required posting in Agenda.net

Legal Notice: N/A

C. APPROVAL CRITERIA

In approving a final plat, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2019):

- 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: RR-5 (Residential Rural)

Single-family residential

South: I-2 (Industrial)	Office/Vacant
East: PUD/ RR-5 (Planned Unit Development/ Residential Rural)	Single-family residential
West: PUD (Planned Unit Development)	Single-Family residential/Vacant

E. BACKGROUND

The Bent Grass Overall PUD (PUD-06-004), which consists of 178.77 acres and includes an anticipated 540 single-family residential lots, 29 acres of commercial development, and 7.20 acres of parks and open space, was heard and approved by the Board of County Commissioners on April 12, 2007.

A site-specific Bent Grass PUD (PUD-06-005), and preliminary plan (SP-06-008) for the residential portion of the Bent Grass Overall PUD Plan consisting of 135.92 acres were also approved by the Board of County Commissioners on April 12, 2007. The PUD and preliminary plan included 387 single-family lots; 25 tracts for open space, trail corridors, and drainage; and public rights of way. A 50-foot rear yard setback was depicted on the PUD and preliminary plan adjacent to the RR-5 (Rural Residential) zoned property to the north to buffer existing residential development from the proposed Bent Grass development. The lots located along the southeastern boundary are limited to a single-story home per a note on the face of the site-specific PUD plan to mitigate the impacts to the existing residents to the east. Water sufficiency was not addressed at the preliminary plan stage.

Amendments to the southeastern portion of the Bent Grass PUD (PUD-14-002) and preliminary plan (SP-14-004) were approved by the Board of County Commissioners on June 27, 2017. The amendments included 35 acres of the 135.92-acre plan and reconfiguration of 104 single-family lots and one (1) tract to be utilized for open space, drainage, and public rights-of-way. The requirement to limit the lots along the southeastern boundary to single-story homes was retained with the amendment.

The Bent Grass Residential Filing No. 2 is in conformance with the PUD and preliminary plan. The developer has begun the pre-development site grading within the plat area as authorized under the preliminary plan approval.

A portion of Bent Grass Meadows Drive was constructed with Bent Grass Residential Filing No. 1 and intersects with Meridian Ranch Road to the east. The subject plat area will be accessed from Bent Grass Meadows Drive and Avena Road, which was platted with the Bent Grass Residential Filing No. 1 subdivision. If the request is approved, Bent Grass Meadows Drive is anticipated to be constructed from the current terminus west of Meridian Road in a west and south direction to a

point where it will intersect the Woodmen Frontage Road. Recommended Condition No. 7 requires the developer to construct the improvements pursuant to the subdivision improvement agreement, which is anticipated to be recorded with the subject plat.

F. ANALYSIS

1. Land Development Code Compliance

The final plat application meets the final plat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (2019).

2. Zoning Compliance

The Bent Grass PUD development plan provides permitted uses, density, and dimensional standards such as setbacks, maximum lot coverages, and maximum building heights, as well as landscaping requirements. The Bent Grass Residential Filing No. 2 final plat is consistent with the approved PUD development plan and PUD development guidelines.

3. Policy Plan Analysis

A finding of consistency with the El Paso County Policy Plan (1998) was made previously by the Board of County Commissioners with the approved Bent Grass Overall PUD Plan (PUD-06-004), map amendment (rezone) (PUD-06-005) from PUD to a site-specific PUD plan, map amendment (rezone) (PUD-14-002) from the site specific PUD to modify the southeastern portion of a site specific PUD plan, and the Bent Grass Preliminary Plan (SP-06-008) and Bent Grass Preliminary Plan amendment (SP-14-004). The proposed final plat application is consistent with those prior approvals.

4. Small Area Plan Analysis

The Bent Grass Residential Filing No. 2 Final Plat is located within the Falcon Peyton Small Area Master Plan (2008) planning area. A finding of consistency was made previously by the Board of County Commissioners with the approved site-specific Bent Grass PUD plan (PUD-14-002) and the Bent Grass Preliminary Plan amendment (SP-14-004). The prior approvals pre-date adoption of the Plan. The proposed final plat is consistent with the prior approvals.

5. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate to high wildlife impact potential. The El Paso County Parks Master Plan (2014) identifies a Tier Two trail, known as Woodmen Hills Trail,

within the development. Please see the Parks section below for additional information regarding consistency with the Parks Master Plan.

The Master Plan for Mineral Extraction (1996) does not identify any valued deposits within the final plat area. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

The El Paso County Water Master Plan (2019) encourages water efficiency, identifies the future water supply demands, and identifies that water suppliers should diversify their supply portfolios with additional renewable water sources. The relevant goals and policies of the Plan includes the following:

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

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

Policy 4.1.4 – Work collaboratively with water providers, stormwater management agencies, federal agencies, and State agencies to ensure drinking water sources are protected from contamination and meet or exceed established standards.

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

The proposed urban level development will be served by the Woodmen Hills Metropolitan District. The applicant's water resource report indicates the District has ample supply of groundwater to serve this development and future developments within the District. The Districts annual water quality testing submitted to the Colorado Department of Public Health and Environment (CDPHE) is presumed to meet or exceed standards. CDPHE has not provide notice to El Paso County Public Health and Environment (EPCHE) to the contrary. EPCHE has made a recommendation of sufficiency for water quality. The County Attorney's Office has also made a recommendation of sufficiency for water quantity and dependability.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

A geology and soils report, dated January 2020, was submitted by RMG Engineering, Inc., in support of the final plat application. The report provides a

geologic hazards and constraints evaluation and preliminary geotechnical investigation of the final plat area. The report identified the shallow groundwater characteristics in the soil. The applicant has memorialized the need for the constraint mitigation with a plat note precluding basements for specific lots.

Colorado Geological Survey (CGS) staff and Planning and Community Development Department staff have worked with the applicant to identify the constraint and/or hazard areas on the plat and to define appropriate mitigation techniques to include but not limited to installation of underdrains where appropriate, and grading techniques, that will need to be implemented in order to develop single-family lots. CGS has no objection to this plat as it pertains to the identified constraints if the mitigation techniques identified in the RMG Engineering report are implemented by the contractor(s).

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the property as having a low wildlife impact potential. El Paso County Community Services Department, Environmental Division, was sent a referral and provided the following comments:

“The Environmental Division notes the assertion in the Geotechnical Evaluation Reports dated May 7, 2019 and January 29, 2020 that the site does not contain jurisdictional wetlands. However, this determination was not based upon a wetland delineation nor was it made by a wetland scientist. Documentation of concurrence with this assertion from the U.S. Army Corps of Engineers (USCOE) shall be provided to the Planning and Community Development Department prior to project commencement. The applicant is hereby on notice that the USCOE has regulatory jurisdiction over wetlands. It is the applicant’s responsibility, and not El Paso County’s, to ensure compliance with all applicable laws and regulations, including, but not limited to, the Clean Water Act.

The project may interfere with pronghorn, mule deer and swift fox habitat. Information regarding wildlife protection measures such as fencing requirements shall be provided. Information can be obtained from Colorado Parks and Wildlife.

It is strongly recommended that the applicant obtain the necessary approvals from all federal, state and county agencies as a part of their planning process.”

Staff has incorporated the Divisions comments into recommended Notation No. 2. The application was sent to the USCOE for review and comment. The USCOE has not provided comments on the application. The applicant has not provided USCOE concurrence at this time.

3. Floodplain

As indicated on FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0553G, a portion of the property is located within the current 100-year regulatory floodplain. The FEMA floodplain is contained within proposed Tracts H and K.

4. Drainage and Erosion

The site is located within the Falcon Drainage Basin. This basin has been studied and drainage and bridge fees apply. The drainage and bridge fees due upon plat recordation are \$694,635.90 and \$95,418.05, respectively. The site drains generally to the south and west. A Master Development Drainage Plan (MDDP) and a Final Drainage Report (FDR) were provided with the final plat application. Per those reports, the overall development will provide adequate water quality facilities and will improve offsite detention facilities to maintain runoff at or below historic rates using full-spectrum detention.

Per the Falcon Drainage Basin Planning Study (DBPS), improvements to the Falcon west tributary channel, including grade control and detention are required, as well as repairs and retrofitting of the downstream regional detention facility, Pond WU. Developer proposed improvements include diversion channels to convey offsite drainage from the north to the main west tributary channel through the Bent Grass development, channel stabilization as appropriate with each filing, on-site water quality control measures, and repair and retrofitting of the downstream Pond WU to provide full-spectrum detention. A double box culvert is proposed to be constructed under Bent Grass Meadows Drive which will be constructed between its existing terminations to the south and east to complete the paved public road. The MDDP addresses the necessary channel and DBPS recommended improvements, revised as appropriate to ensure that the proposed improvements meet current standards. Until complete channel improvements are constructed with adjacent development, an interim level of protection will be provided with development of Bent Grass Residential Filing No. 2 to stabilize the banks adjacent to the developed lots (reference Condition of Approval No.17).

5. Transportation

The Bent Grass Residential Filing No. 2 development is located adjacent to Bent Grass Meadows Drive one-half (1/2) mile west of the Bent Grass Meadows Drive and Meridian Road intersection. It is northeast of the current termination of Bent Grass Meadows Drive running north from Woodmen Frontage Road. The applicant is proposing internal local urban roads accessing Bent Grass Meadows Drive and the completion of Bent Grass Meadows Drive between the existing segments to the east and south. The developer is also proposing to construct intersection improvements to the Meridian Road / Bent Grass Meadows Drive intersection, meeting the responsibilities under the most recent Bent Grass development agreement. These roads and intersection improvements will be adequate to serve Bent Grass Residential Filing No. 2. The development will be subject to the County Road Impact Fee Program as applicable for property located within the Woodmen Road Metropolitan District.

Contribution to an escrow account is proposed to provide a fair and equitable monetary share from this development toward offsite transportation improvements at the Woodmen Road / Golden Sage intersection as identified in Table 6 of the Bent Grass Residential Filing No. 2 Transportation Impact Study.

The developer of Bent Grass Residential Filing No. 2 is proposing to construct approximately 8,900 linear feet of urban local roads within the subdivision and 3,400 linear feet of collector road (Bent Grass Meadows Drive). These roads will be accepted for County maintenance once completed to County standards.

H. SERVICES

1. Water

The Woodmen Hills Metropolitan District provides water service and has committed to serve the property.

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State Engineer's office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office has recommended a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health has made a favorable recommendation regarding water quality.

2. Sanitation

Woodmen Hills Metropolitan District provides wastewater service and has committed to serve the proposed subdivision. El Paso County Public Health has made a favorable recommendation regarding wastewater disposal.

3. Emergency Services

The property included within the proposed final plat is located within the Falcon Fire Protection District. The Falcon Fire Protection District has committed to serve the proposed subdivision.

4. Utilities

Mountain View Electric Association will provide electrical service and Colorado Springs Utilities 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 plat is within Bent Grass Metropolitan District. The developer will be responsible for building the public improvements, drainage improvements, amenities within the open space, fencing as depicted on the landscape plan, and installing the landscaping along the rights-of-way. After the completion of those improvements, the District will be responsible for ongoing maintenance of the open space amenities, drainage improvements, fencing, and landscaping installed by the applicant along the rights-of-way. The District shall maintain the rights-of-way until preliminary acceptance by the County.

The property is within the Woodmen Road Metropolitan District. The applicant will be required to pay the Woodmen Road impact fees to the District at the time of building permit issuance.

6. Parks/Trails

Regional park (Area 2) fees in the amount of \$82,536 and urban park fees (Area 3) in the amount of \$52,128 in lieu of land dedication shall be paid at the time of final plat recordation.

In accordance with the El Paso County Parks Master Plan, the applicant depicted a 25-foot trail corridor easement on the plat which will connect to the County's secondary regional trail system known as Woodmen Hills trail. A trail is not proposed to be constructed at this time. Two pocket parks are also depicted on the plat drawing which will be constructed by the applicant and owned and maintained by the District.

7. Schools

School fees in the amount of \$42,720 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

See attached Resolution.

J. STATUS OF MAJOR ISSUES

There are no outstanding issues with this request.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the 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 (2019) staff recommends the following conditions and notations:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. 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 Improvement 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. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property. The subject property is within the Woodmen Road District.
10. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$82,536 and urban parks (Area 3) in the amount of \$52,128.00 shall be paid at the time of plat recordation.
11. School fees in lieu of land dedication for Falcon School District No. 49 in the amount of \$42,720 shall be paid at the time of plat recordation.
12. Drainage and bridge fees for the Falcon basin, in the amounts of \$694,635.90 and \$95,418.05, respectively, shall be paid at the time of final plat recording. If credits have been established prior to recordation of the final plat, the credits may be applied towards the fees due.
13. The construction drawings and the final drainage report (SF-19-014) shall be approved by the Planning and Community Development Department and collateral shall be provided by the applicant to guarantee all required public improvements prior to recordation of the Bent Grass Residential Filing No. 2 final plat.
14. The construction drawings and the Master Development Drainage Plan (MDDP) (CDR-19-004) for the intersection of Bent Grass Meadows Drive and Meridian Road shall be approved by the Planning and Community Development Department and collateral shall be provided by the applicant to guarantee all improvements associated with the intersection prior to recordation of the Bent Grass Residential Filing No. 2 final plat.
15. Protected/permissive signal phasing for eastbound left turns from Woodmen Road to Golden Sage is included in the short-term traffic modeling. If this improvement is needed in the short term, plans are required and coordination with EPC Department of Public Works and possibly the City of Colorado Springs will be necessary for implementation of the added signals and timing. These improvements shall be

included in the Financial Assurance Estimate as determined by the County Engineer if needed with the development of this subdivision.

16. The developer, property owner and/or Bent Grass Metropolitan District shall be responsible for maintenance of the Falcon west tributary channel adjacent to and within the final plat until construction of the necessary channel improvements by the developer is complete and the channel improvements have been accepted by El Paso County. Construction of the interim channel improvements as shown in the approved construction drawings is the responsibility of the subdivider. Final channel design and construction drawings for the channel through and downstream of the site shall be provided with the next Bent Grass residential subdivision unless otherwise agreed to be deferred to a later date by the ECM Administrator and PCD Executive Director.
17. The subdivider shall install a combination of opaque fencing and landscape meeting the buffer requirements of the Land Development Code along the northern property line between the rural residential lots to the north and the lots within the subject plat. A 50-foot building setback is required from the northern property line.
18. The subdivider shall install a combination of opaque fencing and landscape meeting the buffer requirements of the Land Development Code along the south-east property line between the rural residential lots to the east and the lots within the subject plat. Lots 34, 35, 36, and 37 are limited to single-story homes and a maximum height of 25-feet.
19. The developer shall participate in a fair and equitable manner in the design and future construction of intersection improvements at the Woodmen Road and Golden Sage Road and Woodmen Frontage Road and Golden Sage Road intersections, as identified in the Bent Grass Residential Filing No. 2 Traffic Impact Study (TIS), Tables 5 and 6, items G-J. The fair share attributed to Bent Grass Residential Filing No. 2 shall be deposited as escrow as identified in the TIS, showing the proportionate impacts of the anticipated Bent Grass Residential Filing No. 2 traffic at these intersections. An escrow agreement, including a financial assurance estimate for the intersection improvements, as approved by the Planning and Community Development Department Director and the County Attorney's Office, shall be completed and escrow deposited prior to recording the final plat.
20. The construction drawings for this project shall be approved by the Planning and Community Development Department and collateral shall be provided from the applicant to guarantee said improvements prior to the recordation of the Bent Grass Residential Filing No. 2 final plat.

NOTATIONS

1. Final plats not recorded within 12 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.

2. El Paso County Community Services Department, Environmental Division strongly recommends that the applicant obtain the necessary approvals from all federal, state and county agencies as a part of their planning process. Documentation of concurrence with this assertion from the U.S. Army Corps of Engineers (USCOE) should be provided to the Planning and Community Development Department prior to ground disturbance in the ponded area at the northern boundary of the plat. The applicant is hereby on notice that the USCOE has regulatory jurisdiction over wetlands. It is the applicant's responsibility, and not El Paso County's, to ensure compliance with all applicable laws and regulations, including, but not limited to, the Clean Water Act. Applicant is required to obtain a construction permit from the Planning and Community Development Department prior to project commencement.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified twenty-five (25) adjoining property owners on March 23, 2020, for the Board of County Commissioners hearing. Responses received to date are provided; other may be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Plat Drawing
Landscape Plans
State Engineer's Letter
County Attorney's Letter
Adjacent Property Owner Responses
Board of County Commissioners' Resolution

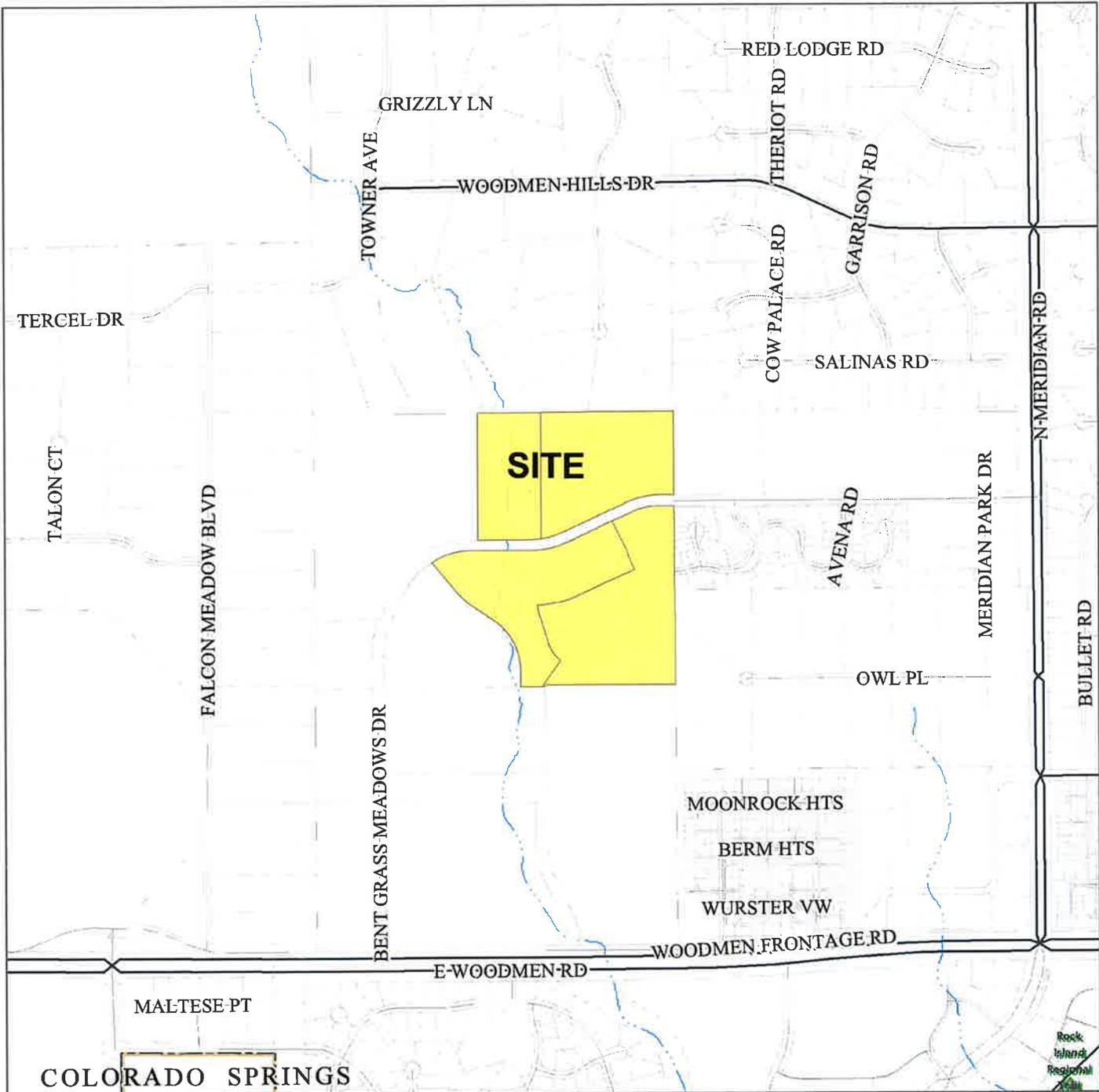
El Paso County Parcel Information

File Name: SF-19-014

Zone Map No. --

Date: Marach 18, 2020

PARCEL	NAME
5301000021	CHALLENGER COMMUNITIES LLC
5301000020	CHALLENGER COMMUNITIES LLC
5301000036	MC.ALLISTER M D TRUST
5301000037	CHALLENGER COMMUNITIES LLC



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



COPYRIGHT 2018 by the Board of County Commissioners, El Paso County, Colorado. All rights reserved. No part of this document or data contained hereon may be reproduced, used to prepare derivative products, or distributed without the specific written approval of the Board of County Commissioners, El Paso County, Colorado. This document was prepared from the best data available at the time of printing. El Paso County, Colorado, makes no claim as to the completeness or accuracy of the data contained hereon.



1155 Kelly Johnson Blvd., Suite 305
Colorado Springs, CO 80920
719.900.7220 • GallowayUS.com

March 13, 2020

El Paso County Development Services Department
Attn: Ms. Kari Parsons
2880 International Circle
Colorado Springs, CO 80910

**SUBJECT: Bent Grass Residential Filing No. 2 – Single Family
Final Plat Application (SF-19-014): Letter of Intent**

Dear Ms. Parsons,

This Letter of Intent (LOI) is being submitted as part of the Final Plat Application. Challenger Communities, LLC is proposing to construct 178 single family lots, northwest of E. Woodmen Road and Meridian Road. Bent Grass Residential Filing No. 2 is the second filing of the Bent Grass Planned Unit Development, refer to the provided Vicinity Map below.

In accordance with El Paso County requirements, as described in the Land Development Code for the Final Plat application, the following required information is provided:

1. Owner and Applicant/Consultant Information:
2. Site location, size and zoning
3. Request and Justification
(A statement regarding Final Plat approval criteria from the *Land Development Code Sec. 7.2.1 – (D) (3) (f) Criteria for Approval* is also included in this list)
4. Existing and proposed facilities, structures, roads, etc.
5. Waiver and deviation requests

The information below is also provided to help further clarify the purpose and extent of Bent Grass Residential Filing No. 2:

6. The total number of acres in the requested area
7. The total number of residential units and densities for each dwelling unit type
8. Typical lot sizes: length and width
9. Type of proposed recreational facilities
10. If phased construction is proposed, how will it be phased
11. Anticipated schedule of development
12. How water and sewer will be provided
13. Proposed uses, relationship between uses and densities
14. Areas of required landscaping
15. Proposed access locations
16. Approximate acres and percent of land to be set aside as open space, not to include parking, drive, and access roads

1. OWNER AND APPLICANT/CONSULTANT:

PROPERTY OWNER / DEVELOPER:

Challenger Communities, LLC
8605 Explorer Dr.
Colorado Springs, CO 80920

APPLICANT / CONSULTANT:

Galloway & Company, Inc.
1155 Kelly Johnson Blvd., Suite 305
Colorado Springs, CO 80920

2. SITE LOCATION, SIZE AND ZONING:

The Bent Grass Residential Filing No. 2 project site is in the West half of Section 1, Township 13 South, Range 65 West of the 6th Principle Meridian, County of El Paso, State of Colorado. The project site is bounded East by Bent Grass Residential Filing No. 1, North by The Meadows Filing No. 2, West, by The Meadows Filing No. 3, and South by Latigo Business Center Filing No. 1. This final plat filing will include 178 single family lots and 13 tracts for either landscape, utility, buffer, open space, drainage purposes, or future development. The aforementioned tracts will be owned and maintained by Bent Grass Metropolitan District. The site is zoned PUD and the final plat conforms to this zone. The proposed land use is Residential Single Family.

3. REQUEST AND JUSTIFICATION:

This request for Bent Grass Residential Filing No. 2 is part of the Bent Grass Planned Unit Development originally approved in 2006, and later amended and approved July 8, 2014 (DSD File No. PUD-14-002). This proposed filing is in conformance with the Final Plat criteria from the Land Development Code, *Sec. 7.2.1 – (D) (3) (f) Criteria for Approval*. The lot and street layout conform substantially to the approved PUD plan.

Site Layout – The Bent Grass Residential Filing No. 2 includes three lot types: Type A, Type B, and Type T. These are shown in detail in the provided Grading & Erosion Control Plans. Lots adjacent to the property boundary that border existing filings with large lots are all roughly 1 acre lots in order to provide a buffer with the existing larger adjacent lots. This is in conformance to the approved PUD. The majority of the lots are 1/8 and 1/4 acre in size, approximately 55' x 110' (6050 SF), and 70' x 130' (9100 SF), or as otherwise depicted on the plat and in conformance with the approved and recorded PUD Site Plan.

Streets – Streets within this development conform PUD requirements that they be paved with curb and gutter and include sidewalks. Sidewalks are placed as shown on the approved PUD

Access – Residential lots contained in this development do not have direct access to Bent Grass Meadows drive as stipulated in the approved PUD.

Open Space - The total area include in the Bent Grass Residential F2 plat is 68.545 acres. Of this area 14.817 acres is dedicated for Public Right of Way, 33.904 AC is dedicated for 178 single-family lots, and 19.824 AC is dedicated for 13 tracts of varying use. Per the PUD requirements, a total of 10% PUD gross site area is required to be set aside as open space with 25% of the open space usable area. This phase provides over 16% of open space. Below is a table that summarizes open space for previous, current, and future filings of the Bent Grass overall development.

Off Site Improvements – Challenger Communities, LLC agreed to perform repairs and upgrades to Regional Pond WU as part of this development. Pond WU currently has a failure of an upstream diversion intended to divert stormwater into an existing wetland and does not provide Water Quality.

The current design will restore the upstream diversion and modify the existing outfall structure to provide Water Quality. These repairs and modifications will benefit all upstream developments. Challenger Communities, LLC will work with County Staff on revisions to the proposed design to ensure maintenance of the Pond and structures can be performed as efficient as possible.

Drainage Credits – Cost for improvements to Pond WU will be offset though Drainage Fee Credits. Challenger Communities, LLC intend to request cost recovery from upstream properties that benefit from Pond WU improvements to the extent that these costs exceed credits provided by the Drainage Fee System.

Category	Bent Grass Approved PUD	Bent Grass Residential Filing No. 1	Bent Grass Residential Filing No. 2	Bent Grass Residential Future Filings
Total Filing Area	140.1 (ac)	28.510 (ac)	68.545 (ac)	43.045 (ac)
Total Open Space Provided	12.4 (ac)	1.413 (ac)	11.034 (ac)	***
% of Open Space	10%	4.9%	16.1%	***

*** = PUD Requirement met, additional area not required. Developer may choose how much additional space to provide if desired.

4. EXISTING AND PROPOSED FACILITIES, STRUCTURES, AND ROADS, ETC:

Existing

The existing project site is undeveloped. A 2-track dirt road that approximately follows the alignment of the proposed Bent Grass Meadows Drive runs through the center of the site. Overhead Electric lines run North and South along the west property line. As described in the approved DBPS completed by Matrix in 2015, two existing channels bisect the project site named RWT202 and RWT204.

Proposed

The proposed Bent Grass Meadows Drive will connect to the existing portions of the aforementioned road on the east side of the property, and the south west corner. Two 16' x 6' concrete box culverts are proposed to pass 1400 cfs under Bent Grass Meadows Drive. In addition, proposed facilities will consist of local residential roads, watermain, sanitary sewer, storm sewer, electric, and gas lines. Two water quality capture volume (WQCV) detention ponds will be provided adjacent to RWT204 and RWT210. These ponds are designed to treat the WQCV before out falling into public waters. The existing reach RWT202 will be rerouted to RWT204 along the northern property line once it crosses the north property boundary (*Refer to Attachment 6 for the Drainage Report – Final*). All proposed facilities will be in accordance with El Paso County design standards and conforms substantially to the approved PUD Site Plan approved in 2014.

Lastly, as a part of the Bent Grass Residential Filing No. 2 development, Challenger Communities, LLC. has agreed to repair the existing embankment failures and reconstruct the existing pond outfall structure for the Regional Detention Pond WU. This pond is located south of the proposed development on the NW Corner of New Meridian and HWY 24.

5. WAIVER/DEVIATION REQUESTS AND JUSTIFICATION:

There are no waiver or deviations requests for Bent Grass Residential Filing No. 2.

6. THE TOTAL NUMBER OF ACRES IN THE REQUESTED AREA:

Bent Grass Residential Filing No. 2 comprises of 68.545 acres.

7. THE TOTAL NUMBER OF RESIDENTIAL UNITS AND DENSITIES FOR EACH DWELLING UNIT TYPE:

Bent Grass Residential Filing 2 comprises 178 Single Family Residential Dwelling Units on 68.545 acres (2.98 DU/Acre). This calculation uses a total area of 59.755 acres instead of the total area platted because Tracts G and I (8.790 acres) is for future development, which will include future dwelling units.

8. TYPICAL LOT SIZES: LENGTH AND WIDTH:

Lots adjacent to the property boundary that border existing filings with large lots are all roughly 1 acre lots. This is in conformance to the approved PUD. The majority of the lots are 1/8 and 1/4 acre in size, approximately 55' x 110' (6050 SF), and 70' x 130' (9100 SF), or as otherwise depicted on the plat and in conformance with the approved and recorded PUD Site Plan.

9. TYPE OF PROPOSED RECREATIONAL FACILITIES:

Bent Grass Residential Filing No. 2 will provide a total of 4.078 acres of open space. Included in this area will be 2 "pocket parks" located in proposed Tract A (0.178 ac) and Tract D (0.219 ac). Tracts G and I are dedicated for future development. The final layout of this development is not yet known but could potentially include proposed recreational facilities. Finally, the remaining tracts provided are all dedicated for drainage purposes and other miscellaneous uses.

The approved Bent Grass PUD states to provide a 25' public regional trail in correlation with the final engineering of the drainage corridor (Refer to Note 11 under General Notes of the PUD Plan Amendment). However, the final design of the drainage corridor will not be completed in this filing as the existing channel was proved to be stable. Future Bent Grass Residential Filings will provide the final design of the drainage corridor and allow for the 25' public regional trail easement to be finalized.

10. IF PHASED CONSTRUCTION IS PROPOSED, HOW IT WILL BE PHASED:

Construction is proposed to be completed in 3 phases. The first phase will encompass lots 1-23, Tracts B and E, lots 42-83 and 111-120. Also, the associated internal roadways adjacent to said lots and the portion of Bent Grass Meadows drive adjacent to it. Phase 2 will encompass lots 24-41, 84-110, Tracts A and C and the associated internal roadways adjacent to said lots. Finally, phase 3 will encompass lots 121-178, and tracts D, F, G, H, and I. Also, the associated internal roadways adjacent to said lots as well as Bent Grass Meadows Drive. Please refer to the provided construction phasing map located in the *Bent Grass Residential Filing No. 2 - Construction Plans*, sheet C0.04.

11. ANTICIPATED SCHEDULE OF DEVELOPMENT:

Construction for the development of this project is currently projected to begin in December of 2019. It is estimated that construction activities will be completed by December 2020. Final stabilization is expected in the spring of 2021.

12. HOW WATER AND SEWER WILL BE PROVIDED (AND ELECTRIC):

Water and Wastewater service will be provided by the Woodmen Hills Metropolitan District (WHMD). WHMD issued a "Will Serve Letter" for both water and wastewater service. As part of the agreement with WHMD a payment of \$1.3 Mil. was made by Challenger Communities, LLC to WHMD.

Electric service will be provided by Mountain View Electric Association and natural gas service will be provided by Colorado Springs Utilities. "Will Serve" letters were issued by both parties for Bent Grass Filing No. 2.

13. PROPOSED USES, RELATIONSHIP BETWEEN USES AND DENSITIES:

The proposed use, as described on the PUD Site Plan, is the development of residential single-family lots. All lots will comply with the RS-5000 zoning district. This enforces the minimum lot size to be 5,000 SF.

14. AREAS OF REQUIRED LANDSCAPING:

Per the approved PUD Site Plan, Landscape requirements shall only apply to those roadways which are collector, or above which have a double frontage residential lots that are adjacent to a collector or greater roadway classification. A proposed landscape plan for the required landscaping is provided for Bent Grass Meadows Drive that is adjacent to Bent Grass Residential Filing No. 2.

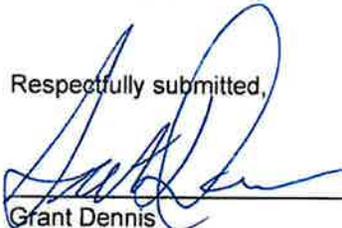
15. PROPOSED ACCESS LOCATIONS:

The site will be connected along Bent Grass Meadows Drive which terminates at Meridian Road on the east and Woodmen Frontage Road on the west. The Bent Grass Metropolitan District is responsible for improvements to the Meridian Road and Bent Grass Meadows Drive intersection. These improvements are anticipated to be completed by the summer of 2020.

16. APPROXIMATE ACRES AND PERCENT OF LAND TO BE SET ASIDE AS OPEN SPACE, NOT TO INCLUDE PARKING, DRIVE, AND ACCESS ROADS:

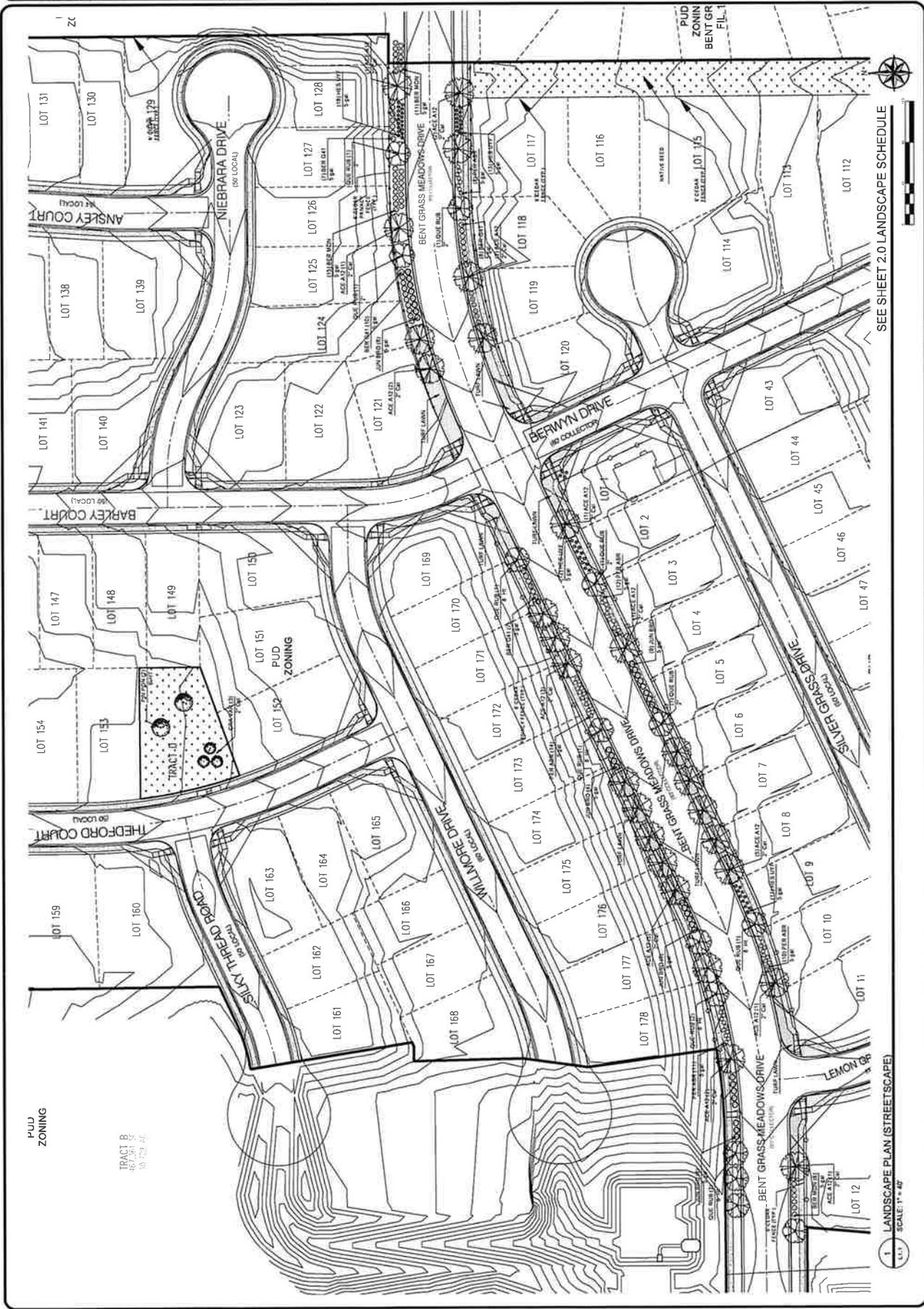
Per the provided Bent Grass Residential Filing No. 2 Final Plat, the provided open space is equal to 480,641 SF, or 11.034 AC (16.1%). Bent Grass Residential Filing No. 2 comprises 178 Single Family Residential Dwelling Units on 68.545 AC. Tracts G and I (8.790 AC) is for future development, these tracts will include future dwelling units.

Respectfully submitted,



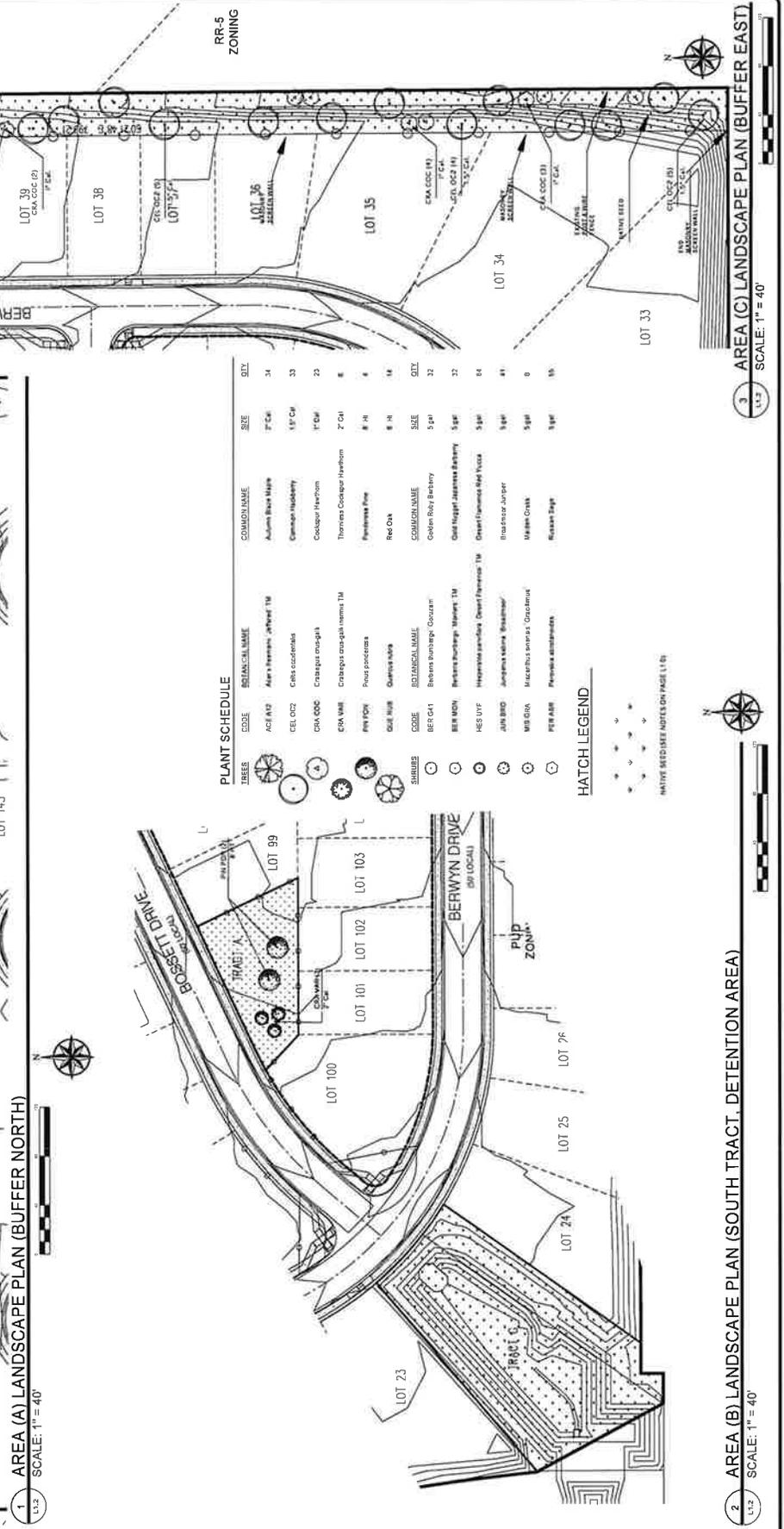
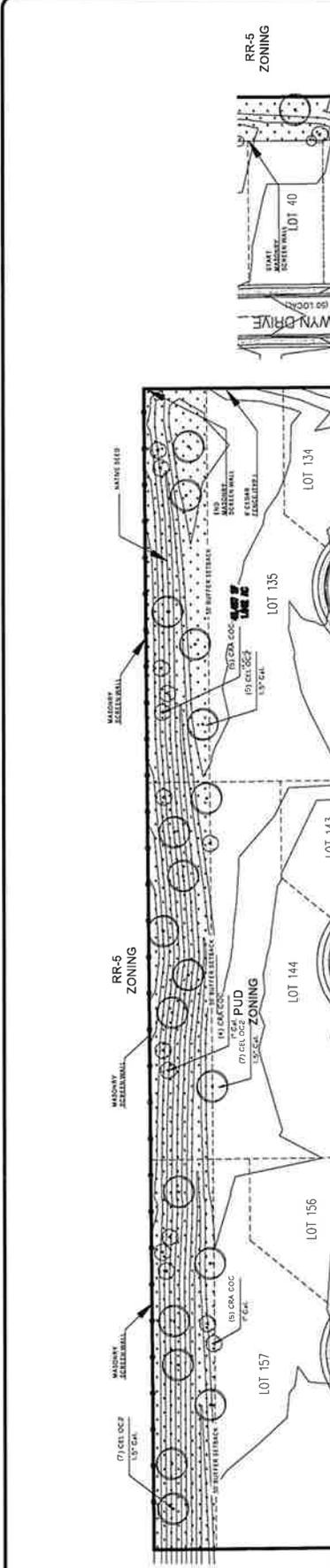
Grant Dennis

Civil Engineering Project Manager
Galloway & Company, Inc.



SEE SHEET 2.0 LANDSCAPE SCHEDULE

1 LANDSCAPE PLAN (STREETSCAPE)
 SCALE: 1/4" = 1'-0"



PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY
	ACE #12	Acer fraxinifolium 'Purpureum' TM	American Blue Spruce	7" Cal	34
	CEL 022	Celastrus occidentalis	Common Nannyberry	1.5" Cal	33
	CHA 000	Crataegus mollis	Common Hawthorn	1" Cal	23
	EPA 000	Crataegus mollis 'Inermis' TM	Thornless Common Hawthorn	2" Cal	8
	PIR 000	Pinus strobus	Pine Tree	8" H	4
	CEL 008	Quercus alba	Red Oak	8" H	14
	CEL 001	Betula pumila 'Coccoloba'	Common Birch	5 gal	32
	BER 001	Betula pumila 'Majesty' TM	White Birch	5 gal	32
	HEB 001	Hamamelis virginica 'Dorset' TM	Witch Ham	5 gal	4
	JAP 000	Japanea quercus 'Shimoda'	Japanese Oak	5 gal	41
	MAC 000	Macaranga pumila 'Gardner'	Maple Oak	5 gal	0
	PER 000	Persea caroliniana	Flowering Dogwood	5 gal	15

HATCH LEGEND

	NATIVE TREES
	PLANT SCHEDULE

HATCH LEGEND NOTES ON PAGE 113

PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY
	ACE #12	Acer fraxinifolium 'Purpureum' TM	American Blue Spruce	7" Cal	34
	CEL 022	Celastrus occidentalis	Common Nannyberry	1.5" Cal	33
	CHA 000	Crataegus mollis	Common Hawthorn	1" Cal	23
	EPA 000	Crataegus mollis 'Inermis' TM	Thornless Common Hawthorn	2" Cal	8
	PIR 000	Pinus strobus	Pine Tree	8" H	4
	CEL 008	Quercus alba	Red Oak	8" H	14
	CEL 001	Betula pumila 'Coccoloba'	Common Birch	5 gal	32
	BER 001	Betula pumila 'Majesty' TM	White Birch	5 gal	32
	HEB 001	Hamamelis virginica 'Dorset' TM	Witch Ham	5 gal	4
	JAP 000	Japanea quercus 'Shimoda'	Japanese Oak	5 gal	41
	MAC 000	Macaranga pumila 'Gardner'	Maple Oak	5 gal	0
	PER 000	Persea caroliniana	Flowering Dogwood	5 gal	15

HATCH LEGEND

	NATIVE TREES
	PLANT SCHEDULE

HATCH LEGEND NOTES ON PAGE 113





COLORADO
Division of Water Resources
Department of Natural Resources
Colorado Ground Water Commission

February 27, 2020

Kari Parsons
El Paso County, Planning and Community Development
DSDcomments@elpasoco.com

RE: Bent Grass Residential Filing No. 2
Part of the SE ¼, Sec. 1, T13S, R65W, 6th P.M.
Water Division 2, Water District 10
Upper Black Squirrel Creek Designated Basin

Dear Ms. Parsons:

We have received your February 12, 2020 submittal of additional information concerning the above-referenced proposal for the subdivision of 50.8 acres into 178 residential lots. This office previously commented on the subject proposal in a letter dated September 6, 2019, this letter supersedes the September letter.

Water Supply Demand

According to the Water Supply Information Summary and the Bent Grass Residential Filing No. 2 Water Resources Report & Wastewater Treatment Report by JDS-Hydro Consultants revised October 2019 (“Water Resources Report”), the total estimated water requirement for the 178 residential lots for Filing No. 2 is 62.83 acre-feet per year for a 300 year water supply.

Source of Water Supply

Woodmen Hills Metropolitan District (“District”) is the proposed water supplier. The District has provided a letter dated October 22, 2019 committing to serve 178 residential lots with a water commitment of 62.83 acre-feet per year.

The District’s sources of water are a combination of bedrock aquifer allocations from the Denver Basin as well as alluvial sources. The State Engineer’s Office does not have evidence regarding the length of time for which the bedrock aquifer sources will be a physically and economically viable source of water. According to 37-90-107(7)(a), C.R.S., “Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years.” Based on this allocation approach, the annual amounts of water determined are equal to one percent of the total amount, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

In the *El Paso County Land Development Code*, effective November, 1986, Chapter 5, Section 49.5, (D), (2) states:

“- Finding of Sufficient Quantity - The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of three hundred (300) years.”

The State Engineer’s Office does not have evidence regarding the length of time for which the bedrock aquifer sources will “meet the average annual demand of the proposed subdivision.” However, treating El Paso County’s requirement as an allocation approach based on three hundred



years, the annual amounts of water available from the bedrock aquifers that may be withdrawn from a maximum period of 300 years are equal to one-third of one percent of the total amount.

Information available in our files indicates the District's water supply totals approximately 1,426 acre-feet/year for a period of 300 years (987 acre-feet/year from bedrock aquifers and 439 acre-feet/year from the alluvial aquifer), and it has approximately 936 acre-feet/year committed to supplying subdivisions and 30 acre-feet/year committed to replacement obligations, for a total commitment of 966 acre-feet/year.

The uncommitted annual water supply of 460 acre-feet/year is more than the estimated annual demand of 62.83 acre-feet/year for Bent Grass Residential Filing No. 2 Subdivision.

According to the Water Resources Report the District has a total legal supply of 3500.44 acre-feet based on a 100-year allocation approach. That quantity includes a claim for 18.28 acre-feet from the Denver aquifer associated with Determination of Water Right no. 1314-BD. According to Determination of Water Right no. 1314-BD the allowed average annual amount of withdrawal of ground water from the aquifer shall not exceed 12.7 acre-feet which would be 1,270 total based on a 100 year allocation approach. The Water Resources Report should be modified to correctly state the available water. In addition, the Water Resources Report claims water associated with Determination of Water Right Nos. 503-BD, 504-BD and 505-BD. According to those Determination of Water Rights the place of use of the water is limited to the 54.9 acres of overlying land further described in the determinations. Such water should be removed from the available water supplies until such time as the place of use of the water is changed to allow use within the District. The District should also provide information showing the water rights associated with Determination of Water Right Nos. 503-BD, 504-BD, 505-BD, 1312-BD, 1313-BD and 1314-BD were transferred to the District.

State Engineer's Office Opinion

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

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

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

Our opinion is qualified by the following:

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

The amounts of water in the Denver Basin aquifer, and identified in this letter, are calculated based on estimated current aquifer conditions. For planning purposes the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 100 (or 300) years used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require

development of renewable water resources for this subdivision to provide for a long-term water supply.

Should you have any questions, please contact Ailis Thyne at 303-866-3581 ext. 8216.

Sincerely,



Keith Vander Horst, P.E.
Chief of Water Supply, Basins

Ec: Upper Black Squirrel Creek Ground Water Management District

EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

Diana K. May, County Attorney

Assistant County Attorneys

M. Cole Emmons
Lori L. Seago
Lisa A. Kirkman
Steven A. Klaffky
Peter A. Lichtman
Mary Ritchie
Bryan E. Schmid
Nathan J. Whitney

March 24, 2020

SF-19-14 Bent Grass Residential Filing No. 2
Final Plat

Reviewed by: Cole Emmons, Senior Assistant County Attorney
Edi Anderson, Paralegal

MCE

FINDINGS AND CONCLUSIONS:

1. This is a Final Plat proposal by Challenger Communities, LLC a/k/a Challenger Homes, Inc. ("Applicant"), to subdivide an approximately 50 acre parcel into 178 single-family lots, plus 13 tracts for landscape, utility, buffer, open space and/or drainage purposes. This Filing No. 2 is part of the Bent Grass Planned Unit Development (PUD) originally approved in 2006.

2. The Applicant has provided for the source of water to derive from the Woodman Hills Metropolitan District ("District"). Pursuant to the Water Supply Information Summary, the applicant estimates its annual water needs to serve household use for the entire subdivision at 62.83 acre-feet, based on the District's 0.353 annual acre-feet per single-family equivalent. Based on these figures, the Applicant must be able to provide a supply of 18,849 acre-feet of water (62.83 acre-feet/year x 300 years) to meet the County's 300 year water supply requirement.

3. The District's Manager provided a letter of commitment for the Bent Grass Residential Filing No. 2 Subdivision dated October 22, 2019 in which the District committed to providing water service to the subdivision of 178 residential lots at annual amount of 62.83 acre-feet. The Manager stated that this "final commitment is for 178 residential lots and a water commitment of 62.83 Acre-feet/year. WHMD has adequate water supplies to meet the anticipated additional demand."

4. Applicant also provided a *Water Resource and Waste Water Report for the Woodmen Hills Metropolitan District* dated October 2019 ("Report") which detailed the District's water supply. The Report notes that the District's water supply includes both

200 S. CASCADE AVENUE
OFFICE: (719) 520-6485



COLORADO SPRINGS, CO 80903
FAX: (719) 520-6487

“renewable sources and Denver Basin non-renewable sources. The District total legal supply on a 300-year basis has grown to 1459.48 annual acre-feet” since the last water resources report was completed in 2014.

5. In a letter dated February 27, 2020, the State Engineer reviewed the application to subdivide the 50 +/- acres into 178 single-family residential lots. The Engineer reviewed this matter based on information provided in the Water Supply Information Summary, the District’s letter dated October 22, 2019, and the 2019 Report, which estimated a water demand of 62.83 acre-feet per year for Filing 2. The State Engineer indicated that information in their files indicates “the District’s water supply totals approximately 1,426 acre-feet/year for a period of 300 years (987 acre-feet/year from bedrock aquifers and 439 acre-feet/year from the alluvial aquifer), and it has approximately 936 acre-feet/year committed to supplying subdivisions and 30 acre-feet/year committed to replacement obligations for a total commitment of 966 acre-feet/year.”¹ The Engineer further state that the uncommitted annual water supply of “460 acre-feet/year is more than the estimated annual demand of 62.83 acre-feet/year” for the subdivision. Finally, the Engineer stated that “pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.”

6. Analysis: As indicated above, the District provided a *Water Resource & Wastewater Report* dated October 2019, detailing the sources of the District’s water supply, which is based on both renewable and non-renewable sources. With a proposed annual demand of 62.83 acre-feet and based on the current commitments of the District and the available water supply, it appears the proposed water supply will be sufficient for the Bent Grass Residential Filing No. 2 Subdivision.

7. Section 8.4.7(B)(10)(g), of the El Paso County Land Development Code allows for the presumption of acceptable water quality for projects such as this where water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary.

8. Therefore, based upon the finding of sufficiency and no injury by the State Engineer, the District’s commitment, and based on the requirements below, the County Attorney’s Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability. The El Paso County Health Department may wish to confirm that the District is in compliance with the water quality regulations.

REQUIREMENTS:

¹ Note: The State Engineer noted that a modification of the Water Resources Report is necessary due to a discrepancy in how Determination of Water Right No. 1314-BD was calculated. The County will not further address that issue in this review as the District has available water resources to supply this subdivision.

A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the District.

cc: *Kari Parsons, Project Manager, Planner III*

EL PASO COUNTY



COLORADO

COMMISSIONERS:
 MARK WALLER (CHAIR)
 LONGINOS GONZALEZ, JR. (VICE-CHAIR)

HOLLY WILLIAMS
 STAN VANDERWERF
 CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

March 23, 2020

This letter is to inform you of the following petition which has been submitted to El Paso County:

SF-19-014

PARSONS

**FINAL PLAT
 BENT GRASS RESIDENTIAL FILING NO. 2**

A request by Challenger Communities, LLC, for approval of a final plat to create 178 single-family residential lots. The 68.55 acre property is zoned PUD (Planned Unit Development) and is located north of Woodmen Road, west of Meridian Road, and east of Golden Sage Road. (Parcel Nos. 53010-00-036, 53010-00-037, 53010-00-020, and 53010-00-021) (Commissioner District No. 2) **Type of Hearing: Quasi-Judicial**

	For	Against	No Opinion
Comments:	PLEASE REFER TO ATTACHED LETTER AND PHOTOS		

(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)

- **This item is scheduled to be heard by the El Paso County Planning Commission on April 7, 2020.** The meeting begins at 1:00 p.m. and will be conducted in the Centennial Hall Auditorium, 200 South Cascade Avenue, Colorado Springs. **** NOTE CHANGE TO HEARING ROOM AND TIME ****
- **The item will also be heard by the El Paso County Board of County Commissioners on April 28, 2020.** The meeting begins at 9:00 a.m. and will be conducted in the Centennial Hall Auditorium, 200 South Cascade Avenue, Colorado Springs.
- The date and order when this item will be considered can be obtained by calling the Planning and Community Development Department or through El Paso County's Web site (www.elpasoco.com). Actions taken by the El Paso County Board of County Commissioners are posted on the internet following the meeting.
- The online submittal portal can be found at: www.epcdevplanreview.com
- The Staff Report for this Agenda item can be found at: <https://planningdevelopment.elpasoco.com/el-paso-county-planning-commission/planning-commission-2020-hearings/>

Your response will be a matter of public record and available to the applicant prior to the hearing. You are welcome to appear in person at the hearing to further express your opinion on this petition. If we can be of any assistance, please call 719-520-6300.

Sincerely,


 Karl Parsons, Planner III

Your Name: MICHAEL J. AND KATHLEEN HARE


 (signature)

Address: 11410 OWL PLACE, PUYTON, CO 80831-8110

Property Location: FALCON RANCHETTES LOT 8 Phone 719-495-3476

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

WWW.ELPASOCO.COM

MICHAEL J AND KATHLEEN HARE

March 28, 2020

El Paso County Planning and Community Development Department
Attn: Kari Parsons
2880 International Circle, Suite 110
Colorado Springs, CO 80910-3127

Re: Request for contractor to redress encroachment on our property and erect a barrier to prevent future erosion from affecting our lot

Dear Kari:

This letter is in response to your notice of March 23 regarding the Final Plat of Bent Grass Residential Filing Number 2.

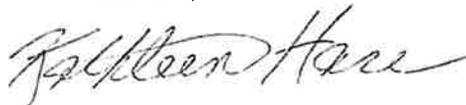
We have no opinion per se on the approval of the proposed development, other than Challenger Communities LLC respecting the building height restrictions already recorded for the southeast corner of the development adjacent to our property.

However, we are requesting correction of encroachment on our property (Falcon Ranchettes Lot 8) caused by ongoing grading operations.

As you will see from the attached photos, the grading operation moved dirt onto our boundary fence at the northwest corner of our lot, and forced the bottom of the fence out of position in several places.

Note that just north of our property the contractor erected a straw barrier on the same edge of Filing #2 to prevent the grading from interfering with the homes built in Phase 1 of this development. However, our lot has been afforded with no such protection. If this isn't corrected, future erosion from Filing #2 will further impact our property. Please request that the omission of a suitable barrier be corrected.

Thank You,



Kathleen Hare



Michael J Hare

FALCON RANCHETTES LOT 8
11410 OWL PLACE • PEYTON, CO • 80831-8110
PHONE: 719-495-3476



Photo #1 - Grading of Bent Grass Filing #2 is encroaching on our lot (view looking south along the western edge of our lot)

- Southeast edge of Bent Grass Filing #2, Northwest edge of Lot 8 Falcon Ranchettes (11410 Owl Place)
- The graded dirt is distending our fence and impinges on our lot
- Erosion of this bank will impact our property if not properly controlled
- This boundary lacks the straw barrier that was erected to protect the homes north of our lot (see Photo #3)



Photo #2 - Closeup of graded dirt forcing our fence out of position and encroaching on our property



Photo #3 - Straw barrier on east boundary of Bent Grass Filing #2 adjacent to west boundary of Phase 1 Challenger Homes (view looking north)

- Grading contractor prevented encroachment on existing Phase 1 Challenger Homes in Bent Grass Development by installation of a straw barrier
- No such barrier has been erected to protect the west edge of our property

EL PASO COUNTY

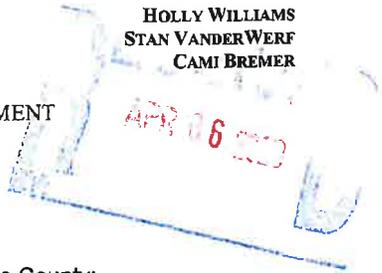


COMMISSIONERS:
 MARK WALLER (CHAIR)
 LONGINOS GONZALEZ, JR. (VICE-CHAIR)

COLORADO

HOLLY WILLIAMS
 STAN VANDERWERF
 CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR



March 23, 2020

This letter is to inform you of the following petition which has been submitted to El Paso County:

SF-19-014

PARSONS

**FINAL PLAT
 BENT GRASS RESIDENTIAL FILING NO. 2**

A request by Challenger Communities, LLC, for approval of a final plat to create 178 single-family residential lots. The 68.55 acre property is zoned PUD (Planned Unit Development) and is located north of Woodmen Road, west of Meridian Road, and east of Golden Sage Road. (Parcel Nos. 53010-00-036, 53010-00-037, 53010-00-020, and 53010-00-021) (Commissioner District No. 2) **Type of Hearing: Quasi-Judicial**

_____	_____	_____
For	Against	No Opinion
Comments: _____		

(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)

- **This item is scheduled to be heard by the El Paso County Planning Commission on April 7, 2020.** The meeting begins at 1:00 p.m. and will be conducted in the Centennial Hall Auditorium, 200 South Cascade Avenue, Colorado Springs. **** NOTE CHANGE TO HEARING ROOM AND TIME ****
- **The item will also be heard by the El Paso County Board of County Commissioners on April 28, 2020.** The meeting begins at 9:00 a.m. and will be conducted in the Centennial Hall Auditorium, 200 South Cascade Avenue, Colorado Springs.
- The date and order when this item will be considered can be obtained by calling the Planning and Community Development Department or through El Paso County's Web site (www.elpasoco.com). Actions taken by the El Paso County Board of County Commissioners are posted on the internet following the meeting.
- The online submittal portal can be found at: www.epcdevplanreview.com
- The Staff Report for this Agenda item can be found at: <https://planningdevelopment.elpasoco.com/el-paso-county-planning-commission/planning-commission-2020-hearings/>

Your response will be a matter of public record and available to the applicant prior to the hearing. You are welcome to appear in person at the hearing to further express your opinion on this petition. If we can be of any assistance, please call 719-520-6300.

Sincerely,


 Kari Parsons, Planner III

Your Name: Michelle Brunker 
(printed) (signature)
 Address: 1952 Maiden CT Peyton Co 80831
 Property Location: Bent Grass Phone 330-760-0400

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

WWW.ELPASOCO.COM

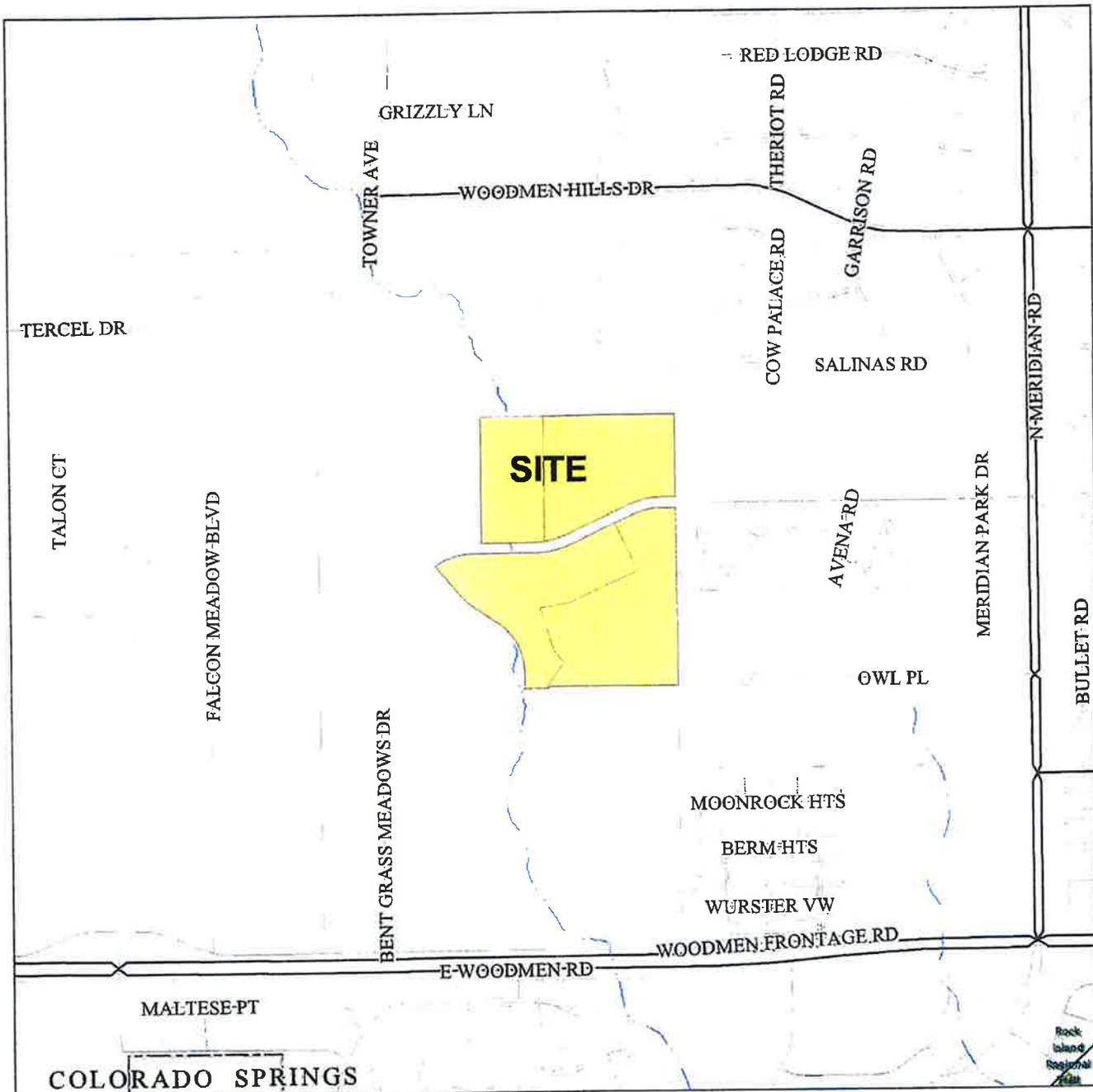
El Paso County Parcel Information

File Name: SF-19-014

Zone Map No. --

Date: March 18, 2020

PARCEL	NAME
5301000021	CHALLENGER COMMUNITIES LLC
5301000020	CHALLENGER COMMUNITIES LLC
5301000036	MCALLISTER M D TRUST
5301000037	CHALLENGER COMMUNITIES LLC



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



COPYRIGHT 2018 by the Board of County Commissioners, El Paso County, Colorado. All rights reserved. No part of this document or data contained herein may be reproduced, used to prepare derivative products, or distributed without the specific written approval of the Board of County Commissioners, El Paso County, Colorado. This document was prepared from the best data available at the time of printing. El Paso County, Colorado, makes no claim as to the completeness or accuracy of the data contained herein.

