


**EL PASO COUNTY**  
**COLORADO**

**COMMISSIONERS:**  
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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Board of County Commissioners**  
**Stan VanderWerf, Chair**

**FROM: Nina Ruiz, Planning Manager**  
**Jeff Rice, PE Engineer III**  
**Craig Dossey, Executive Director**

**RE: Project File #: SP-19-006**  
**Project Name: Saddlehorn Ranch**  
**Parcel Nos.: 43000-00-599, 43000-00-600, 43000-00-601, 43000-00-602**

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Gorilla Capital Co. 1342 High Street Eugene, OR 97401	William Guman & Associates, Ltd. 731 N. Weber Street, Suite 10 Colorado Springs, CO

**Commissioner District: 2**

Planning Commission Hearing Date:	3/4/2021
Board of County Commissioners Hearing Date	3/23/2021

**EXECUTIVE SUMMARY**

A request by Gorilla Capitol Co., for approval of a preliminary plan to create 218 single-family residential lots, 134.33 acres of open space, and public right-of-way. The 816.47-acre property is zoned RR-2.5 (Residential Rural) and is located at the southeast corner of the Judge Orr Road and Curtis Road intersection and is within Section 3, Township 13, and Range 64 West of the 6th P.M. The property is located within the Falcon/Peyton Small Area Master Plan (2008). The applicant also request the Board of County Commissioners make a finding of water sufficiency in terms of quality, quantity, and dependability. Approval by the Board of County Commissioners of the preliminary plan

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with a finding of sufficiency for water quality, quantity, and dependability authorizes the Planning and Community Development Department Director to administratively approve all subsequent final plat(s).

Comments were received by email from Meadow Lake Airport Association on February 9, 2021 indicating that they have outstanding comments and concerns regarding development within proximity of the private airport (see attached). Please review the Land Development Code and Small Area Plan Analysis sections below for information regarding the County's limitations pertaining to limiting development applications adjacent to the Airport. Meadow Lake Airport Association was sent a referral for the proposed Saddlehorn Ranch Preliminary Plan through EDARP seven (7) times beginning on May 14, 2019 and has not responded whatsoever to any of the referrals.

Meadow Lake Airport expressed a desire for the applicant to add a plat note regarding notice of the proximity of the subject property to the airport as well as the applicant entering into an aviation easement with the Airport at the Planning Commission hearing on March 4, 2021. The applicant proposed to add Condition Number 9 requiring an additional plat note to provide notice regarding the proximity of the property to the Airport. Staff is anticipating facilitating a meeting between the applicant and Meadow Lake Airport on March 19, 2021 to discuss any outstanding concerns that Meadow Lake may have.

#### **A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION**

**Request:** A request by Gorilla Capitol Co., for approval of a preliminary plan to create 218 single-family residential lots, 134.33 acres of open space, and public right-of-way and for a finding of sufficient water quality, quantity, and dependability, thereby authorizing administrative approval of subsequent final plats.

**Waiver(s)/Deviation(s):** The following waiver of the El Paso County Land Development Code (2021) (LDC) and deviations from the Engineering Criteria Manual (2020) (ECM) are requested with the Saddlehorn Ranch Preliminary Plan:

- The waiver of LDC Section 8.4.4(D) is associated with the design of the Preliminary Plan but was approved as a standalone request to the Board of County Commissioners on February 9, 2021. Section 8.4.4.D, Dead-End Road Standards, to allow for a cul-de-sac not meeting the requirement that a dead-end road not exceed the ECM length requirements, and to provide a second means of access if the road would serve more than 25 lots. The proposed design shows Barrosito Trail as a dead-end cul-de-sac with a length of 4,392 feet and serving 41 lots, which would be the case until the time that road connections through anticipated future adjacent subdivisions to the east and

south are constructed. The reason for the requested waiver and deviation to exceed maximum cul-de-sac length is that in the future, when the parcels to east and south are developed, Barrosito Trail will become an interconnected road to the south and La Noria Way will become an interconnected road to the east, and to create a connecting loop in the interim would require the extension of a roadway 1,200 feet west at Copperas Court to intersect with Benito Wells Trail, requiring a drainageway crossing. If the additional connection is required, the additional asphalt paving and a box culvert crossing the existing drainageway would increase stormwater runoff and result in additional maintenance and operations costs for El Paso County and the Saddlehorn Metropolitan District.

- ECM Section 2.3.8 – Roadway Terminations, Cul-de-sac length, to allow for a cul-de-sac with a length of 4,392 feet for Barrosito Trail where 1,600 feet is the maximum length allowed by the Engineering Criteria Manual for rural conditions. As described above, anticipated future subdivisions east and south of Saddlehorn Ranch will provide road connections to eliminate the cul-de-sac condition. Falcon Fire Protection District provided a letter stating that it has no objections to the interim cul-de-sac. The deviation request was approved. As noted above, the associated waiver request has also been approved by the Board of County Commissioners.
- ECM Section 2.3.3.E, Horizontal Curve Radii, Table 2-5, Minimum Centerline Curve Radius; to allow for reduced centerline radii of 200 feet where 300 feet is required on a local road. This deviation applies at four internal locations and is requested due to topographic conditions and natural features of the site, including floodplain constraints, which “lend themselves to the use of a reduced radius to create an efficient layout... Use of the required 300 foot centerline radius would create the need for excessively long flag lots or excessively large lots for the underlying RR-2.5 zoning.” The posted speed will be 25 mph at these locations, correlating with urban local road criteria. The daily traffic volume on these streets is minimal with each curve location only serving ten (10) or less nearby lots. “The applicant believes excessively long flag lots are less desirable than the reduced centerline radius.” The associated deviation request has been approved.
- ECM Section 2.2.4 – Design Standards by Functional Classification, Rural Minor Arterial; to allow for the use of a modified cross-section for the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP) two (2) lane principal arterial road (where there is no ECM cross-section) and an interim

narrower shoulder than standard for the Curtis Road cross-section, with a two (2) foot shoulder proposed where an eight (8) foot shoulder is required until the time that Curtis Road is widened to the east with future Saddlehorn Ranch final plats (after Saddlehorn Ranch Filing 1), and to the west at the time that either the MTCP 2040 roadway improvement project to widen Curtis Road to a two (2) lane road or the MTCP 2060 roadway project to widen Curtis Road to a four (4) lane principal arterial occurs. Per the rezone approval for Saddlehorn Ranch (PCD File No. P-18-008), a condition of approval requires Curtis Road to be improved to meet the minimum standards of an arterial roadway per the Engineering Criteria Manual. The anticipated average daily traffic (ADT) on Curtis Road does not justify construction of the full minor arterial cross-section with the Saddlehorn Ranch Filing No. 1 final plat and the proposed two (2) foot paved shoulders and two (2) foot gravel shoulders in the interim will provide improvements equivalent to a rural local road and adequate levels of service with the Filing No. 1 traffic. Future Saddlehorn Ranch final plats will provide the required minor arterial improvements for the east side of Curtis Road along the complete project frontage, with an eight (8) foot paved shoulder and two (2) foot gravel shoulder, as well as the necessary right-of-way dedication (72 feet) and preservation (18 feet) allowing for the construction of the future east one-half of the four (4) lane road widening. This deviation has been approved with a condition that it be re-evaluated with the next Saddlehorn Ranch final plat after Filing No. 1.

- ECM Section 2.2.4 – Design Standards by Functional Classification, Rural Minor Arterial; to allow for the use of a modified cross-section for the MTCP 4-lane minor arterial road (where there is no ECM cross-section) for the purposes of right-of-way dedication for Judge Orr Road. The cross-section proposed for the depiction of right-of-way dedication on the preliminary plan is equivalent to the two (2) lane rural minor arterial with two additional 12-foot lanes added and ditches widened proportionally, measuring 70 feet on each side of the road centerline. The associated deviation has been approved.

**Authorization to Sign:** There are no items requiring signature associated with this request.

## **B. PLANNING COMMISSION SUMMARY**

**Request Heard:** As a Regular item at the March 4, 2021 hearing.

**Recommendation:** Approval based on recommended conditions and notations.

**Waiver Recommendation:**

**Vote:** 9 to 0

**Vote Rationale:** N/A

**Summary of Hearing:** The applicant was represented at the hearing. Draft PC minutes are attached.

**Legal Notice:** N/A

### **C. APPROVAL CRITERIA**

In approving a preliminary plan, Section 7.2.1.D.2 of the El Paso County Land Development Code (2019) the BoCC shall find that:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of this Code;
- The subdivision is in conformance with the subdivision design standards and any approved sketch plan;
- 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 the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;
- The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;
- Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if

appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;

- Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and
- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

**D. LOCATION**

North: A-35 (Agricultural)	Agricultural
South: A-35 (Agricultural)	Agricultural
East: A-35 (Agricultural)	Agricultural
West: RR-5 (Residential Rural)/PUD (Planned Unit Development)	Rural Residential

**E. BACKGROUND**

The subject parcel was previously part of a larger proposed development known as Santa Fe Springs. The Board of County Commissioners approved the Santa Fe Springs PUD1 (northeast of the intersection of Curtis Road and Falcon Highway) (PCD File No. PUD-04-002) on November 18, 2004, which included 1,018.72 acres and authorized the following land uses:

- 2,039 single-family residential lots on 435 acres
- 78 multi-family units on 12.65 acres
- 39.46 acres of commercial land
- 422.39 acres of open space, which includes trails, parks and open space, preservation easements, and detention facilities

Santa Fe Springs PUD 1 was a zoning concept plan that required individualized rezoning applications for each specific use area/neighborhood prior to development. The PUD was never perfected by subsequent rezoning actions and none of the development allowed within the concept PUD was ever established. The Santa Fe

Springs PUD 1 was approved with the following condition, which was never complied with:

“Rezoning requests for property within this project may be considered by the Planning Commission and/or Board of County Commissioners. If, however, the requisite level of urban services has not been provided within five years of such rezonings, applicant agrees the County, after the required public hearing process, may reinstate the zoning districts in effect on the date of such approval or otherwise zoning it to an Agricultural classification.”

Pursuant to C.R.S §30-28-116, the Board may amend the number, shape, boundaries, or area of any zoning district. Pursuant to Section 5.3.5.E, County Initiated Zoning, of the Land Development Code, the County “may initiate the rezoning of any property within the unincorporated area of the County”. Staff requested the Board of County Commissioners rezone Santa Fe Springs PUD1 back to the A-35 (Agricultural) zoning district based upon failure to comply with the condition of approval. The Board of County Commissioners approved the County initiated rezoning of the subject parcels from the PUD zoning district to the A-35 (Agricultural) zoning district on December 12, 2017.

The Board of County Commissioners approved a map amendment (rezone) of the development area to RR-2.5 (Residential Rural) on April 23, 2019. On July 23, 2019, the Board of County Commissioners approved a request for approval of a Colorado Revised Statute Title 32 Special District service plan (multiple district formation) with a maximum debt authorization of \$45 million, a debt service mill levy of 50 mills, an operations and maintenance mill levy of 10 mills, and 5 mills for covenant enforcement with a maximum combined mill levy of 65 mills. The statutory purposes of the Districts include: 1) street improvements and safety protection; 2) design, construction, and maintenance of drainage facilities; 3) design, land acquisition, construction, and maintenance of recreation facilities; 4) mosquito control; 5) covenant enforcement, and 6) design, construction, and maintenance of public water and sanitation systems.

The Board of County Commissioners approved a request to authorize the County Engineer to issue a construction permit for pre-development site grading including limited final grading associated with the water quality facilities within the proposed 816-acre Saddlehorn Ranch development in advance of approval of the Saddlehorn Ranch Preliminary Plan on February 9, 2021.

Section 8.4.4.D.3 of the Code states:

“Maximum Length of Dead-End Road. The maximum length of a dead-end road is governed by the ECM and may be further limited in those areas subject to wildfire hazard in accordance with this Code.”

The Preliminary Plan includes a proposed dead-end roadway, which is proposed to be 6,361 feet in length. A temporary cul-de-sac has been shown on the preliminary plan to allow for fire access and turn around. The associated deviation to the Engineering Criteria Manual has been approved by the ECM Administrator (see attached). Falcon Fire Protection District has provided a letter of support for the length of the dead-end road. The Board of County Commissioners approved the waiver of Section 8.4.4.D.3 of the El Paso County Land Development Code (2021) on February 9, 2021, which limits the length of the dead end road to no longer than that allowed by the ECM.

The applicant has submitted a request for approval of a preliminary plan to create 218 single-family residential lots; 134.33 acres of open space and public right-of-way; and for a finding of sufficient water quality, quantity, and dependability, thereby authorizing administrative approval of subsequent final plats.

## **F. ANALYSIS**

### **1. Land Development Code Compliance**

With the exception of the deviations listed above, this application meets the preliminary plan 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).

The Meadow Lake Airport Association was sent a referral for the preliminary plan application seven (7) times beginning on May 14, 2019 and did not provide a comment. Comments were eventually received by email from the Meadow Lake Airport Association on February 9, 2021, indicating that they have outstanding comments and concerns regarding development within proximity of the private airport (see attached). Neither staff nor the applicant have had an opportunity to discuss these concerns with Meadow Lake Airport Association due to the Meadow Lake Airport Association President being unavailable due to prior commitments. Staff anticipates facilitating any necessary meetings once the President of the Meadow Lake Airport Association is available. To summarize, the Meadow Lake Airport Association is requiring that the County impose a condition of approval



requiring the applicant to provide the Airport with an avigation easement to limit development within the requested avigation easement area.

The Land Development Code includes the GA-O (General Aviation Overlay) Zoning District. The GA-O includes certain use allowances as well as a requirement for an “Airport Activity Notice and Disclosure” for any map amendment (rezone) or subdivision action. Meadow Lake Airport and some of the surrounding area is subject to the overlay. However, a map amendment (rezone) has not been requested for the Saddlehorn Ranch Preliminary Plan area, therefore, the land is not subject to the overlay. Additionally, the Board of County Commissioners has not adopted the Part 77 Surface Overlay for Meadow Lake Airport. As such, PCD staff, in consultation with the County Attorney’s Office, recommends that the County cannot impose conditions of approval requiring an avigation easement or restricting the applicant’s right to develop the land based upon such Part 77 Surfaces. Requiring such an easement or development restrictions is outside of the County’s purview due to the Preliminary Plan area not being subject to GA-O or Part 77 Surfaces.

Any request from the Meadow Lake Airport Association of the County to adopt the Part 77 surfaces and impose land use restrictions would require the association to submit an application for a 1041 Permit as well as applications for an amendment to the Land Development Code to create a new overlay zoning district and for a map amendment (rezoning) to apply the new overlay zoning district.

The Board of County Commissioners has adopted 1041 Regulations including Site Selection and Expansion of Airports. Staff notes that these regulations require applicant requesting a permit to develop or expand an airport, such as Meadow Lake Airport, to “. . . provide evidence that sufficient property rights or restrictions exist, or alternatively, that adequate measures have been or will be taken and property rights have been or will be acquired to demonstrate that the airport site or expansion, and uses and activities associated with or generated by it, can be legally operated as proposed.” Guidelines and Regulations for Areas and Activities of State Interest, Chapter 7, Site Selection and Expansion of Airports, § 7.202(15).

The Meadow Lake Airport Association was sent a letter dated October 3, 2018, which outlined these requirements and the position of the Planning and Community Development Department regarding the status of the Part 77 Surfaces

in substantial detail (see attached). The Meadow Lake Airport Association has not submitted a complete application to date to initiate the required processes.

The applicant has choose to work with the Meadow Lake Airport Association to accommodate their requests with the future applications for final plat(s), but staff is not recommending any conditions of approval to address those concerns.

## 2. Zoning Compliance

The RR-2.5 (Rural Residential) zoning district is intended to accommodate low-density, rural, single family residential development. The RR-2.5 (Rural Residential) zoning district's density and dimensional standards are as follows:

- Minimum lot size – 2.5 acres
- Setbacks – 25 feet in the front and rear and 15 feet on the sides
- Maximum building height – 30 feet
- Maximum lot coverage – none

The proposed preliminary plan will create 218 single-family residential lots, 134.33 acres of open space, and public right-of-way. Individual residential site plans will be required prior to building permit authorization to ensure all proposed structures will meet the dimensional standards of the Code.

## 3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

***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 6.1.11-*** Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.

***Policy 6.1.13 -*** Encourage the use of carefully planned and implemented clustering concepts in order to promote efficient land use, conservation of open space and reduction of infrastructure costs.

***Policy 6.2.2 – Promote the unique identity of neighborhoods through the use of focal points, parks, trails and open spaces, preservation of significant natural features, compatible location and design of mixed uses, and promotion of pedestrian and other non-motorized means of travel.***

The subject property is surrounded by A-35 (Agricultural) parcels to the north, east, and south, and by RR-5 (Residential Rural)/PUD (Planned Unit Development) zoned property to the west (Meadow Lake Estates).

This area of the County was rezoned to A-35 (Agricultural) in 2017. Although much of the immediately adjacent parcels are within the A-35 zoning district, much of the area has developed and continues to grow in population. There are three (3) existing RR-2.5 zoned subdivisions within one (1) mile of the subject parcels to the east (Sagecreek South), west (Falcon Heights), and south (Southfork). Immediately to the west, across Curtis Road, is Meadow Lake Airport which includes rural residential development within the private airport.

As the population of El Paso County continues to grow, development continues to creep further to the east along and across Highway 24. The development of these parcels is a logical extension and provides a density transition from the existing development in this area and is compatible in terms of proposed uses and densities. The proposed subdivision is contiguous to and compatible with the previously developed areas.

Due to a major drainage way and floodplain that runs through the property, approximately 16.5 percent of the total site is being preserved as open space with a trail system that will be open to the general public. The applicant is proposing a clustered design to allow for the preservation of additional open space. The result of implementing the clustered design concept is that the overall density for the development is proposed to be one (1) dwelling unit per 3.75 acres.

#### **4. Small Area Plan Analysis**

The property is located within the Falcon/Peyton Small Area Master Plan (2008). The Plan states the following:

“The primary purpose of this plan is to set forth a framework within which proposed new land uses may be analyzed. This document describes the characteristics and features which are unique to this planning area. The plan is intended to serve as an advisory planning tool to guide future land use decisions.” (Page 1)

Figure 4-5 - Recommendations Plan, shows this area as being recommended for urban density development. The Plan defines “Urban Density” as:

“Parcel sizes are less than 2.5 acres, typically less than 1 acre. These areas are served by urban level infrastructure, including roadways, water distribution, and wastewater treatment.”

The preliminary plan depicts proposed lots that are a minimum of 2.5 acres in size. The applicant is proposing to construct public roadways that will be dedicated to El Paso County for future maintenance, has provided an onsite wastewater treatment report identifying suitable locations for septic systems on each proposed lot, and is proposing to develop a new central water treatment facility to serve those lots within the Preliminary Plan area.

The subject parcel is adjacent to the Meadow Lake subarea of the Plan. Section 4.4.3- Meadow Lake Airport, (page 4-23) includes the following goals and policies:

- 4.4.3.1 Recognize the economic and safety importance of Meadow Lake Airport and encourage compatible land uses within and around the facility
- 4.4.3.2 Promote the Airport property as a center for mixed use commercial, business airport-compatible residential uses under the assumption that urban services will ultimately be extended to the property.
- 4.4.3.3 Encourage effective notice of Airport operations and impacts to adjoining property owners, preferably in advance of purchase and development of these properties.
- 4.4.3.4 Recognize the Meadow Lake Airport area as an appropriate location for non-residential uses including those industrial uses which are compatible with Airport operations and surrounding residential areas.

The Planning and Community Development Department sent Meadow Lake Airport Association seven (7) referral requests for comments on the proposed request beginning on May 14, 2019 and has not received an official response to date. However, Meadow Lake Airport Association did ultimately provide comments via email expressing concerns on February 9, 2021.

The Plan does not provide recommendations that would indicate any restrictions on potential residential land uses, nor does it provide recommendations that densities in this area should differ from the recommendations of Figure 4-5 (page 4-13). Rather, as stated in Policy 4.4.3.4 above, the Plan suggests that the non-residential uses on the Airport should be compatible with surrounding residential areas. Urban density residential development is recommended for the subject parcel with the provision of central services.

Figure 2-22, Meadow Lake Airport Influence Area, depicts the potential Federal Aviation Administration (FAA) Part 77 obstruction (page 2-62). Part 77 Surfaces are imaginary surfaces within the airspace that depict aircraft flight patterns to and from the runway(s). It is important to note that the Board of County Commissioners has not adopted the Part 77 Surfaces as a component of the County's land use regulations. The accompanying description of Figure 2-22 (page 2-63) includes the following language:

“In actual practice, these surfaces trend upward at a steep enough rate that they will only impact very tall structures such as transmission towers”

Figure 2-22 shows the potential Part 77 Surfaces to be 150 feet above the Airport elevation at Curtis Road, which is the westernmost boundary of the proposed preliminary plan. The RR-2.5 (Residential Rural) zoning district does not allow for structures over 30 feet in height, which would be 120 feet below the potential Part 77 surface. The proposed preliminary plan request will not have an impact upon any potential future adoption of the Part 77 Surfaces.

In addition to the Part 77 Surfaces, properties surrounding the airport may experience additional noise from aircraft operations. The El Paso County Board of County Commissioners has adopted the Commercial Airport Overlay District for the Colorado Springs Airport. Included within this overlay is the Airport Noise Sub-Zone (ADNL), which limits the allowed uses and requires construction methods to mitigate potential noise impacts. However, El Paso County has not adopted such overlay restrictions for Meadow Lake Airport. The accompanying description of this map (page 2-63) includes the following language:

“Unlike with the Colorado Springs Airport, there are no noise contours adopted for this facility. Again, in practice, the noise levels that would require land use regulation are currently limited to the airport property.”

The Board of County Commissioners has not adopted the Part 77 Surfaces or an amendment to the Code pertaining to limiting uses within the vicinity of the Meadow Lake Airport, nor has the Airport initiated a formal application with the County to adopt such standards. Please see the Land Development Code section above for more information on what would be required of Meadow Lake Airport for the County to adopt the Part 77 Surfaces.

To summarize, the Plan recommends urban density residential development with lot sizes being less than 2.5 acres in size when central services can be provided. The Plan recognizes the existence and importance of Meadow Lake Airport from a land use perspective, but does not further limit development near the airport and, furthermore, recognizes that the Part 77 Surfaces and any noise overlay district for Meadow Lake Airport have not been adopted by the Board of County Commissioners. Staff recommends the proposed preliminary plan is consistent with the recommendations of the Falcon/Peyton Small Area Master Plan (2008).

## **5. Water Master Plan Analysis**

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

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

Goal 1.2 – Integrate water and land use planning.

Goal 4.4 – Protect and enhance the quality, quantity, and dependability of water supplies.

Policy 5.3.1 – Evaluate cluster development alternatives to determine if water savings could occur.

Policy 5.5.1 – Discourage individual wells for new subdivisions with 2.5 acre or smaller average lot sizes, especially in the near-surface aquifers, when there is a reasonable opportunity to connect to an existing central system, alternatively, or construct a new central waters supply system when the economies of scale to do so can be achieved.

Policy 6.0.7 – Encourage the submission of a water supply plan documenting an adequate supply of water to serve a proposed development at the earliest stage of the development process as allowed

under state law. The water supply plan should be prepared by the applicant in collaboration with the respective water provider.

The proposed development includes lots to be served by a new central water system and individual onsite wastewater treatment systems with a minimum lot size of 2.5 acres. Water sufficiency has been analyzed with the review of the proposed Saddlehorn Ranch Preliminary Plan. Please see the Water section below for a summary of the water findings and recommendations for the proposed development. The State Engineer and the County Attorney's Office have recommended that the proposed development has an adequate water supply in terms of quantity and dependability.

Saddlehorn Ranch is a rural residential development and is within Region 3, the Falcon Area, which primarily draws from nonrenewable resources from the Denver Basin. The Plan identifies the current demands for Region 3 to be 4,494 AFY (Figure 5.1) with the projected need at build-out in 2060 at 8,307 AFY (Figure 5.3). Region 3 currently has 7,164 AFY in supplies, which means by 2060 there is anticipated to be a deficiency of 1,143 AFY (Table 5-2).

The water resources report submitted in support of the proposed development identifies that the Saddlehorn Ranch District has adequate water rights to serve the proposed development. The District owns water rights to 198.16 AFY, which is in excess of the anticipated total demand of 146.06 AFY for the proposed development. The Plan specifically identifies this area as an anticipated area of development by 2060. The timing of the proposed development is in line with the anticipated growth schedule included in the Plan. Additionally, the applicant has provided a commitment letter and water resources report documenting that the District has adequate capacity to serve the additional lots.

## **6. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. The El Paso County Community Services Department, Environmental Services Division, Colorado Parks and Wildlife, Colorado State Forest Service, and the U.S. Army Corps of Engineers were each sent a referral and have no outstanding comments. The U.S. Fish and Wildlife Service provided a letter indicating they have no concerns.

The Master Plan for Mineral Extraction (1996) identifies potential upland deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, severed mineral rights exist. The mineral rights owner has been notified of the

application and hearing date. No comments have been received from the mineral rights owner to date.

Please see the Parks section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

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

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

Please see the Floodplain section below for a discussion regarding floodplain on the property.

### **2. Wildlife**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential.

### **3. Floodplain**

Per FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0558G, a large portion of the development is located within Zone X, areas outside of the 500-year floodplain. The portions of the development containing three drainageways running through the property are located within Zone AE 100-year floodplains where base flood elevations are provided on the FIRM Panel. The northeast corner of the property contains an unstudied Zone A floodplain that will need to be studied and floodplain elevations provided prior to final platting of that area.

### **4. Drainage and Erosion**

The Saddlehorn Ranch development is located within the Haegler Ranch and Geick Ranch drainage basins, with only Haegler Ranch being a fee basin with an adopted Drainage Basin Planning Study (DBPS). The Geick Ranch basin does not have an approved drainage basin planning study (DBPS); however, a draft DBPS was prepared in 2010.

Most of the proposed development area drains to the south into two Haegler Ranch basin tributary streams, that in turn flow to a Black Squirrel Creek tributary and Black Squirrel Creek exiting the County, ultimately outfalling into the Arkansas River. The northeast corner of the site drains into a Geick Ranch



tributary stream that also eventually combines with the Black Squirrel Creek about seven miles south of Ellicott.

Nine proposed sub-regional full-spectrum detention (FSD) and water quality capture volume (WQCV) facilities are proposed within the development to meet stormwater quality and quantity requirements. Channel improvements consisting of a stabilized trapezoidal cross-section with drop structures are proposed for a segment of the main Haegler basin tributary within the site with the first final plat, concurrently reviewed with the Preliminary Plan. Additional analyses of the other channels in the development will be required with each future final plat to determine the necessary improvements in compliance with the DBPS, The City of Colorado Springs/El Paso County Drainage Criteria Manual (DCM) Volume 1 (1990), and the El Paso County Engineering Criteria Manual. All of the channel improvements and FSD ponds are to be maintained by the Saddlehorn Metropolitan District No. 1. The Master Development Drainage Plan and Preliminary Drainage Report for Saddlehorn Ranch concludes that “The proposed development will not adversely affect the offsite major drainageways or surrounding development.”

The applicant has submitted grading and erosion control plans for approval to perform pre-development site grading, which includes rough grading of the proposed interior roads needed in support of the proposed water supply system for the development. These plans and a stormwater management plan shall be approved, and the appropriate County and State permits obtained prior to grading occurring on the site. Financial assurances are required for the pre-development site grading at the time of the pre-construction meeting between the applicant and PCD Inspections staff, in accordance with the requirements of the Engineering Criteria Manual.

## **5. Transportation**

The proposed Saddlehorn Ranch development is located immediately southeast of the intersection of Judge Orr Road and Curtis Road. Access to the development is proposed from each of these roads.

Traffic generated from the 218 dwelling units proposed in this development will be approximately 2,224 average daily trips and the proposed interior roads will be public local rural paved roads dedicated to the County for ownership and maintenance. The proposed roads and traffic depicted in the preliminary plan and TIS are in conformance with the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP) and the existing roads serving the proposed

development will be adequate with the improvements mentioned below. Judge Orr Road is shown as a 4-lane minor arterial on both the MTCP 2040 plan and 2060 Corridor Preservation Plan, and Curtis Road is shown as a 2-lane principal arterial on the 2040 plan and as a 4-lane principal arterial on the 2060 plan. Right-of-way dedication and preservation as appropriate for these two roads is depicted on the preliminary plan. A waiver and deviation requests have been approved for these roads as noted in the Waiver(s)/Deviation(s) section above in this staff report.

As outlined in the traffic impact study (TIS) submitted with this project, the developer will be required to participate in construction and funding of offsite road improvements necessary for safe access and adequate levels of service with the development's traffic, including widening and paving of Curtis Road to a standard cross-section, turn lanes where necessary, and intersection improvements at surrounding intersections. Table 10 of the TIS summarizes the anticipated necessary improvements, timing of construction, and potential responsible parties. Escrow provisions and/or construction of improvements as warranted shall be addressed with each final plat within the Saddlehorn Ranch development.

This development is subject to the El Paso County Road Impact Fee Program (Resolution 19-471), as amended, at the time of final plat recording.

## **H. SERVICES**

### **1. Water**

Sufficiency:

Quality: Sufficiency

Quantity: Sufficiency

Dependability: Sufficiency

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 made a recommendation for a conditional finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health has made a favorable recommendation regarding water quality sufficiency.

### **2. Sanitation**

Wastewater is proposed to be provided by individual onsite wastewater treatment systems (OWTS). The applicant provided an onsite wastewater treatment system report identifying that each proposed lot has a minimum of two (2) potential locations for a septic system.

### **3. Emergency Services**

The property is within the Falcon Fire Protection District. The District was sent a referral for the preliminary plan and responded indicating they have no comments.

### **4. Utilities**

Mountain View Electric Association will provide electrical service and natural gas service will be provided by Black Hills Energy.

### **5. Metropolitan Districts**

The property is located within the Saddlehorn Metropolitan District which has a maximum debt authorization of \$45 million, a debt service mill levy of 50 mills, an operations and maintenance mill levy of 10 mills, and 5 mills for covenant enforcement with a maximum combined mill levy of 65 mills. The statutory purposes of the Districts include: 1) street improvements and safety protection; 2) design, construction, and maintenance of drainage facilities; 3) design, land acquisition, construction, and maintenance of recreation facilities; 4) mosquito control; 5) covenant enforcement, and 6) design, construction, and maintenance of public water and sanitation systems.

### **6. Parks/Trails**

Fees in lieu of park land dedication will be due at the time of recording the final plat(s). The El Paso County Parks Master Plan (2013) shows the proposed Judge Orr Road and Curtis Road Bicycle Routes running immediately adjacent to the north and west of the subject parcels. Dedicated right-of-way has been provided to allow for the bicycle route. Additionally, the Plan depicts the Judge Orr Road Candidate Open Space encompassing much of the parcel. Although the applicant is proposing to dedicate 134 acres of open space, El Paso County Community Services, Parks Division, does not wish to own and maintain these areas. Instead, the Saddlehorn Metropolitan District will own and maintain the open space. The Parks Division of the El Paso County Community Services Department has made a recommendation that the proposal is in conformance with the Plan.

### **7. Schools**

The site is within the boundaries of the Falcon School District No. 49. 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 recording the final plat(s).

## **I. APPLICABLE RESOLUTIONS**

See attached resolution.

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

There are no major outstanding issues.

## **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. Applicable traffic, drainage and bridge fees shall be paid with each final plat.
2. Applicable school and park fees shall be paid with each final plat.
3. 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, 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.
4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 18-471), as amended, 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.
5. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
6. Developer shall participate in a fair and equitable manner in offsite transportation improvements, including but not limited to the items listed in Table 10 of the Saddlehorn Ranch Traffic Impact Analysis, to be verified and approved with an updated traffic impact analysis or memorandum provided with each final plat in the Saddlehorn Ranch development.
7. The adjacent portions of Curtis Road shall be improved to meet the minimum standards of an arterial roadway per the Engineering Criteria Manual.

Improvements will be made as part of the Curtis Road access permitting. The necessary improvements and phasing will be clarified with future final plat applications. This work may be subject to any reimbursement as outlined in the El Paso County Road Impact Fee Program.

8. A site development plan shall be submitted, reviewed, and approved for the proposed water treatment plant prior to initiation of construction of the water treatment plant. The water treatment plant shall be limited to serving less than 250 dwelling units until and unless a 1041 permit is submitted, reviewed, and approved.
9. The applicant is proposing to add a condition of approval that an additional plat note be added to all subsequent final plats providing notification of the proximity of the of the property to the Meadow lake Airport as follows:
  - a. Notice of Airport in Vicinity- This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors), individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

#### **NOTATIONS**

1. Subsequent final plat filings may be approved administratively by the Planning and Community Development Director.
2. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a final plat has been approved and recorded or a time extension has been granted.

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

The Planning and Community Development Department notified 30 adjoining property owners on February 12, 2021, for the Board of County Commissioners meeting. Responses may be provided at the hearing.

#### **M. ATTACHMENTS**

Vicinity Map  
Letter of Intent  
Preliminary Plan Drawing

State Engineer's Letter  
County Attorney's Letter  
El Paso County Public Health Recommendation Letter  
Meadow Lake Airport Association Comments  
2018 Letter to Meadow Lake Airport Association  
Planning Commission Draft Minutes from March 4, 2021 hearing.  
Planning Commission Resolution  
Board of County Commissioners' Resolution

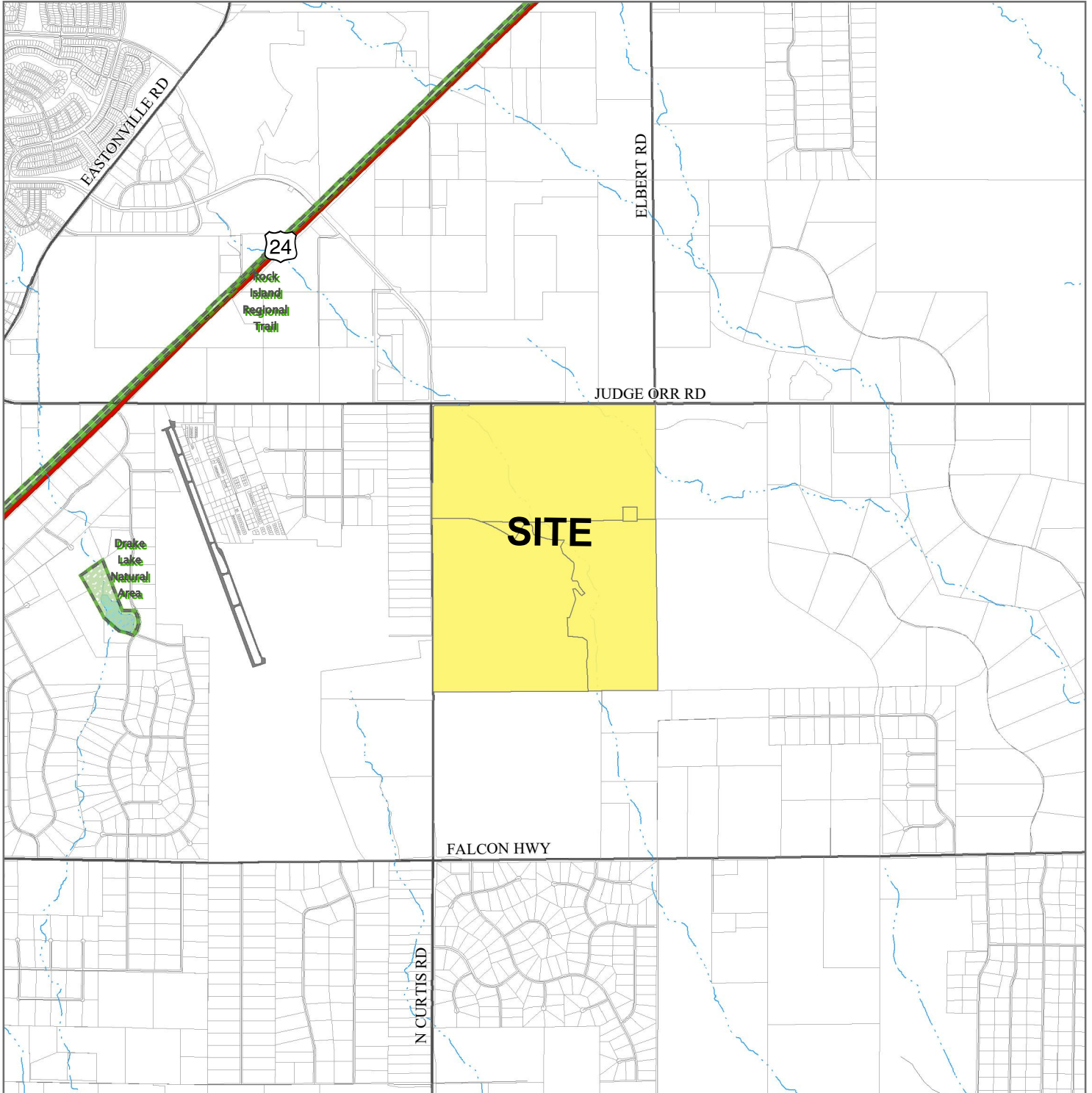
# El Paso County Parcel Information

File Name: SP-19-006

Zone Map No. --

Date: February 11, 2021

PARCEL	NAME
4300000601	GORILLA CAPITAL CO
4300000602	GORILLA CAPITAL CO
4300000602	GORILLA CAPITAL CO
4300000599	GORILLA CAPITAL CO
4300000600	GORILLA CAPITAL CO



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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# William Guman & Associates, Ltd.

Bill Guman, RLA, ASLA | Principal  
Colorado Springs City Councilman 1993-2001  
Colorado Springs Planning Commissioner 1992-1993  
Regional Building Commissioner 1997-2001

URBAN PLANNING | COMMUNITY DESIGN | LANDSCAPE ARCHITECTURE | ENTITLEMENT

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## EL PASO COUNTY

### LETTER OF INTENT FOR: SADDLEHORN RANCH 824 ACRE CURTIS ROAD SUBDIVISION

#### Preliminary Plan

**Amended January 21, 2021**

**OWNER/APPLICANT, AND PLANNING CONSULTANT:**

**Owner/Applicant:** ROI Property Group, LLC  
Rob Fuller  
2495 Rigdon Street  
Napa, CA 94558  
707-365-6891

**Planner:** William Guman & Associates, Ltd.  
Bill Guman, RLA/ASLA  
731 North Weber Street, Suite 10  
Colorado Springs, CO 80903  
(719) 633-9700

**El Paso County Planner:** Nina Ruiz, Project Manager/Planner II  
El Paso County Development Services  
2880 International Circle  
Colorado Springs, CO 80910  
(719) 520-6313

#### **PROJECT LOCATION/DESCRIPTION AND HISTORY OF PROPERTY:**

The Saddlehorn Ranch (aka *824 Acre Curtis Road Subdivision*) property for this Preliminary Plan application is located in El Paso County in Peyton, CO, approximately 12 miles east of downtown Colorado Springs, situated east of Curtis Road and the Town of Falcon, Colorado,



and south of Judge Orr Road. The site is bordered by Judge Orr Road on the north and Curtis Road on the west. It is approximately 2-1/2 miles east of CO Highway 24.

The Applicant proposes to develop the site as a planned community of new single-family detached manufactured residential dwelling units that recognizes and respects the character of the rural surrounding community. The total acreage of the proposed development is approximately 816 acres, of which approximately 608+/- acres will be developed with up to 218 single family residences on lots each not less than 2.5 acre size.

Approximately 134 acres (16.4%) of the 816 acre site is bisected in three distinct areas by jurisdictional and non-jurisdictional wetlands, which are identified on the Preliminary Plan as separate tracts. These areas will be preserved as open space with limited recreational use having a primary emphasis on walking and equestrian trails. None of the proposed 218 residential lots encroaches into any floodplain. All 134 acres of open space will remain as no-build tracts.

Public infrastructure to serve the new lots, including roads, drainage facilities, and utilities will all be constructed in compliance with applicable county standards, regulations and criteria in effect at the time of this application. In keeping with the rural character of the surrounding Peyton and Meadow Lake Estates communities, internal circulation will be comprised of paved Rural Local roads with roadside ditches.

A small windmill and water tank related to grazing activity exist on the property and will remain to help preserve and promote a rural identity for the proposed development. Two existing capped well heads also are located on the site. The windmill and water tank are both located on the Preliminary Plan and Final Plat.

Adjacent land to the east of the property is vacant. Land to the south and west of the property is zoned A-35. Single family residences exist to the west of the site, across from Curtis Road, and to the north of the site across from Judge Orr Road and are zoned RR-5.0, with RR-2.5 zone districts located about one mile south from the site on Curtis Road, PUD zoning within the adjacent Meadow Lake Airport, and RR-2.5 zoning approximately two miles west of the site on Judge Orr Road.

### **DEVELOPMENT REQUEST**

The Owner and Applicant request approval of a Preliminary Plan for the development of 218 rural residential single family residential lots on approximately 816 acres (e.g. .267 DU/Acre density). Early grading operations are requested for Filing 1 and part of Filing 2. The Type C Application Form (1-2B) is submitted.

## **DEVIATIONS AND WAIVERS**

- 1.) Re. Cul-de-sac length: Deviation request from the standards of or in Section ECM Section 2.3.8 Roadway Terminations for cul-de-sac horizontal design of the Engineering Criteria Manual (ECM) is requested. ECM criteria for maximum cul-de-sac length of 1,600 feet for rural condition. The reason for the requested deviation for maximum cul-de-sac length is due to the phasing of the Saddlehorn development. In future filings of Saddlehorn Ranch, El Raiceno Trail and Carranza Trail will be completed and will eliminate the temporary cul-de-sacs with a loop. The loop is not being built in Filing 1 because it would require 6,361 feet of additional roadway without any platted lots and therefore isn't practical. Temporary cul-de-sacs have been added to the proposed end of the street to allow for fire access. There will be no lots served by these temporary cul-de-sacs.
- 2.) Re. Judge Orr Road: Deviation request from the standards of or in section ECM Section 2.2.4 Roadway Functional Classifications of the Engineering Criteria Manual (ECM) is requested. The 824 acre Curtis Road Development Traffic Impact Analysis Indicates Judge Orr Road is classified as a "4 Lane Minor Arterial" in the El Paso County 2040 Major Transportation Corridors Plan. The ECM currently has no standard cross section for a 4 lane minor arterial. It is assumed that a 4 lane minor arterial (rural) cross section would add a 12 ft. travel lane in each direction to Figure 2-5 Typical Rural Minor Arterial Cross Section (two lane). See Exhibit A. The purpose of this deviation is to document the cross-section and ROW dedication necessary to be shown on the preliminary plan. To explain the proposed alternative, and compare to the ECM standards, see Exhibit A for available ECM cross sections and see Exhibit B for the existing Judge Orr Road cross section. The applicant will provide a 90 foot half right of way on all plats adjacent to Judge Orr Road consistent with the anticipated ROW needs identified in the MTCP. The applicant is also subject to the El Paso County Road Impact Fee per resolution No. 19-471 and is therefore paying its fair and equitable share of necessary improvements identified in the MTCP. Re. Limits of Consideration, the category of "a change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public" has been selected. Regarding justification, the MTCP minor 4-lane arterial cross-section is not provided in the Engineering Criteria Manual. Under Criteria for Approval, the first criterion considers whether the deviation will achieve the intended result with a comparable or superior design and quality of improvement. In response, this request is not based on financial considerations. There is not enough ROW to accommodate a 4-lane minor arterial street section. Per Table 10 of the Traffic Impact Study, Judge Orr is MTCP Project No. C15 and applicant will pay into the Fee program traffic impact fees to participate in funding the project. See Exhibit C. The second criterion considers whether the deviation will adversely affect safety or operations. The response is the deviation will not adversely affect safety or operations as Judge Orr Road is an existing, operable roadway. As final plats take access to Judge

Orr Road each intersection will be designed to accommodate the requirements listed in Table 10 Roadway Improvements of the Traffic Impact Study. The third criterion asks that the deviation will not adversely affect maintenance and its associated cost. The response is that the maintenance of the roadways will not be impacted as the existing roadway will be left in its existing condition at this time. The fourth criterion asks that the deviation will not adversely affect aesthetic appearance. In this instance, the deviation has no bearing on the aesthetic appearance. The fifth criterion asks that the deviation meets the design intent and purpose of the ECM standards. The response contends the deviation meets the design intent and purpose of the ECM standards. Once ROW can be obtained, the road can be built out to the full 4-lane minor arterial street section. The sixth criterion asks that the deviation meets the control measure requirements of Part I.E.3 and Part I.E.4 of the County's MS4 permit, as applicable. The response is the deviation meets the control measure requirements of Part I.E.3 and Part I.E.4 of the County's MS4 permit, this project is proposing Water Quality facilities as required by the criteria.

- 3.) Re. Cul-de-sac length: Deviation request from the standards of or in Section ECM Section 2.3.8 Roadway Terminations for cul-de-sac horizontal design of the Engineering Criteria Manual (ECM) is requested. ECM criteria for maximum cul-de-sac length of 1,600 feet for rural condition. The proposed design also requires a waiver of the El Paso County Land Development Code 8.4.4D for the maximum number of lots on a cul-de-sac until the time that the connect through to future subdivisions to the east and south. The reason for the requested deviation for maximum cul-de-sac length is due to planning for future development of the parcels to the east and south of the Saddlehorn development. The land plan assumes that in the future, when the parcel to east and south are developed; Barrosito Trail will become an interconnected street to the south and La Noria Way will become an interconnected street to the east. To create a loop would require the extension of a roadway west at Copperas Court that intersects with Benito Wells Trails and would require additional asphalt and a box culvert crossing the existing drainageway increasing stormwater runoff, maintenance and operations costs for El Paso County and the Saddlehorn Metro District. Until the land develops to the east and south, Barrosito Trail functions as a dead end cul-de-sac with a length of 4,392 feet from its intersection with Del Cambre Trail to its terminus at the southern property line of Saddlehorn Ranch. Temporary gravel cul-de-sacs have been added to the proposed end of Barrosito Trail and La Noria Way to allow for fire access and a public turnaround. These temporary cul-de-sacs will be gravel surfaced and meet ECM geometric criteria for rural cul-de-sacs shown on SD-2\_76. There is adequate area provided for placement of snow in the area between the edge of gravel and the edge of the Temporary Turnaround Easement. There will be no lots served by these temporary cul-de-sacs. See Exhibit E for a map graphically depicting the deviation request. A considered alternative land plan would be to extend a roadway west at Copperas Court that intersects with Benito Wells Trail. The alternative roadway would be 1,211 feet in length, serve no lots, and require a box culvert crossing an existing drainageway. This

alternative is not preferred for the reasons mentioned above. Per the Saddlehorn Ranch traffic impact analysis dated March 11, 2020, all roads within Saddlehorn shall be classified as Rural Local. Other nearby municipalities allow for flexibility in cul-de-sac lengths in certain situations. Re. Limits of Consideration, the category of “topography, right-of-way, or other geographical conditions or impediments impose an undue hardship and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility” has been selected. Justification: The ECM standard is inapplicable to the particular situation due to the fact that in this instance, the excessive length can be considered a temporary condition and Barrosito Trail will adhere to the ECM criteria once the parcel to the south develops as anticipated. To adhere to the standard would impose an undue hardship and little or no benefit to the public. To meet the standard, an additional 1,211 feet of roadway would be required along with a box culvert drainageway crossing serving no lots which is not practical. Addressing the criteria for approval, the first category is that the deviation will achieve the intended result with a comparable or superior design and quality of improvement. The response is this deviation will produce a better quality large-lot residential design and be beneficial to the eventual development of the surrounding parcels. All roadways are proposed with a 60 ft. ROW width with a minimum 10 ft. drainage and utility easement each side of the ROW and will be designed to meet ECM Rural Local standards. The second category in criteria for approval is that the deviation will not adversely affect safety or operations. In response, the deviation will not adversely affect safety or operations. The fire department has reviewed the proposed layout and found it acceptable. A copy of the email from the Fire Department, Exhibit G, is attached. The proposed design utilizing roadside swales and a temporary turnaround accommodates snow plowing operations and snow storage. The third category in criteria for approval is that the deviation will not adversely affect maintenance and its associated cost. In response, maintenance of the roadways will not be impacted. Regardless of how long, the cul-de-sac is still designed with the required turnaround and therefore does not affect the maintenance ability. The less desirable alternative of adding additional roadway length would increase El Paso County maintenance costs. The fourth category in criteria for approval is that the deviation will not adversely affect aesthetic appearance. In response, the deviation has no bearing on the aesthetic appearance. Without the deviation, the additional road connection would disturb a natural drainageway which is detrimental to overall aesthetic appearances. The fifth category in criteria for approval is that the deviation meets the design intent and purpose of the ECM standards. In response, the deviation meets the design intent and purpose of the ECM standards. The temporary public turnarounds on Barrosito Trail and La Noria Way will be designed and built per ECM standards. There is a proposed emergency access for Fire Protection located off Curtis Road, approximately 313’ north of the southwest property corner. The length of this temporary gravel road is 532’ and it meets the County minimum standards for width, turning radius and loading. The Falcon Fire Protection District reviewed the preliminary plan in 2019 as part of the preliminary

plan review process and no objections or comments were noted. The Fire Department has reviewed the proposed layout of the deviation and has found it acceptable. A copy of the email from the Fire Department, Exhibit G, is attached. The sixth category in criteria for approval is that the deviation meets the control measure requirements of Part I.E.3 and Part I.E.4 of the County's MS4 permit, as applicable. In response, the deviation meets the control measure requirements of Part I.E.3 and Part I.E.4 of the County's MS4 permit, this project is proposing Water Quality facilities as required by the criteria. The use of additional roadway surfaces to complete a loop would result in increased land disturbance and stormwater runoff requiring water quality treatment and detention.

- 4.) Re. Centerline radius: Deviation request from the ECM criteria for minimum rural centerline radius. Applicant wishes to use the urban local centerline radius of 200 feet in four locations within the property as opposed to the rural local centerline radius of 300 feet. The applicant believes the reduced radius is appropriate for the roadway geometry at these four requested locations. In the four locations where the deviation is requested, the natural features of the site (floodplain constraints and nearby Curtis Road) lend themselves to the use of a "reduced radius" to create an efficient layout. Each area serves less than ten lots. Use of the required 300 foot centerline radius would create the need for excessively long flag lots or excessively large lots for the underlying RR-2.5 zoning. If the deviation is granted, the applicant would reduce the posted speed from 30 mph (rural local) to 25 mph (urban local). The daily traffic volume on these streets is minimal; each location only serves 10 or less nearby lots. This request is not based on financial consideration, but rather the lack of a "low volume reduction" in geometrical standards similar to ECM urban criteria. This deviation achieves a superior lot layout that improves the subdivision. The applicant believes excessively long flag lots are less desirable than the reduced centerline radius. Falcon Fire Protection District (Trent Harwig) had accepted the originally proposed knuckle layout (no longer proposed). The roadway may be signed to announce a speed limit of 25 mph, consistent with urban local speeds. Maintenance of the roadway will be unaffected by the reduced centerline radius. The use of the reduced roadway radius does not adversely affect aesthetic appearance as compared to the use of excessively long flag lots.
- 5.) Re. Curtis Road: Deviation request from the standards of or in section ECM Section 2.2.4 Figure 2-4 Figure Rural Minor Arterial of the Engineering Criteria Manual (ECM) is requested. ECM criteria for a rural minor arterial cross sections requires a 12' travel lane and an 8' paved shoulder. The 2040 MTCP identifies Curtis Road as a two-lane rural Principal Arterial. Since there is no standard 2-lane principal arterial cross-section, this deviation will document the proposed 2040 cross-section (rural minor arterial) and reasoning for the proposed ROW dedication width. The reason for the requested deviation is that in order to build the full cross-section, ROW would need to be obtained from adjacent property owners to accommodate the full 8' paved shoulder on the west side of the road. To place the burden of ROW acquisition from the adjacent property owners on the Saddlehorn development would not be fair or equitable. While the minor

arterial half-cross section could be built on the east (Saddlehorn) side of the road, it is not the appropriate time to build out the full-section until traffic warrants the arterial cross-section and both sides of the road can be constructed. As an explanation to the proposed alternative and comparing it to the ECM standards, the proposed alternative for the west side is for the 8' paved shoulder to be reduced to a 2' paved and 2' gravel shoulder. This is the maximum that can fit inside the existing western ROW. Exhibit H provides the proposed cross section. The applicant will provide a 72 foot half right of way along with an additional 18 foot ROW preservation on all plats adjacent to Curtis Road consistent with the anticipated ROW needs identified in the MTCP and the Preserved Corridor Network Plan. The applicant is also subject to the El Paso County Road Impact Fee per resolution No. 19-471 and is therefore paying its fair and equitable share of necessary improvements identified in the MTCP. For Curtis Road adjacent to Filing 1 east half-section, the applicant proposes to provide a 12 ft. travel lane, 2' asphalt shoulder and 2' gravel shoulder for Filing 1 development. The proposed alternative is consistent with the ECM Table 2.5 design criteria for a rural local roadway and intersections are projected to operate at a level of service C or better with the buildout of Filing 1. For Curtis Road adjacent to future filings, the applicant proposes to provide a 12' travel lane, 8' asphalt shoulder and 2' gravel shoulder on the east side. The proposed alternative is consistent with the ECM Table 2.4 design criteria for a minor arterial roadway. Per the rezoning approval, a condition was placed on Curtis Road requiring improvements to arterial road standards with potential reimbursement from the fee program. The condition wording is *"The adjacent portions of Curtis Road shall be improved to meet the minimum standards of an arterial roadway per the Engineering Criteria Manual. Improvements will be made as part of the Curtis Road access permitting. The necessary improvements and phasing will be clarified with the future applications for Preliminary Plan and Final Plat. The work may be subject to any reimbursement as outlined in the El Paso County Road Impact Fee Program"*. The applicant is providing adequate ROW to meet this condition for Filing 1 and is proposing a reduced cross section to local road criteria for Filing 1. Future filings adjacent to Curtis Road will dedicate adequate ROW and will build a rural minor arterial half cross section criteria once the County has obtained the additional ROW from western parcels. Exhibit H provides the proposed cross sections. A limit of consideration which is presented is that ROW must be obtained on the west side of the road for the full 8' paved shoulder to be constructed on Curtis Road. The maximum shoulder width that can be constructed inside the existing ROW is a 2' paved shoulder. This falls under the category of ROW limitation or impediments which may be addressed by an equivalent alternative. Regarding this, the justification is that ROW must be obtained on the west side of the road for the full 8' paved shoulder to be constructed on Curtis Road. The maximum shoulder width that can be constructed inside the existing ROW is a 2' paved shoulder. The deviation will achieve the intended result with a comparable or superior design and quality of improvement. This deviation will improve the roadway by adding a shoulder and maintain a consistent cross section until such time as the additional western ROW is

acquired as part of the overall improvement of Curtis Road to minor arterial standards. This request is not based on financial considerations but the practicality of obtaining ROW from private properties. The deviation will not adversely affect safety or operations. This deviation will improve the safety when compared to the existing condition that has no asphalt shoulder and 11' travel lanes. Operations will not be impacted by the proposed cross section. As final plats take access to Curtis Road the each intersection will be designed to accommodate the requirements listed in Table 10 Roadway Improvements of the Traffic Impact Study. Filing 1 intersection improvements will provide a 12' through lane, 12' decel/turn lane, 2' paved shoulder and a 2' gravel shoulder. The deviation will not adversely affect maintenance and its associated cost. Maintenance of the roadways will not be impacted. The deviation will not adversely affect aesthetic appearance. The deviation meets the design intent and purpose of the ECM standards. Once ROW can be obtained, the road can be built out to the full two lane rural principal arterial section as indicated in the 2040 MTCP. The 2040 Total ADT of 10,000 ADT is within the proposed cross section criteria. See Exhibit I for existing, Filing 1, buildout and 2040 ADT estimates from the TIS. The deviation meets the control measure requirements of Part 1.E.3 and Part 1.E.4 of the County's MS4 permit, this project is proposing Water Quality facilities as required by the criteria.

**TOTAL NUMBER OF ACRES IN THE PRELIMINARY PLAN AREA:** 608.98 acres single family residential, 134.33 acres jurisdictional and non-jurisdictional wetland (floodplain/open space, no-build), 13.19 acres of detention and 59.98 acres roads/ROW for a total of 816.48 acres.

**TOTAL NUMBER OF ACRES WITHIN THIS APPLICATION:** 816.00+/- acres

### **JUSTIFICATION FOR REQUEST**

This request is consistent with the purposes of the EPCLDC including the ***Falcon/ Peyton Small Area Master Plan***. The proposed Preliminary Plan is in conformance with subdivision design standards and establishes an adequate level of compatibility with surrounding areas of the site already constructed and other known surrounding areas currently proposed for development.

### **EXISTING AND PROPOSED IMPROVEMENTS**

Proposed improvements will include the construction of county-owned (e.g. public) and maintained asphalt roadways ('Rural Local' classification with roadside ditches). Drainage and storm water detention facilities will be constructed and maintained in conformance with County standards and specifications. Electric, natural gas, and telecommunication service points-of-connection will be extended from the roadways up to all new lots. Water will be provided via a central water system to be developed by the Owner/Applicant and will be operated and maintained by the Saddlehorn Ranch Metropolitan District (organization of a Metropolitan District will be completed at the time of Final Plat recording). Individual septic

systems will be provided via an On Site Wastewater Treatment system (OSWT) prepared by the Owner in accordance with El Paso County Department of Health policy guidelines.

Improvements to Curtis Road and Judge Orr Road to be completed during the full build-out of Saddlehorn Ranch are as listed in the attached “Table 10 – Roadway Improvements for Saddlehorn Ranch.” This data appears in the Traffic Improvement Study report that has been submitted with the Preliminary Plan application.

Grading and earthmoving activities will be limited to roadway, drainage and utility construction areas. Individual lot owners will assume responsibility for grading their respective lot; no ‘overlot’ grading is proposed to occur over most of the site.

The Colorado Geological Survey’s review comment of the submitted geotechnical report (as posted on EDARP) indicates:

*<<Provided Entech's recommendations are adhered to, and lot-specific investigations and analyses are conducted for use in design of individual foundations, floor systems, subsurface drainage, and pavements, CGS has no objection to approval of the 218-lot residential subdivision as proposed.>>*

As such, prior to construction of proposed residences, lot-specific subsurface soil investigations will be performed to determine whether or not shallow groundwater, hydro-compacted soils, and/or potentially expansive soils are present on the lot, and to determine an appropriate foundation design, basement or crawl-space suitability, and/or lot-specific recommendations are necessary to mitigate these conditions. Language requiring lot-specific subsurface soil investigation will appear as a Note on the Preliminary Plan.

## **LAND DEVELOPMENT CODE, COMPREHENSIVE PLAN AND COUNTY MASTER PLAN CONSISTENCY**

### **ADHERENCE WITH THE EL PASO COUNTY POLICY PLAN**

**Goal 6.1 a** *Encourage patterns of growth and development which complement the regions' unique natural environments and which reinforce community character.*

The El Paso County Policy Plan (the “Master Plan”) addresses issues directly related to the Preliminary Plan and development of the *Saddlehorn Ranch* development. The policies specifically related to the Preliminary Plan request include:

**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.*



The Preliminary Plan proposed for 218 new single family rural residential lots is compatible with the existing adjacent rural residential lots in the Judge Orr Road and Curtis Road corridors. New lots will be similar in size to existing lots and roads serving the new lots will be compatible with the types of rural roadways in nearby adjacent neighborhoods.

**Policy 6.1.6** - *Direct development toward areas where the necessary urban-level supporting facilities and services are available or will be developed concurrently.*

Saddlehorn Ranch is proposed as a development of single family rural residences within a non-urban density area of the Falcon/Peyton community. Utilities and road infrastructure needed to serve the new lots, such as new roads, drainage and detention facilities, erosion control, etc. will be constructed as part of this development.

**Policy 6.1.11** - *Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.*

The Preliminary Plan with RR-2.5 zoning for the site is harmonious and compatible with the rural character of adjacent and nearby neighborhoods that are also zoned RR-2.5, RR-5, and PUD.

**Policy 6.1.14** - *Support development which complements the unique environmental conditions and established land use character of each sub-area of the County.*

The Applicant proposes to avoid overlot grading across the 816 acre site, and instead will limit grading to roadways and drainage infrastructure in keeping with the established land use character of surrounding sub-areas of the county. Lower density will help to sustain the appearance and unique environmental conditions of adjacent properties.

**Goal 6.2**

*Protect and Enhance Existing and Developing Neighborhoods*

**Policy 6.2.1** - *Fully consider the potential impact of proposed zone changes and development on the integrity of existing neighborhoods.*

**Policy 6.2.2**

*Promote the unique identity of neighborhoods through the use of focal points, parks, trails and open spaces, preservation of significant natural features, compatible location and design of mixed uses, and promotion of pedestrian and other non-motorized means of travel.*

The Applicant proposes to incorporate hiking and equestrian trails in the floodplains and in various part of the proposed development to promote non-motorized multi-modal transportation linkages within the development. Ideally, residents might travel by horseback from their home to their neighbor's home.

The Preliminary Plan for lower density development that is compatible with the character and use of the non-urban density communities of Falcon/Peyton. Jurisdictional and non-jurisdictional wetlands within the floodplain areas of the site will be preserved as open space no-build areas, which will also lend themselves well toward sustaining the rural nature and character and maintaining the integrity of the surrounding community.

The Owner/Applicant furthermore propose to introduce a new public trail system within Saddlehorn Ranch to include equestrian use to further promote a rural character that is compatible with existing adjacent neighborhoods.

The Applicant proposes that varying housing types will be developed within the project, including the introduction of manufactured housing products to promote attainability by a wider segment of new home buyers.

**Goal 6.4** *Develop and maintain rural residential areas in a manner which protects their integrity, addresses the carrying capacity of the natural environment and provides for an adequate level of non-urban facilities and services.*

**Policy 6.4.3** - *Allow rural residential development in those areas with sufficient "carrying capacity" including roadway capacity, water supply, septic suitability, educational facilities and organized structural fire protection.*

The surrounding area of the Preliminary Plan has sufficient carrying capacity to support the new development with regard to roadway capacity, water supply, septic suitability, educational facilities, and organized structural fire protection. Commitment Letters from entities that would supply this development with essential services have been submitted with this Preliminary Plan application.

**Policy 6.4.4** - *Encourage new rural residential subdivisions to be located within or contiguous with existing rural residential areas or to be incorporated as a buffer between higher density and undevelopable areas.*

The Preliminary Plan design, which includes 2.5 acre home sites and larger expanses of open space (16.4% within the floodplains), ensures that development of this site will remain compatible and contiguous with existing rural residential areas. At .267 DU/Ac, Saddlehorn Ranch is compatible with numerous other subdivisions adjacent to and within a 2 mile radius of the property.

**Policy 6.4.6** - *Allow for the accommodation of necessary supporting commercial uses within or in proximity to rural residential areas in a manner that preserves the rural character of these areas.*

**Policy 6.4.11** - *Support planning and regulatory approaches which limit the adverse impacts of grazing on lots of 5 acres and less.*

Livestock and grazing will be permitted on lots of 5 acres and less but will be limited to recreational animals (horses) and small livestock including chickens or goats. Covenants for Saddlehorn Ranch have been drafted and include the following language:

*"No animals, birds, livestock, reptiles or insects of any kind may be raised, bred, kept or boarded in or on a Lot, except for bona fide household pets as permitted by applicable local laws or ordinances and in compliance with any Rules and Regulations not in conflict with such laws or ordinances. Additionally, owners may keep a reasonable number of horses, goats, chickens and other animals as may be permitted by the Rules and Regulations or allowed by the Board of Directors on a Lot, and may, with the prior written approval of the ARC, construct such barns, corrals, and/or fenced areas as necessary to contain the same. Each animal must be controlled by its owner and is not allowed off the owner's Lot except when properly controlled and accompanied by its owner or his or representative, who is responsible for collecting and properly disposing of any animal waste. An Owner's and/or Occupant's right to keep animals is coupled with the responsibility to pay for any damage caused by such animal, as well as any costs incurred as a result of such animals. "*

### **ADHERENCE TO THE FALCON / PEYTON SMALL AREA PLAN**

The property is within the boundaries of the Falcon Peyton Small Area Plan (2008) [Section 4.4.7 Stapleton-Curtis Corridor]

With specific regard to the Stapleton-Curtis Road Corridor, Saddlehorn Ranch adheres to the following criteria of the Plan:

#### **3 Goals and Principles**

##### **3.1 Land Use**

*3.1.1 Provide a **balance of land uses** that respects existing and historical patterns while providing opportunities for future residents and businesses.*

*3.1.3 Preserve the **core rural character** of the area.*

*3.1.4 Provide a **variety of different densities** of development options.*

The Preliminary Plan will provide for single-family detached homes on 2.5 acre lots, which is compatible with the RR-2.5 and RR-5 zone districts and current uses within the adjacent areas of the Plan. This lower density of the development, combined with nearly 134 acres of non-jurisdictional and jurisdictional wetlands and floodplain area that are to be preserved in

perpetuity as no-build open space parcels also help to preserve the core rural character of the area. A system of equestrian trails proposed throughout the open space parcels also will help to maintain the rural character of the Plan area.

### **3.3 Residential Areas and Densities**

*3.3.1 Encourage **diversity and variety in housing** types, sizes, locations, and prices to meet the needs of existing and new residents.*

*3.3.2 Promote **predictable growth** in the housing market that is consistent with the Small Area Master Plan.*

*3.3.4 Meet the **housing needs** of as many existing and new residents of differing ages, incomes, and desired living accommodations.*

The Preliminary Plan encourages diverse housing types and prices to meet the needs of existing and new residents. The applicant envisions manufactured housing products as an alternate to stick-built tract housing, which will facilitate the development of new homes on 2.5 acre lots that are attainably priced (in comparison to tract subdivisions within the Plan area). This will help to meet the needs of existing and new residents of differing ages and incomes by providing an alternative housing product to that offered elsewhere within the Plan area.

The Preliminary Plan anticipates a finite quantity of 218 homes that can be built on 2.5 acre lots within the 816 acre development, which promotes predictable growth that is consistent with the Plan.

### **3.4 Facilities and Services (Fire Protection, School Districts, Wastewater Facilities, etc.)**

*3.4.1 Encourage development in urban areas where **adequate public facilities** or services exist or can be provided in an efficient manner.*

*3.4.2 Provide for the efficient provision of **public safety** in the area.*

*3.4.3 Encourage the **availability** of facilities and services within the planning area, close to the residents.*

Letters of Commitment to Serve all the area within the Preliminary Plan have been provided with this submittal for public safety, gas, and electric. No new facilities for fire protection or schools are proposed or required for this application.

The Applicant is in the process of establishing a Metropolitan District for the creation of a water district that will develop two existing wells (located in the southeast vicinity of the 816 acre

site) to facilitate the construction of a central water supply and serve all new homes within the Preliminary Plan area.

### 3.5 Transportation

#### El Paso County Road Impact Fee Program

This project will be subject to participation in the El Paso County Road Impact Fee Program.

This project will request annexation into the 10 mil PID. The up-front fees will be per the current 2019 fee schedule for Single Family Detached housing.

Upfront Road Impact fees are due at plat recordation.

*3.5.1 Recommend land use patterns that make **efficient use** of existing transportation infrastructure and limit the cost of future extensions and upgrades.*

*3.5.2 **Mitigate congestion** by providing flexibility for areas of higher population densities while protecting lower density areas from the negative effects of traffic.*

*3.5.5 Enhance the future role of **Meadow Lake Airport** through the recommendation of compatible land uses.*

*3.5.6 **Balance** long term transportation infrastructure needs with current requirements.*

A Traffic Impact Study [TIS] has been prepared and provided with the Preliminary Plan application. The TIS addresses the use of the two major transportation corridors (e.g. Curtis Road and Judge Orr Road) that provide primary access/egress to and from the Preliminary Plan area. No “negative effects” of traffic would be triggered as a result of the need to construct additional major arterial infrastructure; all new roads within the Preliminary Plan area would be a local residential category.

With regard to Meadow Lake Airport, as originally indicated on Page 2 of this LOI the Preliminary Plan area had once before been approved by the county as a PUD development with up to 5,370 urban-density dwelling units on 6,300 acres. This Preliminary Plan application proposes significantly fewer units (e.g. 218) on 2.5 acre lots within the 816 acre site, and would be very compatible with the character and type of residential development that has been allowed to occur immediately adjacent to the Airport.

### 3.6 Water Supply

*3.6.1 Plan for **water resources** in a thoughtful way that recognizes the non-renewable nature of water resources in the area, accommodates existing and historical uses, and allows for sustainable, planned growth.*

The Applicant is in the process of establishing a Metropolitan District for the creation of a water district that will develop two existing wells (located in the southeast vicinity of the 816 acre site) to facilitate the construction of a central water supply that will service all new homes within the Preliminary Plan area. This will allow for sustainable, planned growth as the Preliminary Plan area does not rely on development of numerous new wells as a primary source of water for new residences.

### **3.7 Parks, Trails, and Open Space**

*3.7.1 Provide **recreational amenities** for area residents.*

The Preliminary Plan indicates 134 acres of jurisdictional and non-jurisdictional wetlands and floodplains that will remain as no-build open space area. The Owner/Applicant proposes that equestrian trails will be developed for area residents within some of these open spaces.

All parks, trails, and open space tracts will be maintained by the *Saddlehorn Ranch Metropolitan District*, which will be formed and organized prior to the approval of the Final Plat.

### **3.8 Natural Systems**

*3.8.1 Preserve **important natural features** that are critical to the function of natural systems such as watersheds and wildlife corridors.*

The Preliminary Plan indicates there are 134 acres of jurisdictional and non-jurisdictional wetlands and floodplains that will remain as no-build open space area. These areas will remain as no-build preservation tracts to protect natural watersheds and wildlife corridors.

## **WATER DEPENDABILITY**

The following information was provided by request of El Paso County:

Water Sufficiency:

***A finding of water sufficiency shall be delayed until the final plat.*** To that end:

- A Technical, Managerial, and Financial Capacity assessment will be submitted to CDPHE in August 2020.
- The Basis of Design Report (BDR) for the system will be submitted to CDPHE in August 2020.

- Per the Water Resources and Wastewater Report submitted in 2019, Saddlehorn Ranch has the following Supply and Demands:

**Water Supply and Demand Summary**

<b>LOTS</b>	<b>Total Supply (AF/Year)</b>	<b>Total Demand (AF/Year)</b>
218	198.16	146.06

**Water Quality**

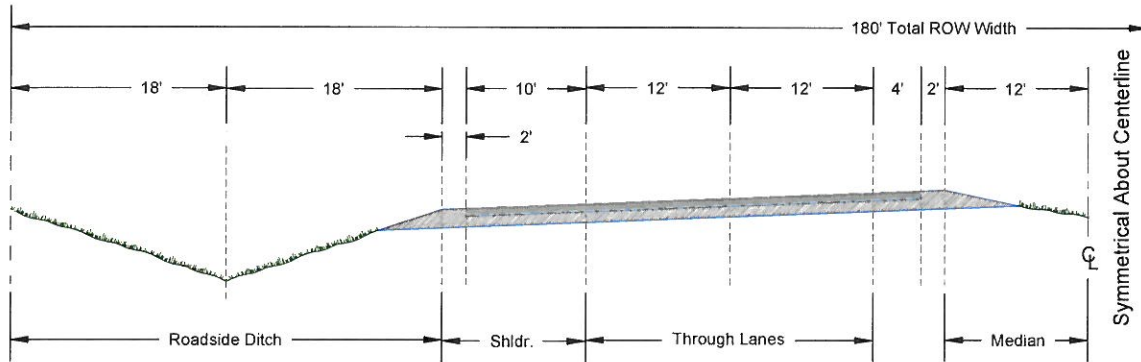
- Two wells, an Arapahoe and a Laramie-Fox Hills, have been drilled, screened, cased, and tested for this subdivision. Both well completion reports were done in 2008.
- Saddlehorn Ranch Metropolitan District (SRMD) has sampled both wells for three quarters in 2019.
- None of the primary constituents that were tested were above their respective Maximum Contaminant Level (MCL). Only Total Dissolved Solids, a secondary standard, was above its MCL.
- Chlorination and filtration to remove Iron and Manganese are planned for this system. This will likely be accomplished via a pressure-sand filtration. Although filtration is not mandatory, it will be done for water taste and aesthetics.

**System Certification**

- Upon completion of construction of the water system, the design engineer will certify that it has been built in general conformance with the appropriate plans specifications (CDPHE, AWWA, IBC, etc.)
- Prior to completion of the system, and during the BDR phase, a designated Operator in Responsible Charge (ORC) will be selected and identified.

**END**

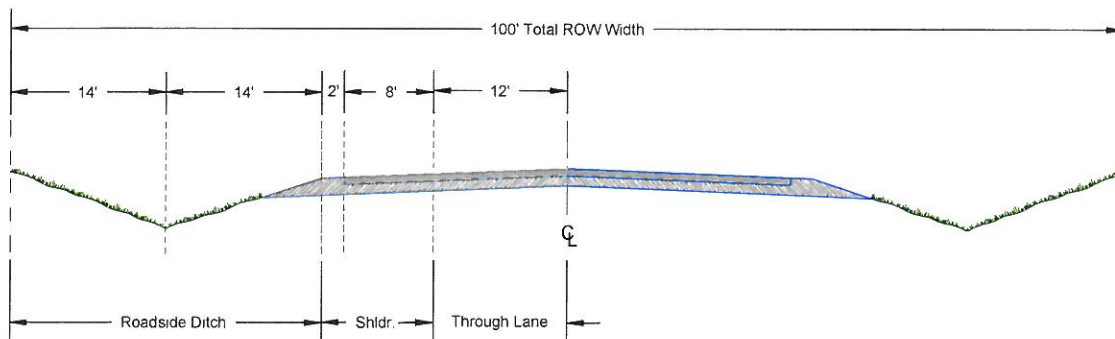
**Figure 2-4. Typical Rural Principal Arterial Partial Cross-Section (4 Lane)**



### 3. Minor Arterial

Minor arterials serve high-speed and high-volume traffic over medium distances, or are anticipated to serve this kind of traffic within a twenty-year period. Access is restricted through prescribed distances between intersections, use of medians, and no full movement parcel access (See Figure 2-5). Minor arterial status is assigned to rural roadways where the probability of significant travel demand in the future is high. Rights-of-way, easements, setbacks, and access limitations shall be pursued through the land development process on properties adjacent to minor arterials.

**Figure 2-5. Typical Rural Minor Arterial Partial Cross Section**



### 4. Major Collector

Major collectors serve as links between local access and arterial facilities over medium-to-long distances. Major collectors are managed to



## Exhibit A - cont

**Table 2-3. Roadway Design Criteria Continued**

Criteria	Concern	Guideline
Minimize Space Devoted to Road Use	It is desirable to minimize local road mileage, thereby reducing construction and maintenance costs, as well as permitting the most efficient use of land. Roads should also have an appearance commensurate with their function.	Roads should be designed to complement local character.
Relate Road to Topography	Local roads are more attractive and economical if constructed to closely adhere to topography (minimize cut and fill).	The important role that roads play in the overall storm drainage system can be enhanced by closely following existing topography.
Layout Road to Achieve Optimum Subdivision of Land	The arrangement of roads should allow for economical and practical patterns, shapes, and sizes of adjacent lots. Roads as a function of land use must not unduly hinder the development of land.	Distances between roads, number of roads, and related elements all have a bearing on efficient subdivision of an area. Access to adjoining properties should also be encouraged.

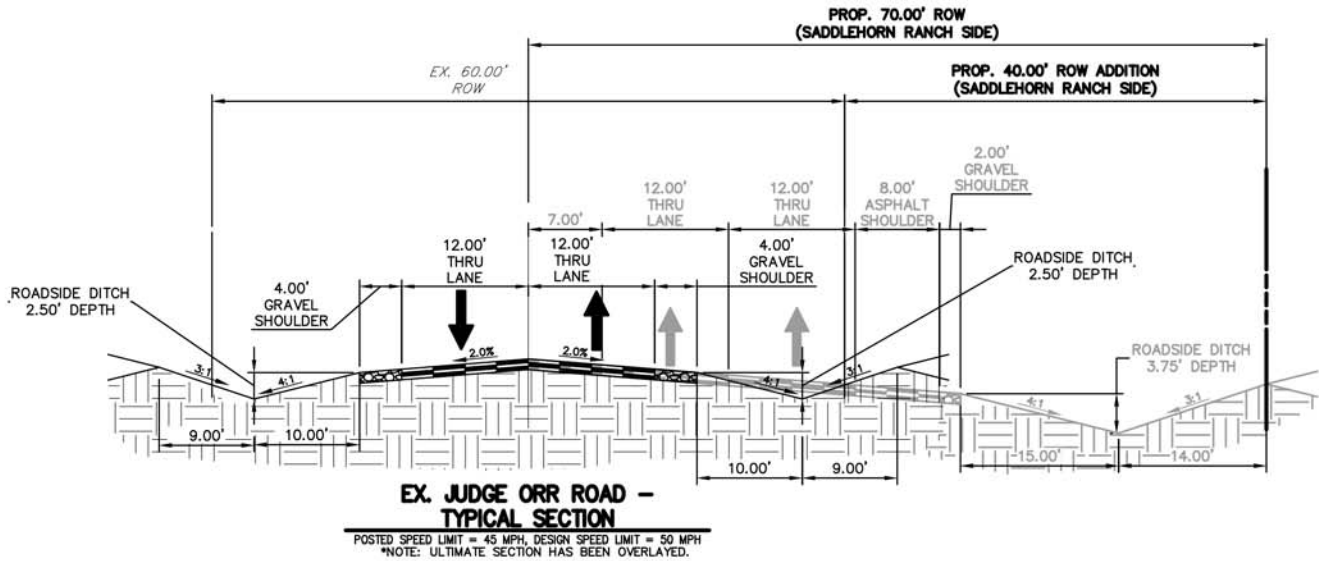
### 2.3.2 Design Standards by Functional Classification

Section 2.2.4 of these standards identifies the Roadway Functional Classifications recognized and used by the County. Table 2-4 through Table 2-7 summarize many of the minimum roadway design standards by category and functional classification. Detailed road Standard Drawings are provided in Appendix F.

**Table 2-4. Roadway Design Standards for Rural Expressways and Arterials**

Criteria	Expressways		Arterials		Minor
	6 Lane	4 Lane	6 Lane Principal	4 Lane Principal	
Design Speed / Posted Speed (MPH)	70 / 65	70 / 65	70 / 65	70 / 65	60 / 55
Clear Zone	34'	34'	34'	34'	30'
Minimum Centerline Curve Radius	2,050' <sup>1</sup>	2,050' <sup>1</sup>	2,050' <sup>1</sup>	2,050' <sup>1</sup>	1,505' <sup>1</sup>
Number of Through Lanes	6	4	6	4	2
Lane Width	12'	12'	12'	12'	12'
Right-of-Way	210'	180'	210'	180'	100'
Paved Width	56' <sup>2</sup>	38' <sup>2</sup>	56' <sup>2</sup>	38' <sup>2</sup>	40'
Median Width	24'	24'	24'	24'	n/a
Outside Shoulder Width (paved/gravel)	12'(10' <sup>1</sup> /2')	12'(10' <sup>1</sup> /2')	12'(10' <sup>1</sup> /2')	12'(10' <sup>1</sup> /2')	10'(8' <sup>1</sup> /2')
Inside Shoulder Width (paved/gravel)	12'(10' <sup>1</sup> /2')	6'(4' <sup>1</sup> /2')	12'(10' <sup>1</sup> /2')	6'(4' <sup>1</sup> /2')	n/a
Design ADT		48,000		40,000	10,000
Design Vehicle	WB-67	WB-67	WB-67	WB-67	WB-67
Access Permitted	No	No	No	No	No
Access Spacing	n/a	n/a	n/a	n/a	n/a
Intersection Spacing	1 mile	1 mile	½ mile	½ mile	¼ mile
Parking Permitted	No	No	No	No	No
Minimum Flowline Grade	1%	1%	1%	1%	1%

# Exhibit B



SADDLEHORN RANCH  
 DEVIATION REQUEST  
 EX. JUDGE ORR ROAD  
 2514200  
 5/4/20  
 SHEET 1 OF 1



Centennial 303-740-9393 • Colorado Springs 719-593-2593  
 Fort Collins 970-491-9888 • www.jrengineering.com

# Exhibit C

Table 10: Roadway Improvements for Saddlehorn Ranch			
Offsite Intersections			
Item #	Improvement	Timing	Responsibility
<b>US Highway 24/Judge Orr Intersection</b>			
1.1	Realignment of Judge Orr Road at US Highway 24 per CDOT Hwy 24 PEL Study	Future (the PEL study identified this as high priority project with a time frame of less than 5 years)	CDOT
1.2	Southwest-bound right-turn deceleration lane on US 24 approaching Judge Orr Road	As required by other development(s) or with realignment of US 24/ Judge Orr	CDOT or by others
1.3	Construct southwest-bound right-turn acceleration lane on US 24 at Judge Orr Road	As required by other development(s) or with realignment of US 24/ Judge Orr	CDOT or by others
1.4	Eastbound left-turn lane on Judge Orr Road approaching US 24	With realignment of US 24/ Judge Orr	CDOT
1.5	Westbound dual left-turn lanes on Judge Orr Road approaching US 24	With realignment of US 24/ Judge Orr	CDOT
1.6	Northeast-bound right-turn deceleration lane on US 24 approaching Judge Orr Road	With realignment of US 24/ Judge Orr	CDOT
1.7	Eastbound right-turn deceleration lane on Judge Orr Road approaching US 24	As required by other development(s) or with realignment of US 24/ Judge Orr	CDOT or by others
<b>US Highway 24/Stapleton Intersection</b>			
2.1	Signalize the intersection	Once warrants are met	CDOT is collecting escrow from area developments impacting this intersection with each subdivision filing
<b>Curtis Road/Falcon Highway</b>			
3.1	Lengthen eastbound left-turn lane to ECM standards on Falcon Highway approaching Curtis Road	Currently warranted by ECM	Escrow for pro-rata share of improvement or construction at the time of Phase 2 development (fee program credit per fee program provisions)
3.2	<b>Long Term:</b> In the case of a future signalized intersection - Construct southbound right-turn deceleration lane on Curtis Road approaching Falcon Highway	Upon Signalization	Escrow for pro-rata share of improvement or construction if warranted at the time of development (fee program credit per fee program provisions)
3.2	<b>Long Term:</b> Reconstruct intersection as a modern roundabout (or signalize the intersection)	Once LOS of AWSC drops below acceptable levels (roundabout); or once signal warrants are met (for conversion to a signal or roundabout)	El Paso County -- This intersection will be fee-program eligible for a signal/roundabout and applicant will pay fee program traffic impact fees.
<b>Adjacent County Arterial Roadway ROW Requirements</b>			
4.1	Judge Orr Right-of-Way Dedication - 4 Lane Minor Arterial, Rural 130' to 150 estimated right-of-way dedication' (Note: 4-lane Rural Principal is 180')	Shown in 2040 MTCP	Applicant
4.2	Judge Orr - 4 Lane Minor Arterial - Beyond above dedication, no additional right-of-way preservation needed	Shown in 2060 Corridor Pres Plan	Applicant
4.3	Curtis Road - 2 Lane Rural Principal Arterial 130' to 150' estimated right-of-way dedication (Note: 4-lane Rural Principal is 180')	Shown in 2040 MTCP	Applicant
4.4	Curtis Road - 4 Lane Rural Principal Arterial 180' right-of-way preservation	Shown in 2060 Corridor Pres Plan	Applicant
<b>Roadway Segment Improvements</b>			
5.1	Falcon Highway - Upgrade to Two-Lane Rural Minor Arterial	Shown in 2040 MTCP	MTCP Project No. U5; Details TBD; applicant will pay fee program traffic impact fees.
5.2	Judge Orr Road - Widen to <b>Four Lane</b> Rural Minor Arterial	Shown in 2040 MTCP	MTCP Project No. C15; Details TBD; - applicant will pay fee program traffic impact fees.
5.3	Curtis Road - Upgrade to Two-Lane Rural Principal Arterial	Shown in 2040 MTCP	MTCP Project No. U1; Applicant per rezone condition of approval, potentially subject to fee program credit.
<b>Internal Subdivision Roadways</b>			
6.1	Construct internal streets to County Rural Local Standards	As development occurs and as needed for access	Applicant
<b>Adjacent Intersection and Access Intersections</b>			
Item #	Improvement	Timing	Responsibility
<b>Judge Orr/Curtis Road Intersection</b>			
7.1	Westbound right-turn deceleration lane	Once peak hour westbound right turn volume exceeds 50 vehicles per hour.	Escrow for improvement or construction if warranted at the time of development (fee program credit per fee program provisions)
7.2	Eastbound right-turn deceleration lane	Currently warranted by ECM	Escrow for improvement or construction at the time of Phase 2 development (fee program credit per fee program provisions)
7.3	Potentially sign for all way stop-sign control (AWSC)	Once warrants for AWSC are met	El Paso County
7.4	<b>Long Term:</b> Reconstruct intersection as a modern roundabout (or signalize the intersection)	Once LOS of AWSC drops below acceptable levels (roundabout); or once signal warrants are met (for conversion to a signal or roundabout)	El Paso County; This intersection will be fee-program eligible for a signal/roundabout and applicant will pay fee program traffic impact fees.
7.5	<b>Long Term:</b> In the case of a future signalized intersection - lengthening of northbound and southbound left-turn deceleration lanes.	As needed based on future speed limit and turning volume/stacking length criteria.	Escrow for improvement or construction if warranted at the time of development (fee program credit per fee program provisions)
<b>Judge Orr/Barrosito Trail</b>			
8.1	No Auxiliary Turn Lanes Required	-	-
<b>Judge Orr/Del Cambre Trail</b>			
9.1	No Auxiliary Turn Lanes Required	-	-
<b>Curtis Road/Oscuro Trail</b>			
10.1	<u>Short Term</u> No Auxiliary Turn Lanes Required	-	-
10.2	<u>Long Term</u> Construct northbound right-turn deceleration lane on Curtis Rd approaching the site access	With Phase 2/3 site development	Applicant
<b>Curtis Road/North Site Access</b>			
11.1	<u>Short Term</u> No Auxiliary Turn Lanes Required	-	-
11.2	<u>Long Term</u> Construct southbound left-turn deceleration lane on Curtis Rd approaching the site access	With Phase 2/3 site development	Applicant
11.3	<u>Long Term</u> Construct northbound right-turn deceleration lane on Curtis Rd approaching the site access	With Phase 2/3 site development	Applicant

Source: LSC Transportation Consultants, Inc.

PROPERTY DESCRIPTION: **Exhibit D**

## PARCEL A:

A PARCEL OF LAND LOCATED IN SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S 89 DEGREES 21 MINUTES 33 SECONDS E, ALONG THE NORTH LINE OF SAID SECTION 3, 5275.27 FEET TO THE NORTHEAST CORNER THEREOF; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG THE EAST LINE OF SAID SECTION 3, 1841.19 FEET; THENCE N 89 DEGREES 49 MINUTES 04 SECONDS W, 5280.38 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG SAID WEST LINE, 1883.39 FEET TO THE POINT OF BEGINNING.

EXCEPT THOSE PORTIONS CONVEYED TO EL PASO COUNTY BY AND THROUGH THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO, IN SPECIAL WARRANTY DEEDS RECORDED JANUARY 29, 2015 AT RECEPTION NO. 215008985 AND RECEPTION NO. 215008986.

## PARCEL B:

A PARCEL OF LAND LOCATED IN SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG THE WEST LINE OF SAID SECTION 3, 1974.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE, N 00 DEGREES 05 MINUTES 14 SECONDS E, 1649.14 FEET; THENCE S 89 DEGREES 49 MINUTES 04 SECONDS E, 5280.38 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG SAID EAST LINE, 1649.15 FEET; THENCE N 89 DEGREES 49 MINUTES 04 SECONDS W, 5285.17 FEET TO THE POINT OF BEGINNING.

## PARCEL C:

A PARCEL OF LAND LOCATED IN SECTION 3 AND SECTION 10, TOWNSHIP 13 SOUTH, RANGE 64 WEST, OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG THE WEST LINE OF SAID SECTION 3, 327.11 FEET; THENCE S 89 DEGREES 49 MINUTES 04 SECONDS E, 5289.95 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG SAID EAST LINE, 327.11 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 3; THENCE S 00 DEGREES 57 MINUTES 38 SECONDS W, ALONG THE EAST LINE OF SAID SECTION 10, 1320.52 FEET TO THE SOUTHEAST CORNER OF THE

NORTH HALF OF THE NORTH HALF OF SAID SECTION 10; THENCE N 89 DEGREES 48 MINUTES 49 SECONDS W, ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF SAID SECTION 10, 5285.51 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 00 DEGREES 43 MINUTES 38" SECONDS E, ALONG THE WEST LINE OF SAID SECTION 10, 1320.06 FEET TO THE POINT OF BEGINNING.

Per the Commitment for Title Insurance, issued by Westcor Land Title Insurance Company, Commitment No. 56676ECS, dated August 2, 2018.

PARCEL 21:

A PORTION OF THE SOUTH HALF OF SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 3; THENCE ALONG THE EAST LINE OF SAID SECTION 3, S00°42'25"E (BEARINGS ARE RELATIVE TO THE NORTH LINE OF SECTION 3, BEING MONUMENTED AT THE WESTERLY END BY A FOUND NO.6 REBAR WITH A 3-1/4" ALUMINUM CAP IN A VAULT, STAMPED "PLS 17496", AND AT THE EASTERLY END BY A FOUND NO. 6 REBAR WITH 3-1/2" ALUMINUM CAP IN A VAULT, STAMPED "LS 17496", AND MEASURED TO BEAR S89°59'26"E, A DISTANCE OF 5275.03 FEET), A DISTANCE OF 3490.37 FEET, TO THE SOUTHEAST CORNER OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM DEED RECORDED AT RECEPTION NO. 213021177, IN THE OFFICIAL RECORDS OF EL PASO COUNTY; SAID CORNER ALSO BEING THE POINT OF BEGINNING; THENCE S00°42'25"E, CONTINUING ALONG THE WEST LINE OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM DEED RECORDED AT RECEPTION NO.213113100, IN SAID OFFICIAL RECORDS, A DISTANCE OF 1647.65 FEET, TO THE NORTHEAST CORNER OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM DEED RECORDED AT RECEPTION NO. 213043391, IN SAID OFFICIAL RECORDS; THENCE S89°33'10"W, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 5289.71 FEET, TO A POINT LYING ON THE WEST LINE OF SAID SECTION 3; THENCE ALONG SAID WEST LINE, N00°32'28"W, A DISTANCE OF 1645.40 FEET, TO THE SOUTHWEST CORNER OF SAID PARCEL, RECORDED AT RECEPTION NO. 213021177, IN SAID OFFICIAL RECORDS; THENCE N89°31'43"E, ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 5284.95 FEET, TO THE POINT OF BEGINNING.

Per the Commitment for Title Insurance, issued by Land Title Guarantee Company, Order No. SC55073032, dated October 1, 2018.

Being more particularly described by metes and bounds as follows:

**COMMENCING** at the Northeast Corner of Section 3, Township 13 South, Range 64 West of the 6<sup>th</sup> Principal Meridian; thence along the east line of said Section 3, S00°42'27"E ( Basis of bearings is the North line of Section 3, Township 13 South, Range 64 West of the 6<sup>th</sup> Principal Meridian, monumented at the West end by a No. 6 Rebar with a 3-1/4" aluminum cap, properly marked, in a monument box, "PLS 17496" and at the East end by a No. 6 rebar with a 3-1/2" aluminum cap, properly marked, in a monument box, "PLS 17496", having a measured bearing and distance of S89°59'23"E, 5275.26'. Bearings are relative to Colorado State Plane Central Zone (0502)), a distance of 30.00 feet, to the **POINT OF BEGINNING**; thence continuing along

said east line, S00°42'27"E, a distance of 5,435.28 feet, to the Southeast Corner of said Section 3, said point also being the Northeast Corner of Section 10, Township 13 South, Range 64 West of the 6<sup>th</sup> Principal Meridian; thence along the east line of the North 1/2 of the North 1/2 of said Section 10, S00°19'54"W, a distance of 1,320.51 feet, to the North 1/16<sup>th</sup> Corner of said Section 10; thence leaving said east line and along the south line of the North 1/2 of the North 1/2 of said Section 10, S89°34'02"W, a distance of 2,642.78 feet, to the North-Center-Center 1/16<sup>th</sup> Corner of said Section 10; thence continuing along said south line, S89°34'07"W, a distance of 2,612.73 feet, to a point that is 30.00 feet distant from the North 1/16<sup>th</sup> Corner of said Section 10, said point also being a point on the east right-of-way line of Curtis Road; thence along said east right-of-way line and 30.00 feet parallel to the west line of said North 1/2 of the North 1/2 of said Section 10, N00°05'54"E, a distance of 1,319.14 feet, to a point that is 30.00 distant to the Northwest Corner of said Section 10, also being the Southwest corner of said Section 3; thence continuing along said east right-of-way line, along the following four (4) courses:

1. N00°32'28"W, a distance of 4,608.42 feet;
2. N89°27'32"E, a distance of 19.98 feet;
3. N00°32'28"W, a distance of 820.00 feet;
4. N44°46'13"E, a distance of 40.00 feet,

to a point on the south right-of-way line of Judge Orr Road, thence along said south right-of-way line, along the following three (3) courses:

1. S89°59'23"E, a distance of 822.24 feet;
2. N00°00'37"E, a distance of 20.00 feet;
3. S89°59'23"E, a distance of 4,374.49 feet,

to the **POINT OF BEGINNING**.

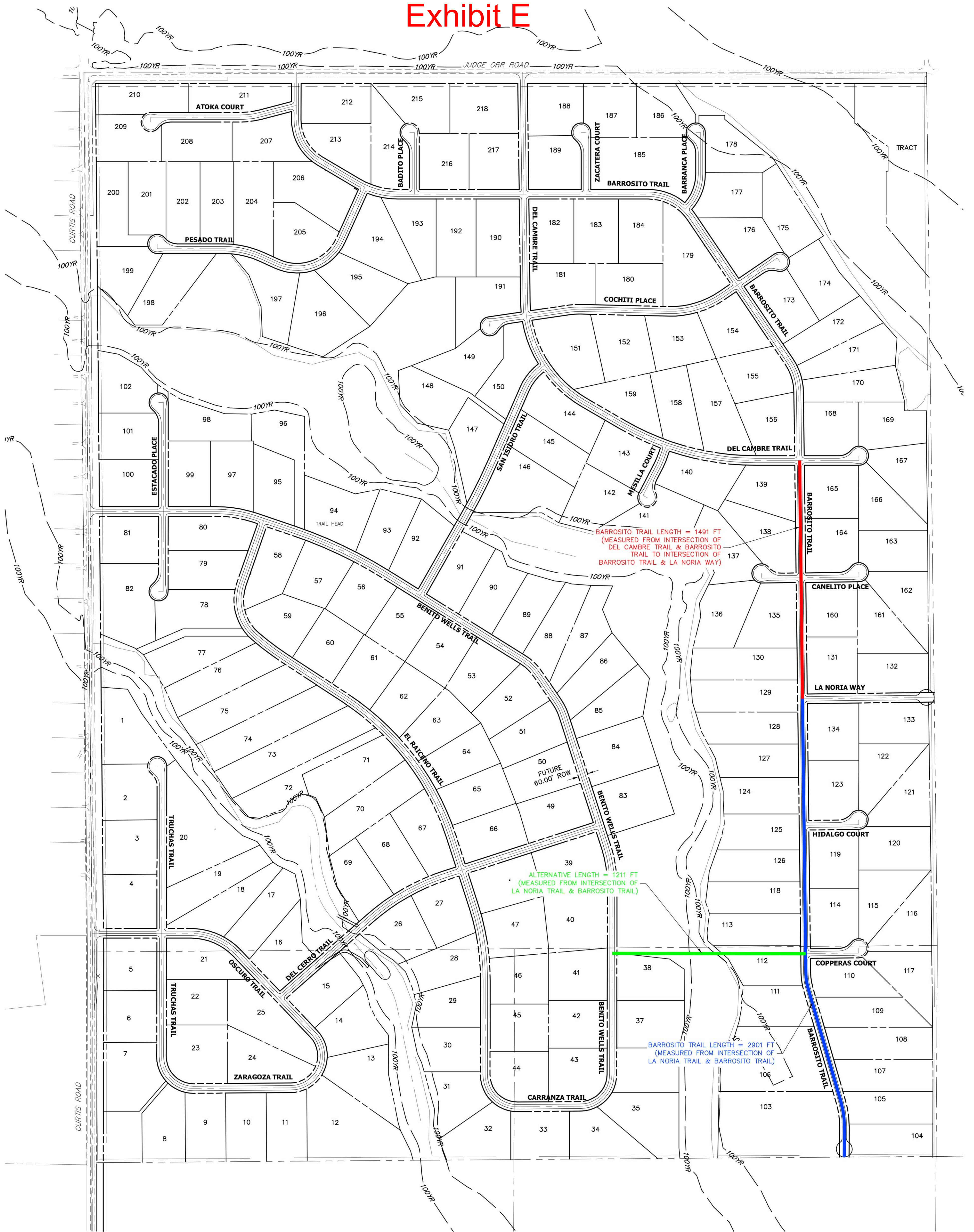
Containing 35,565,654 S.F. or 816.475 acres, more or less.

# SADDLEHORN RANCH

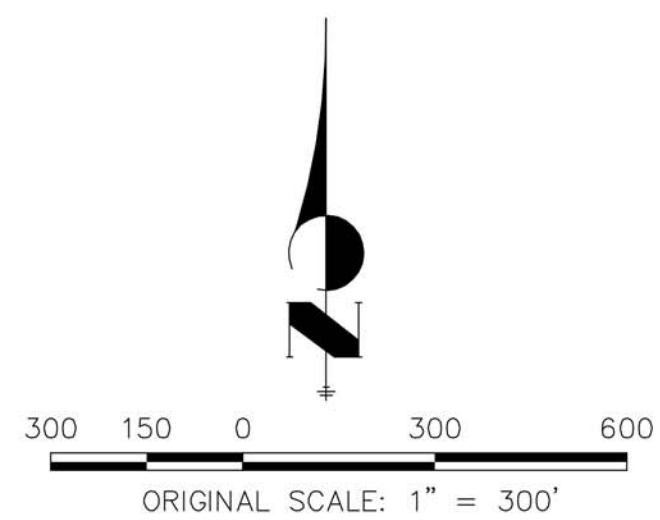
## DEVIATION REQUEST EXHIBIT

### CUL-DE-SAC LENGTHS

### Exhibit E



SADDLEHORN RANCH  
 CUL-DE-SAC LENGTHS  
 2514200  
 4/29/20  
 SHEET 1 OF 1



**J-R ENGINEERING**  
 A Westrian Company

Centennial 303-740-9393 • Colorado Springs 719-593-2593  
 Fort Collins 970-491-9888 • www.jrengineering.com

PROPERTY DESCRIPTION:

PARCEL A:

A PARCEL OF LAND LOCATED IN SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S 89 DEGREES 21 MINUTES 33 SECONDS E, ALONG THE NORTH LINE OF SAID SECTION 3, 5275.27 FEET TO THE NORTHEAST CORNER THEREOF; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG THE EAST LINE OF SAID SECTION 3, 1841.19 FEET; THENCE N 89 DEGREES 49 MINUTES 04 SECONDS W, 5280.38 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG SAID WEST LINE, 1883.39 FEET TO THE POINT OF BEGINNING.

EXCEPT THOSE PORTIONS CONVEYED TO EL PASO COUNTY BY AND THROUGH THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO, IN SPECIAL WARRANTY DEEDS RECORDED JANUARY 29, 2015 AT RECEPTION NO. 215008985 AND RECEPTION NO. 215008986.

PARCEL B:

A PARCEL OF LAND LOCATED IN SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG THE WEST LINE OF SAID SECTION 3, 1974.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE, N 00 DEGREES 05 MINUTES 14 SECONDS E, 1649.14 FEET; THENCE S 89 DEGREES 49 MINUTES 04 SECONDS E, 5280.38 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG SAID EAST LINE, 1649.15 FEET; THENCE N 89 DEGREES 49 MINUTES 04 SECONDS W, 5285.17 FEET TO THE POINT OF BEGINNING.

PARCEL C:

A PARCEL OF LAND LOCATED IN SECTION 3 AND SECTION 10, TOWNSHIP 13 SOUTH, RANGE 64 WEST, OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG THE WEST LINE OF SAID SECTION 3, 327.11 FEET; THENCE S 89 DEGREES 49 MINUTES 04 SECONDS E, 5289.95 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG SAID EAST LINE, 327.11 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 3; THENCE S 00 DEGREES 57 MINUTES 38 SECONDS W, ALONG THE EAST LINE OF SAID SECTION 10, 1320.52 FEET TO THE SOUTHEAST CORNER OF THE



NORTH HALF OF THE NORTH HALF OF SAID SECTION 10; THENCE N 89 DEGREES 48 MINUTES 49 SECONDS W, ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF SAID SECTION 10, 5285.51 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 00 DEGREES 43 MINUTES 38" SECONDS E, ALONG THE WEST LINE OF SAID SECTION 10, 1320.06 FEET TO THE POINT OF BEGINNING.

Per the Commitment for Title Insurance, issued by Westcor Land Title Insurance Company, Commitment No. 56676ECS, dated August 2, 2018.

PARCEL 21:

A PORTION OF THE SOUTH HALF OF SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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said east line, S00°42'27"E, a distance of 5,435.28 feet, to the Southeast Corner of said Section 3, said point also being the Northeast Corner of Section 10, Township 13 South, Range 64 West of the 6<sup>th</sup> Principal Meridian; thence along the east line of the North 1/2 of the North 1/2 of said Section 10, S00°19'54"W, a distance of 1,320.51 feet, to the North 1/16<sup>th</sup> Corner of said Section 10; thence leaving said east line and along the south line of the North 1/2 of the North 1/2 of said Section 10, S89°34'02"W, a distance of 2,642.78 feet, to the North-Center-Center 1/16<sup>th</sup> Corner of said Section 10; thence continuing along said south line, S89°34'07"W, a distance of 2,612.73 feet, to a point that is 30.00 feet distant from the North 1/16<sup>th</sup> Corner of said Section 10, said point also being a point on the east right-of-way line of Curtis Road; thence along said east right-of-way line and 30.00 feet parallel to the west line of said North 1/2 of the North 1/2 of said Section 10, N00°05'54"E, a distance of 1,319.14 feet, to a point that is 30.00 distant to the Northwest Corner of said Section 10, also being the Southwest corner of said Section 3; thence continuing along said east right-of-way line, along the following four (4) courses:

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3. N00°32'28"W, a distance of 820.00 feet;
4. N44°46'13"E, a distance of 40.00 feet,

to a point on the south right-of-way line of Judge Orr Road, thence along said south right-of-way line, along the following three (3) courses:

1. S89°59'23"E, a distance of 822.24 feet;
2. N00°00'37"E, a distance of 20.00 feet;
3. S89°59'23"E, a distance of 4,374.49 feet,

to the **POINT OF BEGINNING**.

Containing 35,565,654 S.F. or 816.475 acres, more or less.

# Exhibit G

## FALCON FIRE PROTECTION DISTRICT

7030 Old Meridian Road Falcon Colorado 80831

Business Number: 719-495-4050

Business Fax: 719-495-3112

[www.falconfirepd.org](http://www.falconfirepd.org)



August 18, 2020

Jeff Rice,  
[JeffRice@elpasoco.com](mailto:JeffRice@elpasoco.com)  
El Paso County Planning

**RE: Temporary cul-de-sacs and emergency access Saddlehorn Ranch Subdivision,**

Falcon Fire Department has reviewed the proposed "temporary" cul-de-sacs exceeding the maximum length of 1,6000 feet and "temporary" emergency access from Curtis Road for the proposed Saddlehorn Ranch Subdivision.

The El Raiceno Trail, Carranza Trail and Barrosito Trail temporary cul-de-sacs are exceeding the maximum length of 1,600 feet for rural condition.

The temporary cul-de-sac for El Raiceno Trail is shown on the preliminary plan at lots 50 and 102. The Carranza Trail temporary cul-de-sac is shown at lots 68 and 69. The temporary cul-de-sac for Barrosito Trail is shown in the southeast corner at lots 103 and 104.

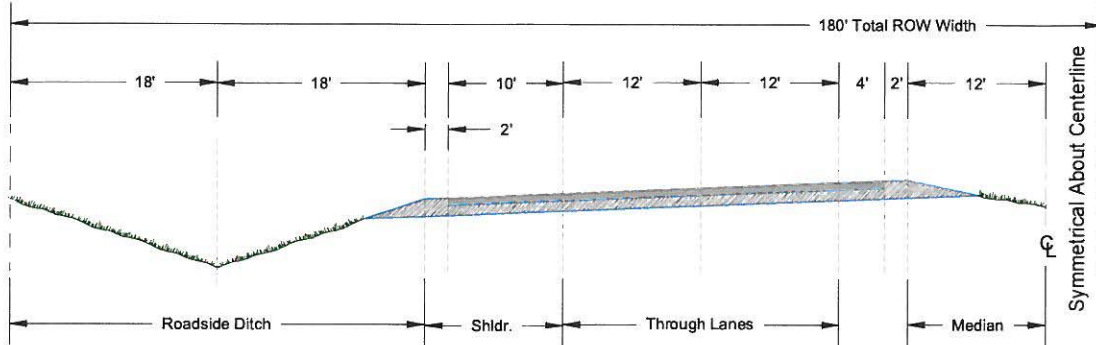
Future filings will complete these roadway sand eliminate these discrepancies.

These conditions are temporary and Falcon Fire has no objections to these requests as long as the emergency access and temporary cul-de-sacs meet minimum county standards for width, turning radius and loading.

A handwritten signature in blue ink, appearing to read "Trent Harwig", is written over the typed name and title of the Fire Chief.

Trent Harwig  
Fire Chief  
Falcon Fire Protection District.  
719-495-4050  
[tharwig@falconfirepd.org](mailto:tharwig@falconfirepd.org)

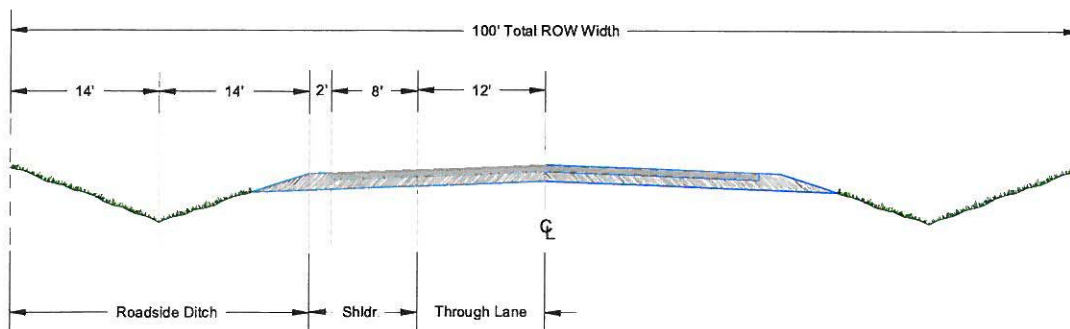
Figure 2-4. Typical Rural Principal Arterial Partial Cross-Section (4 Lane)



**3. Minor Arterial**

Minor arterials serve high-speed and high-volume traffic over medium distances, or are anticipated to serve this kind of traffic within a twenty-year period. Access is restricted through prescribed distances between intersections, use of medians, and no full movement parcel access (See Figure 2-5). Minor arterial status is assigned to rural roadways where the probability of significant travel demand in the future is high. Rights-of-way, easements, setbacks, and access limitations shall be pursued through the land development process on properties adjacent to minor arterials.

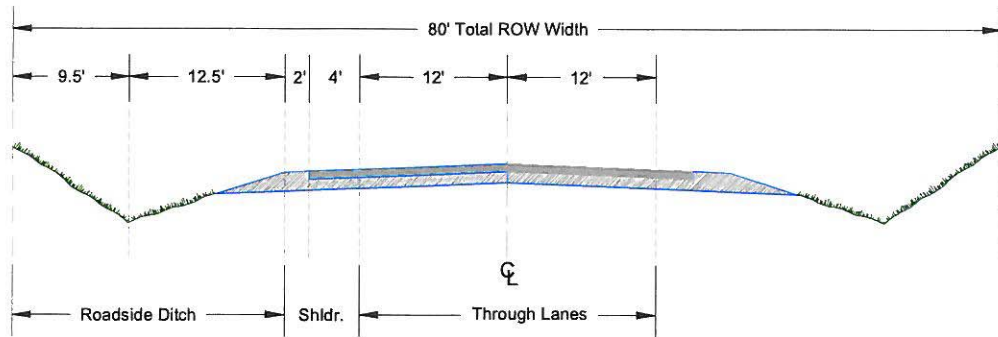
Figure 2-5. Typical Rural Minor Arterial Partial Cross Section



**4. Major Collector**

Major collectors serve as links between local access and arterial facilities over medium-to-long distances. Major collectors are managed to

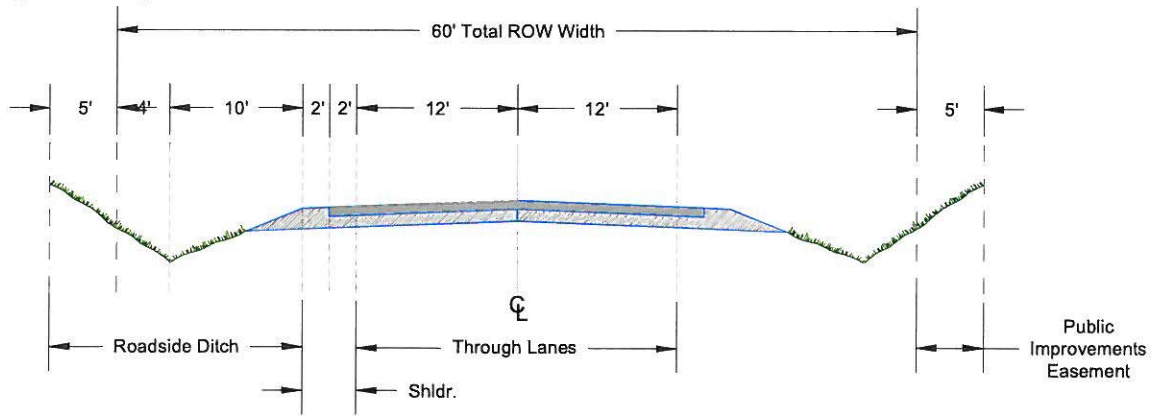
Figure 2-7. Typical Rural Minor Collector Cross Section



6. Local

Local roadways provide direct lot access and deliver lot-generated trips to collector roadways. Although access needs are high, accesses shall not be allowed to compromise the safety, health or welfare of roadway users (See Figure 2-8).

Figure 2-8. Typical Rural Local Cross Section



## Exhibit H - Cont

**Table 2-3. Roadway Design Criteria Continued**

Criteria	Concern	Guideline
Minimize Space Devoted to Road Use	It is desirable to minimize local road mileage, thereby reducing construction and maintenance costs, as well as permitting the most efficient use of land. Roads should also have an appearance commensurate with their function.	Roads should be designed to complement local character.
Relate Road to Topography	Local roads are more attractive and economical if constructed to closely adhere to topography (minimize cut and fill).	The important role that roads play in the overall storm drainage system can be enhanced by closely following existing topography.
Layout Road to Achieve Optimum Subdivision of Land	The arrangement of roads should allow for economical and practical patterns, shapes, and sizes of adjacent lots. Roads as a function of land use must not unduly hinder the development of land.	Distances between roads, number of roads, and related elements all have a bearing on efficient subdivision of an area. Access to adjoining properties should also be encouraged.

### 2.3.2 Design Standards by Functional Classification

Section 2.2.4 of these standards identifies the Roadway Functional Classifications recognized and used by the County. Table 2-4 through Table 2-7 summarize many of the minimum roadway design standards by category and functional classification. Detailed road Standard Drawings are provided in Appendix F.

**Table 2-4. Roadway Design Standards for Rural Expressways and Arterials**

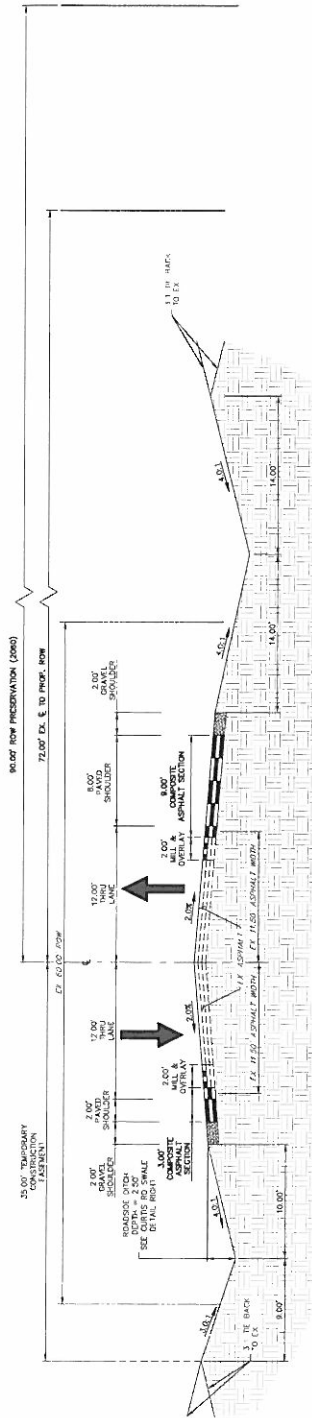
Criteria	Expressways		Arterials		Minor
	6 Lane	4 Lane	6 Lane Principal	4 Lane Principal	
Design Speed / Posted Speed (MPH)	70 / 65	70 / 65	70 / 65	70 / 65	60 / 55
Clear Zone	34'	34'	34'	34'	30'
Minimum Centerline Curve Radius	2,050 <sup>1</sup>	2,050 <sup>1</sup>	2,050 <sup>1</sup>	2,050 <sup>1</sup>	1,505 <sup>1</sup>
Number of Through Lanes	6	4	6	4	2
Lane Width	12'	12'	12'	12'	12'
Right-of-Way	210'	180'	210'	180'	100'
Paved Width	56' <sup>2</sup>	38' <sup>2</sup>	56' <sup>2</sup>	38' <sup>2</sup>	40'
Median Width	24'	24'	24'	24'	n/a
Outside Shoulder Width (paved/gravel)	12'(10'/2')	12'(10'/2')	12'(10'/2')	12'(10'/2')	10'(8'/2')
Inside Shoulder Width (paved/gravel)	12'(10'/2')	6'(4'/2')	12'(10'/2')	6'(4'/2')	n/a
Design ADT		48,000		40,000	10,000
Design Vehicle	WB-67	WB-67	WB-67	WB-67	WB-67
Access Permitted	No	No	No	No	No
Access Spacing	n/a	n/a	n/a	n/a	n/a
Intersection Spacing	1 mile	1 mile	½ mile	½ mile	¼ mile
Parking Permitted	No	No	No	No	No
Minimum Flowline Grade	1%	1%	1%	1%	1%

Centerline Grade (Min.-Max.)	1-5%	1-5%	1-5%	1-5%	1-6%
Intersection Grades (Min.-Max.)	1-2%	1-2%	1-3%	1-3%	1-4%
<sup>1</sup> Assumes 4% superelevation, 6% for 70 MPH design speeds					
<sup>2</sup> Pavement width in each direction for divided roadways					

**Table 2-5. Roadway Design Standards for Rural Collectors and Locals**

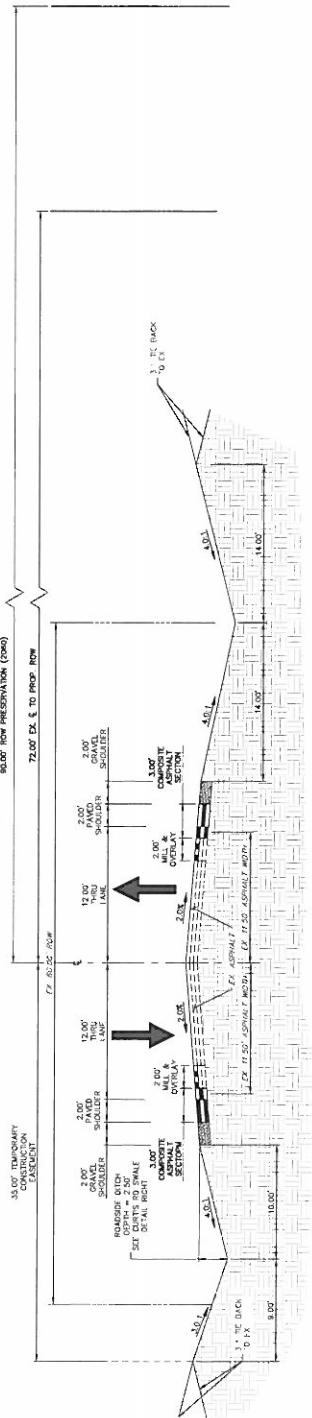
Criteria	Collectors		Local	
	Major	Minor	Local	Gravel
Design Speed / Posted Speed (MPH)	50 / 45	40 / 35	30 / 30	50/45
Clear Zone	20'	14'	7'	12'
Minimum Centerline Curve Radius	930' <sup>2</sup>	565'	300'	As Approved
Number of Through Lanes	2	2	2	2
Lane Width	12'	12'	12'	12'
Right of Way	90'	80'	70' <sup>3</sup>	70' <sup>3</sup>
Paved Width	32'	32'	28'	n/a
Median Width	n/a	n/a	n/a	n/a
Outside Shoulder Width (paved/gravel)	8'(4'/4')	6'(4'/2')	4'(2'/2')	4'(0'/4')
Inside Shoulder Width (paved/gravel)	n/a	n/a	n/a	n/a
Design ADT	3,000	1,500	750	200
Design Vehicle	WB-67	WB-67	WB-50	WB-50
Access Permitted	No	Yes	Yes	Yes
Access Spacing	n/a	Frontage	Frontage	Frontage
Intersection Spacing	¼ mile	660'	330'	330'
Parking Permitted	No	Yes	Yes	No
Minimum Flowline Grade	1%	1%	1%	1%
Centerline Grade (Min.-Max.)	1-8% <sup>1</sup>	1-8% <sup>1</sup>	1-8% <sup>1</sup>	1-8%
Intersection Grades (Min.-Max.)	1-4%	1-4%	1-4%	1-4%
<sup>1</sup> 10% maximum grade permitted at the discretion of the ECM Administrator				
<sup>2</sup> Assumes 4% superelevation, 6% for 70 MPH design speeds				
<sup>3</sup> 60-foot right-of-way plus two 5-foot Public Improvements Easements granted to El Paso County				

# Exhibit H



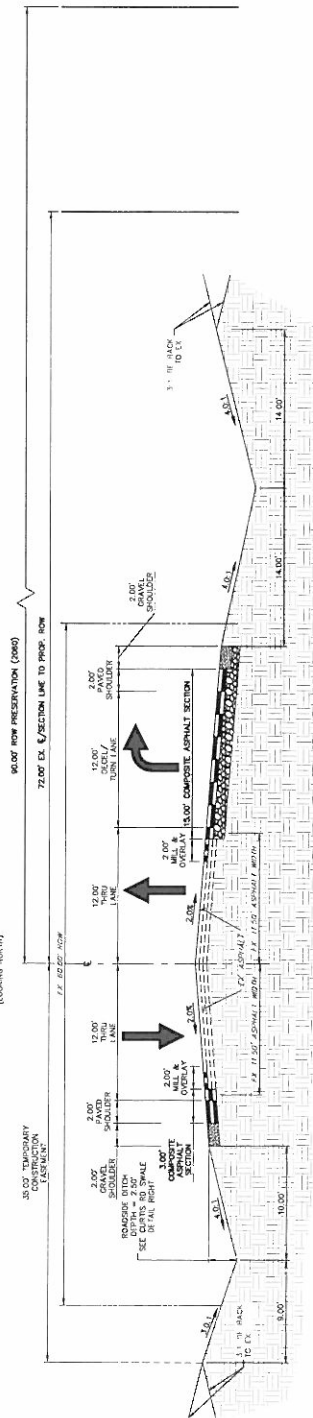
**CURTIS ROAD - MODIFIED MINOR RURAL ARTERIAL - INTERIM FUTURE**

STA 3018.15 - 3022.00 INTERSECTION IMPROVEMENTS  
 POST ELEVATION = 45.00 W.P.  
 SCALE 1" = 5'  
 (LOOKING NORTH)



**CURTIS ROAD - MODIFIED MINOR RURAL ARTERIAL - FILING 1 LIMITS**

STA 1160.00 - 1042.00 & 1242.25 - 3048.13  
 POST ELEVATION = 45.00 W.P.  
 SCALE 1" = 5'  
 (LOOKING NORTH)



**CURTIS ROAD - MODIFIED MINOR RURAL ARTERIAL**

STA 1242.25 - 1242.50  
 POST ELEVATION = 45.00 W.P.  
 SCALE 1" = 5'  
 (LOOKING NORTH)

SADDLEBORN RANCH -  
 CURTIS ROAD INTERSECTION  
 MODIFIED MINOR RURAL ARTERIAL  
 JOB NO. 25142.02  
 9/28/20  
 SHEET 1 OF 1

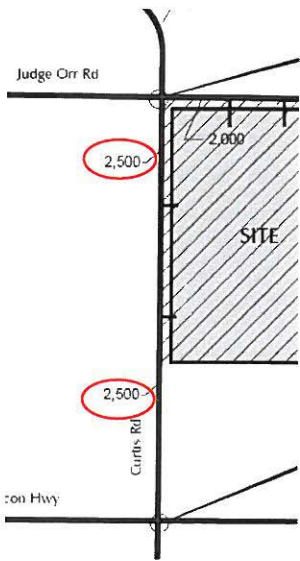


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 Fort Collins 970-221-888 • www.jrengineering.com

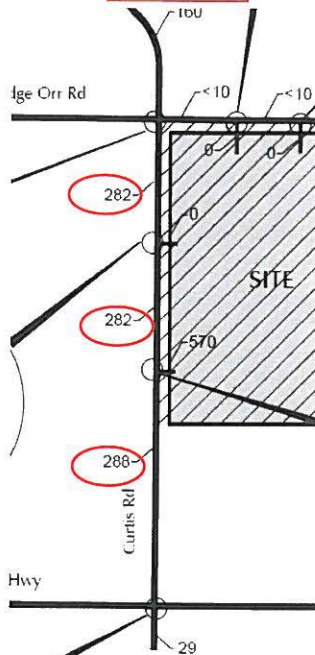


**Exhibit I - Curtis Road ADT Volumes**

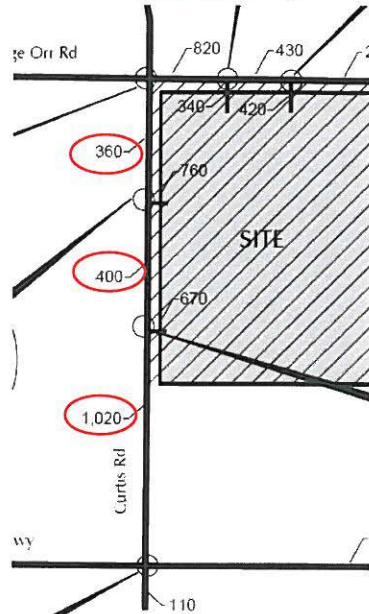
Existing ADTs on Curtis Road



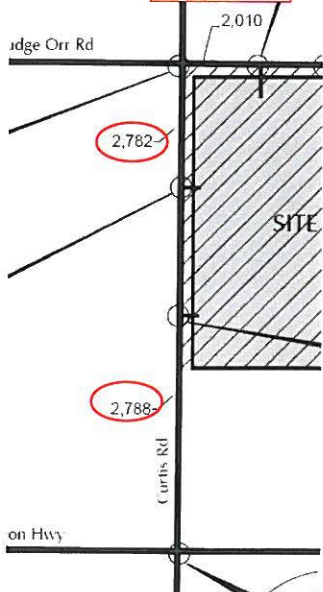
Phase 1 Site-Generated ADTs on Curtis Road



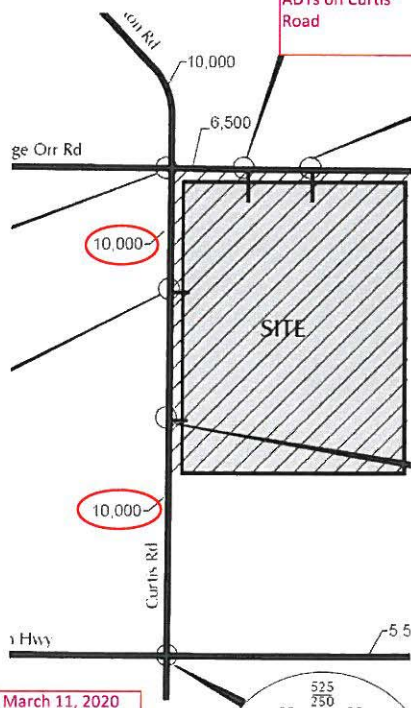
Buildout Site-Generated ADTs on Curtis Road



Short Term (Existing plus Site Generated) ADTs on Curtis Road



Long Term Total ADTs on Curtis Road



Clipped from *Saddlehorn Ranch TIS* dated March 11, 2020



PROPERTY DESCRIPTION:

PARCEL A:

A PARCEL OF LAND LOCATED IN SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S 89 DEGREES 21 MINUTES 33 SECONDS E, ALONG THE NORTH LINE OF SAID SECTION 3, 5275.27 FEET TO THE NORTHEAST CORNER THEREOF; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG THE EAST LINE OF SAID SECTION 3, 1841.19 FEET; THENCE N 89 DEGREES 49 MINUTES 04 SECONDS W, 5280.38 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG SAID WEST LINE, 1883.39 FEET TO THE POINT OF BEGINNING.

EXCEPT THOSE PORTIONS CONVEYED TO EL PASO COUNTY BY AND THROUGH THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO, IN SPECIAL WARRANTY DEEDS RECORDED JANUARY 29, 2015 AT RECEPTION NO. 215008985 AND RECEPTION NO. 215008986.

PARCEL B:

A PARCEL OF LAND LOCATED IN SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG THE WEST LINE OF SAID SECTION 3, 1974.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE, N 00 DEGREES 05 MINUTES 14 SECONDS E, 1649.14 FEET; THENCE S 89 DEGREES 49 MINUTES 04 SECONDS E, 5280.38 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG SAID EAST LINE, 1649.15 FEET; THENCE N 89 DEGREES 49 MINUTES 04 SECONDS W, 5285.17 FEET TO THE POINT OF BEGINNING.

PARCEL C:

A PARCEL OF LAND LOCATED IN SECTION 3 AND SECTION 10, TOWNSHIP 13 SOUTH, RANGE 64 WEST, OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG THE WEST LINE OF SAID SECTION 3, 327.11 FEET; THENCE S 89 DEGREES 49 MINUTES 04 SECONDS E, 5289.95 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG SAID EAST LINE, 327.11 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 3; THENCE S 00 DEGREES 57 MINUTES 38 SECONDS W, ALONG THE EAST LINE OF SAID SECTION 10, 1320.52 FEET TO THE SOUTHEAST CORNER OF THE

NORTH HALF OF THE NORTH HALF OF SAID SECTION 10; THENCE N 89 DEGREES 48 MINUTES 49 SECONDS W, ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF SAID SECTION 10, 5285.51 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 00 DEGREES 43 MINUTES 38" SECONDS E, ALONG THE WEST LINE OF SAID SECTION 10, 1320.06 FEET TO THE POINT OF BEGINNING.

Per the Commitment for Title Insurance, issued by Westcor Land Title Insurance Company, Commitment No. 56676ECS, dated August 2, 2018.

PARCEL 21:

A PORTION OF THE SOUTH HALF OF SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 3; THENCE ALONG THE EAST LINE OF SAID SECTION 3, S00°42'25"E (BEARINGS ARE RELATIVE TO THE NORTH LINE OF SECTION 3, BEING MONUMENTED AT THE WESTERLY END BY A FOUND NO.6 REBAR WITH A 3-1/4" ALUMINUM CAP IN A VAULT, STAMPED "PLS 17496", AND AT THE EASTERLY END BY A FOUND NO. 6 REBAR WITH 3-1/2" ALUMINUM CAP IN A VAULT, STAMPED "LS 17496", AND MEASURED TO BEAR S89°59'26"E, A DISTANCE OF 5275.03 FEET), A DISTANCE OF 3490.37 FEET, TO THE SOUTHEAST CORNER OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM DEED RECORDED AT RECEPTION NO. 213021177, IN THE OFFICIAL RECORDS OF EL PASO COUNTY; SAID CORNER ALSO BEING THE POINT OF BEGINNING; THENCE S00°42'25"E, CONTINUING ALONG THE WEST LINE OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM DEED RECORDED AT RECEPTION NO.213113100, IN SAID OFFICIAL RECORDS, A DISTANCE OF 1647.65 FEET, TO THE NORTHEAST CORNER OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM DEED RECORDED AT RECEPTION NO. 213043391, IN SAID OFFICIAL RECORDS; THENCE S89°33'10"W, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 5289.71 FEET, TO A POINT LYING ON THE WEST LINE OF SAID SECTION 3; THENCE ALONG SAID WEST LINE, N00°32'28"W, A DISTANCE OF 1645.40 FEET, TO THE SOUTHWEST CORNER OF SAID PARCEL, RECORDED AT RECEPTION NO. 213021177, IN SAID OFFICIAL RECORDS; THENCE N89°31'43"E, ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 5284.95 FEET, TO THE POINT OF BEGINNING.

Per the Commitment for Title Insurance, issued by Land Title Guarantee Company, Order No. SC55073032, dated October 1, 2018.

Being more particularly described by metes and bounds as follows:

**COMMENCING** at the Northeast Corner of Section 3, Township 13 South, Range 64 West of the 6<sup>th</sup> Principal Meridian; thence along the east line of said Section 3, S00°42'27"E ( Basis of bearings is the North line of Section 3, Township 13 South, Range 64 West of the 6th Principal Meridian, monumented at the West end by a No. 6 Rebar with a 3-1/4" aluminum cap, properly marked, in a monument box, "PLS 17496" and at the East end by a No. 6 rebar with a 3-1/2" aluminum cap, properly marked, in a monument box, "PLS 17496", having a measured bearing and distance of S89°59'23"E, 5275.26'. Bearings are relative to Colorado State Plane Central Zone (0502)), a distance of 30.00 feet, to the **POINT OF BEGINNING**; thence continuing along

said east line, S00°42'27"E, a distance of 5,435.28 feet, to the Southeast Corner of said Section 3, said point also being the Northeast Corner of Section 10, Township 13 South, Range 64 West of the 6<sup>th</sup> Principal Meridian; thence along the east line of the North 1/2 of the North 1/2 of said Section 10, S00°19'54"W, a distance of 1,320.51 feet, to the North 1/16<sup>th</sup> Corner of said Section 10; thence leaving said east line and along the south line of the North 1/2 of the North 1/2 of said Section 10, S89°34'02"W, a distance of 2,642.78 feet, to the North-Center-Center 1/16<sup>th</sup> Corner of said Section 10; thence continuing along said south line, S89°34'07"W, a distance of 2,612.73 feet, to a point that is 30.00 feet distant from the North 1/16<sup>th</sup> Corner of said Section 10, said point also being a point on the east right-of-way line of Curtis Road; thence along said east right-of-way line and 30.00 feet parallel to the west line of said North 1/2 of the North 1/2 of said Section 10, N00°05'54"E, a distance of 1,319.14 feet, to a point that is 30.00 distant to the Northwest Corner of said Section 10, also being the Southwest corner of said Section 3; thence continuing along said east right-of-way line, along the following four (4) courses:

1. N00°32'28"W, a distance of 4,608.42 feet;
2. N89°27'32"E, a distance of 19.98 feet;
3. N00°32'28"W, a distance of 820.00 feet;
4. N44°46'13"E, a distance of 40.00 feet,

to a point on the south right-of-way line of Judge Orr Road, thence along said south right-of-way line, along the following three (3) courses:

1. S89°59'23"E, a distance of 822.24 feet;
2. N00°00'37"E, a distance of 20.00 feet;
3. S89°59'23"E, a distance of 4,374.49 feet,

to the **POINT OF BEGINNING**.

Containing 35,565,654 S.F. or 816.475 acres, more or less.

# Saddlehorn Ranch Subdivision Preliminary Plan

A PORTION OF THE SOUTH HALF OF SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO.

## Legal Description:

PARCEL 21:

A PORTION OF THE SOUTH HALF OF SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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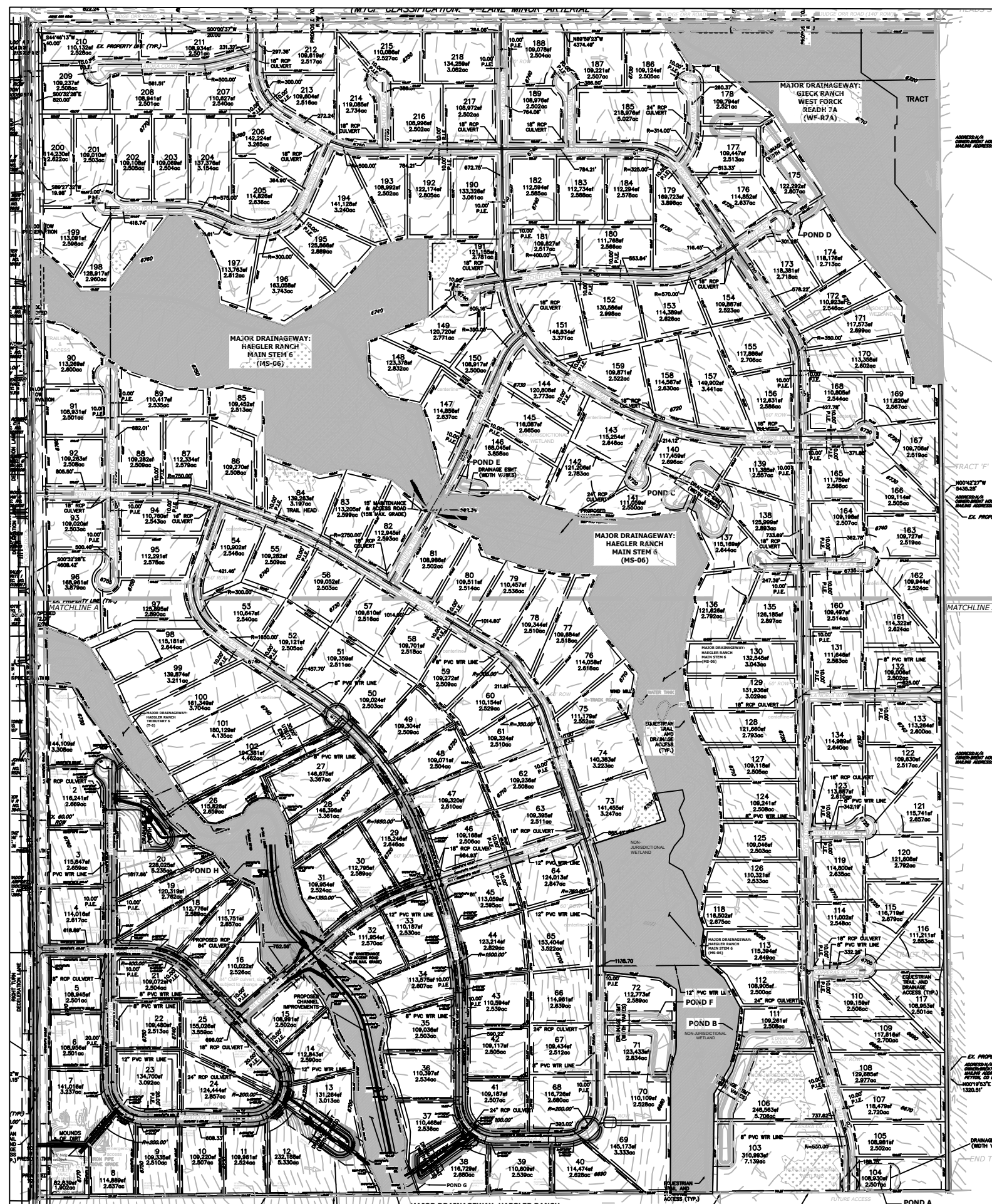
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- S89°59'23" E, a distance of 822.24 feet;
- N00°00'37" E, a distance of 20.00 feet;
- S89°59'23" E, a distance of 4,374.49 feet,

to the POINT OF BEGINNING.

- Containing 35,565,654 S.F. or 816.475 acres, more or less.

## Saddlehorn Ranch / 824 Acre Curtis Road Subdivision



See plan sheets 2 and 3 for Phasing Plans  
See plan sheets 4 and 5 for full scale Preliminary Plans

## GENERAL NOTES

- Floodplain statement: Portions of this site adjacent to Flagler Ranch tributary 2 are mapped within Zone A and portions of this site adjacent to Flagler Ranch tributaries 3 and 4 are mapped within Zone AE of the FEMA Floodplain Map No. 08041C0558G, dated December 7, 2018. Zone A indicates that Base Flood Elevations have not been determined. Zone AE indicates that Base Flood Elevations have been determined. The floodplain boundary depicted on the Preliminary Plan is conceptual only and subject to verification by FEMA through the CLOMR/LOMR process. The majority of the site is in the area of minimal flood hazard, Zone X.
- Geologic Hazards Disclosure Statement: Areas of the proposed subdivision have been found to be impacted by geologic conditions including artificial fill, loose or collapsible soils, expansive soils, hydrocompaction, floodplain and drainage areas. A map of the hazard areas and proposed mitigation measures may be found in the Preliminary Soils, Geology, Geologic Hazard and Wastewater Study prepared by Intech Engineering Inc., dated April 29, 2019, and is held in the Saddlehorn (824 Acres) Preliminary Plan File (SP-19-006) at the El Paso County Planning and Community Development Department. The Final Plans will provide more detailed analysis and will identify any additional mitigation or additional no build areas.
- Prior to construction of proposed residences, lot-specific subsurface soil investigations will be performed to determine whether or not shallow groundwater, hydro-compacted soils, and/or potentially expansive soils are present on the lot, and for use in design of individual foundations, floor systems, subsurface drainage, and pavements, and/or if lot-specific recommendations are necessary to mitigate these conditions. If engineered foundations are required to address geological hazards, an engineered site plan will be required.
- All Tracts are to be owned and maintained by the Saddlehorn Ranch Metropolitan District. Tracts include landscape easements, drainage tracts and open space tracts. Within these are stormwater facilities, detention ponds, utilities, fences, parks and recreational facilities, trails, mailbox clusters, and other uses. The Saddlehorn Ranch Metropolitan District will be responsible for enforcement of the Covenants, Conditions and Restrictions (CC&Rs) for the Saddlehorn Ranch Subdivision.
- The CC&Rs for Saddlehorn Ranch will address land use and maintenance of common areas, permitted and accessory uses, architectural standards for principal and accessory structures, use and maintenance of easements within lots and common areas, external storage and parking, lot fencing and landscaping standards that address fire-wise criteria and encourage water conservation. Unless otherwise restricted by the CC&Rs, all accessory uses, buildings and structures must comply with requirements set out in Chapter 5 of the El Paso County Land Development Code, as amended.
- All trails within the open space will be available for public use.
- All streets shall be named and constructed to El Paso County standards, dedicated to El Paso County for and upon acceptance by El Paso County, shall be maintained by El Paso County Department of Public Works except for landscape areas which shall be maintained by the Saddlehorn Ranch Metropolitan District.
- Four (4) deviation requests have been submitted prior to the Final Plat submittal. The first is for a cul-de-sac length exceeding 1,600', which will tie into a roadway in a subsequent filing. The second is for Curtis Road (reduction in EGM required shoulder width from 8' to 2'). The third is for Judge Orr Road, a deviation is requested to leave the roadway configuration as it exists, rather than expanding it to 4 lanes. The fourth is for centerline radii on proposed Zaragoza Trail.
- The Saddlehorn Ranch Subdivision overall density is .2 - .3 DU/ AC, on 816.475 Acres, for a total of 218 Units.
- The phasing, development scheduling and build-out will be based upon market and economic conditions. Development areas may overlap one another allowing constant and continuous growth of the site as market trends dictate. Utilities and improvements will be provided as needed for development.
- Development of this property shall be in accordance with this Preliminary Plan. Modifications are subject to review and approval by the El Paso County Board of County Commissioners unless otherwise provided by the EPC Land Development Code.
- Central Water services to be provided by the Saddlehorn Ranch Metropolitan District. Wastewater accommodated by on-site septic.
- Final trail alignment to be determined in the field based on grade, vegetation, and other existing site features.
- All electric service shall be provided by Mountain View Electric Association. All tracts through which MVEA utilities are located will be given easements as required.
- Gas service shall be provided by Colorado Springs Utilities.
- Site lighting will meet the requirements set forth in Section 6.2.3 of the El Paso County Land Development Code, as amended.
- Public Utility Drainage Easements shall be provided on all lots as indicated on the drawings and/or as shown within the details.
- Per the Department of the Army Albuquerque District, Corps of Engineers Action No. SPA-2005-00801 dated May 16, 2011 the site does not contain any jurisdictional waters of the United States. Therefore, it will not require Department of the Army authorization under Section 404 of the Clean Water Act (CWA).
- All mailbox design and locations (including Type 1, Type 2 and/or Type 3) will be determined with each final plat and in coordination with the U.S. Postal Service. A Work in the Right-of-Way Permit and license agreement shall be obtained from the ECM Administrator to locate either Type 2 or Type 3 mailboxes within the County's right-of-way.
- The lot layout is a graphic representation and preliminary in nature. The final lot layout will be depicted via Final Plat submittal.
- Unless otherwise indicated, all side, front, and rear lot lines are hereby platted on either side with a 10 foot public utility and drainage easement unless otherwise indicated. All exterior subdivision boundaries are hereby platted with a 20 foot public utility and drainage easement. The sole responsibility for maintenance of these easements is hereby vested with the individual property owners.
- All property within this subdivision is within the boundaries of the Falcon/Peyton Small Area Plan.
- Approved Base Flood Elevations (BFEs) are required to be obtained for any plats in or within 300 feet of the floodplain in the northeast corner.

## SETBACKS FOR RR-2.5 RURAL RESIDENTIAL LOTS

**Maximum Lot Coverage:** 10,900 square feet is the maximum impervious lot coverage on lots not draining to a full spectrum detention pond to comply with MS4 permit.

**Front yard:** Twenty-five (25) feet

**Side yard:** Fifteen (15) feet

**Rear yard:** Twenty-five (25) feet

**Width at front setback line:** Two hundred (200) feet

**Maximum height:** Thirty (30) feet

**Minimum Lot Area:** 2.5 Acres

## STREETS

- All streets shall be named and constructed to El Paso County standards, dedicated to El Paso County for and upon acceptance by El Paso County, shall be maintained by El Paso County Department of Public Works except for landscape areas which shall be maintained by the Saddlehorn Ranch Metropolitan District.
- All landscaping within the public rights-of-way will be maintained by the Saddlehorn Ranch Metropolitan District via a Development Agreement, License Agreement or Inter-Governmental Agreement.
- All street names subject to change.
- A Roadway Geometry Plan (RGP) has been added to be part of the Preliminary Plan submittal. It is a separate set of two (2) plan sheets. The RGP includes centerline geometry, proposed high points, proposed low points, lots, property lines, adjacent roadways, street names and roadway slopes.

## SHEET INDEX

Cover Sheet	Sheet 1
Phasing Plan (North)	Sheet 2
Phasing Plan (South)	Sheet 3
Site Plan (North)	Sheet 4
Site Plan (South)	Sheet 5

## PHASING CHART

AREA	ACRES	DWELLING UNITS	GROSS DENSITY (DU/ AC)
PHASE 1	176.98	49	.277
PHASE 2	131.80	42	.319
PHASE 3	175.29	44	.251
PHASE 4	163.91	42	.256
PHASE 5	168.50	41	.243
TOTAL	816.48	218	.267

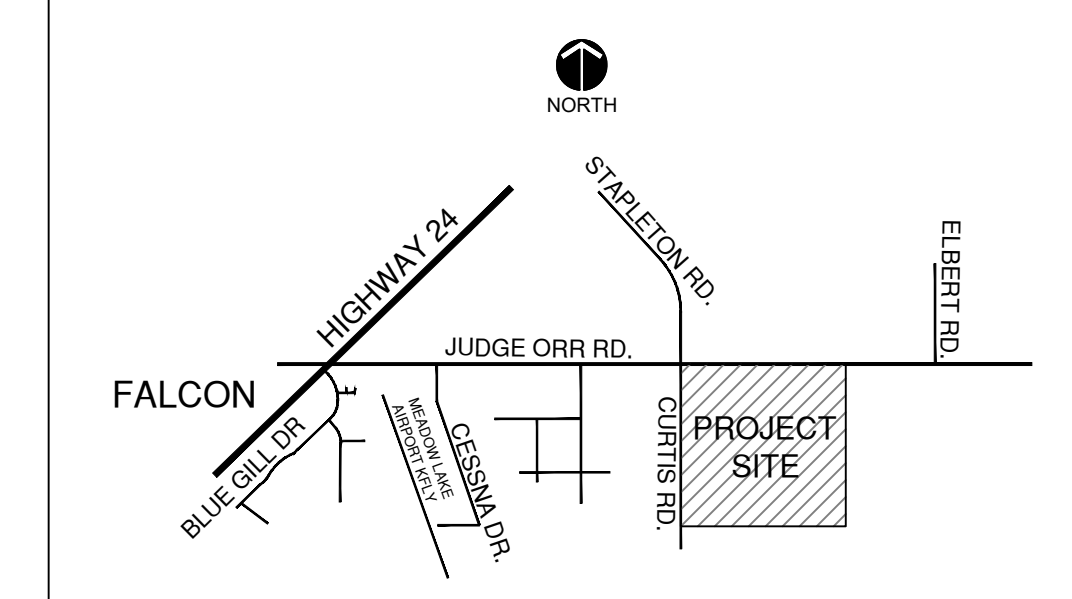
## DEVELOPMENT DATA

EXISTING/ PROPOSED ZONING:	RR-2.5 (RESIDENTIAL RURAL)
TOTAL GROSS AREA:	816.475 Acres
TOTAL SITE ACREAGE	218 Units
GROSS DENSITY	.267 D.U./AC.
NET DENSITY (LESS R.O.W., PONDS, AND OPEN SPACE)	.357 D.U./AC.

## LAND USE TABLE

TYPE OF USE	# ACRES	% OF PROPERTY	REQUIRED	PROVIDED
DETACHED SINGLE FAMILY LOTS (218 Units max)	608.98 AC	74.6%	N/A	
RIGHTS-OF-WAY	59.98 AC	7.3%	N/A	
PONDS (ponds are located within the lots)	13.19 AC	1.6%		
TRACT 'A' OPEN SPACE	13.02 AC			
TRACT 'B' OPEN SPACE	7.24 AC			
TRACT 'C' OPEN SPACE (includes 25.34 acres NUD**)	59.79 AC			
TRACT 'D' OPEN SPACE (includes 3.46 acres NUD**)	19.31 AC			
TRACT 'E' OPEN SPACE (includes 17.84 acres JD***)	31.03 AC			
TRACT 'F' OPEN SPACE	2.04 AC			
TRACT 'G' UTILITY TRACT	1.90 AC			
OPEN SPACE (ALL USES)	134.33 AC	16.5%		
TOTAL	816.48 AC	100%		

## Vicinity Map :



## Owner:

ROI PROPERTY GROUP, LLC.  
ATTN: Rob Fuller  
Napa, CA 94558  
Phone: 707-365-6891

## Planner

WILLIAM GUMAN & ASSOCIATES LTD.  
731 North Weber Street, Suite 10  
Colorado Springs, Colorado 80903  
Phone: 719-633-9700

## Surveyor

CLARK LAND SURVEYING  
119 Wahsatch Avenue,  
Colorado Springs, Colorado 80903  
Phone: 719-633-8533

## Engineers and Consultants

LSC TRANSPORTATION CONSULTANTS, INC.  
545 E Pikes Peak Ave, Ste. 210  
Colorado Springs, Colorado 80903  
Phone: 719-633-2868

## JR ENGINEERING

5475 Tech Center Dr, Ste. 235  
Colorado Springs, Colorado 80919  
Phone: 719-593-2593

## JDS-HYDRO

5540 Tech Center Drive, Ste. 100  
Colorado Springs, Colorado 80919  
Phone: 719-227-0072

## ECOSYSTEM SERVICES, INC.

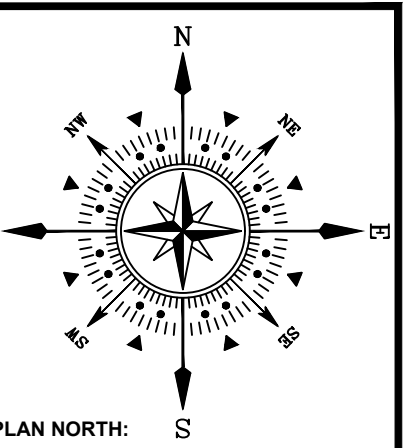
11712 Montgomery Circle  
Longmont, Colorado 80504  
Phone: 970-812-3267

## SGM

118 W Sixth St, Ste. 200  
Glenwood Springs, Colorado 81601  
Phone: 970-384-9067

**William Guman & Associates, Ltd.**  
LANDSCAPE ARCHITECTURE  
731 North Weber Street  
Colorado Springs, CO 80903  
(719) 633-9700  
www.GumanLtd.com  
bill@guman.net

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PLAN NORTH:

**Saddlehorn Ranch Subdivision**  
**Peyton, CO 80831**  
PROJECT NAME:  
PROJECT ADDRESS:  
PROJECT DESCRIPTION: PLP

DATE: 09/14/2018  
DESIGNED: WFG  
CHECKED: GEM

REVISIONS:	DATE:	BY:	DESCRIPTION:
	09/18/2019	GEM	RESPOND TO INITIAL REVIEW COMMENTS
	05/08/2020	GEM	RESPOND TO SECOND REVIEW COMMENTS
	01/14/2021	GEM	TRACT 'G' CALLED OUT AS UTILITY TRACT

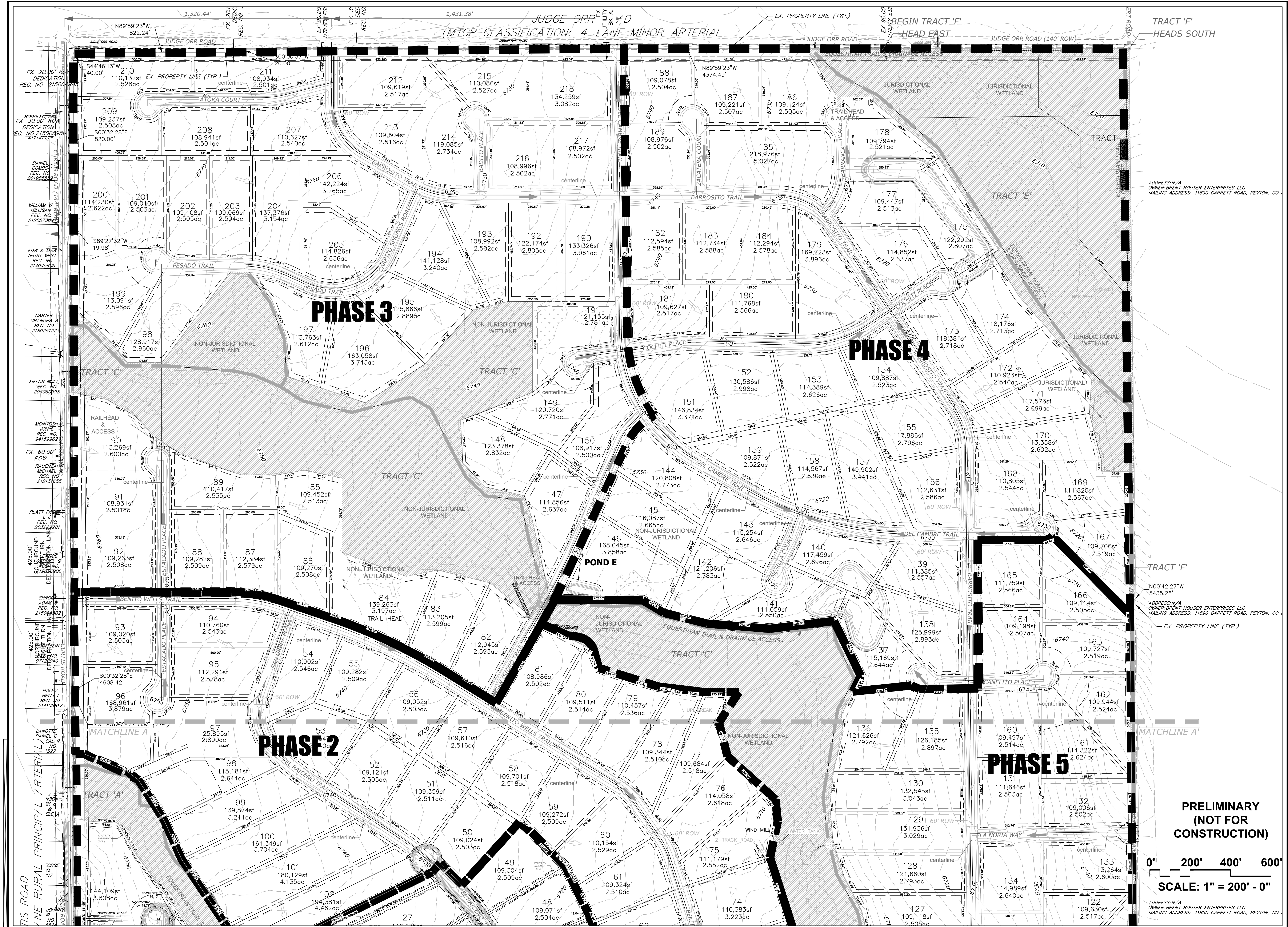
NOTES:

PLAN SCALE: 1" = 200' (OR AS NOTED ON PLAN)

SHEET TITLE:  
**COVER SHEET**

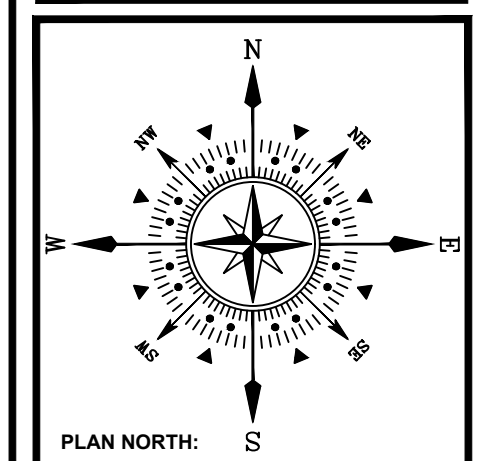
SHEET NO.  
**1**  
1 of 5 SHEETS

FILE NO. SP-19-006



**William Guman & Associates, Ltd.**  
 LANDSCAPE ARCHITECTURE  
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 Colorado Springs, CO 80903  
 (719) 633-9700  
 www.GumanLtd.com  
 bill@guman.net

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**PROJECT DESCRIPTION:** PLP

**DATE:** 09/14/2018  
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**CHECKED BY:** GEM

**REVISIONS:**

DATE:	BY:	DESCRIPTION:
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05/08/2020	GEM	RESPOND TO SECOND REVIEW COMMENTS

**NOTES:**

**PLAN SCALE:** 1" = 200' (OR AS NOTED ON PLAN)

**SHEET TITLE:** PHASING PLAN (NORTH)

**SHEET NO.:** 2  
 2 OF 5 SHEETS

**FILE NO.:** SP-19-006

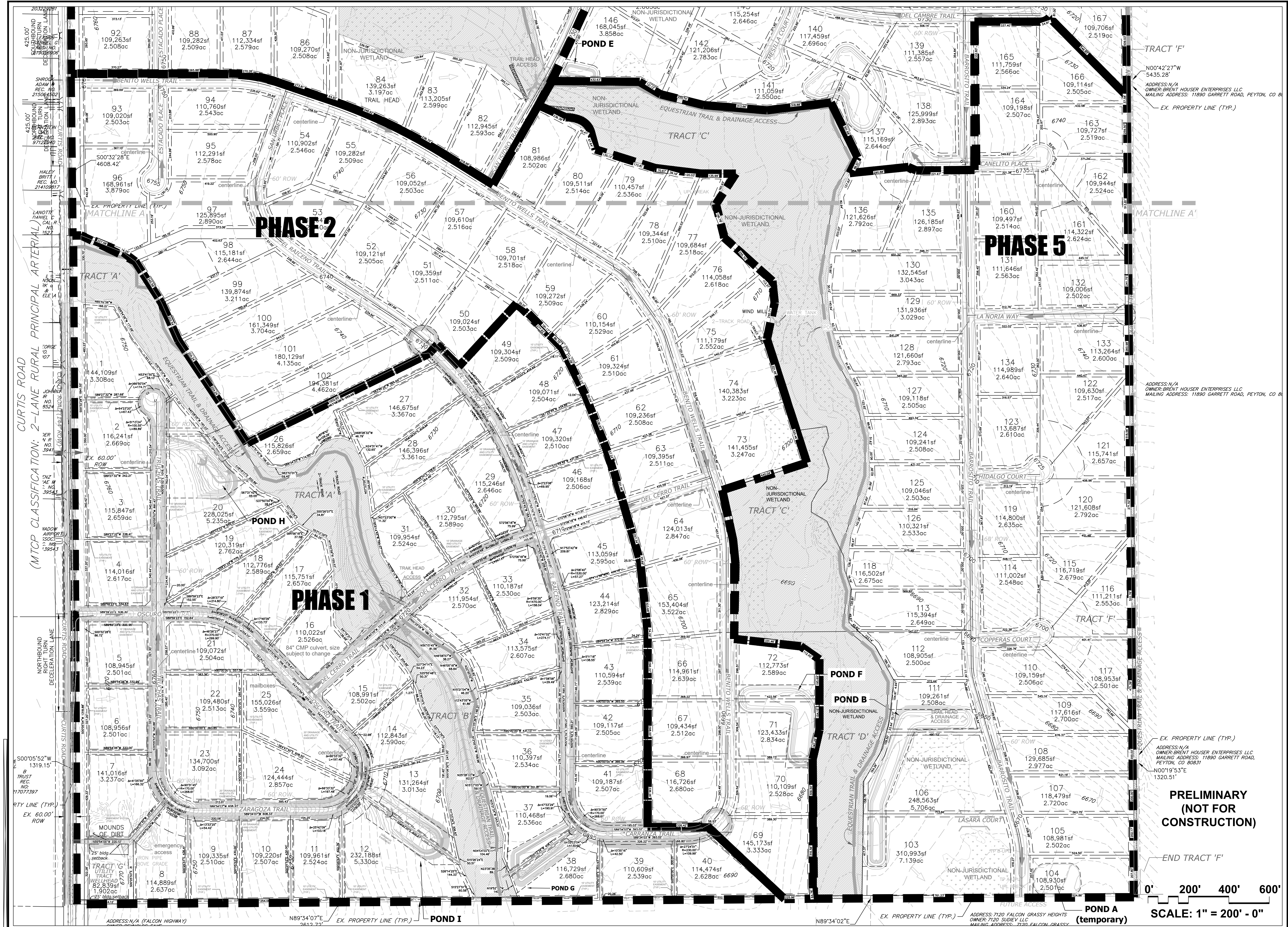
ADDRESS: N/A  
 OWNER: BRENT HOUSER ENTERPRISES LLC  
 MAILING ADDRESS: 11890 GARRETT ROAD, PEYTON, CO

ADDRESS: N/A  
 OWNER: BRENT HOUSER ENTERPRISES LLC  
 MAILING ADDRESS: 11890 GARRETT ROAD, PEYTON, CO

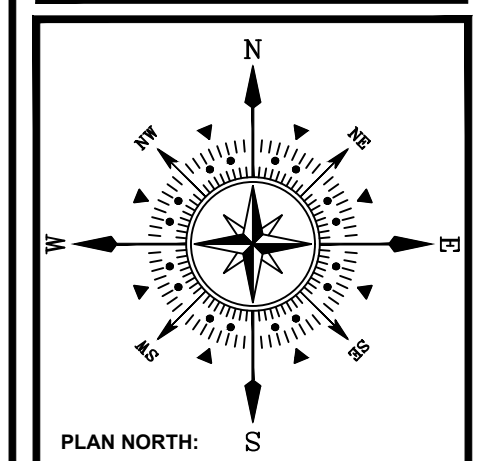
**PRELIMINARY (NOT FOR CONSTRUCTION)**

0' 200' 400' 600'  
**SCALE: 1" = 200' - 0"**

ADDRESS: N/A  
 OWNER: BRENT HOUSER ENTERPRISES LLC  
 MAILING ADDRESS: 11890 GARRETT ROAD, PEYTON, CO



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**Saddlehorn Ranch Subdivision**  
**Peyton, CO 80831**  
 PROJECT NAME: Saddlehorn Ranch Subdivision  
 PROJECT ADDRESS: 11890 GARRETT ROAD, PEYTON, CO 80831  
 PROJECT DESCRIPTION: PLP

DATE: 09/14/2018  
 DESIGNED: WFG  
 CHECKED: GEM

REVISIONS:	DATE:	BY:	DESCRIPTION:
09/18/2019	GEM		RESPOND TO INITIAL REVIEW COMMENTS
05/08/2020	GEM		RESPOND TO SECOND REVIEW COMMENTS
01/14/2021	GEM		TRACT G IS SHOWN AS A UTILITY TRACT
01/14/2021	GEM		29 BLDG SETBACK ADDED TO UTILITY TRACT G

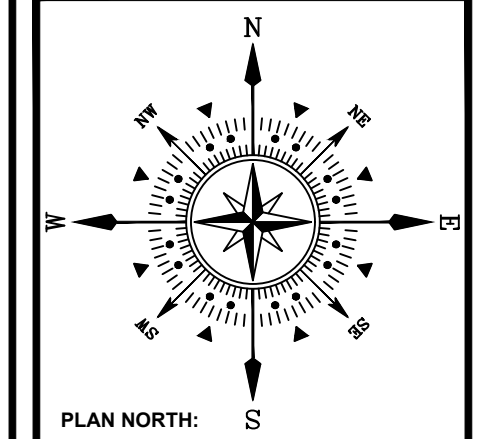
PLAN SCALE: 1" = 200' (OR AS NOTED ON PLAN)

SHEET TITLE: PHASING PLAN (SOUTH)  
 SHEET NO. 3  
 FILE NO. SP-19-006

**PRELIMINARY (NOT FOR CONSTRUCTION)**

SCALE: 1" = 200' - 0"

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**Saddlehorn Ranch Subdivision Peyton, CO 80831**  
 PROJECT NAME: Saddlehorn Ranch Subdivision Peyton, CO 80831  
 PROJECT ADDRESS: 11890 GARRETT ROAD, PEYTON, CO 80831  
 PROJECT DESCRIPTION: PLP

DATE: 09/14/2018  
 DESIGNED: WFG  
 CHECKED: GEM

**NO LOT SHALL ENCR OACH INTO ANY FLOODPLAIN AND/OR WETLAND**

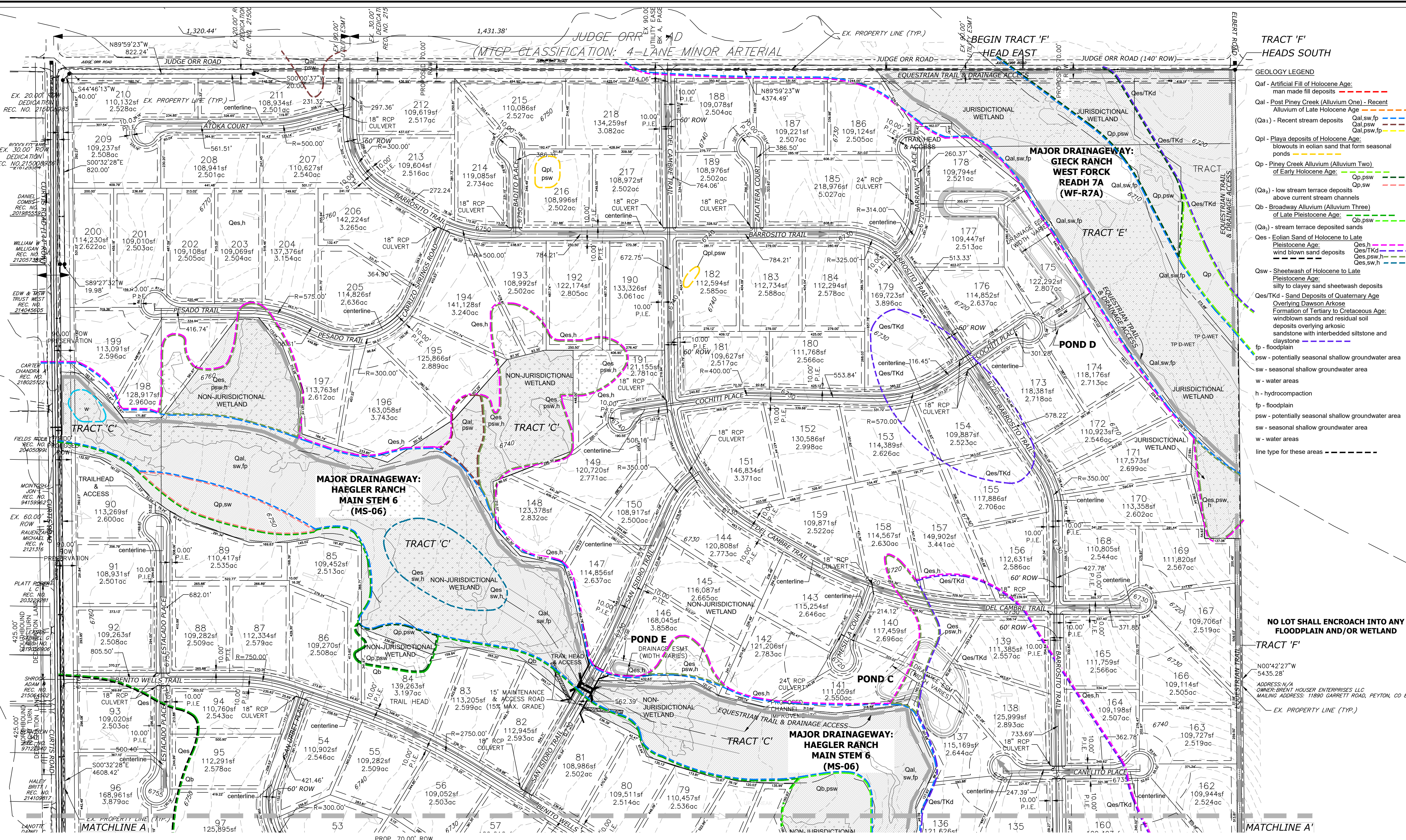
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	05/08/2020	GEM	RESPOND TO SECOND REVIEW COMMENTS

PLAN SCALE: 1" = 200' (OR AS NOTED ON PLAN)

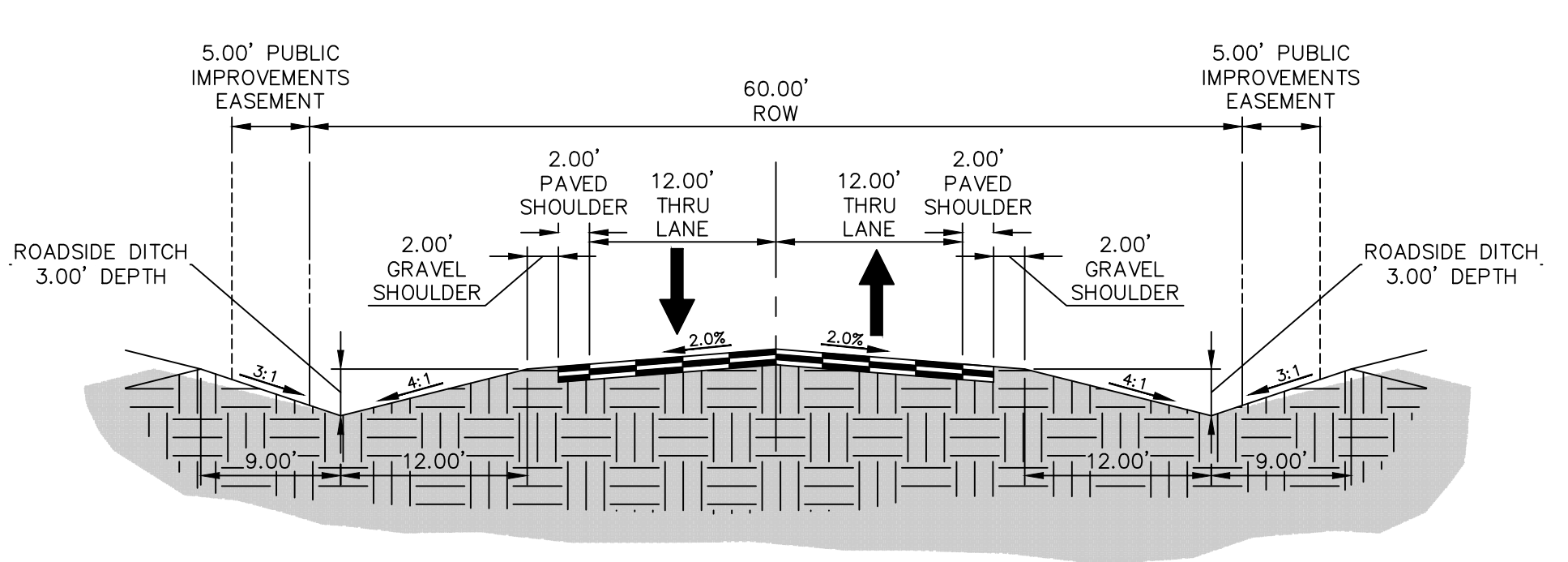
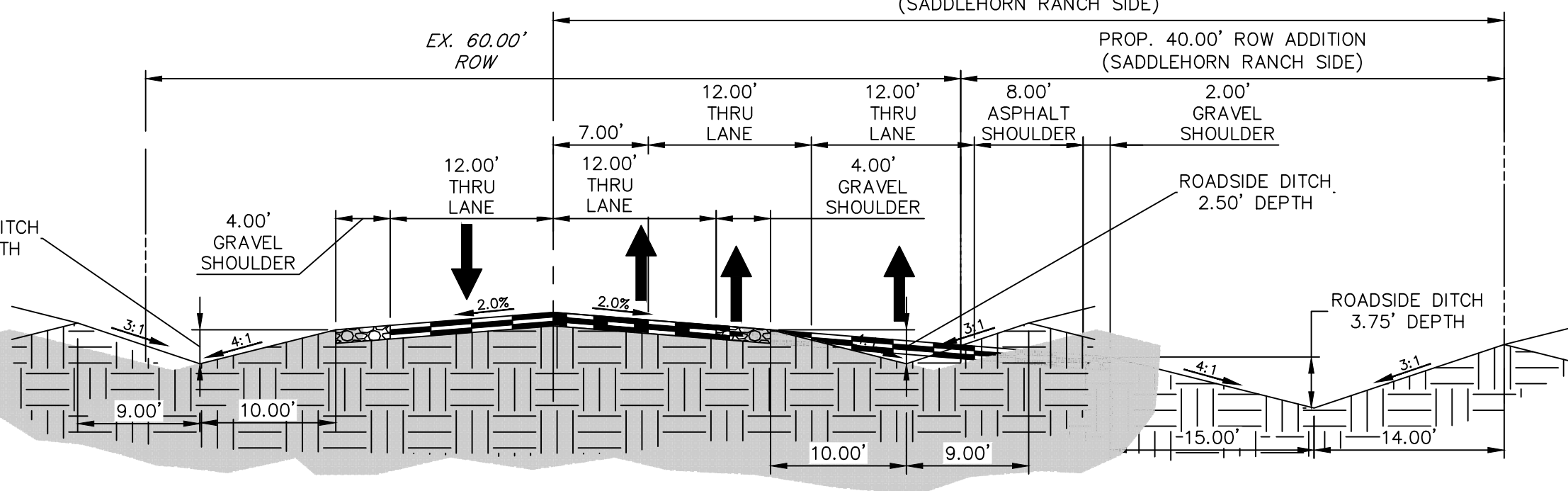
SHEET TITLE: **SITE PLAN (NORTH)**

SHEET NO. **4**  
 4 OF 5 SHEETS

FILE NO. SP-19-006



- TRACT 'F' HEADS SOUTH**
- GEOLOGY LEGEND**
- Qal - Artificial Fill of Holocene Age: man made fill deposits
  - Qal - Post Piney Creek (Alluvium One) - Recent Alluvium of Late Holocene Age
  - (Qa1) - Recent stream deposits
  - Qpl - Playa deposits of Holocene Age: blowouts in eolian sand that form seasonal ponds
  - Qp - Piney Creek Alluvium (Alluvium Two) of Early Holocene Age
  - (Qa2) - low stream terrace deposits above current stream channels
  - Qb - Broadway Alluvium (Alluvium Three) of Late Pleistocene Age
  - (Qa3) - stream terrace deposited sands
  - Qes - Eolian Sand of Holocene to Late Pleistocene Age
  - QesTKd - wind blown sand deposits
  - Qsw - Sheetwash of Holocene to Late Pleistocene Age
  - QesTKd - silty to clay sand sheetwash deposits
  - QesTKd - Sand Deposits of Quaternary Age Overlying Dawson Arkose
  - QesTKd - Formation of Tertiary to Cretaceous Age: windblown sands and residual soil deposits overlying arkosic sandstone with interbedded siltstone and claystone
  - fp - floodplain
  - psw - potentially seasonal shallow groundwater area
  - sw - seasonal shallow groundwater area
  - w - water areas
  - h - hydrocompaction
  - fp - floodplain
  - psw - potentially seasonal shallow groundwater area
  - sw - seasonal shallow groundwater area
  - w - water areas
- line type for these areas - - - - -



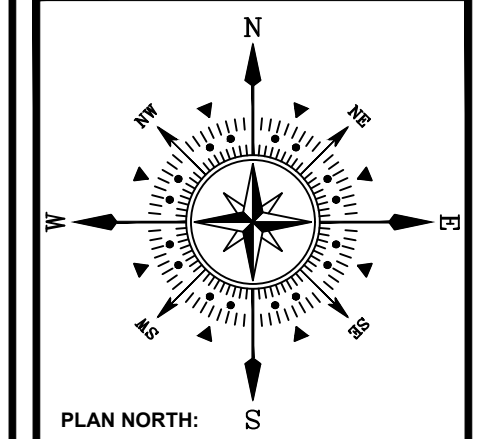
**PRELIMINARY (NOT FOR CONSTRUCTION)**

0' 200' 400' 600'

SCALE: 1" = 200' - 0"



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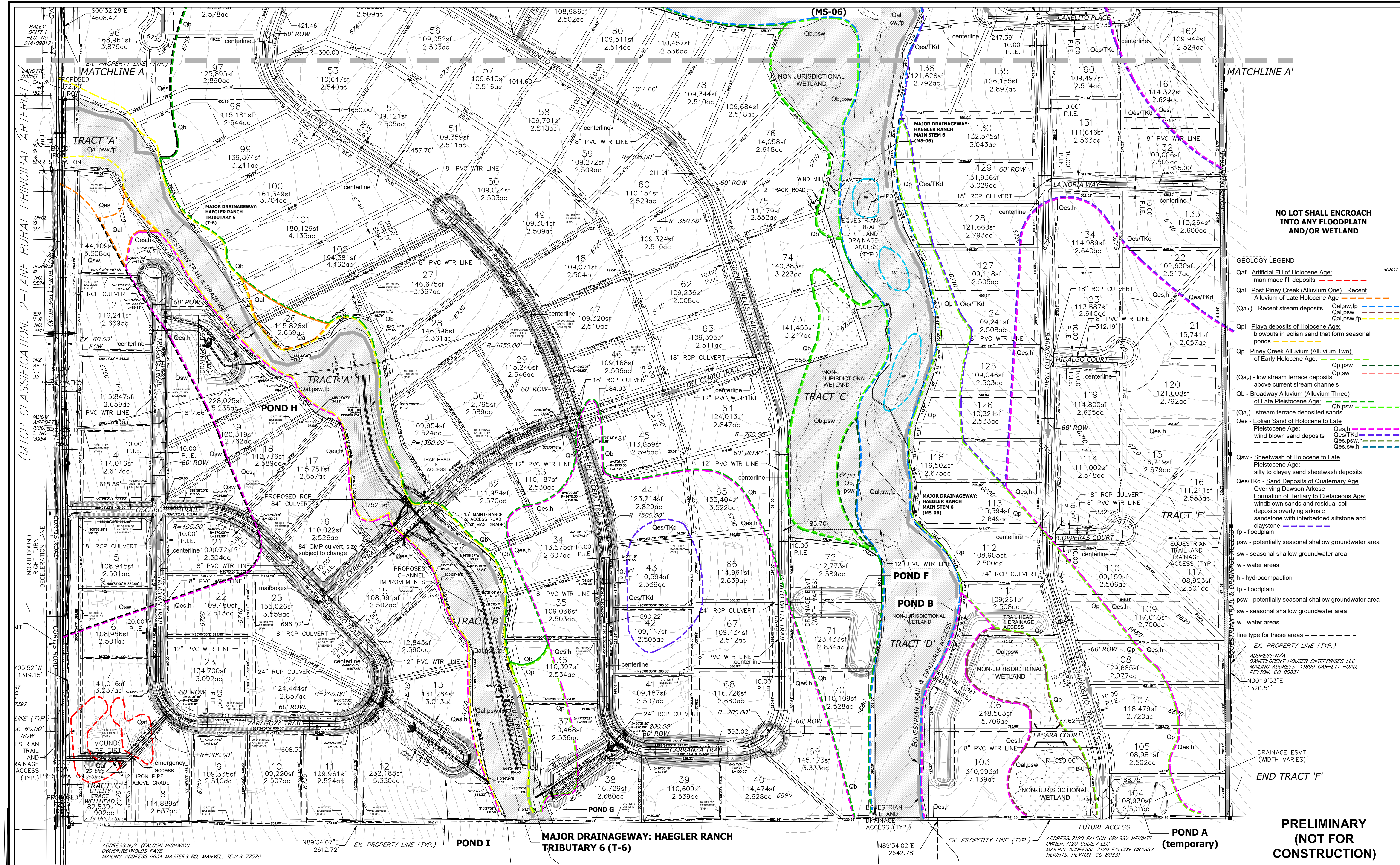


**Saddlehorn Ranch Subdivision Peyton, CO 80831**  
 PROJECT NAME: Saddlehorn Ranch Subdivision Peyton, CO 80831  
 PROJECT ADDRESS: 1190 GARRETT ROAD, PEYTON, CO 80831  
 PROJECT DESCRIPTION: PLP

DATE: 09/14/2018  
 DESIGNED: WFG  
 CHECKED: GEM

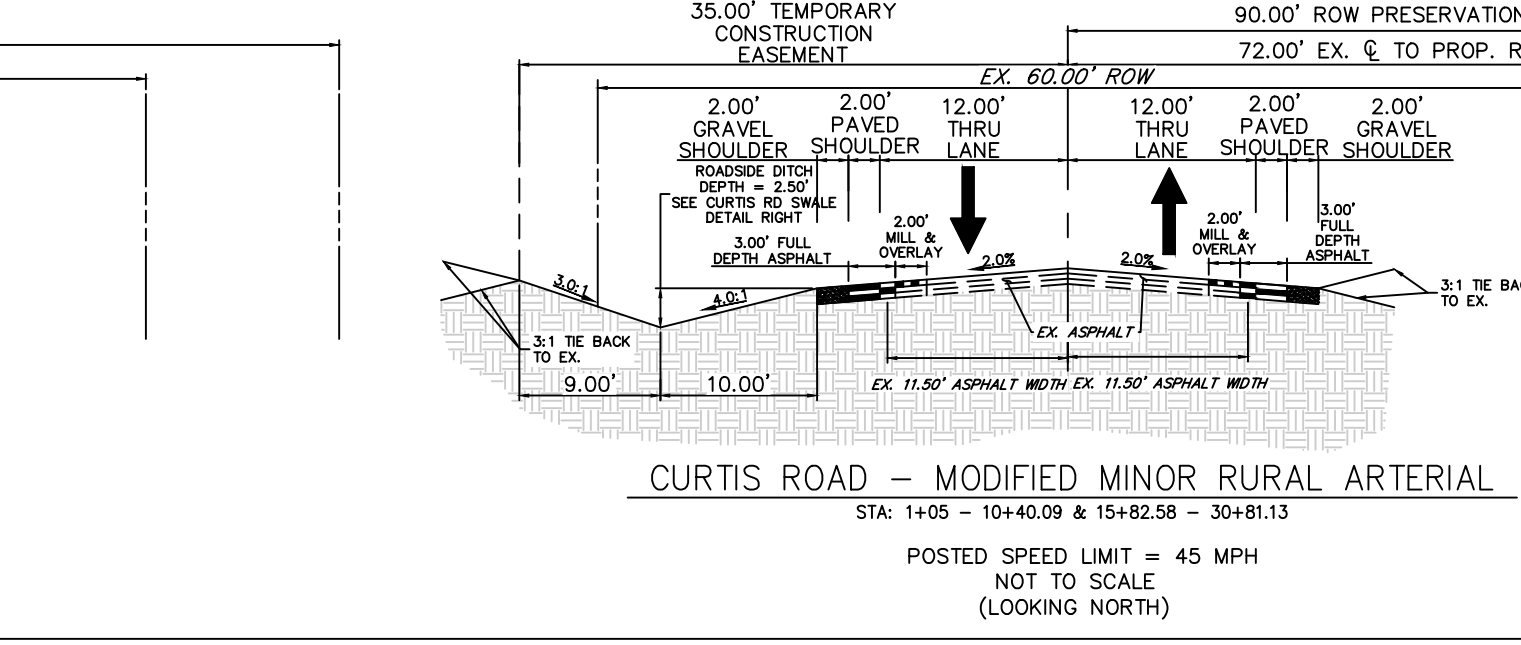
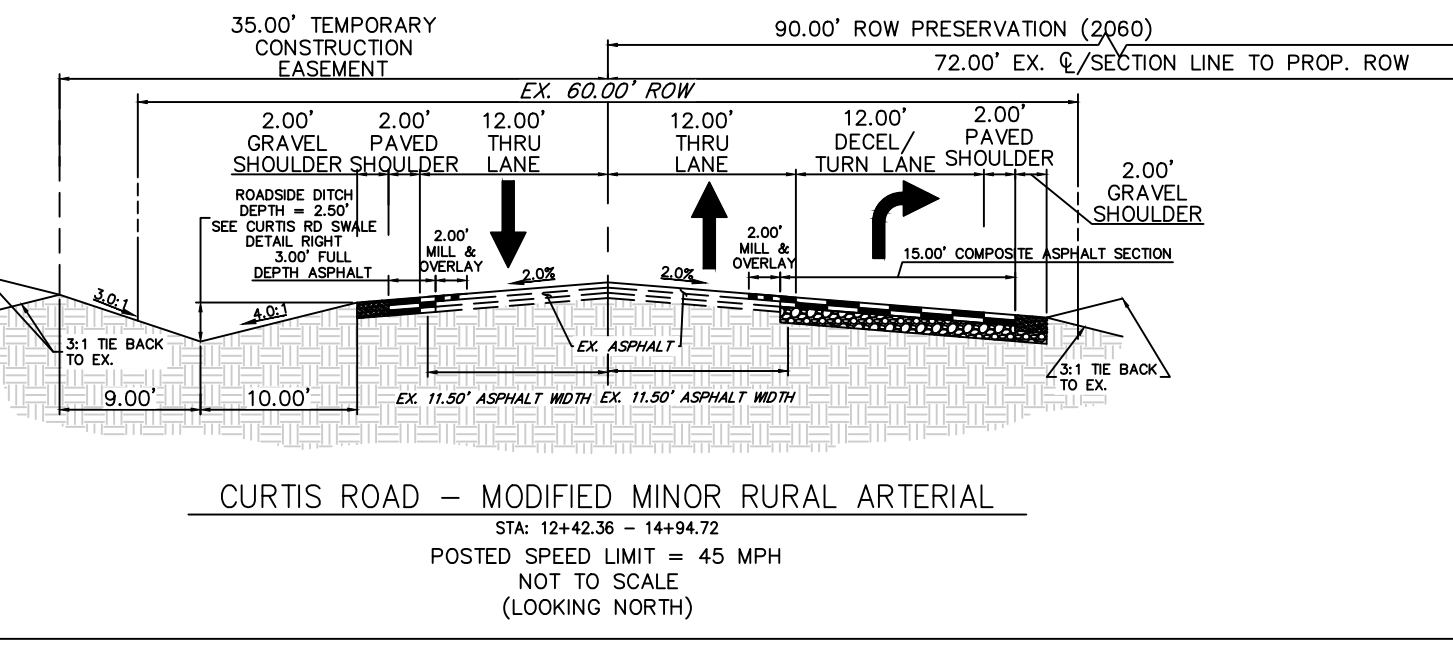
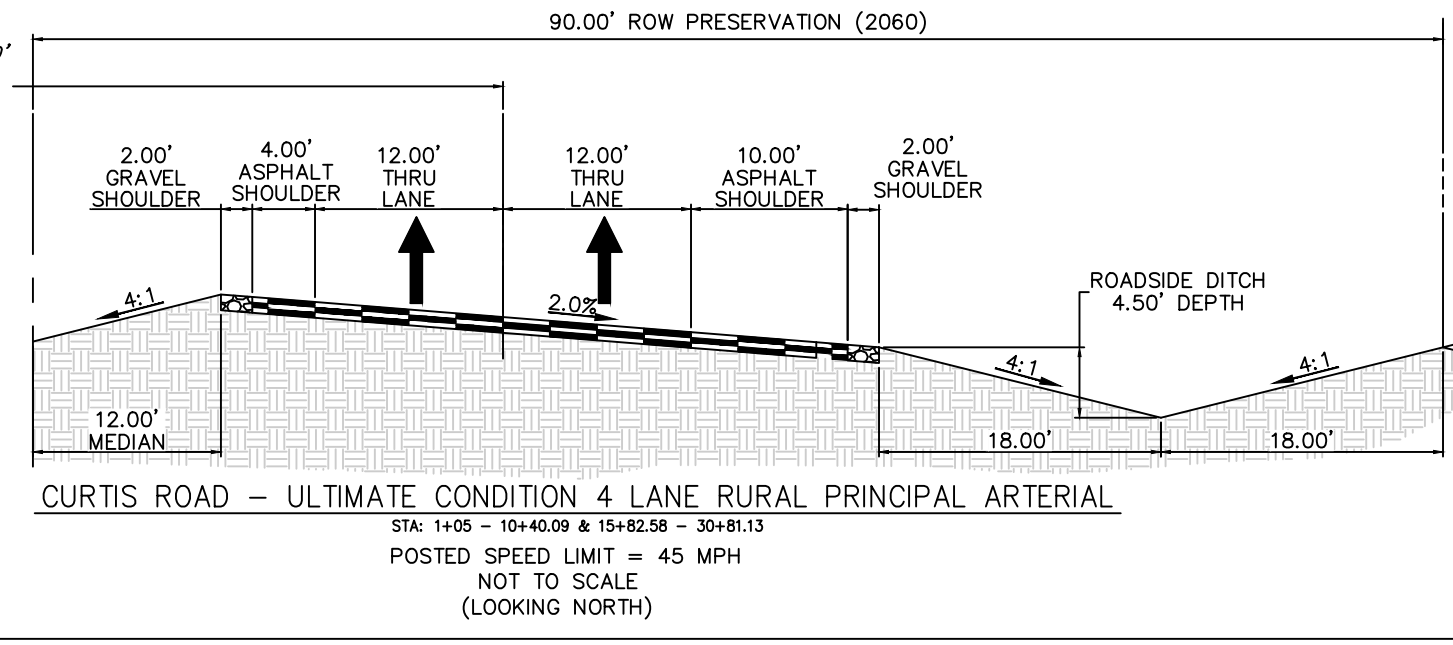
DATE	BY	DESCRIPTION
09/18/2019	GEM	RESPOND TO INITIAL REVIEW COMMENTS
05/08/2020	GEM	RESPOND TO SECOND REVIEW COMMENTS
01/14/2021	GEM	TRACT G IS SHOWN AS A UTILITY TRACT
01/14/2021	GEM	23 BLDG SETBACK ADDED TO UTILITY TRACT G

PLANNING SCALE: 1" = 200' (OR AS NOTED ON PLAN)  
 SHEET TITLE: SITE PLAN (SOUTH)  
 SHEET NO. 5  
 5 OF 5 SHEETS  
 FILE NO. SP-19-006



**NO LOT SHALL ENCRoACH INTO ANY FLOODPLAIN AND/OR WETLAND**

- GEOLOGY LEGEND**
- Qal - Artificial Fill of Holocene Age: man made fill deposits
  - Qal - Post Piney Creek (Alluvium One) - Recent Alluvium of Late Holocene Age
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  - h - hydrocompaction
  - fp - floodplain
  - psw - potentially seasonal shallow groundwater area
  - sw - seasonal shallow groundwater area
  - w - water areas
- line type for these areas - - - - -
- EX. PROPERTY LINE (TYP.)  
 ADDRESS: N/A  
 OWNER: BRENT HOUSER ENTERPRISES LLC  
 MAILING ADDRESS: 1190 GARRETT ROAD, PEYTON, CO 80831  
 N00°19'53"E  
 1320.51'



0' 200' 400' 600'  
 SCALE: 1" = 200' - 0"



November 19, 2020

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

RE: Saddlehorn Ranch Subdivision (a.k.a. 824 Acre Curtis Road Subdivision)  
El Paso County Case No. SP196 and Final Plat Case No. SF1912  
Section 3 and the N ½ of the N ½ of Section 10, T13S, R64W, 6th P.M. Water Division 2,  
Water District 10  
Upper Black Squirrel Creek Designated Basin

Dear Ms. Ruiz:

We have reviewed your November 4, 2020 submittal concerning the above referenced proposal for the development of 816.5 acres into 218 single family lots, including roads, drainage facilities, and utilities. We previously provided comments to this proposed development by our letters dated May 30, 2019, June 6, 2019, and October 9, 2019, when the proposal was to subdivide the 816.5 acres into 224 single-family lots, and our letter dated March 18, 2020. This letter replaces our previous comment letters.

### Water Supply Demand

According to the submitted JDS-Hydro Water Resources & Wastewater Report revised September 2020 (“Water Resource Report”) the total estimated water requirement is 146.06 acre-feet/year based on a demand per lot of 0.67 acre-feet/year. In addition, the Water Supply Information Summary Sheet (“Sheet”) included in the referral material indicates that the total estimated water requirement is 130,394 gallons/day or 146.06 acre-feet/year also based on a demand per lot of 0.67 acre-feet/year. The irrigation demand of the residential lots is included in the total demand per lot.

Based on the August 28, 2020 Will-Serve letter Saddlehorn Ranch Metropolitan District (District) is willing to provide treated water for domestic purposes for 216 residential lots. It is unclear how the remaining 2 lots will be served.

### Source of Water Supply

The proposed water supply for this subdivision appears to be the District. According to the submitted information it appears that the water source to be used by the District is the Arapahoe and Laramie-Fox Hills aquifers that is the subject of Determination of Water Rights Nos. 458-BD and 457-BD, respectively, to be provided by a central system. It is unclear if this water has been transferred to the District.

The subdivision lies within the allowed places of use of Determination of Water Right nos. 458-BD and 457-BD, and the proposed uses are uses allowed by those Determinations.



Determination of water Rights No. 457-BD allows for an average annual diversion of 2,347 acre-feet for a maximum of 100 years and the Determination of Water Right No. 458-BD allows for an annual average diversion of 2,719 acre-feet for a maximum 100 years. According to a Water Rights Deed signed on August 30, 2018 that is contained within Exhibit E of the Water Resources Report the developer owns only 243.83 acre-feet/year of Determination of Water Right no. 458-BD and 210.47 acre-feet/year of Determination of Water Right no. 457-BD.

The proposed sources of water for this development are bedrock aquifers in the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which the bedrock aquifer sources will be a physically and economically viable source of water. According to 37-90-107(7)(a), C.R.S., "Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years." Based on this allocation approach, the annual amounts of water determined in Determination of Water Right Nos. 458-BD and 457-BD 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 allowed average annual amount of withdrawal of 243.83 acre-feet/year from the Arapahoe aquifer (458-BD) that the developer owns and 210.47 acre-feet/year from the Laramie-Fox Hills aquifer (457-BD) that the developer owns would be reduced to one-third of those amounts, or 81.28 acre-feet/year from the Arapahoe aquifer and 70.16 acre-feet/year from the Laramie-Fox Hills aquifer. As a result, the water may be withdrawn in those annual amounts for a maximum of 300 years.

The proposed annual water supply of 151.44 acre-feet/year (81.28 acre-feet/year from the Arapahoe aquifer plus 70.16 acre-feet/year from the Laramie-Fox Hills aquifer) is more than the estimated annual demand of 146.06 acre-feet/year.

### **State Engineer's Office Opinion**

Based upon the above and pursuant to Sections 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 water rights, as long as the District is committed to serving all 218 lots and the water associated with Determination nos. 457-BD and 458-BD, described above, is transferred to the District prior to subdivision approval.

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 the demands of the proposed subdivision. Our opinion is qualified by the following:

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

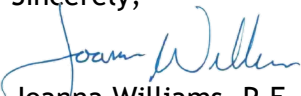
### **Additional Comments**

Information provided with the submittal indicates that two existing wells, permit nos. 66937-F and 66938-F, are owned by the developer and will be used to supply the subdivision. Well permit no. 66937-F allows for an annual withdrawal of 1,600 acre-feet/year from the Arapahoe aquifer pursuant to Determination of Water Right no. 458-BD, and well permit no. 66938-F allows for an annual withdrawal of 800 acre-feet/year from the Laramie-Fox Hills aquifer pursuant to Determination of Water Right no. 457-BD. As mentioned in our previous letter dated March 18, 2020, since the developer does not own the amount of the right for which the permits are issued the developer must obtain new well permits in accordance with Section 37-90-107(7) C.R.S., for the amounts owned and request that permit nos. 66937-F and 66938-F be cancelled.

Further, the submittal indicates that a storm water detention structure will be constructed as a part of this project. The applicant should be aware that, unless the structure can meet the requirements of a “storm water detention and infiltration facility” as defined in Designated Basin Rule 5.11, the structure may be subject to administration by this office. The applicant should review Rule 5.11 to determine whether the structure meets the requirements of the Rule and ensure any notification requirement is met.

If you, or the applicant, have any questions, please contact Ioana Comaniciu at 303-866-3581 ext. 8246.

Sincerely,



Joanna Williams, P.E.

Water Resource Engineer

Ec: Division 2  
Referral no. 26492  
Well permit nos. 66937-F & 66938-F  
Saddlehorn Ranch\_Nov2020.docx

# EL PASO COUNTY



## OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

**Diana K. May, County Attorney**

### Assistant County Attorneys

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Lisa A. Kirkman  
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Mary Ritchie  
Bryan E. Schmid  
Nathan J. Whitney  
Michael J. Desmond  
Christopher M. Strider  
Terry A. Sample

February 28, 2021

SP-19-6 Saddlehorn Ranch Subdivision  
Preliminary Plan

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

### **FINDINGS AND CONCLUSIONS:**

1. This is a proposal by the ROI Property Group, LLC ("Applicant"), for a Preliminary Plan to subdivide approximately 816 +/- acres of land (the "Property") into 218 single-family lots, plus open space, wetlands, roads, drainage facilities, and utilities, including a new community central water system. The Property is zoned RR-2.5 (Rural Residential).

2. The water needs for the subdivision will be met through a new community water system which will be operated as a public water system by the Saddlehorn Ranch Metropolitan District Nos. 1-3 (collectively, the "District"). The water supply for the new community water system will derive from the nontributary Arapahoe and Laramie-Fox Hills aquifers, pursuant to Colorado Ground Water Commission Determination Nos. 458-BD (Arapahoe) and 457-BD (Laramie-Fox Hills) ("Determinations"). The Applicant also has water rights available in the Denver aquifer; however, they will not be used in this subdivision so analysis of these water rights will not be provided. Pursuant to the Water Supply Information Summary ("WSIS"), the Applicant estimates its annual water requirements to serve the development at 146.06 acre-feet/year, based on 0.67 acre-feet/year/lot, which includes residential irrigation. The Applicant will need to provide a supply of 43,818 acre-feet of water (146.06 acre-feet/year x 300 years) to meet El Paso County's 300-year water supply requirement.

3. The District provided a Permanent Will-Serve Letter dated September 1, 2020, committing to serve the Saddlehorn Ranch Subdivision that is comprised of "up to

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



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

218 residential lots each having a minimum 2-1/2 acre size and based on this assumption the District intends to provide 146.08 acre-feet of water per year to the Property.”

4. The Applicant also provided a *Water Resources & Wastewater Report for Saddlehorn Ranch Subdivision* dated April 2019 and as Revised September 2020 (“*Report*”) detailing the water supply for Saddlehorn Ranch which highlights the provisions of Determination Nos. 457-BD and 458-BD. The Report indicates that based on the Determinations, the currently available on-site ground water legal source is 198.16 acre-feet/year, based on El Paso County’s 300-year requirement; however, as noted elsewhere herein, Applicant does not own the full entitlements in those Determinations. The available water supply is summarized in the Report as follows:

Aquifer	Determination	Tributary Status	Acreage	Available water per acre (100-year)	Annual Allocation (100 years)	Annual Allocation (300 years)
Arapahoe	458-BD	NT	816.5	0.3908	319.09	<b>106.36</b>
Laramie-Fox Hills	457-BD	NT	816.5	0.3373	275.41	<b>91.80</b>
<b>Total Legal Supply</b>					594.49	<b>198.16</b>

The Determinations provided the following beneficial uses for the water supply: domestic, irrigation, commercial, industrial, recreation, and livestock watering. Determination No. 458-BD (Arapahoe aquifer) permitted maximum water withdrawals in the amount of 2,720 acre-feet/year. Determination No. 457-BD (Laramie-Fox Hills aquifer) permitted maximum water withdrawals in the amount of 2,347 acre-feet/year. The two Determinations dated March 3, 2004, were based on a larger parcel of 6,995 acres. The current Property consists of only 8.966% of the land originally included in the Determinations. The table shown above reflects the available water supply based on the current parcel that is the subject of this subdivision project. The *Report* also states that water demand will be met using two wells – one well in the Arapahoe aquifer and one well in the Laramie-Fox Hills aquifer. The existing well permits are identified as follows: Well Permit No. 66938-F (Laramie-Fox Hills) and Well Permit No. 66937-F (Arapahoe). Based on the State Engineer’s review (see Para. 6 below), these wells must be re-permitted.

The *Report* highlighted the chain of title for the water rights and Determination Nos. 457-BD and 458-BD and are summarized as followed:

- a. Robert C. Norris Family Trust – Determination Nos. 457-BD and 458-BD were issued to Robert C. Norris Family Trust on March 3, 2004;
- b. Andre Brandt, Roger Barrack and Scott Smith – Quiet Title Action filed in the 4<sup>th</sup> Judicial District/El Paso County Court on or about January 5, 2018 – Court

issued Order quieting title and adjudicating water rights to Brand/Barrack/Smith on July 2, 2018;

- c. ROI Property Group, LLC – Water rights deeded to ROI via Water Rights Deed dated August 30, 2018.

5. The Applicant's Letter of Intent (as amended January 21, 2021) confirms that the water for the subdivision will be provided by a new central water system which will be operated and maintained by the Saddlehorn Ranch Metropolitan Districts Nos. 1-3. Since this will be a new public water system, Applicant submitted plans to the Colorado Department of Public Health and Environment ("CDPHE") for review and approval. The Applicant submitted its Preliminary Submittal Package for the Technical, Managerial, and Financial (TMF) Capacity, for the Saddlehorn Ranch Metropolitan District dated October 2020, and its Basis of Design Report ("BDR") for construction design on or about October 6, 2020.

6. In a letter dated November 19, 2020, the State Engineer's Office reviewed the submittal to subdivide 816.5 acres into 218 single family lots (the Engineer noted a discrepancy in the number of lots as being 216 as stated in the District's commitment letter; however, this was an earlier version of a commitment letter, and the correct number is 218 lots). The State Engineer detailed the water demand for the subdivision at 146.06 acre-feet/year based on a demand of 0.67 acre-feet/year/lot. The State Engineer noted the water demand identified in the WSIS which indicates "the total estimated water requirement is 130,394 gallons/day or 146.06 acre-feet/year also based on a demand per lot of 0.67 acre-feet/year. The irrigation demand of the residential lots is included in the total demand per lot." The State Engineer stated that the "proposed water supply for this subdivision appears to be the District. According to the submitted information it appears that the water source to be used by the District is the Arapahoe and Laramie-Fox Hills aquifers that is the subject of Determination of Water Rights Nos. 458-BD and 457-BD, respectively, to be provided by a central system. It is unclear if this water has been transferred to the District." The State Engineer further stated that the subdivision lies within the allowed places of use for Determination Nos. 458-BD and 457-BD and that the proposed uses are allowed. Further, "Determination of Water Rights No. 457-BD allows for an average annual diversion of 2,347 acre-feet for a maximum of 100 years and the Determination of Water Right No. 458-BD allows for an annual average diversion of 2,719 acre-feet for a maximum 100 years. According to a Water Rights Deed signed on August 30, 2018 that is contained within Exhibit E of the Water Resources Report the developer owns only 243.83 acre-feet/year of Determination of Water Right no. 458-BD and 210.47 acre-feet/year of Determination of Water Right no. 457-BD."

The State Engineer noted that the "allowed average annual amount of withdrawal of 243.83 acre-feet/year from the Arapahoe aquifer (458-BD) that the developer owns and 210.47 acre-feet/year from the Laramie-Fox Hills aquifer (457-BD) that the developer owns would be reduced to one-third of those amounts, or 81.28 acre-feet/year from the Arapahoe aquifer and 70.16 acre-feet/year from the Laramie-Fox Hills aquifer. As a

result, the water may be withdrawn in those annual amounts for a maximum of 300 years. The proposed annual water supply of 151.44 acre-feet/year<sup>1</sup> (81.28 acre-feet/year from the Arapahoe aquifer plus 70.16 acre-feet/year from the Laramie-Fox Hills aquifer) is more than the estimated annual demand of 146.06 acre-feet/year.”

The State Engineer also described the 2 wells, identified as Well Permit Nos. 66937-F and 66938-F, which are owned by the developer and will be used by the District to supply water to the subdivision. “Well permit no. 66937-F allows for an annual withdrawal of 1,600 acre-feet/year from the Arapahoe aquifer pursuant to Determination of Water Right no. 458-BD, and well permit no. 66938-F allows for an annual withdrawal of 800 acre-feet/year from the Laramie-Fox Hills aquifer pursuant to Determination of Water Right no. 457-BD to be used in the subdivision by the District.” And further, “since the developer does not own the amount of the right for which the permits are issued the developer must obtain new well permits in accordance with Section 37-90-107(7) C.R.S., for the amounts owned and request that permit nos. 66937-F and 66938-F be cancelled.”

The State Engineer also provided the following advisory to the Applicant regarding the proposed storm water detention structure to be constructed as part of the subdivision: “applicant should be aware that, unless the structure can meet the requirements of a “storm water detention and infiltration facility” as defined in Designated Basin Rule 5.11, the structure may be subject to administration by this office.”

Finally, the State Engineer stated that, “pursuant to Sections 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 water rights, as long as the District is committed to serving all 218 lots and the water associated with Determination nos. 457-BD and 458-BD, described above, is transferred to the District prior to subdivision approval.” And further, it is their 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.”

7. Colorado Ground Water Commission Determination No. 457-BD. Determination No. 457-BD was issued in the name of the Robert C. Norris Family Trust and adjudicates water rights in the Laramie-Fox Hills aquifer underlying the Property. Determination No. 457-BD allows ground water to be withdrawn from the Laramie-Fox Hills aquifer in an annual amount not to exceed 2,347 acre-feet based on a period of 100 years and based on the original parcel size of 6,955.31 acres. The allocation is limited to the following beneficial uses: domestic, irrigation, commercial, industrial, recreation, and

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<sup>1</sup> There is a discrepancy in the amount of water supply available identified in Applicant’s documents. The Water Resources Report by JDS-Hydro dated September 2020 identifies the water supply as 198.16 acre-feet/year. The letter incorporated in the Water Resources Report by Michael Browning dated June 27, 2018 indicates a water supply of 151.44 acre-feet/year which amounts were also cited by the State Engineer’s Office. Since both amounts exceed the water demand of 146.06 acre-feet/year required by the subdivision, this review will analyze based on the water supply of 151.44 acre-feet/year.



livestock watering. Based on Designated Basin Rules, no more than 98% of the amount of ground water withdrawn annually may be consumed. As noted by the State Engineer in Para. 6 above, Applicant only owns 210.47 acre-feet annually of the total amount adjudicated in this Determination.

8. Colorado Ground Water Commission Determination No. 458-BD. Determination No. 458-BD was issued in the name of the Robert C. Norris Family Trust and adjudicates water rights in the Arapahoe aquifer underlying the Property. Determination No. 458-BD allows ground water to be withdrawn from the Arapahoe aquifer in an annual amount not to exceed 2,720 acre-feet based on a period of 100 years and based on the original parcel size of 6,955.31 acres. The allocation is limited to the following beneficial uses: domestic, irrigation, commercial, industrial, recreation, and livestock watering. Based on Designated Basin Rules, no more than 98% of the amount of ground water withdrawn annually may be consumed. As noted by the State Engineer in Para. 6 above, Applicant only owns 243.83 acre-feet annually of the total amount adjudicated in this Determination.

9. Analysis—Quantity: Applicant's water demand for the Saddlehorn Ranch Subdivision is 146.06 acre-feet annually using Arapahoe and Laramie-Fox Hills aquifer water allowed under the Determinations for a total demand of 43,818 acre-feet for the subdivision for 300 years. The Determinations (as pro-rated for the current parcel area) authorizes withdrawal of 151.44 acre-feet (81.28 acre-feet of Arapahoe aquifer and 70.16 acre-feet of Laramie-Fox Hills aquifer) of water annually for a minimum of 300 years, which exceeds the water demand of 146.06 acre-feet annually for 300 years. Therefore, there appears to be a sufficient water supply to meet the water demands of this subdivision.

10. Analysis—Dependability: For new central water systems like the one Applicant proposes for this subdivision, the County Attorney's Office has historically relied on CDPHE's review and approval of TMF capacity and final construction plans for the water system in order to make its dependability findings. CDPHE has changed their interpretation of regulations and policies and timing of their TMF review, and as a result, the County Attorney's Office is no longer able to rely on CDPHE's review for dependability findings as it had previously, and has had to modify its approach to dependability findings. See **Exhibit A, CDPHE Regulations, LDC, & Water Dependability**, attached hereto and incorporated herein by this reference, for additional background and information.

The County Attorney's Office, pursuant to negotiations and agreement with the Applicant, has agreed to **Saddlehorn Ranch Restrictive Covenant on Transfer of Title** ("Restrictive Covenant")(set forth and incorporated herein by this reference at **Exhibit B**) to enable a finding of conditional sufficiency as to dependability for the new central water system proposed for this subdivision pursuant to § 8.4.7.B.6.g.vi., LDC. The provisions of the Restrictive Covenant shall constitute Special Conditions for conditional finding of sufficiency as to dependability. Applicant shall comply with the provisions of the

Restrictive Covenant/Special Conditions, and upon completion to the County's satisfaction of the same, the conditional finding of sufficiency as to dependability shall convert to a full sufficiency finding without further action required by the County.

The following information relates to dependability as set forth in § 8.4.7.B.5. & 6.g., and the Restrictive Covenant:

a. Regarding the water supply, Applicant has provided a reliable source of water to serve the subdivision that meets the County's 300 year water supply requirement in terms of quantity, and which the State Engineer's Office finds sufficient (see, Paras. 3, 6, 7, 8, and 9 above).

b. Regarding financial capacity to fund construction of the new central water system, in its TMF documents provided to CDPHE, the Applicant states that "Financial plans and budget projections show that SRMD will issue privately placed debt and market-issued revenue bonds with \$12,324,000 million in net proceeds (after fees and reserve) for water system development." The Saddlehorn Ranch Metropolitan District Nos. 1-3 Service Plan identifies total Infrastructure Capital Costs of \$22,480,550 and Maximum Debt Authorization of \$45,000,000.

c. Regarding water for fire demand: the Applicant's *Water Resources & Waste Water Report* states that according to the "2009 International Fire Code, systems that have structures up to 3,600 square feet and are comprised of certain building materials (such as those proposed in Saddlehorn Ranch), require a minimum fire-flow of 1,500 GPM must be met." In the TMF submittal, the consultant noted the Fire Flow (1,500 GPM \* 120 Minutes) (1,500 GPM \* 120 Minutes) volume demand as 180,000 gallons and noted that the "minimum fire flow capacity is defined as 1,500 gpm for 120 minutes per the International Fire Code (IFC). Controls for the high-capacity pump, along with the smaller distribution pumps, will be integrated into a central SCADA PLC." The Falcon Fire Protection District provided a letter dated October 11, 2018, committing to provide fire suppression, fire prevention, and other related services to the subdivision.

d. Regarding compliance with drinking water regulations, CDPHE issued an "Approval Letter" dated February 4, 2021 (attached hereto at **Exhibit C** and incorporated herein by this reference); however, it does not appear that this letter addresses TMF capacity as the County Attorney's Office has required of Applicant and as required in the Restrictive Covenant/Special Conditions, but rather, only addresses the Basis of Design Report (BDR)—the construction design and plan—submitted by Applicant. Applicant submitted both TMF capacity and BDR to CDPHE on or about October 6, 2020; however, this "Approval Letter" is only for the BDR: "Approval of Drinking Water Final Plans and Specifications for Construction Saddlehorn Ranch Water System." It states CDPHE "... has received and reviewed the Final Plans and Specifications for the Saddlehorn Ranch Water System in accordance with . . . (Regulation 11). The design meets or exceeds the requirements of the *State of Colorado Design Criteria For Potable Water Systems* (Design

Criteria) and is hereby approved.” (Emphasis added). There is no mention of TMF review, and the TMF capacity documents which Applicant submitted are not listed in the “documents reviewed” section at p. 4. The letter states, “[a]pproval is conditional upon submission for Department review of the complete finished water storage tank [and related tank design and drawings]” (see p. 3). Finally, it states, “[a]pproval of this project is based only upon engineering design to provide safe potable water, as required by Regulation 11 ....” Again, there is no conditional approval of TMF capacity.

This “Approval Letter” is not like others CDPHE has issued, i.e., like the one for Sanctuary of Peace Subdivision, which found that both the “... TMF and design has been found to be in conformance with the current requirements of the New Public Water System Capacity Planning Manual and the State of Colorado Design Criteria For Potable Water Systems (Design Criteria).” CDPHE did not include such approval language in its letter for Saddlehorn; therefore, Applicant will have to meet additional Requirements in order for the County Attorney’s Office to make its recommendation of conditional sufficiency for water dependability.

e. Regarding well construction, the *Water Resources & Wastewater Report* dated September 2020 notes that domestic water demand will be met using 2 wells – one well in the Arapahoe aquifer and the second well in the Laramie-Fox Hills aquifer and are identified as Well Permit No. 66937-F and Well Permit No. 66938-F. The wells were drilled in approximately 2008 but have not been equipped. The State Engineer’s Office notes that the 2 well permits will need to be cancelled and re-permitted (see Para. 6 above). The wells were tested in January and May of 2019 and several adjustments will be made based on the testing results. Applicant’s water attorney, Ryan Farr, provided copies of Applications to Re-Permit Well Permit Nos. 66937-F and 66938-F, which he submitted to the Colorado Ground Water Commission on December 17, 2020.

f. Regarding water quality, Applicant states in its TMF submittal that 2 wells, an Arapahoe and a Laramie-Fox Hills well “have been drilled, screened, cased, and tested for this subdivision. Both well completion reports were done in 2008. Saddlehorn Ranch Metropolitan District (SRMD) has sampled both wells for three quarters in 2019. None of the primary constituents that were tested were above their respective Maximum Contaminant Level (MCL). Only Total Dissolved Solids, a secondary standard, was above its MCL. Chlorination and filtration to remove Iron and Manganese are planned for this system. This will likely be accomplished via a pressure-sand filtration. Although filtration is not mandatory, it will be done for water taste and aesthetics.” El Paso County Public Health Department submitted comments to EDARP stating that “water quality testing has been completed and the results submitted for review are acceptable; however, the testing laboratory was not identified in the submittal. Please provide the sample submittal forms and copies of the testing laboratory result sheets to El Paso County Public Health.”

g. Regarding an operator for the central water system, in its TMF submittal to CDPHE, Applicant's consultant identifies the operator as ORC Water Professional, Inc. and specifically the Certified Treatment Operator is Clyde Penn (Operator ID No. 9835). The TMF submittal stated that "ORC Water Professionals (OWP) maintains licensing adequate to support whatever growth or future treatment system requirements demand."

h. Restrictive Covenant. Applicant, the Planning and Community Development Department, and the County Attorney's Office negotiated and agreed to the terms of the Saddlehorn Ranch Restrictive Covenant on Transfer of Title ("Restrictive Covenant")(attached hereto at **Exhibit B** and incorporated herein by this reference). The provisions of the Restrictive Covenant shall constitute Special Conditions and thus are Requirements that must be completed in exchange for, and are the basis of, the recommendation for **conditional sufficiency** as to water **dependability** herein. The Restrictive Covenant enables the Applicant to obtain building permits, but not certificates of occupancy, for the Initial 15 lots upon approval of the first final plat before the new central water system is constructed. The County's requirement that the water system be completed and TMF and construction design are finally approved by CDPHE before homeowners are allowed to move into any completed house is met by the requirement that deeds for the Initial 15 lots must be placed into escrow with Empire Title and not be released and closed until the water system is completed and CDPHE has finally approved TMF capacity and construction design pursuant to written Escrow Instructions to be agreed to by the County Attorney's Office and Applicant.

11. Recommendation Regarding Quantity. Based on the information provided in the WSIS, the Water Resources Report, the Colorado Ground Water Commission Determination No. 457-BD which permits withdrawal from the Laramie-Fox Hills aquifer in the amount of 70.16 acre-feet/year for a period of 300 years, and Colorado Ground Water Commission Determination No. 458-BD which permits withdrawal from the Arapahoe aquifer in the amount of 81.28 acre-feet/year for a period of 300 years, the State Engineer's finding of sufficiency and no injury to vested water rights, the District's Permanent Will-Serve Commitment Letter, and if CDPHE gives final TMF capacity and construction design approvals of the community water system, and pursuant to the Requirements herein, the County Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of **quantity**.

12. Recommendation Regarding Dependability. Because Applicant has not yet completed construction of the new central water system and because CDPHE has not yet issued its final approval of TMF capacity and final construction plans and will not even begin such final review until there are 15 hookups to the central water system, at this time, based on the information in Paragraph 10 above, and if Applicant meets the requirements set forth in the provisions of the Restrictive Covenant set forth in **Exhibit B**, the County Attorney's Office can only recommend a finding that the proposed water supply is **conditionally sufficient** as to water **dependability**. Once Applicant provides evidence satisfactory to the Planning and Community Development Department and the

County Attorney's Office that Applicant has completed all Requirements set forth herein, plus the requirements set forth in the Restrictive Covenant set forth in **Exhibit B**, the finding of conditional sufficiency as to dependability will convert to a full sufficiency finding as to dependability without further action required by the County.

13. Water Quality. 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.

#### **REQUIREMENTS:**

A. Applicant shall prepare plat notes as required in the Restrictive Covenant to limit issuance of Building Permits, but not issue Certificates of Occupancy, as set forth in the Restrictive Covenant, and shall provide copies of such plat notes that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney's Office prior to recording the first final plat.

B. Specific Requirements for Conditional Sufficiency as to Dependability for Saddlehorn Ranch Subdivision:

1) TMF Capacity. Pursuant to Para. 10.d., above, prior to recording the first final plat for Saddlehorn Ranch Subdivision, Applicant shall obtain an "Approval Letter" from CDPHE in which CDPHE gives its conditional approval that the TMF capacity conforms to the requirements of the *New Public Water System Capacity Planning Manual*. Alternatively, at the election and subjective discretion of the County Attorney's Office, in consultation with the Planning & Community Development Department, prior to recording the first final plat for Saddlehorn Ranch Subdivision, Applicant shall obtain written clarification from CDPHE that the "Approval Letter" dated February 4, 2021 (as described in Para. 10.d., above) also includes its conditional approval of the TMF capacity.

2) Restrictive Covenant. The provisions of the Restrictive Covenant, attached hereto at **Exhibit B**, shall constitute Special Conditions and are hereby incorporated as if set forth verbatim, and hereby become specific Requirements of the County Attorney's Office that must be completed by Applicant in order to obtain the recommendation for conditional sufficiency as to dependability. If said specific Requirements of the Restrictive Covenant are not completed, the County Attorney's Office may elect to withdraw its recommendation of conditional sufficiency as to dependability.

3) Recording and Plat Note. Upon coordination with the Planning & Community Development Department, Applicant shall record the Restrictive Covenant in

substantially the same form as that attached at **Exhibit B** (including the legal description of the area covered by the preliminary plan), in the records of the El Paso County Clerk and Recorder's Office. Applicant shall place a Note on the first final plat of the subdivision advising homeowners in the Saddlehorn Ranch Subdivision of the limitations set forth in the Restrictive Covenant and referencing the recording information for the same.

C. All requirements set forth by the County Attorney's Office in the Restrictive Covenant noted above and delineated in **Exhibit B** shall be met by the Applicant and the District (as applicable).

D. Applicant and all future owners of lots within this subdivision shall be advised of, and comply with, any conditions, rules, regulations, limitations, and specifications set by the Saddlehorn Ranch Metropolitan District Nos. 1-3, the Restrictive Covenant, and all provisions related to the Colorado Ground Water Commission Determination Nos. 457-BD and 458-BD.

E. Any and all water rights owned by the Applicant pursuant to Colorado Determination of Water Rights No. 457-BD and 458-BD shall be transferred and assigned to the District prior to final subdivision approval. Currently, Applicant has provided copies of deeds that convey water rights from ROI Property Group, LLC to Gorilla Capital CO Saddlehorn Ranch, LLC. Prior to recording the first final plat, Applicant shall provide to both the Planning and Community Development Department and the County Attorney's Office a copy or copies of warranty deed(s) or other instrument(s) acceptable to the County Attorney's Office conveying or assigning water rights to Saddlehorn Ranch Metropolitan District Nos. 1-3 to supply the subdivision.

F. Applicant, its successors and assigns, shall record all applicable documents, including, but not limited to Saddlehorn Ranch Restrictive Covenant on Transfer of Title (including legal description of the area encompassed by the preliminary plan of the subdivision), Colorado Ground Water Commission Determination Nos. 457-BD and 458-BD, and agreements, assignments, and warranty deeds regarding the water rights, in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

G. It is the responsibility of the Applicant and the District to comply with any and all conditions set forth by the State Engineer's Office regarding any storm water detention structure on the property pursuant to Designated Basin Rule 5.11.

H. The following plat note shall be added that addresses the State Engineer's admonition to advise landowners of potential limited water supplies in the Denver Basin:

"Water in the Denver Basin aquifers is allocated based on a 100 year aquifer life; however, for El Paso County planning purposes,

water in the Denver Basin aquifers is evaluated based on a 300 year aquifer life. Applicant and all future owners in the subdivision should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than either the 100 years or 300 years used for allocation indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply.”

cc. Nina Ruiz, Planning Manager

## EXHIBIT A

### CDPHE REGULATIONS, LDC, & WATER DEPENDABILITY

#### HISTORY

Historically, for new community water systems that will operate as a public water system, the County relied on the Colorado Department of Public Health & Environment's ("CDPHE") review and approval of TMF capacity and final construction plans, which CDPHE would do prior to construction of the new central water system, as evidence that an applicant's water supply would meet sufficiency requirements for dependability required by the Land Development Code ("LDC"). That review and approval would culminate in CDPHE's issuance of a Public Water System Identification ("PWSID") Number, which the County relied on as proof of CDPHE's approval. That approval was required before recording the Final Plat. Applicant could then choose to either provide collateral to guarantee construction of the new water system or agree to restrict sale of lots until the PWSID Number issued and a professional engineer certified that the water system had been completed pursuant to the approved construction plans and was operational. Upon such certification, the County would authorize issuance of building permits.

CDPHE has changed its interpretation of its Regulations and the timing of its review of TMF capacity and final construction plans, as explained in detail below. Briefly, CDPHE now will not provide final review until the water system is constructed and there are at least 15 hookups or regularly serves at least 25 year-round residents, which then means the system meets the definition of a public water system that CDPHE asserts it then has jurisdiction to regulate. The PWSID Number it now issues is simply an identification number for record keeping purposes and no longer has any significance for the County as it did before. Also, recent revisions to the LDC eliminated the ability to restrict sale of lots as a means to condition approval of Final Plats.

#### CDPHE REGULATIONS

As a result of the above, the County has had to develop a new process for evaluating and reaching a sufficiency finding for water dependability for new central water systems given CDPHE's current interpretation and application of Regulation 11, 5 CCR 1002-11. Based on the language in § 11.4(1)(a) & (b), for a new community water system that is a public water system, the supplier cannot begin construction of the new system until CDPHE approves TMF Assessment:

"(a) For new community or non-transient, non-community water systems, the supplier must not begin construction of the new water system until the supplier completes and receives Department approval of a capacity (technical, managerial and financial) assessment using the criteria found in the *New Public Water System Capacity Planning Manual*."

"(b) For all public water systems, the supplier must not begin construction of any new waterworks, make improvements to or modify existing waterworks, or begin using a new source until the supplier submits and receives Department approval of plans and specifications for such construction, improvements, modifications, or use."

The definitions of "community water system" and "public water system" are essentially the same, but "public water system" is more detailed:



“Public water system’ means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. A public water system is either a community water system or a non-community water system. . . .”

CDPHE *New Public Water System Capacity Planning Manual* (“Manual”) indicates that TMF must be approved before construction of the water system:

§ 3.1.1 “A new prospective water system may be constructed that will meet the definition of a public water system on the first day of operations. . . .For this scenario, the system can begin operations after:

- the water system has demonstrated TMF capacity,
- the Department has issued design approval in accordance with the State of Colorado Design Criteria for Potable Water Systems,
- and the project engineer certified the system has been constructed according to the design approval and final plans and specifications.

Prior to beginning construction of a new community or NTNC, all requirements of the capacity review must be in place.”

It is difficult to understand how these requirements work in the real world given CDPHE’s current interpretation and application of them. CDPHE has advised County staff that they will not do TMF capacity review and final approval and construction plans approval until the water system meets the definition of a public water system—hookups operational to serve 15 lots; however, the developer cannot get 15 hookups unless the system is constructed. But Regulation 11 says the water system cannot be constructed until TMF and construction design have been approved by CDPHE. As a result, the County is forced to operate in this gray area with CDPHE in which CDPHE advises they will issue an “acknowledgement letter” that says they have received TMF capacity information and construction plans from the developer, but they will not do complete review and final approval until there are 15 hookups. CDPHE suggests that the County withhold certificates of occupancy until the water system has been approved by CDPHE.

The Manual recognizes the above conundrum:

3.7 When Should a TMF capacity assessment be submitted? “Per Regulation 11, a new public water system is required to receive approval of the TMF capacity assessment (reviewed against the requirements within this manual) and new water works plans and specifications (reviewed against the requirements in the design criteria) prior to beginning construction of any new water works or improvements. However, Regulation 11 does not apply to water systems until the water system meets the definition of a public water system, as defined by the regulation. This can create a regulatory paradox for prospective systems. To address this, the department expects that prospective systems will submit TMF capacity assessment six months prior to the

date the system anticipates meeting the definition of a public water system. . . ." (Emphasis added).

The County Attorney's Office interprets the regulations above, and CDPHE's interpretation of the same as evidenced by their directions to the County, to indicate they are okay with new central water systems being built, but once there are 15 hookups, no additional hookups can be made until CDPHE completes final review and approval of TMF capacity assessment and construction plans and design. The County Attorney's Office believes that any request by an applicant to go beyond 15 hookups before the water system is built and CDPHE has issued its final approval of the system as a public water system, including TMF assessment, would violate CDPHE's Safe Drinking Water regulations, policies and procedures, and by allowing such, the County could be complicit.

#### LDC DEPENDABILITY REQUIREMENTS FOR NEW PUBLIC WATER SYSTEMS

##### LDC 8.4.7.B.4.b. Conditional Finding of Sufficiency

"Conditional findings of sufficiency can be made by the Planning Commission and the BoCC specifying conditions that shall be met prior to recording the final plat. Some examples of conditions include, but are not limited to: . . .completion of CDPHE Technical, Managerial, and Financial TMF) analysis and issuance of PWSID number for a new central water system. . . .Once these requirements are met, the conditional finding of sufficiency becomes a finding of sufficiency."

##### LDC 8.4.7.B.6.g.vi. Compliance with Drinking Water Regulations

"When a new community water system subject to the Colorado Primary Drinking Water Regulations is proposed in conjunction with a subdivision, a conditional finding of sufficiency may be issued by the Planning Commission and BoCC in the approval of a preliminary plan or final plat subject to the following:

CDPHE TMF capacity, analysis and approval thereof, as evidenced by issuance of a Public Water System Identification (PWSID) number;

Adequate construction surety for the proposed water system which includes all water works identified in the CDPHE TMF analysis;

Restrictions on the number of building permits or certificates of occupancy issued until the water system is constructed and certified; and

An entity acceptable to the water court, or Colorado Groundwater Commission or the CDPHE shall be formed or engaged to assure operation of the community water system."

#### SPECIAL CONDITIONS THAT WILL RESULT IN FINDING OF CONDITIONAL SUFFICIENCY FOR DEPENDABILITY

In addition to any other Conditions set forth in the water review, the County Attorney's Office also requires the Special Conditions set forth in Exhibit B to be imposed and followed in order to make its recommendation for a conditional finding of sufficiency for dependability.

## EXHIBIT B

### **SADDLEHORN RANCH RESTRICTIVE COVENANT ON TRANSFER OF TITLE**

Gorilla Capital CO Saddlehorn Ranch, LLC, is a Colorado limited liability company ("Declarant") is the owner of real property located in Sections 3 and 10 of Township 13 South, Range 64 West of the 6<sup>th</sup> P.M., El Paso County, Colorado containing approximately 816 acres, and specifically described on the attached **Exhibit 1** and incorporated by this reference, generally known as the Saddlehorn Ranch Subdivision ("Saddlehorn Ranch").

The Board of County Commissioners for El Paso County, Colorado ("El Paso County") is concerned about the completion of houses prior to the completion of the water system infrastructure and prior to the approval of the water system infrastructure to serve as a community water system by Colorado Department of Public Health and Environment ("CDPHE"). Such concerns are predicated on houses being completed, title being transferred to new owners, and the water infrastructure system either failing to be completed by the developer/builder and/or failing to be approved by CDPHE. Such a circumstance places a burden on El Paso County to resolve the failure of the water system infrastructure being completed and/or approved.

The El Paso County, Colorado Land Development Code ("LDC") at § 8.4.7.B.6.g.vi allows El Paso County the ability to impose restrictions on the number of building permits or certificates of occupancy until a water system is constructed and certified. The County's practice has been not to impose such restrictions, but rather to require completion of the water system and certification by a professional engineer that both the water system has been built in accordance with the design that was reviewed by CDPHE and that the system is functional/operational, and to require CDPHE approval of the Technical, Managerial, and Financial Capacity Assessment ("TMF Assessment") prior to approval of a final plat for the subdivision.

The Declarant desires to construct an initial forty-five (45) houses at the same time as the water system infrastructure is being constructed and during the period after the water system infrastructure has been completed and is awaiting approval by the CDPHE of the TMF Assessment. El Paso County believes this would be a violation of Regulation 11, 5 C.C.R. 1002-11, and CDPHE New Public Water System Capacity Planning Manual. Therefore, Applicant intends to construct only an initial fifteen (15) houses during the time that water system infrastructure is being constructed ("Initial 15"). Before El Paso County will agree to issue any building permits in addition to the Initial 15, Declarant shall receive approval of the water system to serve as a community water system including approval of the TMF Assessment, and written proof of such approval, shall be provided to El Paso County to its satisfaction.

El Paso County has agreed to issue building permits, but not certificates of occupancy, for the Initial 15 with the restriction on issuance of certificates of occupancy by El Paso County as set forth in this covenant, and as set forth in the plat note of the

Final Plat for Filing No. 1 of Saddlehorn Subdivision, which plat note shall cross reference this Covenant. No other building permits, and no certificates of occupancy, shall be issued for Saddlehorn Ranch until the water system infrastructure has been completed and has received final approval to serve as a community water system including approval of the TMF Assessment from the CDPHE. Declarant shall have the right to select which lots shall be subject of the Initial 15; however, Declarant shall identify which lots comprise the Initial 15 in the plat note of the Final Plat for Filing No. 1 of Saddlehorn Subdivision.

Declarant may issue deeds for the Initial 15 and shall have such deeds held in escrow by Empire Title of Colorado Springs, LLC ("Empire Title") only to be released from escrow back to Declarant for closing and recording at the direction of El Paso County, pursuant to escrow instructions agreed to by the County, and pursuant to the conditions listed below. Declarant shall indicate in writing to El Paso County Planning and Community Development Services Department which deeds comprise the Initial 15 upon the escrowing of such deeds. No other deeds shall be issued by Declarant for Saddlehorn Ranch until the water system infrastructure has been completed and has received final approval to serve as a community water system including approval of the TMF Assessment from the CDPHE

Declarant is restricted from transferring title to the Initial 15 until:

1. A professional engineer has certified that the water system infrastructure has been built in accordance with the design that was subject of the CDPHE acknowledgement letter, and that the system is functional/operational;
2. A defect warranty collateral for the water system has been posted with El Paso County; and
3. A proposed water operator acceptable to El Paso County has been selected and a description of how the operator will provide operation, maintenance, and management services to the special district for the water system has been delivered by the proposed water operator to El Paso County.
4. El Paso County has agreed, pursuant to the escrow instructions, and has provided written consent/agreement that requirements 1 – 3 above have been met and that the deeds for the Initial 15 can be released.

The restrictions set forth herein concern the transfer of title only; Declarant remains free to enter into non-binding contracts, with fully refundable earnest money, for the purchase and sale of all lots within Saddlehorn Ranch.

The deeds to be held in escrow shall be issued with the Declarant as grantor and the party under contract for each individual lot as grantee. If the grantee for any deed changes after the escrowing of the deed but before the deed is released from escrow, Declarant will so inform El Paso County and Empire Title in writing and shall thereafter





**PROPERTY DESCRIPTION:**

**PARCEL A:**

A PARCEL OF LAND LOCATED IN SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S 89 DEGREES 21 MINUTES 33 SECONDS E, ALONG THE NORTH LINE OF SAID SECTION 3, 5275.27 FEET TO THE NORTHEAST CORNER THEREOF; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG THE EAST LINE OF SAID SECTION 3, 1841.19 FEET; THENCE N 89 DEGREES 49 MINUTES 04 SECONDS W, 5280.38 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG SAID WEST LINE, 1883.39 FEET TO THE POINT OF BEGINNING.

EXCEPT THOSE PORTIONS CONVEYED TO EL PASO COUNTY BY AND THROUGH THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO, IN SPECIAL WARRANTY DEEDS RECORDED JANUARY 29, 2015 AT RECEPTION NO. 215008985 AND RECEPTION NO. 215008986.

**PARCEL B:**

A PARCEL OF LAND LOCATED IN SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG THE WEST LINE OF SAID SECTION 3, 1974.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE, N 00 DEGREES 05 MINUTES 14 SECONDS E, 1649.14 FEET; THENCE S 89 DEGREES 49 MINUTES 04 SECONDS E, 5280.38 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG SAID EAST LINE, 1649.15 FEET; THENCE N 89 DEGREES 49 MINUTES 04 SECONDS W, 5285.17 FEET TO THE POINT OF BEGINNING.

**PARCEL C:**

A PARCEL OF LAND LOCATED IN SECTION 3 AND SECTION 10, TOWNSHIP 13 SOUTH, RANGE 64 WEST, OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG THE WEST LINE OF SAID SECTION 3, 327.11 FEET; THENCE S 89 DEGREES 49 MINUTES 04 SECONDS E, 5289.95 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG SAID EAST LINE, 327.11 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 3; THENCE S 00 DEGREES 57 MINUTES 38 SECONDS W, ALONG THE EAST LINE OF SAID SECTION 10, 1320.52 FEET TO THE SOUTHEAST CORNER OF THE

NORTH HALF OF THE NORTH HALF OF SAID SECTION 10; THENCE N 89 DEGREES 48 MINUTES 49 SECONDS W, ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF SAID SECTION 10, 5285.51 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 00 DEGREES 43 MINUTES 38" SECONDS E, ALONG THE WEST LINE OF SAID SECTION 10, 1320.06 FEET TO THE POINT OF BEGINNING.

Per the Commitment for Title Insurance, issued by Westcor Land Title Insurance Company, Commitment No. 56676ECS, dated August 2, 2018.

PARCEL 21:

A PORTION OF THE SOUTH HALF OF SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 3; THENCE ALONG THE EAST LINE OF SAID SECTION 3, S00°42'25"E (BEARINGS ARE RELATIVE TO THE NORTH LINE OF SECTION 3, BEING MONUMENTED AT THE WESTERLY END BY A FOUND NO.6 REBAR WITH A 3-1/4" ALUMINUM CAP IN A VAULT, STAMPED "PLS 17496", AND AT THE EASTERLY END BY A FOUND NO. 6 REBAR WITH 3-1/2" ALUMINUM CAP IN A VAULT, STAMPED "LS 17496", AND MEASURED TO BEAR S89°59'26"E, A DISTANCE OF 5275.03 FEET), A DISTANCE OF 3490.37 FEET, TO THE SOUTHEAST CORNER OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM DEED RECORDED AT RECEPTION NO. 213021177, IN THE OFFICIAL RECORDS OF EL PASO COUNTY; SAID CORNER ALSO BEING THE POINT OF BEGINNING; THENCE S00°42'25"E, CONTINUING ALONG THE WEST LINE OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM DEED RECORDED AT RECEPTION NO.213113100, IN SAID OFFICIAL RECORDS, A DISTANCE OF 1647.65 FEET, TO THE NORTHEAST CORNER OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM DEED RECORDED AT RECEPTION NO. 213043391, IN SAID OFFICIAL RECORDS; THENCE S89°33'10"W, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 5289.71 FEET, TO A POINT LYING ON THE WEST LINE OF SAID SECTION 3; THENCE ALONG SAID WEST LINE, N00°32'28"W, A DISTANCE OF 1645.40 FEET, TO THE SOUTHWEST CORNER OF SAID PARCEL, RECORDED AT RECEPTION NO. 213021177, IN SAID OFFICIAL RECORDS; THENCE N89°31'43"E, ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 5284.95 FEET, TO THE POINT OF BEGINNING.

Per the Commitment for Title Insurance, issued by Land Title Guarantee Company, Order No. SC55073032, dated October 1, 2018.

Being more particularly described by metes and bounds as follows:

**COMMENCING** at the Northeast Corner of Section 3, Township 13 South, Range 64 West of the 6<sup>th</sup> Principal Meridian; thence along the east line of said Section 3, S00°42'27"E (Basis of bearings is the North line of Section 3, Township 13 South, Range 64 West of the 6<sup>th</sup> Principal Meridian, monumented at the West end by a No. 6 Rebar with a 3-1/4" aluminum cap, properly marked, in a monument box, "PLS 17496" and at the East end by a No. 6 rebar with a 3-1/2" aluminum cap, properly marked, in a monument box, "PLS 17496", having a measured bearing and distance of S89°59'23"E, 5275.26'. Bearings are relative to Colorado State Plane Central Zone (0502)), a distance of 30.00 feet, to the **POINT OF BEGINNING**; thence continuing along

said east line, S00°42'27"E, a distance of 5,435.28 feet, to the Southeast Corner of said Section 3, said point also being the Northeast Corner of Section 10, Township 13 South, Range 64 West of the 6<sup>th</sup> Principal Meridian; thence along the east line of the North 1/2 of the North 1/2 of said Section 10, S00°19'54"W, a distance of 1,320.51 feet, to the North 1/16<sup>th</sup> Corner of said Section 10; thence leaving said east line and along the south line of the North 1/2 of the North 1/2 of said Section 10, S89°34'02"W, a distance of 2,642.78 feet, to the North-Center-Center 1/16<sup>th</sup> Corner of said Section 10; thence continuing along said south line, S89°34'07"W, a distance of 2,612.73 feet, to a point that is 30.00 feet distant from the North 1/16<sup>th</sup> Corner of said Section 10, said point also being a point on the east right-of-way line of Curtis Road; thence along said east right-of-way line and 30.00 feet parallel to the west line of said North 1/2 of the North 1/2 of said Section 10, N00°05'54"E, a distance of 1,319.14 feet, to a point that is 30.00 distant to the Northwest Corner of said Section 10, also being the Southwest corner of said Section 3; thence continuing along said east right-of-way line, along the following four (4) courses:

1. N00°32'28"W, a distance of 4,608.42 feet;
2. N89°27'32"E, a distance of 19.98 feet;
3. N00°32'28"W, a distance of 820.00 feet;
4. N44°46'13"E, a distance of 40.00 feet,

to a point on the south right-of-way line of Judge Orr Road, thence along said south right-of-way line, along the following three (3) courses:

1. S89°59'23"E, a distance of 822.24 feet;
2. N00°00'37"E, a distance of 20.00 feet;
3. S89°59'23"E, a distance of 4,374.49 feet,

to the **POINT OF BEGINNING**.

Containing 35,565,654 S.F. or 816.475 acres, more or less.





February 4, 2021

Bill Guman  
Saddlehorn Ranch Metropolitan District  
731 N Weber St.  
Colorado Springs, CO 80903

RE: Approval of Drinking Water Final Plans and Specifications for Construction Saddlehorn Ranch Water System, Saddlehorn Ranch Metropolitan District Public Water System Identification (PWSID) No. CO0121703, El Paso County ES Project No. ES.20.DWDR.05857

Dear Mr. Guman:

The Colorado Department of Public Health & Environment (Department), Water Quality Control Division, Engineering Section has received and reviewed the Final Plans and Specifications for the Saddlehorn Ranch Water System in accordance with Section 11.4(1)(b) of the *Colorado Primary Drinking Water Regulations* (Regulation 11). The design meets or exceeds the requirements of the *State of Colorado Design Criteria For Potable Water Systems* (Design Criteria) and is hereby approved.

This approval is limited to the following:

- Well A1 (SDWIS ID: 001): Groundwater source
  - Well Permit Number 66937. Drilled well. Screen: 938-1,380 feet, total depth: 1,390 feet, static water level approximately 660 feet.
  - Well improvements: casing raised to provide a minimum of 12 inches between grade and wellhead; 12 or 16 mesh noncorrodible vent screen.
  - Flow: 150 gallons per minute (gpm).
  - Associated piping and appurtenances.
- Well LFH1 (SDWIS ID: 002): Groundwater source
  - Well Permit Number 66938. Drilled well. Screen: 1,736-1,977 feet, total depth: 2,035 feet, static water level approximately 1,280 feet.
  - Well improvements: casing raised to provide a minimum of 12 inches between grade and wellhead; 12 or 16 mesh noncorrodible vent screen.
  - Flow: 250 gpm.
  - Associated piping and appurtenances.
- Treatment Plant (SDWIS ID: 003)
  - Treatment for Well A1 and Well LFH1 (001 & 002), Maximum flowrate of 250 gpm.
  - Sodium hypochlorite treatment (421):
    - Sodium hypochlorite feed pump (design basis: one duty, one standby, Blue-White Industries, Flexflo), 120 gallon dual wall solution feed tank (design basis: Peabody Engineering Gemini Cylindrical Tank).
    - Sodium hypochlorite injection point prior to tanks.
    - Wells and chlorine pump electrically connected to control dosing.
  - Chlorine contact time pipe (825): 1,292 gallons (220 lf of 12-inch C900 DR 18 pipe) with a baffle factor of 0.6.
  - Pressure-Sand Filtration (344):
    - Reaction vessel, 36-inch diameter by 60-inch straight sideshell, ends fitted with semi-elliptical heads, working pressure of 60 psig and test pressure of 78 psig (design basis: Filtronics Model RV-300).
    - Two filter vessels to treat primarily iron and manganese, for taste, odor, and aesthetics, 54-inch diameter by 54-inch tall each, working pressure of 60 psig and test pressure of 78 psig (design basis: Filtronics Model FVD-07, Electromedia I, Dual Automatic Filter Station, NSF 61 certified).



- Backwash provided by distribution system pumps, sized to provide adequate backwash volume and system demands.
- Backwash water measured via magnetic flow meters. One meter installed on backwash inlet line (design basis: 6-inch). One meter installed on effluent line (design basis: 4-inch).
- Backwash directed to a buried exterior storage tank, recycled into system at a rate of <10% of the influent flow from wells.
  - Tank design and details to be submitted to the Department for review once the tank manufacturer is selected and the design is completed. See condition below.
  - Recycle pump, details to be submitted with tank design (design basis: Grundfos submersible pump).
  - Associated piping and appurtenances.
- Filtration appurtenances: differential pressure gauges at inlet and outlet, combined raw water flow meter prior to filters, flowmeter on each filter. Backwash line has a check valve for cross-connection control and sample port.
- Treatment appurtenances. Raw water sampling tap (one per well), finished water meter (design basis: 6" Ultra Mag UM06), handheld free chlorine residual analyzer, Hach wall-mounted reagentless continuous free chlorine analyzer, and finished water tap (residual chlorine monitoring location) after distribution system pumps.
- Distribution system pumps located within treatment plant following distribution storage tank. Dual pump station (design basis: Goulds, 10HP CRE 45-1 multistage centrifugal pump, operating in lead/standby mode), with variable frequency drives (VFDs).
- High capacity fire flow pump located within treatment plant following distribution storage tank (design basis: 1,500 GPM for 120 minutes).
- Associated piping and appurtenances.
- Acknowledgement of a distribution storage tank (SDWIS ID: 004):
  - Tank design and details to be submitted to the Department for review once the tank manufacturer is selected and the design is completed. See condition below.
  - 286,500 gallon, above grade, epoxy-coated steel tank.
  - Circular: 42.5-foot diameter and 28-foot height.
  - Tank Appurtenances (to be confirmed in final tank design and details):
    - Inlet/Outlet: 12-inch inlet riser pipe with silt stop 6-inches minimum above floor.
    - Drain line: 8-inch from tank to daylight with a headwall and plunge pool protected with rip-rap, southeast of tank. Drain line terminates with a duckbill valve, minimum of 1-foot above backwater.
    - Overflow: 12-inch high by 12-inch deep by 2-foot wide box weir inside tank connecting to an 8-inch overflow line on tank exterior. Overflow line terminates with a duckbill valve (design basis: 8-inch Series 35 Tideflex), 24-inch minimum above grade to a splash pad with rip-rap and discharges to 5-foot wide, 18-inch deep rip-rap channel which flows to the southeast to shared plunge pool with drain line.
    - Vent: Dedicated downward-turned vent with 24 mesh, noncorrodible screen with an opening 36-inches above tank roof.
    - Manway: Two 24-inch circular manways 180 degrees apart.
    - Access hatch on tank roof. Extends a minimum of 4-inches above the roof deck with an overlapping curb. Cover is hinged on one side and lockable.
    - Hydrodynamic mixing system (design basis: Tideflex).

#### Approved Deviations:

The approval includes the following deviations from the Design Criteria:

- Section 2.6 of the Design Criteria requires standby power. The system requested a deviation based on: 1) that backup power will be provided for the distribution pumps and the high capacity pump via an on-site generator in the event of a power failure, however 2) the wells and treatment system will not have backup power and will shut down during a power outage. The finished water storage tank operating levels will be set to provide emergency reserves within the tank during a power outage. Based on the information supplied to support this deviation, the Department accepts this deviation

request and has approved an on-site generator for only the distribution pumps and the high capacity pump.

- Section 2.8 of the Design Criteria requires each public water system to have its own laboratory facility. The system requests a deviation based on the fact that the required water quality sampling consists of chlorine residual, therefore laboratory facilities are not required. Based on the information supplied to support this deviation, the Department accepts this deviation request and has approved the public water system without laboratory facilities given that chlorine residual will be monitored continuously and that there will be a handheld free chlorine analyzer in the treatment plant.

#### Conditions of Approval:

The approval is subject to the following conditions:

#### General Requirements:

- This approval is conditional upon submission for Department review of the complete finished water storage tank and buried reclaim/backwash water storage tank design and drawings prepared by the selected tank manufacturers and includes design calculations demonstrating the tank vent and overflow sizing meets design requirements and the tank designs meets the State of Colorado Design Criteria for Potable Water Systems. Buried reclaim/backwash tank design shall include recycle pump details.
- Section 2.21 of the Design Criteria requires all chemicals and materials that come in contact with treated or partially treated water to be ANSI/NSF 60 and 61 certified, respectively, for potable water use.
- All wells, pipes, tanks and equipment that can convey or store water intended for potable use must be disinfected in accordance with current AWWA procedures prior to initial use as required in Sections 2.15, 6.6.2, 7.0.18 and 8.7.7 of the Design Criteria.
- All change orders or addenda that address treatment, storage or piping must be submitted to this office for review and approval by the Department.
- Upon completion of construction and prior to commencement of operation, a completed "Drinking Water Construction Completion as Approved Certification Form" stating that the system was constructed as approved and the operational starting date must be submitted to the Department. This form is available at <https://www.colorado.gov/cdphe/wq-facility-design-and-approval-forms> under the "Drinking water construction complete form" heading.
- As required by Section 11.4(3)(b) of Regulation 11, if construction of the project is not commenced within one year from the date of this letter, this approval will expire and all information will be required to be updated and resubmitted for review and approval by the Department. Please note that this requirement is specific to this approval and the associated commencement of construction and has no impact on other compliance deadlines that are set forth in Regulation 11 and that may be included in other communications that are issued by the Department.

#### Monitoring Requirements:

- Section 11.5(5) of Regulation 11 requires that suppliers submit any revisions to the Monitoring Plan within 30 days of the effective date of the change. Changes that are made under this approval may require updates to multiple parts of the Monitoring Plan. Information regarding monitoring plan requirements is available online at: <http://www.colorado.gov/cdphe/wqforms> on the Drinking Water page under the "Inventory/System Updates" heading.
- **Lead and Copper Monitoring:** In accordance with Section 11.26(2)(d)(iv)(D)(I) of Regulation 11, the Engineering Section reviewed the project scope to determine if lead and copper sampling requirement modifications are appropriate as a result of the project. Based on the project scope (new water system), there may be a possible impact to corrosivity. In accordance with the State of Colorado Design Criteria for Potable Water Systems - Table A.2 Impacts to Corrosivity Categories the system is a Category 2, the Engineering Section recommends that the supplier's monitoring frequency and sample sites for lead and copper be increased to the standard six month monitoring following completion of construction.
- The project includes installation of two new wells that requires completion of initial sampling.
- The supplier has elected to perform triggered source water monitoring. Therefore, under normal operating conditions the supplier does not need to maintain 4-log virus inactivation before or at the first customer on a continuous basis. In the event the supplier has a routine positive total coliform

sample, the supplier will be required to monitor and sample the source water for fecal indicators at that time. If the source water sampling determines that fecal contamination exists within the source, the supplier may be required increase treatment to meet 4-log virus inactivation on a continuous basis until the source of contamination can be identified and removed. Alternatively, the supplier may opt to discontinue to use the source. As outlined in the Basis of Design Report, the treatment conditions that must exist to achieve 4-log inactivation of viruses are as follows:

- The treatment conditions that must exist to achieve 4-log inactivation of viruses requires the supplier to continuously maintain a chlorine residual of 2 mg/L at the finished water tap (residual chlorine monitoring location) after distribution system pumps, assuming a flow rate of 250 gpm, a pH of 8.8, a liquid temperature at or greater than 10-degrees Celsius, a baffle factor of 0.6 and a minimum active storage volume of 1,292 gallons.
  - NOTE: The capability of providing 4-log treatment has been shown with a free chlorine residual equal to 2.0 mg/L. The maximum residual disinfection level (MRDL) for chlorine is 4.0 mg/L on a running annual average basis. While the chlorine residual suggested to maintain 4.0 log virus inactivation is below the MRDL, treated water with **free chlorine residuals greater than 2.0 mg/L may be considered unpalatable** for certain customers.
- The Saddlehorn Ranch MD is a groundwater system with a population less than or equal to 3,300, therefore Section 11.11 of Regulation 11 requires daily chlorine monitoring at the monitoring location specified in the above bullet (i.e., downstream of chlorine contact time). The supplier will be required to work with the Department's Drinking Water Compliance Assurance Section regarding the specific monitoring requirements.

Facility Classification under Regulation 100:

- In accordance with the current Colorado Operators Certification Board regulations, the water treatment plant is a Class "C" water treatment facility and the distribution system is a Class "1" distribution system.

The documents that were reviewed for this approval are as follows:

- Engineering Report dated November 2020 titled *Basis of Design Report for Saddlehorn Ranch Metropolitan District*. Prepared by JDS Hydro Consultants, Inc. for Saddlehorn Ranch Metropolitan District.
- Drawing Set dated October 2020 titled *Saddlehorn Ranch Metropolitan District - Overall Water System*. Prepared by JDS Hydro Consultants, Inc. for Saddlehorn Ranch Metropolitan District.
- Project Manual (Specifications) dated November 2020. Prepared by JDS Hydro Consultants, Inc. for Saddlehorn Ranch Metropolitan District.
- Backflow Prevention and Cross-connection Control Program plan. Prepared by JDS Hydro Consultants, Inc. for Saddlehorn Ranch Metropolitan District.
- Preliminary Operations and Maintenance Procedures plan. Prepared by JDS Hydro Consultants, Inc. for Saddlehorn Ranch Metropolitan District.
- Geotechnical report dated April 2019 titled *Soil, Geology, Geologic Hazard, and Wastewater Study, Saddlehorn Ranch Subdivision El Paso County, Colorado*. Prepared by Entch Engineering, Inc. for Saddlehorn Ranch Metropolitan District.
- Public Water System Monitoring Plan dated September 2020 titled *Saddlehorn Ranch Metropolitan District*. Prepared by JDS Hydro Consultants, Inc. for Saddlehorn Ranch Metropolitan District.
- BDR\_Response dated January 2021. Prepared by JDS Hydro Consultants, Inc. for Saddlehorn Ranch Metropolitan District.
- Miscellaneous correspondence.

Please be advised of the following notifications and requirements that may apply to the project:

- Approval of this project is based only upon engineering design to provide safe potable water, as required by Regulation 11 and shall in no way influence local building department or local health department decisions on this project. This review does not relieve the owner from compliance with all Federal, State and local regulations and requirements prior to construction nor from responsibility for proper engineering, construction and operation of the facility.
- Any point source discharges of water from the facility are potentially subject to a discharge permit under the State Discharge Permit System. Any point source discharges to state waters without a

permit are subject to civil or criminal enforcement action. If you have any questions regarding permit requirements contact the Permits Unit at 303-692-3500.

Please direct any further correspondence regarding the technical approval (plans and specifications/design review) to:

Marty Quinn, P.E.  
Colorado Department of Public Health & Environment  
Water Quality Control Division - Engineering Section  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530

Thank you for your time and cooperation in this matter. Please contact me by telephone at 303-692-3513 or by email at martin.quinn@state.co.us if you have any questions.

The Engineering Section is interested in gaining feedback about your experience during the engineering review process. We would appreciate your time to complete a Quality-of-Service Survey regarding your experience during the engineering review process leading up to issuance of this decision letter. The Engineering Section will use your responses and comments to identify strengths, target areas for improvement and evaluate process improvements to better serve your needs. Please take a moment to fill out our [survey](#).

Sincerely,

**Martin Quinn**

Digitally signed by Martin Quinn  
Date: 2021.02.04 13:54:25 -07'00'

Marty Quinn, P.E.  
Senior Review Engineer  
Engineering Section | Water Quality Control Division  
Colorado Department of Public Health & Environment

cc: Ryan Mangino, JDS Hydro  
Lisa Lemmon, El Paso County Public Health  
Catherine McGarvy, El Paso County Public Health  
PWSID CO0121703  
Doug Camrud, WQCD ES Engineering Review Unit Manager  
DWCAS

# EL PASO COUNTY



## OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

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February 28, 2021

SP-19-6 Saddlehorn Ranch Subdivision  
Preliminary Plan

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

### **FINDINGS AND CONCLUSIONS:**

1. This is a proposal by the ROI Property Group, LLC ("Applicant"), for a Preliminary Plan to subdivide approximately 816 +/- acres of land (the "Property") into 218 single-family lots, plus open space, wetlands, roads, drainage facilities, and utilities, including a new community central water system. The Property is zoned RR-2.5 (Rural Residential).

2. The water needs for the subdivision will be met through a new community water system which will be operated as a public water system by the Saddlehorn Ranch Metropolitan District Nos. 1-3 (collectively, the "District"). The water supply for the new community water system will derive from the nontributary Arapahoe and Laramie-Fox Hills aquifers, pursuant to Colorado Ground Water Commission Determination Nos. 458-BD (Arapahoe) and 457-BD (Laramie-Fox Hills) ("Determinations"). The Applicant also has water rights available in the Denver aquifer; however, they will not be used in this subdivision so analysis of these water rights will not be provided. Pursuant to the Water Supply Information Summary ("WSIS"), the Applicant estimates its annual water requirements to serve the development at 146.06 acre-feet/year, based on 0.67 acre-feet/year/lot, which includes residential irrigation. The Applicant will need to provide a supply of 43,818 acre-feet of water (146.06 acre-feet/year x 300 years) to meet El Paso County's 300-year water supply requirement.

3. The District provided a Permanent Will-Serve Letter dated September 1, 2020, committing to serve the Saddlehorn Ranch Subdivision that is comprised of "up to

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



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

218 residential lots each having a minimum 2-1/2 acre size and based on this assumption the District intends to provide 146.08 acre-feet of water per year to the Property.”

4. The Applicant also provided a *Water Resources & Wastewater Report for Saddlehorn Ranch Subdivision* dated April 2019 and as Revised September 2020 (“*Report*”) detailing the water supply for Saddlehorn Ranch which highlights the provisions of Determination Nos. 457-BD and 458-BD. The Report indicates that based on the Determinations, the currently available on-site ground water legal source is 198.16 acre-feet/year, based on El Paso County’s 300-year requirement; however, as noted elsewhere herein, Applicant does not own the full entitlements in those Determinations. The available water supply is summarized in the Report as follows:

Aquifer	Determination	Tributary Status	Acreage	Available water per acre (100-year)	Annual Allocation (100 years)	Annual Allocation (300 years)
Arapahoe	458-BD	NT	816.5	0.3908	319.09	<b>106.36</b>
Laramie-Fox Hills	457-BD	NT	816.5	0.3373	275.41	<b>91.80</b>
<b>Total Legal Supply</b>					594.49	<b>198.16</b>

The Determinations provided the following beneficial uses for the water supply: domestic, irrigation, commercial, industrial, recreation, and livestock watering. Determination No. 458-BD (Arapahoe aquifer) permitted maximum water withdrawals in the amount of 2,720 acre-feet/year. Determination No. 457-BD (Laramie-Fox Hills aquifer) permitted maximum water withdrawals in the amount of 2,347 acre-feet/year. The two Determinations dated March 3, 2004, were based on a larger parcel of 6,995 acres. The current Property consists of only 8.966% of the land originally included in the Determinations. The table shown above reflects the available water supply based on the current parcel that is the subject of this subdivision project. The *Report* also states that water demand will be met using two wells – one well in the Arapahoe aquifer and one well in the Laramie-Fox Hills aquifer. The existing well permits are identified as follows: Well Permit No. 66938-F (Laramie-Fox Hills) and Well Permit No. 66937-F (Arapahoe). Based on the State Engineer’s review (see Para. 6 below), these wells must be re-permitted.

The *Report* highlighted the chain of title for the water rights and Determination Nos. 457-BD and 458-BD and are summarized as followed:

- a. Robert C. Norris Family Trust – Determination Nos. 457-BD and 458-BD were issued to Robert C. Norris Family Trust on March 3, 2004;
- b. Andre Brandt, Roger Barrack and Scott Smith – Quiet Title Action filed in the 4<sup>th</sup> Judicial District/El Paso County Court on or about January 5, 2018 – Court

issued Order quieting title and adjudicating water rights to Brand/Barrack/Smith on July 2, 2018;

- c. ROI Property Group, LLC – Water rights deeded to ROI via Water Rights Deed dated August 30, 2018.

5. The Applicant's Letter of Intent (as amended January 21, 2021) confirms that the water for the subdivision will be provided by a new central water system which will be operated and maintained by the Saddlehorn Ranch Metropolitan Districts Nos. 1-3. Since this will be a new public water system, Applicant submitted plans to the Colorado Department of Public Health and Environment ("CDPHE") for review and approval. The Applicant submitted its Preliminary Submittal Package for the Technical, Managerial, and Financial (TMF) Capacity, for the Saddlehorn Ranch Metropolitan District dated October 2020, and its Basis of Design Report ("BDR") for construction design on or about October 6, 2020.

6. In a letter dated November 19, 2020, the State Engineer's Office reviewed the submittal to subdivide 816.5 acres into 218 single family lots (the Engineer noted a discrepancy in the number of lots as being 216 as stated in the District's commitment letter; however, this was an earlier version of a commitment letter, and the correct number is 218 lots). The State Engineer detailed the water demand for the subdivision at 146.06 acre-feet/year based on a demand of 0.67 acre-feet/year/lot. The State Engineer noted the water demand identified in the WSIS which indicates "the total estimated water requirement is 130,394 gallons/day or 146.06 acre-feet/year also based on a demand per lot of 0.67 acre-feet/year. The irrigation demand of the residential lots is included in the total demand per lot." The State Engineer stated that the "proposed water supply for this subdivision appears to be the District. According to the submitted information it appears that the water source to be used by the District is the Arapahoe and Laramie-Fox Hills aquifers that is the subject of Determination of Water Rights Nos. 458-BD and 457-BD, respectively, to be provided by a central system. It is unclear if this water has been transferred to the District." The State Engineer further stated that the subdivision lies within the allowed places of use for Determination Nos. 458-BD and 457-BD and that the proposed uses are allowed. Further, "Determination of Water Rights No. 457-BD allows for an average annual diversion of 2,347 acre-feet for a maximum of 100 years and the Determination of Water Right No. 458-BD allows for an annual average diversion of 2,719 acre-feet for a maximum 100 years. According to a Water Rights Deed signed on August 30, 2018 that is contained within Exhibit E of the Water Resources Report the developer owns only 243.83 acre-feet/year of Determination of Water Right no. 458-BD and 210.47 acre-feet/year of Determination of Water Right no. 457-BD."

The State Engineer noted that the "allowed average annual amount of withdrawal of 243.83 acre-feet/year from the Arapahoe aquifer (458-BD) that the developer owns and 210.47 acre-feet/year from the Laramie-Fox Hills aquifer (457-BD) that the developer owns would be reduced to one-third of those amounts, or 81.28 acre-feet/year from the Arapahoe aquifer and 70.16 acre-feet/year from the Laramie-Fox Hills aquifer. As a



result, the water may be withdrawn in those annual amounts for a maximum of 300 years. The proposed annual water supply of 151.44 acre-feet/year<sup>1</sup> (81.28 acre-feet/year from the Arapahoe aquifer plus 70.16 acre-feet/year from the Laramie-Fox Hills aquifer) is more than the estimated annual demand of 146.06 acre-feet/year.”

The State Engineer also described the 2 wells, identified as Well Permit Nos. 66937-F and 66938-F, which are owned by the developer and will be used by the District to supply water to the subdivision. “Well permit no. 66937-F allows for an annual withdrawal of 1,600 acre-feet/year from the Arapahoe aquifer pursuant to Determination of Water Right no. 458-BD, and well permit no. 66938-F allows for an annual withdrawal of 800 acre-feet/year from the Laramie-Fox Hills aquifer pursuant to Determination of Water Right no. 457-BD to be used in the subdivision by the District.” And further, “since the developer does not own the amount of the right for which the permits are issued the developer must obtain new well permits in accordance with Section 37-90-107(7) C.R.S., for the amounts owned and request that permit nos. 66937-F and 66938-F be cancelled.”

The State Engineer also provided the following advisory to the Applicant regarding the proposed storm water detention structure to be constructed as part of the subdivision: “applicant should be aware that, unless the structure can meet the requirements of a “storm water detention and infiltration facility” as defined in Designated Basin Rule 5.11, the structure may be subject to administration by this office.”

Finally, the State Engineer stated that, “pursuant to Sections 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 water rights, as long as the District is committed to serving all 218 lots and the water associated with Determination nos. 457-BD and 458-BD, described above, is transferred to the District prior to subdivision approval.” And further, it is their 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.”

7. Colorado Ground Water Commission Determination No. 457-BD. Determination No. 457-BD was issued in the name of the Robert C. Norris Family Trust and adjudicates water rights in the Laramie-Fox Hills aquifer underlying the Property. Determination No. 457-BD allows ground water to be withdrawn from the Laramie-Fox Hills aquifer in an annual amount not to exceed 2,347 acre-feet based on a period of 100 years and based on the original parcel size of 6,955.31 acres. The allocation is limited to the following beneficial uses: domestic, irrigation, commercial, industrial, recreation, and

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<sup>1</sup> There is a discrepancy in the amount of water supply available identified in Applicant’s documents. The Water Resources Report by JDS-Hydro dated September 2020 identifies the water supply as 198.16 acre-feet/year. The letter incorporated in the Water Resources Report by Michael Browning dated June 27, 2018 indicates a water supply of 151.44 acre-feet/year which amounts were also cited by the State Engineer’s Office. Since both amounts exceed the water demand of 146.06 acre-feet/year required by the subdivision, this review will analyze based on the water supply of 151.44 acre-feet/year.

livestock watering. Based on Designated Basin Rules, no more than 98% of the amount of ground water withdrawn annually may be consumed. As noted by the State Engineer in Para. 6 above, Applicant only owns 210.47 acre-feet annually of the total amount adjudicated in this Determination.

8. Colorado Ground Water Commission Determination No. 458-BD. Determination No. 458-BD was issued in the name of the Robert C. Norris Family Trust and adjudicates water rights in the Arapahoe aquifer underlying the Property. Determination No. 458-BD allows ground water to be withdrawn from the Arapahoe aquifer in an annual amount not to exceed 2,720 acre-feet based on a period of 100 years and based on the original parcel size of 6,955.31 acres. The allocation is limited to the following beneficial uses: domestic, irrigation, commercial, industrial, recreation, and livestock watering. Based on Designated Basin Rules, no more than 98% of the amount of ground water withdrawn annually may be consumed. As noted by the State Engineer in Para. 6 above, Applicant only owns 243.83 acre-feet annually of the total amount adjudicated in this Determination.

9. Analysis—Quantity: Applicant's water demand for the Saddlehorn Ranch Subdivision is 146.06 acre-feet annually using Arapahoe and Laramie-Fox Hills aquifer water allowed under the Determinations for a total demand of 43,818 acre-feet for the subdivision for 300 years. The Determinations (as pro-rated for the current parcel area) authorizes withdrawal of 151.44 acre-feet (81.28 acre-feet of Arapahoe aquifer and 70.16 acre-feet of Laramie-Fox Hills aquifer) of water annually for a minimum of 300 years, which exceeds the water demand of 146.06 acre-feet annually for 300 years. Therefore, there appears to be a sufficient water supply to meet the water demands of this subdivision.

10. Analysis—Dependability: For new central water systems like the one Applicant proposes for this subdivision, the County Attorney's Office has historically relied on CDPHE's review and approval of TMF capacity and final construction plans for the water system in order to make its dependability findings. CDPHE has changed their interpretation of regulations and policies and timing of their TMF review, and as a result, the County Attorney's Office is no longer able to rely on CDPHE's review for dependability findings as it had previously, and has had to modify its approach to dependability findings. See **Exhibit A, CDPHE Regulations, LDC, & Water Dependability**, attached hereto and incorporated herein by this reference, for additional background and information.

The County Attorney's Office, pursuant to negotiations and agreement with the Applicant, has agreed to **Saddlehorn Ranch Restrictive Covenant on Transfer of Title** ("Restrictive Covenant")(set forth and incorporated herein by this reference at **Exhibit B**) to enable a finding of conditional sufficiency as to dependability for the new central water system proposed for this subdivision pursuant to § 8.4.7.B.6.g.vi., LDC. The provisions of the Restrictive Covenant shall constitute Special Conditions for conditional finding of sufficiency as to dependability. Applicant shall comply with the provisions of the

Restrictive Covenant/Special Conditions, and upon completion to the County's satisfaction of the same, the conditional finding of sufficiency as to dependability shall convert to a full sufficiency finding without further action required by the County.

The following information relates to dependability as set forth in § 8.4.7.B.5. & 6.g., and the Restrictive Covenant:

a. Regarding the water supply, Applicant has provided a reliable source of water to serve the subdivision that meets the County's 300 year water supply requirement in terms of quantity, and which the State Engineer's Office finds sufficient (see, Paras. 3, 6, 7, 8, and 9 above).

b. Regarding financial capacity to fund construction of the new central water system, in its TMF documents provided to CDPHE, the Applicant states that "Financial plans and budget projections show that SRMD will issue privately placed debt and market-issued revenue bonds with \$12,324,000 million in net proceeds (after fees and reserve) for water system development." The Saddlehorn Ranch Metropolitan District Nos. 1-3 Service Plan identifies total Infrastructure Capital Costs of \$22,480,550 and Maximum Debt Authorization of \$45,000,000.

c. Regarding water for fire demand: the Applicant's *Water Resources & Waste Water Report* states that according to the "2009 International Fire Code, systems that have structures up to 3,600 square feet and are comprised of certain building materials (such as those proposed in Saddlehorn Ranch), require a minimum fire-flow of 1,500 GPM must be met." In the TMF submittal, the consultant noted the Fire Flow (1,500 GPM \* 120 Minutes) (1,500 GPM \* 120 Minutes) volume demand as 180,000 gallons and noted that the "minimum fire flow capacity is defined as 1,500 gpm for 120 minutes per the International Fire Code (IFC). Controls for the high-capacity pump, along with the smaller distribution pumps, will be integrated into a central SCADA PLC." The Falcon Fire Protection District provided a letter dated October 11, 2018, committing to provide fire suppression, fire prevention, and other related services to the subdivision.

d. Regarding compliance with drinking water regulations, CDPHE issued an "Approval Letter" dated February 4, 2021 (attached hereto at **Exhibit C** and incorporated herein by this reference); however, it does not appear that this letter addresses TMF capacity as the County Attorney's Office has required of Applicant and as required in the Restrictive Covenant/Special Conditions, but rather, only addresses the Basis of Design Report (BDR)—the construction design and plan—submitted by Applicant. Applicant submitted both TMF capacity and BDR to CDPHE on or about October 6, 2020; however, this "Approval Letter" is only for the BDR: "Approval of Drinking Water Final Plans and Specifications for Construction Saddlehorn Ranch Water System." It states CDPHE "... has received and reviewed the Final Plans and Specifications for the Saddlehorn Ranch Water System in accordance with . . . (Regulation 11). The design meets or exceeds the requirements of the *State of Colorado Design Criteria For Potable Water Systems* (Design

Criteria) and is hereby approved.” (Emphasis added). There is no mention of TMF review, and the TMF capacity documents which Applicant submitted are not listed in the “documents reviewed” section at p. 4. The letter states, “[a]pproval is conditional upon submission for Department review of the complete finished water storage tank [and related tank design and drawings]” (see p. 3). Finally, it states, “[a]pproval of this project is based only upon engineering design to provide safe potable water, as required by Regulation 11 ....” Again, there is no conditional approval of TMF capacity.

This “Approval Letter” is not like others CDPHE has issued, i.e., like the one for Sanctuary of Peace Subdivision, which found that both the “... TMF and design has been found to be in conformance with the current requirements of the New Public Water System Capacity Planning Manual and the State of Colorado Design Criteria For Potable Water Systems (Design Criteria).” CDPHE did not include such approval language in its letter for Saddlehorn; therefore, Applicant will have to meet additional Requirements in order for the County Attorney’s Office to make its recommendation of conditional sufficiency for water dependability.

e. Regarding well construction, the *Water Resources & Wastewater Report* dated September 2020 notes that domestic water demand will be met using 2 wells – one well in the Arapahoe aquifer and the second well in the Laramie-Fox Hills aquifer and are identified as Well Permit No. 66937-F and Well Permit No. 66938-F. The wells were drilled in approximately 2008 but have not been equipped. The State Engineer’s Office notes that the 2 well permits will need to be cancelled and re-permitted (see Para. 6 above). The wells were tested in January and May of 2019 and several adjustments will be made based on the testing results. Applicant’s water attorney, Ryan Farr, provided copies of Applications to Re-Permit Well Permit Nos. 66937-F and 66938-F, which he submitted to the Colorado Ground Water Commission on December 17, 2020.

f. Regarding water quality, Applicant states in its TMF submittal that 2 wells, an Arapahoe and a Laramie-Fox Hills well “have been drilled, screened, cased, and tested for this subdivision. Both well completion reports were done in 2008. Saddlehorn Ranch Metropolitan District (SRMD) has sampled both wells for three quarters in 2019. None of the primary constituents that were tested were above their respective Maximum Contaminant Level (MCL). Only Total Dissolved Solids, a secondary standard, was above its MCL. Chlorination and filtration to remove Iron and Manganese are planned for this system. This will likely be accomplished via a pressure-sand filtration. Although filtration is not mandatory, it will be done for water taste and aesthetics.” El Paso County Public Health Department submitted comments to EDARP stating that “water quality testing has been completed and the results submitted for review are acceptable; however, the testing laboratory was not identified in the submittal. Please provide the sample submittal forms and copies of the testing laboratory result sheets to El Paso County Public Health.”

g. Regarding an operator for the central water system, in its TMF submittal to CDPHE, Applicant's consultant identifies the operator as ORC Water Professional, Inc. and specifically the Certified Treatment Operator is Clyde Penn (Operator ID No. 9835). The TMF submittal stated that "ORC Water Professionals (OWP) maintains licensing adequate to support whatever growth or future treatment system requirements demand."

h. Restrictive Covenant. Applicant, the Planning and Community Development Department, and the County Attorney's Office negotiated and agreed to the terms of the Saddlehorn Ranch Restrictive Covenant on Transfer of Title ("Restrictive Covenant")(attached hereto at **Exhibit B** and incorporated herein by this reference). The provisions of the Restrictive Covenant shall constitute Special Conditions and thus are Requirements that must be completed in exchange for, and are the basis of, the recommendation for **conditional sufficiency** as to water **dependability** herein. The Restrictive Covenant enables the Applicant to obtain building permits, but not certificates of occupancy, for the Initial 15 lots upon approval of the first final plat before the new central water system is constructed. The County's requirement that the water system be completed and TMF and construction design are finally approved by CDPHE before homeowners are allowed to move into any completed house is met by the requirement that deeds for the Initial 15 lots must be placed into escrow with Empire Title and not be released and closed until the water system is completed and CDPHE has finally approved TMF capacity and construction design pursuant to written Escrow Instructions to be agreed to by the County Attorney's Office and Applicant.

11. Recommendation Regarding Quantity. Based on the information provided in the WSIS, the Water Resources Report, the Colorado Ground Water Commission Determination No. 457-BD which permits withdrawal from the Laramie-Fox Hills aquifer in the amount of 70.16 acre-feet/year for a period of 300 years, and Colorado Ground Water Commission Determination No. 458-BD which permits withdrawal from the Arapahoe aquifer in the amount of 81.28 acre-feet/year for a period of 300 years, the State Engineer's finding of sufficiency and no injury to vested water rights, the District's Permanent Will-Serve Commitment Letter, and if CDPHE gives final TMF capacity and construction design approvals of the community water system, and pursuant to the Requirements herein, the County Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of **quantity**.

12. Recommendation Regarding Dependability. Because Applicant has not yet completed construction of the new central water system and because CDPHE has not yet issued its final approval of TMF capacity and final construction plans and will not even begin such final review until there are 15 hookups to the central water system, at this time, based on the information in Paragraph 10 above, and if Applicant meets the requirements set forth in the provisions of the Restrictive Covenant set forth in **Exhibit B**, the County Attorney's Office can only recommend a finding that the proposed water supply is **conditionally sufficient** as to water **dependability**. Once Applicant provides evidence satisfactory to the Planning and Community Development Department and the

County Attorney's Office that Applicant has completed all Requirements set forth herein, plus the requirements set forth in the Restrictive Covenant set forth in **Exhibit B**, the finding of conditional sufficiency as to dependability will convert to a full sufficiency finding as to dependability without further action required by the County.

13. Water Quality. 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.

#### **REQUIREMENTS:**

A. Applicant shall prepare plat notes as required in the Restrictive Covenant to limit issuance of Building Permits, but not issue Certificates of Occupancy, as set forth in the Restrictive Covenant, and shall provide copies of such plat notes that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney's Office prior to recording the first final plat.

B. Specific Requirements for Conditional Sufficiency as to Dependability for Saddlehorn Ranch Subdivision:

1) TMF Capacity. Pursuant to Para. 10.d., above, prior to recording the first final plat for Saddlehorn Ranch Subdivision, Applicant shall obtain an "Approval Letter" from CDPHE in which CDPHE gives its conditional approval that the TMF capacity conforms to the requirements of the *New Public Water System Capacity Planning Manual*. Alternatively, at the election and subjective discretion of the County Attorney's Office, in consultation with the Planning & Community Development Department, prior to recording the first final plat for Saddlehorn Ranch Subdivision, Applicant shall obtain written clarification from CDPHE that the "Approval Letter" dated February 4, 2021 (as described in Para. 10.d., above) also includes its conditional approval of the TMF capacity.

2) Restrictive Covenant. The provisions of the Restrictive Covenant, attached hereto at **Exhibit B**, shall constitute Special Conditions and are hereby incorporated as if set forth verbatim, and hereby become specific Requirements of the County Attorney's Office that must be completed by Applicant in order to obtain the recommendation for conditional sufficiency as to dependability. If said specific Requirements of the Restrictive Covenant are not completed, the County Attorney's Office may elect to withdraw its recommendation of conditional sufficiency as to dependability.

3) Recording and Plat Note. Upon coordination with the Planning & Community Development Department, Applicant shall record the Restrictive Covenant in

substantially the same form as that attached at **Exhibit B** (including the legal description of the area covered by the preliminary plan), in the records of the El Paso County Clerk and Recorder's Office. Applicant shall place a Note on the first final plat of the subdivision advising homeowners in the Saddlehorn Ranch Subdivision of the limitations set forth in the Restrictive Covenant and referencing the recording information for the same.

C. All requirements set forth by the County Attorney's Office in the Restrictive Covenant noted above and delineated in **Exhibit B** shall be met by the Applicant and the District (as applicable).

D. Applicant and all future owners of lots within this subdivision shall be advised of, and comply with, any conditions, rules, regulations, limitations, and specifications set by the Saddlehorn Ranch Metropolitan District Nos. 1-3, the Restrictive Covenant, and all provisions related to the Colorado Ground Water Commission Determination Nos. 457-BD and 458-BD.

E. Any and all water rights owned by the Applicant pursuant to Colorado Determination of Water Rights No. 457-BD and 458-BD shall be transferred and assigned to the District prior to final subdivision approval. Currently, Applicant has provided copies of deeds that convey water rights from ROI Property Group, LLC to Gorilla Capital CO Saddlehorn Ranch, LLC. Prior to recording the first final plat, Applicant shall provide to both the Planning and Community Development Department and the County Attorney's Office a copy or copies of warranty deed(s) or other instrument(s) acceptable to the County Attorney's Office conveying or assigning water rights to Saddlehorn Ranch Metropolitan District Nos. 1-3 to supply the subdivision.

F. Applicant, its successors and assigns, shall record all applicable documents, including, but not limited to Saddlehorn Ranch Restrictive Covenant on Transfer of Title (including legal description of the area encompassed by the preliminary plan of the subdivision), Colorado Ground Water Commission Determination Nos. 457-BD and 458-BD, and agreements, assignments, and warranty deeds regarding the water rights, in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

G. It is the responsibility of the Applicant and the District to comply with any and all conditions set forth by the State Engineer's Office regarding any storm water detention structure on the property pursuant to Designated Basin Rule 5.11.

H. The following plat note shall be added that addresses the State Engineer's admonition to advise landowners of potential limited water supplies in the Denver Basin:

"Water in the Denver Basin aquifers is allocated based on a 100 year aquifer life; however, for El Paso County planning purposes,

water in the Denver Basin aquifers is evaluated based on a 300 year aquifer life. Applicant and all future owners in the subdivision should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than either the 100 years or 300 years used for allocation indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply.”

cc. Nina Ruiz, Planning Manager



## EXHIBIT A

### CDPHE REGULATIONS, LDC, & WATER DEPENDABILITY

#### HISTORY

Historically, for new community water systems that will operate as a public water system, the County relied on the Colorado Department of Public Health & Environment's ("CDPHE") review and approval of TMF capacity and final construction plans, which CDPHE would do prior to construction of the new central water system, as evidence that an applicant's water supply would meet sufficiency requirements for dependability required by the Land Development Code ("LDC"). That review and approval would culminate in CDPHE's issuance of a Public Water System Identification ("PWSID") Number, which the County relied on as proof of CDPHE's approval. That approval was required before recording the Final Plat. Applicant could then choose to either provide collateral to guarantee construction of the new water system or agree to restrict sale of lots until the PWSID Number issued and a professional engineer certified that the water system had been completed pursuant to the approved construction plans and was operational. Upon such certification, the County would authorize issuance of building permits.

CDPHE has changed its interpretation of its Regulations and the timing of its review of TMF capacity and final construction plans, as explained in detail below. Briefly, CDPHE now will not provide final review until the water system is constructed and there are at least 15 hookups or regularly serves at least 25 year-round residents, which then means the system meets the definition of a public water system that CDPHE asserts it then has jurisdiction to regulate. The PWSID Number it now issues is simply an identification number for record keeping purposes and no longer has any significance for the County as it did before. Also, recent revisions to the LDC eliminated the ability to restrict sale of lots as a means to condition approval of Final Plats.

#### CDPHE REGULATIONS

As a result of the above, the County has had to develop a new process for evaluating and reaching a sufficiency finding for water dependability for new central water systems given CDPHE's current interpretation and application of Regulation 11, 5 CCR 1002-11. Based on the language in § 11.4(1)(a) & (b), for a new community water system that is a public water system, the supplier cannot begin construction of the new system until CDPHE approves TMF Assessment:

"(a) For new community or non-transient, non-community water systems, the supplier must not begin construction of the new water system until the supplier completes and receives Department approval of a capacity (technical, managerial and financial) assessment using the criteria found in the *New Public Water System Capacity Planning Manual*."

"(b) For all public water systems, the supplier must not begin construction of any new waterworks, make improvements to or modify existing waterworks, or begin using a new source until the supplier submits and receives Department approval of plans and specifications for such construction, improvements, modifications, or use."

The definitions of "community water system" and "public water system" are essentially the same, but "public water system" is more detailed:

“Public water system’ means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. A public water system is either a community water system or a non-community water system. . . .”

CDPHE *New Public Water System Capacity Planning Manual* (“Manual”) indicates that TMF must be approved before construction of the water system:

§ 3.1.1 “A new prospective water system may be constructed that will meet the definition of a public water system on the first day of operations. . . .For this scenario, the system can begin operations after:

- the water system has demonstrated TMF capacity,
- the Department has issued design approval in accordance with the State of Colorado Design Criteria for Potable Water Systems,
- and the project engineer certified the system has been constructed according to the design approval and final plans and specifications.

Prior to beginning construction of a new community or NTNC, all requirements of the capacity review must be in place.”

It is difficult to understand how these requirements work in the real world given CDPHE’s current interpretation and application of them. CDPHE has advised County staff that they will not do TMF capacity review and final approval and construction plans approval until the water system meets the definition of a public water system—hookups operational to serve 15 lots; however, the developer cannot get 15 hookups unless the system is constructed. But Regulation 11 says the water system cannot be constructed until TMF and construction design have been approved by CDPHE. As a result, the County is forced to operate in this gray area with CDPHE in which CDPHE advises they will issue an “acknowledgement letter” that says they have received TMF capacity information and construction plans from the developer, but they will not do complete review and final approval until there are 15 hookups. CDPHE suggests that the County withhold certificates of occupancy until the water system has been approved by CDPHE.

The Manual recognizes the above conundrum:

3.7 When Should a TMF capacity assessment be submitted? “Per Regulation 11, a new public water system is required to receive approval of the TMF capacity assessment (reviewed against the requirements within this manual) and new water works plans and specifications (reviewed against the requirements in the design criteria) prior to beginning construction of any new water works or improvements. However, Regulation 11 does not apply to water systems until the water system meets the definition of a public water system, as defined by the regulation. This can create a regulatory paradox for prospective systems. To address this, the department expects that prospective systems will submit TMF capacity assessment six months prior to the

date the system anticipates meeting the definition of a public water system. . . ." (Emphasis added).

The County Attorney's Office interprets the regulations above, and CDPHE's interpretation of the same as evidenced by their directions to the County, to indicate they are okay with new central water systems being built, but once there are 15 hookups, no additional hookups can be made until CDPHE completes final review and approval of TMF capacity assessment and construction plans and design. The County Attorney's Office believes that any request by an applicant to go beyond 15 hookups before the water system is built and CDPHE has issued its final approval of the system as a public water system, including TMF assessment, would violate CDPHE's Safe Drinking Water regulations, policies and procedures, and by allowing such, the County could be complicit.

#### LDC DEPENDABILITY REQUIREMENTS FOR NEW PUBLIC WATER SYSTEMS

##### LDC 8.4.7.B.4.b. Conditional Finding of Sufficiency

"Conditional findings of sufficiency can be made by the Planning Commission and the BoCC specifying conditions that shall be met prior to recording the final plat. Some examples of conditions include, but are not limited to: . . .completion of CDPHE Technical, Managerial, and Financial TMF) analysis and issuance of PWSID number for a new central water system. . . .Once these requirements are met, the conditional finding of sufficiency becomes a finding of sufficiency."

##### LDC 8.4.7.B.6.g.vi. Compliance with Drinking Water Regulations

"When a new community water system subject to the Colorado Primary Drinking Water Regulations is proposed in conjunction with a subdivision, a conditional finding of sufficiency may be issued by the Planning Commission and BoCC in the approval of a preliminary plan or final plat subject to the following:

CDPHE TMF capacity, analysis and approval thereof, as evidenced by issuance of a Public Water System Identification (PWSID) number;

Adequate construction surety for the proposed water system which includes all water works identified in the CDPHE TMF analysis;

Restrictions on the number of building permits or certificates of occupancy issued until the water system is constructed and certified; and

An entity acceptable to the water court, or Colorado Groundwater Commission or the CDPHE shall be formed or engaged to assure operation of the community water system."

#### SPECIAL CONDITIONS THAT WILL RESULT IN FINDING OF CONDITIONAL SUFFICIENCY FOR DEPENDABILITY

In addition to any other Conditions set forth in the water review, the County Attorney's Office also requires the Special Conditions set forth in Exhibit B to be imposed and followed in order to make its recommendation for a conditional finding of sufficiency for dependability.

## EXHIBIT B

### **SADDLEHORN RANCH RESTRICTIVE COVENANT ON TRANSFER OF TITLE**

Gorilla Capital CO Saddlehorn Ranch, LLC, is a Colorado limited liability company ("Declarant") is the owner of real property located in Sections 3 and 10 of Township 13 South, Range 64 West of the 6<sup>th</sup> P.M., El Paso County, Colorado containing approximately 816 acres, and specifically described on the attached **Exhibit 1** and incorporated by this reference, generally known as the Saddlehorn Ranch Subdivision ("Saddlehorn Ranch").

The Board of County Commissioners for El Paso County, Colorado ("El Paso County") is concerned about the completion of houses prior to the completion of the water system infrastructure and prior to the approval of the water system infrastructure to serve as a community water system by Colorado Department of Public Health and Environment ("CDPHE"). Such concerns are predicated on houses being completed, title being transferred to new owners, and the water infrastructure system either failing to be completed by the developer/builder and/or failing to be approved by CDPHE. Such a circumstance places a burden on El Paso County to resolve the failure of the water system infrastructure being completed and/or approved.

The El Paso County, Colorado Land Development Code ("LDC") at § 8.4.7.B.6.g.vi allows El Paso County the ability to impose restrictions on the number of building permits or certificates of occupancy until a water system is constructed and certified. The County's practice has been not to impose such restrictions, but rather to require completion of the water system and certification by a professional engineer that both the water system has been built in accordance with the design that was reviewed by CDPHE and that the system is functional/operational, and to require CDPHE approval of the Technical, Managerial, and Financial Capacity Assessment ("TMF Assessment") prior to approval of a final plat for the subdivision.

The Declarant desires to construct an initial forty-five (45) houses at the same time as the water system infrastructure is being constructed and during the period after the water system infrastructure has been completed and is awaiting approval by the CDPHE of the TMF Assessment. El Paso County believes this would be a violation of Regulation 11, 5 C.C.R. 1002-11, and CDPHE New Public Water System Capacity Planning Manual. Therefore, Applicant intends to construct only an initial fifteen (15) houses during the time that water system infrastructure is being constructed ("Initial 15"). Before El Paso County will agree to issue any building permits in addition to the Initial 15, Declarant shall receive approval of the water system to serve as a community water system including approval of the TMF Assessment, and written proof of such approval, shall be provided to El Paso County to its satisfaction.

El Paso County has agreed to issue building permits, but not certificates of occupancy, for the Initial 15 with the restriction on issuance of certificates of occupancy by El Paso County as set forth in this covenant, and as set forth in the plat note of the

Final Plat for Filing No. 1 of Saddlehorn Subdivision, which plat note shall cross reference this Covenant. No other building permits, and no certificates of occupancy, shall be issued for Saddlehorn Ranch until the water system infrastructure has been completed and has received final approval to serve as a community water system including approval of the TMF Assessment from the CDPHE. Declarant shall have the right to select which lots shall be subject of the Initial 15; however, Declarant shall identify which lots comprise the Initial 15 in the plat note of the Final Plat for Filing No. 1 of Saddlehorn Subdivision.

Declarant may issue deeds for the Initial 15 and shall have such deeds held in escrow by Empire Title of Colorado Springs, LLC ("Empire Title") only to be released from escrow back to Declarant for closing and recording at the direction of El Paso County, pursuant to escrow instructions agreed to by the County, and pursuant to the conditions listed below. Declarant shall indicate in writing to El Paso County Planning and Community Development Services Department which deeds comprise the Initial 15 upon the escrowing of such deeds. No other deeds shall be issued by Declarant for Saddlehorn Ranch until the water system infrastructure has been completed and has received final approval to serve as a community water system including approval of the TMF Assessment from the CDPHE

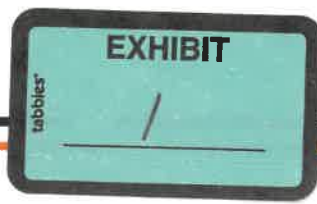
Declarant is restricted from transferring title to the Initial 15 until:

1. A professional engineer has certified that the water system infrastructure has been built in accordance with the design that was subject of the CDPHE acknowledgement letter, and that the system is functional/operational;
2. A defect warranty collateral for the water system has been posted with El Paso County; and
3. A proposed water operator acceptable to El Paso County has been selected and a description of how the operator will provide operation, maintenance, and management services to the special district for the water system has been delivered by the proposed water operator to El Paso County.
4. El Paso County has agreed, pursuant to the escrow instructions, and has provided written consent/agreement that requirements 1 – 3 above have been met and that the deeds for the Initial 15 can be released.

The restrictions set forth herein concern the transfer of title only; Declarant remains free to enter into non-binding contracts, with fully refundable earnest money, for the purchase and sale of all lots within Saddlehorn Ranch.

The deeds to be held in escrow shall be issued with the Declarant as grantor and the party under contract for each individual lot as grantee. If the grantee for any deed changes after the escrowing of the deed but before the deed is released from escrow, Declarant will so inform El Paso County and Empire Title in writing and shall thereafter





**PROPERTY DESCRIPTION:**

**PARCEL A:**

A PARCEL OF LAND LOCATED IN SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S 89 DEGREES 21 MINUTES 33 SECONDS E, ALONG THE NORTH LINE OF SAID SECTION 3, 5275.27 FEET TO THE NORTHEAST CORNER THEREOF; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG THE EAST LINE OF SAID SECTION 3, 1841.19 FEET; THENCE N 89 DEGREES 49 MINUTES 04 SECONDS W, 5280.38 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG SAID WEST LINE, 1883.39 FEET TO THE POINT OF BEGINNING.

EXCEPT THOSE PORTIONS CONVEYED TO EL PASO COUNTY BY AND THROUGH THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO, IN SPECIAL WARRANTY DEEDS RECORDED JANUARY 29, 2015 AT RECEPTION NO. 215008985 AND RECEPTION NO. 215008986.

**PARCEL B:**

A PARCEL OF LAND LOCATED IN SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG THE WEST LINE OF SAID SECTION 3, 1974.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE, N 00 DEGREES 05 MINUTES 14 SECONDS E, 1649.14 FEET; THENCE S 89 DEGREES 49 MINUTES 04 SECONDS E, 5280.38 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG SAID EAST LINE, 1649.15 FEET; THENCE N 89 DEGREES 49 MINUTES 04 SECONDS W, 5285.17 FEET TO THE POINT OF BEGINNING.

**PARCEL C:**

A PARCEL OF LAND LOCATED IN SECTION 3 AND SECTION 10, TOWNSHIP 13 SOUTH, RANGE 64 WEST, OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG THE WEST LINE OF SAID SECTION 3, 327.11 FEET; THENCE S 89 DEGREES 49 MINUTES 04 SECONDS E, 5289.95 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG SAID EAST LINE, 327.11 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 3; THENCE S 00 DEGREES 57 MINUTES 38 SECONDS W, ALONG THE EAST LINE OF SAID SECTION 10, 1320.52 FEET TO THE SOUTHEAST CORNER OF THE

NORTH HALF OF THE NORTH HALF OF SAID SECTION 10; THENCE N 89 DEGREES 48 MINUTES 49 SECONDS W, ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF SAID SECTION 10, 5285.51 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 00 DEGREES 43 MINUTES 38" SECONDS E, ALONG THE WEST LINE OF SAID SECTION 10, 1320.06 FEET TO THE POINT OF BEGINNING.

Per the Commitment for Title Insurance, issued by Westcor Land Title Insurance Company, Commitment No. 56676ECS, dated August 2, 2018.

PARCEL 21:

A PORTION OF THE SOUTH HALF OF SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 3; THENCE ALONG THE EAST LINE OF SAID SECTION 3, S00°42'25"E (BEARINGS ARE RELATIVE TO THE NORTH LINE OF SECTION 3, BEING MONUMENTED AT THE WESTERLY END BY A FOUND NO.6 REBAR WITH A 3-1/4" ALUMINUM CAP IN A VAULT, STAMPED "PLS 17496", AND AT THE EASTERLY END BY A FOUND NO. 6 REBAR WITH 3-1/2" ALUMINUM CAP IN A VAULT, STAMPED "LS 17496", AND MEASURED TO BEAR S89°59'26"E, A DISTANCE OF 5275.03 FEET), A DISTANCE OF 3490.37 FEET, TO THE SOUTHEAST CORNER OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM DEED RECORDED AT RECEPTION NO. 213021177, IN THE OFFICIAL RECORDS OF EL PASO COUNTY; SAID CORNER ALSO BEING THE POINT OF BEGINNING; THENCE S00°42'25"E, CONTINUING ALONG THE WEST LINE OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM DEED RECORDED AT RECEPTION NO.213113100, IN SAID OFFICIAL RECORDS, A DISTANCE OF 1647.65 FEET, TO THE NORTHEAST CORNER OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM DEED RECORDED AT RECEPTION NO. 213043391, IN SAID OFFICIAL RECORDS; THENCE S89°33'10"W, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 5289.71 FEET, TO A POINT LYING ON THE WEST LINE OF SAID SECTION 3; THENCE ALONG SAID WEST LINE, N00°32'28"W, A DISTANCE OF 1645.40 FEET, TO THE SOUTHWEST CORNER OF SAID PARCEL, RECORDED AT RECEPTION NO. 213021177, IN SAID OFFICIAL RECORDS; THENCE N89°31'43"E, ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 5284.95 FEET, TO THE POINT OF BEGINNING.

Per the Commitment for Title Insurance, issued by Land Title Guarantee Company, Order No. SC55073032, dated October 1, 2018.

Being more particularly described by metes and bounds as follows:

**COMMENCING** at the Northeast Corner of Section 3, Township 13 South, Range 64 West of the 6<sup>th</sup> Principal Meridian; thence along the east line of said Section 3, S00°42'27"E (Basis of bearings is the North line of Section 3, Township 13 South, Range 64 West of the 6<sup>th</sup> Principal Meridian, monumented at the West end by a No. 6 Rebar with a 3-1/4" aluminum cap, properly marked, in a monument box, "PLS 17496" and at the East end by a No. 6 rebar with a 3-1/2" aluminum cap, properly marked, in a monument box, "PLS 17496", having a measured bearing and distance of S89°59'23"E, 5275.26'. Bearings are relative to Colorado State Plane Central Zone (0502)), a distance of 30.00 feet, to the **POINT OF BEGINNING**; thence continuing along



said east line, S00°42'27"E, a distance of 5,435.28 feet, to the Southeast Corner of said Section 3, said point also being the Northeast Corner of Section 10, Township 13 South, Range 64 West of the 6<sup>th</sup> Principal Meridian; thence along the east line of the North 1/2 of the North 1/2 of said Section 10, S00°19'54"W, a distance of 1,320.51 feet, to the North 1/16<sup>th</sup> Corner of said Section 10; thence leaving said east line and along the south line of the North 1/2 of the North 1/2 of said Section 10, S89°34'02"W, a distance of 2,642.78 feet, to the North-Center-Center 1/16<sup>th</sup> Corner of said Section 10; thence continuing along said south line, S89°34'07"W, a distance of 2,612.73 feet, to a point that is 30.00 feet distant from the North 1/16<sup>th</sup> Corner of said Section 10, said point also being a point on the east right-of-way line of Curtis Road; thence along said east right-of-way line and 30.00 feet parallel to the west line of said North 1/2 of the North 1/2 of said Section 10, N00°05'54"E, a distance of 1,319.14 feet, to a point that is 30.00 distant to the Northwest Corner of said Section 10, also being the Southwest corner of said Section 3; thence continuing along said east right-of-way line, along the following four (4) courses:

1. N00°32'28"W, a distance of 4,608.42 feet;
2. N89°27'32"E, a distance of 19.98 feet;
3. N00°32'28"W, a distance of 820.00 feet;
4. N44°46'13"E, a distance of 40.00 feet,

to a point on the south right-of-way line of Judge Orr Road, thence along said south right-of-way line, along the following three (3) courses:

1. S89°59'23"E, a distance of 822.24 feet;
2. N00°00'37"E, a distance of 20.00 feet;
3. S89°59'23"E, a distance of 4,374.49 feet,

to the **POINT OF BEGINNING**.

Containing 35,565,654 S.F. or 816.475 acres, more or less.



February 4, 2021

Bill Guman  
Saddlehorn Ranch Metropolitan District  
731 N Weber St.  
Colorado Springs, CO 80903

RE: Approval of Drinking Water Final Plans and Specifications for Construction Saddlehorn Ranch Water System, Saddlehorn Ranch Metropolitan District Public Water System Identification (PWSID) No. CO0121703, El Paso County ES Project No. ES.20.DWDR.05857

Dear Mr. Guman:

The Colorado Department of Public Health & Environment (Department), Water Quality Control Division, Engineering Section has received and reviewed the Final Plans and Specifications for the Saddlehorn Ranch Water System in accordance with Section 11.4(1)(b) of the *Colorado Primary Drinking Water Regulations* (Regulation 11). The design meets or exceeds the requirements of the *State of Colorado Design Criteria For Potable Water Systems* (Design Criteria) and is hereby approved.

This approval is limited to the following:

- Well A1 (SDWIS ID: 001): Groundwater source
  - Well Permit Number 66937. Drilled well. Screen: 938-1,380 feet, total depth: 1,390 feet, static water level approximately 660 feet.
  - Well improvements: casing raised to provide a minimum of 12 inches between grade and wellhead; 12 or 16 mesh noncorrodible vent screen.
  - Flow: 150 gallons per minute (gpm).
  - Associated piping and appurtenances.
- Well LFH1 (SDWIS ID: 002): Groundwater source
  - Well Permit Number 66938. Drilled well. Screen: 1,736-1,977 feet, total depth: 2,035 feet, static water level approximately 1,280 feet.
  - Well improvements: casing raised to provide a minimum of 12 inches between grade and wellhead; 12 or 16 mesh noncorrodible vent screen.
  - Flow: 250 gpm.
  - Associated piping and appurtenances.
- Treatment Plant (SDWIS ID: 003)
  - Treatment for Well A1 and Well LFH1 (001 & 002), Maximum flowrate of 250 gpm.
  - Sodium hypochlorite treatment (421):
    - Sodium hypochlorite feed pump (design basis: one duty, one standby, Blue-White Industries, Flexflo), 120 gallon dual wall solution feed tank (design basis: Peabody Engineering Gemini Cylindrical Tank).
    - Sodium hypochlorite injection point prior to tanks.
    - Wells and chlorine pump electrically connected to control dosing.
  - Chlorine contact time pipe (825): 1,292 gallons (220 lf of 12-inch C900 DR 18 pipe) with a baffle factor of 0.6.
  - Pressure-Sand Filtration (344):
    - Reaction vessel, 36-inch diameter by 60-inch straight sideshell, ends fitted with semi-elliptical heads, working pressure of 60 psig and test pressure of 78 psig (design basis: Filtronics Model RV-300).
    - Two filter vessels to treat primarily iron and manganese, for taste, odor, and aesthetics, 54-inch diameter by 54-inch tall each, working pressure of 60 psig and test pressure of 78 psig (design basis: Filtronics Model FVD-07, Electromedia I, Dual Automatic Filter Station, NSF 61 certified).



- Backwash provided by distribution system pumps, sized to provide adequate backwash volume and system demands.
- Backwash water measured via magnetic flow meters. One meter installed on backwash inlet line (design basis: 6-inch). One meter installed on effluent line (design basis: 4-inch).
- Backwash directed to a buried exterior storage tank, recycled into system at a rate of <10% of the influent flow from wells.
  - Tank design and details to be submitted to the Department for review once the tank manufacturer is selected and the design is completed. See condition below.
  - Recycle pump, details to be submitted with tank design (design basis: Grundfos submersible pump).
  - Associated piping and appurtenances.
- Filtration appurtenances: differential pressure gauges at inlet and outlet, combined raw water flow meter prior to filters, flowmeter on each filter. Backwash line has a check valve for cross-connection control and sample port.
- Treatment appurtenances. Raw water sampling tap (one per well), finished water meter (design basis: 6" Ultra Mag UM06), handheld free chlorine residual analyzer, Hach wall-mounted reagentless continuous free chlorine analyzer, and finished water tap (residual chlorine monitoring location) after distribution system pumps.
- Distribution system pumps located within treatment plant following distribution storage tank. Dual pump station (design basis: Goulds, 10HP CRE 45-1 multistage centrifugal pump, operating in lead/standby mode), with variable frequency drives (VFDs).
- High capacity fire flow pump located within treatment plant following distribution storage tank (design basis: 1,500 GPM for 120 minutes).
- Associated piping and appurtenances.
- Acknowledgement of a distribution storage tank (SDWIS ID: 004):
  - Tank design and details to be submitted to the Department for review once the tank manufacturer is selected and the design is completed. See condition below.
  - 286,500 gallon, above grade, epoxy-coated steel tank.
  - Circular: 42.5-foot diameter and 28-foot height.
  - Tank Appurtenances (to be confirmed in final tank design and details):
    - Inlet/Outlet: 12-inch inlet riser pipe with silt stop 6-inches minimum above floor.
    - Drain line: 8-inch from tank to daylight with a headwall and plunge pool protected with rip-rap, southeast of tank. Drain line terminates with a duckbill valve, minimum of 1-foot above backwater.
    - Overflow: 12-inch high by 12-inch deep by 2-foot wide box weir inside tank connecting to an 8-inch overflow line on tank exterior. Overflow line terminates with a duckbill valve (design basis: 8-inch Series 35 Tideflex), 24-inch minimum above grade to a splash pad with rip-rap and discharges to 5-foot wide, 18-inch deep rip-rap channel which flows to the southeast to shared plunge pool with drain line.
    - Vent: Dedicated downward-turned vent with 24 mesh, noncorrodible screen with an opening 36-inches above tank roof.
    - Manway: Two 24-inch circular manways 180 degrees apart.
    - Access hatch on tank roof. Extends a minimum of 4-inches above the roof deck with an overlapping curb. Cover is hinged on one side and lockable.
    - Hydrodynamic mixing system (design basis: Tideflex).

#### Approved Deviations:

The approval includes the following deviations from the Design Criteria:

- Section 2.6 of the Design Criteria requires standby power. The system requested a deviation based on: 1) that backup power will be provided for the distribution pumps and the high capacity pump via an on-site generator in the event of a power failure, however 2) the wells and treatment system will not have backup power and will shut down during a power outage. The finished water storage tank operating levels will be set to provide emergency reserves within the tank during a power outage. Based on the information supplied to support this deviation, the Department accepts this deviation

request and has approved an on-site generator for only the distribution pumps and the high capacity pump.

- Section 2.8 of the Design Criteria requires each public water system to have its own laboratory facility. The system requests a deviation based on the fact that the required water quality sampling consists of chlorine residual, therefore laboratory facilities are not required. Based on the information supplied to support this deviation, the Department accepts this deviation request and has approved the public water system without laboratory facilities given that chlorine residual will be monitored continuously and that there will be a handheld free chlorine analyzer in the treatment plant.

#### Conditions of Approval:

The approval is subject to the following conditions:

#### General Requirements:

- This approval is conditional upon submission for Department review of the complete finished water storage tank and buried reclaim/backwash water storage tank design and drawings prepared by the selected tank manufacturers and includes design calculations demonstrating the tank vent and overflow sizing meets design requirements and the tank designs meets the State of Colorado Design Criteria for Potable Water Systems. Buried reclaim/backwash tank design shall include recycle pump details.
- Section 2.21 of the Design Criteria requires all chemicals and materials that come in contact with treated or partially treated water to be ANSI/NSF 60 and 61 certified, respectively, for potable water use.
- All wells, pipes, tanks and equipment that can convey or store water intended for potable use must be disinfected in accordance with current AWWA procedures prior to initial use as required in Sections 2.15, 6.6.2, 7.0.18 and 8.7.7 of the Design Criteria.
- All change orders or addenda that address treatment, storage or piping must be submitted to this office for review and approval by the Department.
- Upon completion of construction and prior to commencement of operation, a completed "Drinking Water Construction Completion as Approved Certification Form" stating that the system was constructed as approved and the operational starting date must be submitted to the Department. This form is available at <https://www.colorado.gov/cdphe/wq-facility-design-and-approval-forms> under the "Drinking water construction complete form" heading.
- As required by Section 11.4(3)(b) of Regulation 11, if construction of the project is not commenced within one year from the date of this letter, this approval will expire and all information will be required to be updated and resubmitted for review and approval by the Department. Please note that this requirement is specific to this approval and the associated commencement of construction and has no impact on other compliance deadlines that are set forth in Regulation 11 and that may be included in other communications that are issued by the Department.

#### Monitoring Requirements:

- Section 11.5(5) of Regulation 11 requires that suppliers submit any revisions to the Monitoring Plan within 30 days of the effective date of the change. Changes that are made under this approval may require updates to multiple parts of the Monitoring Plan. Information regarding monitoring plan requirements is available online at: <http://www.colorado.gov/cdphe/wqforms> on the Drinking Water page under the "Inventory/System Updates" heading.
- **Lead and Copper Monitoring:** In accordance with Section 11.26(2)(d)(iv)(D)(I) of Regulation 11, the Engineering Section reviewed the project scope to determine if lead and copper sampling requirement modifications are appropriate as a result of the project. Based on the project scope (new water system), there may be a possible impact to corrosivity. In accordance with the State of Colorado Design Criteria for Potable Water Systems - Table A.2 Impacts to Corrosivity Categories the system is a Category 2, the Engineering Section recommends that the supplier's monitoring frequency and sample sites for lead and copper be increased to the standard six month monitoring following completion of construction.
- The project includes installation of two new wells that requires completion of initial sampling.
- The supplier has elected to perform triggered source water monitoring. Therefore, under normal operating conditions the supplier does not need to maintain 4-log virus inactivation before or at the first customer on a continuous basis. In the event the supplier has a routine positive total coliform

sample, the supplier will be required to monitor and sample the source water for fecal indicators at that time. If the source water sampling determines that fecal contamination exists within the source, the supplier may be required increase treatment to meet 4-log virus inactivation on a continuous basis until the source of contamination can be identified and removed. Alternatively, the supplier may opt to discontinue to use the source. As outlined in the Basis of Design Report, the treatment conditions that must exist to achieve 4-log inactivation of viruses are as follows:

- The treatment conditions that must exist to achieve 4-log inactivation of viruses requires the supplier to continuously maintain a chlorine residual of 2 mg/L at the finished water tap (residual chlorine monitoring location) after distribution system pumps, assuming a flow rate of 250 gpm, a pH of 8.8, a liquid temperature at or greater than 10-degrees Celsius, a baffle factor of 0.6 and a minimum active storage volume of 1,292 gallons.
  - NOTE: The capability of providing 4-log treatment has been shown with a free chlorine residual equal to 2.0 mg/L. The maximum residual disinfection level (MRDL) for chlorine is 4.0 mg/L on a running annual average basis. While the chlorine residual suggested to maintain 4.0 log virus inactivation is below the MRDL, treated water with **free chlorine residuals greater than 2.0 mg/L may be considered unpalatable** for certain customers.
- The Saddlehorn Ranch MD is a groundwater system with a population less than or equal to 3,300, therefore Section 11.11 of Regulation 11 requires daily chlorine monitoring at the monitoring location specified in the above bullet (i.e., downstream of chlorine contact time). The supplier will be required to work with the Department's Drinking Water Compliance Assurance Section regarding the specific monitoring requirements.

Facility Classification under Regulation 100:

- In accordance with the current Colorado Operators Certification Board regulations, the water treatment plant is a Class "C" water treatment facility and the distribution system is a Class "1" distribution system.

The documents that were reviewed for this approval are as follows:

- Engineering Report dated November 2020 titled *Basis of Design Report for Saddlehorn Ranch Metropolitan District*. Prepared by JDS Hydro Consultants, Inc. for Saddlehorn Ranch Metropolitan District.
- Drawing Set dated October 2020 titled *Saddlehorn Ranch Metropolitan District - Overall Water System*. Prepared by JDS Hydro Consultants, Inc. for Saddlehorn Ranch Metropolitan District.
- Project Manual (Specifications) dated November 2020. Prepared by JDS Hydro Consultants, Inc. for Saddlehorn Ranch Metropolitan District.
- Backflow Prevention and Cross-connection Control Program plan. Prepared by JDS Hydro Consultants, Inc. for Saddlehorn Ranch Metropolitan District.
- Preliminary Operations and Maintenance Procedures plan. Prepared by JDS Hydro Consultants, Inc. for Saddlehorn Ranch Metropolitan District.
- Geotechnical report dated April 2019 titled *Soil, Geology, Geologic Hazard, and Wastewater Study, Saddlehorn Ranch Subdivision El Paso County, Colorado*. Prepared by Entch Engineering, Inc. for Saddlehorn Ranch Metropolitan District.
- Public Water System Monitoring Plan dated September 2020 titled *Saddlehorn Ranch Metropolitan District*. Prepared by JDS Hydro Consultants, Inc. for Saddlehorn Ranch Metropolitan District.
- BDR\_Response dated January 2021. Prepared by JDS Hydro Consultants, Inc. for Saddlehorn Ranch Metropolitan District.
- Miscellaneous correspondence.

Please be advised of the following notifications and requirements that may apply to the project:

- Approval of this project is based only upon engineering design to provide safe potable water, as required by Regulation 11 and shall in no way influence local building department or local health department decisions on this project. This review does not relieve the owner from compliance with all Federal, State and local regulations and requirements prior to construction nor from responsibility for proper engineering, construction and operation of the facility.
- Any point source discharges of water from the facility are potentially subject to a discharge permit under the State Discharge Permit System. Any point source discharges to state waters without a

permit are subject to civil or criminal enforcement action. If you have any questions regarding permit requirements contact the Permits Unit at 303-692-3500.

Please direct any further correspondence regarding the technical approval (plans and specifications/design review) to:

Marty Quinn, P.E.  
Colorado Department of Public Health & Environment  
Water Quality Control Division - Engineering Section  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530

Thank you for your time and cooperation in this matter. Please contact me by telephone at 303-692-3513 or by email at martin.quinn@state.co.us if you have any questions.

The Engineering Section is interested in gaining feedback about your experience during the engineering review process. We would appreciate your time to complete a Quality-of-Service Survey regarding your experience during the engineering review process leading up to issuance of this decision letter. The Engineering Section will use your responses and comments to identify strengths, target areas for improvement and evaluate process improvements to better serve your needs. Please take a moment to fill out our [survey](#).

Sincerely,

**Martin Quinn**

Digitally signed by Martin Quinn  
Date: 2021.02.04 13:54:25 -07'00'

Marty Quinn, P.E.  
Senior Review Engineer  
Engineering Section | Water Quality Control Division  
Colorado Department of Public Health & Environment

cc: Ryan Mangino, JDS Hydro  
Lisa Lemmon, El Paso County Public Health  
Catherine McGarvy, El Paso County Public Health  
PWSID CO0121703  
Doug Camrud, WQCD ES Engineering Review Unit Manager  
DWCAS

### Saddlehorn (824 Acres), SP-19-6

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

- The proposed Saddlehorn Metropolitan District (SMD) includes plans for 218, 2.5-acre+ residential lots and 5 tracts of approximately 85 total acres. SMD also has plans for horse and biking trails, mosquito control, and storm water management.
- A central water system is planned for the development and is currently under review by outside approval agencies. The public water system must comply with the design criteria, and the rules and regulations established by the Colorado Department of Public Health and Environment, Water Quality Control Division. The water quality testing has been completed and the results submitted for review are acceptable; however, the testing laboratory was not identified in the submittal. Please provide the sample submittal forms and copies of the testing laboratory result sheets to El Paso County Public Health. The Saddlehorn Metropolitan District has submitted a Conditional Will Serve Letter for water as approval is pending.
- The use of onsite wastewater treatment systems (OWTS) is planned for the entire development. The Entech Engineering Soils, Geology, Geologic Hazards and Wastewater Study dated 29Apr2019, supports the use of OWTS in this area. The Entech Onsite Wastewater Treatment System Report Addendum dated 16July2019, is also consist with the original report findings. The required number of soil tests (45) were completed. Roughly half of the soil tests completed would require a Professional Engineer to design the OWTS due to shallow bedrock, clay soil layers with limiting absorption capabilities and in some cases shallow bedrock. All these limiting conditions are routinely encountered in El Paso County and can be safely addressed with proper system designs. In addition, there may be a more suitable location for an OWTS elsewhere on each lot.
- The water quality basins proposed must have mosquito control responsibilities included as a part of the construction design and maintenance plan to help control mosquito breeding habitat and minimize the potential for West Nile Virus. Mosquito Control is included in the SMD Service Plan.

- Earthmoving activities greater than 25 acres require a Construction Activity Permit from the Colorado Department of Public Health and Environment, Air Pollution Control Division. Go to: <https://www.colorado.gov/pacific/cdphe/general-air-permits>
- El Paso County Public Health encourages planned walkability of residential communities with sidewalks, walking paths, and bike trails to surrounding neighborhood parks, schools and commercial areas. Walkability features promote exercise and help to reduce obesity and lower the risk of heart disease. El Paso County Public Health appreciates the trails proposed for this development.

**Mike McCarthy**  
El Paso County Public Health  
719-575-8602  
[mikemccarthy@elpasoco.com](mailto:mikemccarthy@elpasoco.com)  
29Dec2020



## Nina Ruiz

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**From:** Nina Ruiz  
**Sent:** Friday, February 12, 2021 10:04 AM  
**To:** Nina Ruiz  
**Subject:** RE: SaddleHorn Ranch

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**From:** David Elliott  
**Sent:** Monday, February 8, 2021 12:42 PM  
**To:** Carrie Geitner Commissioner El Paso County <[carriegeitner@elpaso.com](mailto:carriegeitner@elpaso.com)>; [stanvanderwerf@elpasoco.com](mailto:stanvanderwerf@elpasoco.com) <[stanvanderwerf@elpasoco.com](mailto:stanvanderwerf@elpasoco.com)>; [HollyWilliams@elpsaoco.com](mailto:HollyWilliams@elpsaoco.com) <[HollyWilliams@elpsaoco.com](mailto:HollyWilliams@elpsaoco.com)>; [LonginosGonzalezJr@elpasoco.com](mailto:LonginosGonzalezJr@elpasoco.com) <[LonginosGonzalezJr@elpasoco.com](mailto:LonginosGonzalezJr@elpasoco.com)>; [CamiBrewer@elpasoco.com](mailto:CamiBrewer@elpasoco.com) <[CamiBrewer@elpasoco.com](mailto:CamiBrewer@elpasoco.com)>  
**Cc:** [cleach@carrierelittle.com](mailto:cleach@carrierelittle.com) <[cleach@carrierelittle.com](mailto:cleach@carrierelittle.com)>; Carl Benda <[carl.benda@yahoo.com](mailto:carl.benda@yahoo.com)>; Jeff Moore <[jtq.moore@gmail.com](mailto:jtq.moore@gmail.com)>; Jeff Hundley <[jeff@pumptechnologies.com](mailto:jeff@pumptechnologies.com)>; Jim Steward <[jim@kdsteward.com](mailto:jim@kdsteward.com)>; Hunter Hamilton <[hunternc@gmail.com](mailto:hunternc@gmail.com)>; Dan Jacquot <[indianflyer67@yahoo.com](mailto:indianflyer67@yahoo.com)>; Lee Wolford <[leefly@sprynet.com](mailto:leefly@sprynet.com)>; Lee Wolford <[leefly@sprynet.com](mailto:leefly@sprynet.com)>; Wyman Varnedoe <[wymanvarnedoe@comcast.net](mailto:wymanvarnedoe@comcast.net)>  
**Subject:** SaddleHorn Ranch

Good Afternoon Commissioners,

We noted with alarm that the agenda for Tuesday's BoCC session includes applications for Saddlehorn Ranch variances and commencement of excavation for water facilities. We were not aware of any progress on that proposed subdivision that lies directly under Meadow Lake Airport's primary traffic pattern.

Attached to this email are the comments that we previously provided on the application for the Saddlehorn Ranch Preliminary and Final subdivision plats. Our comments included examples from national sources of suggested Disclosure Notification and Avigation Easements. We have not seen any meaningful response to our comments and we are concerned that the issues that we have raised have not received proper consideration. On previous applications for other developments around the airport, we have noted that MLAA's comments did not appear in files submitted to the Planning Commission or BoCC. Similarly, our letter does not appear in the EDARP file of comments. The concerns raised in our letter on Saddlehorn Ranch was rejected by P&CD because staff took the position that "EPC cannot require an avigation easement as a condition." MLAA strongly disagrees as the El Paso County Land Development Code supports our position. Moreover, requiring avigation easements as a condition of a zoning change and development is consistent with the County's requirements under C.R.S. 43-10-113.

With progress moving forward on the development of this 200-250 lot residential subdivision, we are concerned with P&CD's failure to properly consider the development's compatibility with the airport. The development is directly in line with the airport's crosswind runway and could receive 200-300 aircraft overflying the development on any given day. Properly alerting potential residents and ensuring development takes place in a manner to maximize compatibility is necessary to mitigate future use compatibility disputes which will be inevitable if the County continues to ignore these issues.

The Land Development Code supports our position. El Paso County Land Development Code (LDC) state, in relevant part:

8.4.2 **Environmental Considerations**

(A) **Misc Requirements**

(3) "Residential lots should be located to minimize adverse influences from airports and airport operations."

(B) **Hazards.** ... "The following hazards are subject to these requirements:

- Hazards associated with airports and major utility facilities"

(B)(2) **Noise** (a) "Divisions of land shall be designed to minimize the impacts of noise pollution to residents" ...

8.5.1(C)(3) **Dedication of Easements**

(b) **Owner Required to Dedicate Easements.** "The owner shall dedicate or deed easements required by this Code, or the ECM, or to serve the division of land with utilities and other required services, or those easements that may be requested by public agencies including but not limited to:

- Avigation easements

El Paso County needs to comply with C.R.S. 43-10-113. This statute is based on Meadow Lake's Part 77 surfaces. The Land Development Code, Appendix A: "Reference Documents and Regulations", lists (B)(5) Meadow Lake Airport Part 77 Study (2006). Yet, the P&CD staff continue to ignore it, and five attempts for a "1041 application" to update it with our 2018 Master Plan Update have met with continued moving of the goal posts.

We strongly request that the BoCC require P&CD and the developers of Saddlehorn Ranch to adhere to state and national standards and the provisions of El Paso County LDC. There must be a requirement, as a condition of approval for this subdivision plat, and others within the Airport Influence Area, that the Owners/developers agree to an acceptable Avigation Easement and Disclosure Notification. Ignoring our request amounts to a blatant disregard for the safety and protection of both the airport and the residents and be inconsistent with the County's own development code and statutory obligations to protect land areas defined in 14 CFR Part 77.

We are available to meet with you and discuss this at any convenient opportunity.

Respectfully,

Dave Elliott  
President, MLAA Board of Directors  
cell/text: 719-339-0928

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting  
Thursday, March 4, 2021  
El Paso County Planning and Community Development Department  
200 S. Cascade Ave – Centennial Hall Hearing Room  
Colorado Springs, Colorado

**REGULAR HEARING**  
**1:00 p.m.**

**PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, TIM TROWBRIDGE,  
BECKY FULLER, SARAH BRITTAIN JACK, AND JAY CARLSON**

**PRESENT VIA ELECTRONIC MEANS AND VOTING: THOMAS GREER, GRACE  
BLEA-NUNEZ, AND ERIC MORAES**

**PRESENT AND NOT VOTING: NONE**

**ABSENT: JOAN LUCIA-TREESE**

**STAFF PRESENT: CRAIG DOSSEY, MARK GEBHART, NINA RUIZ, KARI  
PARSONS, TRACEY GARCIA, ELENA KREBS, JEFF RICE (VIA REMOTE  
ACCESS), AND EL PASO COUNTY ATTORNEY LORI SEAGO**

**OTHERS SPEAKING AT THE HEARING: BILL GUMAN AND DAVE ELLIOTT**

**Report Items**

**1. A. Report Items -- Planning and Community Development Department --  
Mr. Dossey -- The following information was discussed:**

- a) The next scheduled Planning Commission meeting is for  
Thursday, March 18, 2021 at 1:00 p.m.**
- b) Mr. Dossey gave an update of the Planning Commission agenda  
items and action taken by the Board of County Commissioners  
since the last Planning Commission meeting.**

- c) **Mr. Dossey** mentioned that a new fee schedule would be coming soon. The fees have not changed since 2010.
- d) **Mr. Dossey** gave an update on the Master Plan process and timeline. An EPC Community Engage video has been created and is available to the general public.

**B. Public Input on Items Not Listed on the Agenda – NONE**

**CONSENT ITEMS**

- 2. A. **Approval of the Minutes – February 18, 2021**  
The minutes were unanimously approved as presented. (9-0)

**B. SP-19-003 PARSONS**  
**PRELIMINARY PLAN**  
**WINDERMERE**

A request by James Todd Stevens, Eagle Development Company, and Yes Antelope Ridge, LLC, for approval of a preliminary plan to create 203 single-family residential lots, public rights-of-way, and seven (7) tracts for open space, park, drainage, and utilities. The three parcels, totaling 55.58 acres, are zoned RS-5000 (Residential Suburban) and are located at the northwest corner of the Marksheffel Road and North Carefree Circle intersection and is within Section 29, Township 13 South, Range 65 West of the 6th P.M. (Parcel Nos. 53291-11-002, 53291-00-004, and 53294-00-016) (Commissioner District No. 2)

**Mr. Carlson** – On Condition D the sufficiency states a conditional sufficiency. Did we get that revised water statement? **Ms. Parsons** – We did receive a letter from the County Attorney’s Office and states that there is water sufficiency.

**Mr. Risley** – Should we remove that condition? **Ms. Seago** – I do not think that it needs to be removed, we can just have it on the record that the water letter has been received.

**PC ACTION: TROWBRIDGE MOVED/CARLSON SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2B, SP-19-003, FOR A PRELIMINARY PLAN UTILIZING RESOLUTION PAGE NO. 25, CITING, 21-011 WITH NINE (9) CONDITIONS AND FOUR (4) NOTATIONS, WITH A FINDING OF SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (9-0).**

**Regular Items**

**3. SP-19-006**

**RUIZ**

**PRELIMINARY PLAN  
SADDLEHORN**

A request by Gorilla Capitol, Co., for approval of a preliminary plan to create 218 single-family residential lots. The 816.475-acre property is zoned RR-2.5 (Residential Rural) and is located at the southeast corner of the Judge Orr Road and Curtis Road intersection and within Section 3, Township 13, and Range 64 West of the 6th P.M. (Parcel Nos. 43000-00-599, 43000-00-600, 43000-00-601, and 43000-00-602) (Commissioner District No. 2)

**Ms. Ruiz** gave a brief overview of the project and asked **Ms. Seago** to go over the review criteria for a preliminary plan. She then introduced the applicants' representative, **Mr. Bill Guman**, to give their presentation.

**Mr. Trowbridge** – Is your development company building here or planning on selling to other builders? **Mr. Guman** – There is one builder that they are speaking with. We are not looking to sell off individual lots to builders. There are 49 lots in the first filing, and we are hoping that the homes are built by one builder.

**Mr. Carlson** – How do you handle sewer? **Mr. Guman** – It's a septic system.

**Mr. Trowbridge** – The State Engineer's Office water letter mentioned the need of getting new well permits and abandoning existing permits. Could you update us on the water and is that why it is conditional? **Ms. Seago** – Regarding the comment made by the state engineer's office about cancelling existing well permits and submitting new applications, that is because the well permits that are currently in effect permit withdraw of 1600 acre feet per year from the Arapahoe aquifer and 800 acre feet per year from the Laramie fox hills aquifer. The state engineer notes earlier in it's letter reference a deed in the packet of information provided by the applicant that indicates the developer does not own sufficient water that would allow withdrawal in those amounts as what it is indicated on well permits. So that is the reason for the state engineers requiring that those permits be cancelled, and new ones issued because they don't own the water in sufficient quantities to meet those caps in the well permits.

That does not relate to the conditional finding of sufficiency with regard to the dependability in the County Attorney's Office letter. That conditional finding is based on the fact that we have a brand-new water system here. It will not be until that water system begins to serve actual hookups within the development that CDPHE will provide final approval of the water system, until then we are recommending a conditional finding of sufficiency.

**Mr. Trowbridge** – So they have new well permits that permit them to pump the water required? **Ms. Seago** – I don't believe that was part of our analysis because the water is being provided by the district, we would be looking at the amount of the water the district owns rather than the applicant. I presume Mr. Emmons would have found that the district owns sufficient water to supply the residences proposed in this preliminary plan and that would be unrelated to the well permits that have been issued to the developer.

**Ms. Ruiz** gave her full presentation to the Planning Commission. Her report is on permanent file.

**Mr. Risley** – Could you indicate where the development is in relation to the airport? **Ms. Ruiz** (shown on map)

**Mr. Jeff Rice** gave the engineering report/findings to the Planning Commission. His report is part of **Ms. Ruiz's** report and is on permanent file.

**Ms. Blea-Nunez** – The first condition that you discussed focusing around traffic.

What does that mean financially for the County to add 218 houses with those cars coming into the city. How does their impact fee tie into it for the County to support that amount of traffic?

**Ms. Ruiz** – They have to pay that road impact fee. **Mr. Rice** determined in the review of the traffic study that there are additional improvements that need to be made off-site. They escrow money per filing, and, at some point that money gets used to make those improvements.

**Mr. Rice** – The TIS table lists the potential for off-site improvements. If it adds more traffic, then the developer would need to build them or provide more escrow for the County to take care of them with the money provided. It's a matter of timing whether this development triggers some of those potential improvements or if another development does.

**IN FAVOR: NONE**

**IN OPPOSITION:**

**Mr. Dave Elliott** – I'm not against the project but we do have a condition that is necessary for public safety. The traffic pattern of the planes covers much of the residential area. If the County permits a rezone to residential then at a minimum this overlay should be a part of the conditions. Every year we do surveys, and we have 464 planes utilize this airport. There could be 200-300 planes at one time over this area in a day. The Guidebook on Effective Land Use Compatibility Planning Strategies for General Aviation Airports is a document that the Planning department refuses to acknowledge. There are hazards that must be mitigated by the County. The Land Development Code specially talks about the need to mitigate noise, safety hazards, and address dedication of easements. I know of two emergency landings and one crash in this proposed development site. We are asking for airspace to be defined and kept clear. A disclosure to

homeowners should be included as to the hazards. Plat notes should state “All property in this subdivision is subject to an aviation easement as required.” An aviation easement must be required and recorded at the time of the plat. We have not been able to come up with a compatible land use plan with regard to development in the airport overlay for Meadow Lake Airport.

**Ms. Brittain Jack** – It seems to me that real estate documents must already have that information per state law. **Mr. Elliott** – I know that there has been some discussion that it’s not on a plat but on a deed. They need to be recorded so that homeowners know that they will be impacted by noise and safety hazards associated with the airport.

**Ms. Ruiz** –It’s true that the LDC does include language that you cannot have hazards, but we cannot consider this as a hazard if we haven’t reviewed reports to indicate it as a hazard, have not adopted any kind of noise overlay, or other hazard area. If we had adopted such overlays as we have with the Colorado Springs Airport, then, depending upon the specific hazard area, we would require a sound study or have required the applicant to include a notice and disclosure statement. We would not have required an aviation easement. We have no basis to require what is being requested by MLA.

**Mr. Risley** – With regard to that point, **Mr. Elliott** suggested that the County shall adhere to state guidelines. **Ms. Ruiz** – We believe the County is satisfying the stator requirement regarding compatible land uses. We have created a process to allow the airport to get to their end goal and will support them as appropriate. However, the airport needs to submit that application to get the overlay and land use restrictions in place. It’s not the County’s responsibility to seek those approvals on behalf of MLA.

**Mr. Moraes** – The CRS says that government entities shall adopt and enforce Part 77. It sounds like the government agency must do this and nothing prevents the government agency from seeking out consultation from entities that know the situation the best. It doesn’t sound like to me the Statute says the government agency will give or offer the opportunity to others to put a plan in place. To me, the way the Statute is written it seems the burden is on the government. **Ms. Ruiz** – The County has taken a different perspective. **Ms. Seago** – The County adopted as part of the 1041 regulation a section related to airports and their influence areas; we comply with the statute that requires zoning authorities to protect those areas. The 1041 requires those entities to submit applications for the County to review and take action on.

**Ms. Brittain Jack** – Do the 1041 rules supersede what **Mr. Elliott** presented?

**Mr. Dossey** – There is a conflict in state statute as to what the County has the authority over. If the COS airport expands, the County would have authority over those types of actions because of the 1041 being in place. The 1041 permit

gives the authority to the County; without it, we have no basis. In this case, Meadow Lake Airport is responsible to obtain those aviation easements. So we have contended that the onus is on Meadow Lake Airport. **Ms. Seago** – In section 1 of the CRS Title 43 Transportation regarding safe operation areas around airports, it refers to the 1041 permit.

**Mr. Moraes** – **Mr. Elliott** wants a disclosure that the homeowners know it's a noise and safety issue living in that area. What is the issue with including that in the paperwork that would filter to a homeowner? **Mr. Dossey** – We encourage the airport to put the 1041 in place that would allow the County to require that language to be put in place. **Mr. Moraes** – I'm a professional pilot and support of general aviation. I agree with **Mr. Elliott** that we need to think in three dimensions. We all need to understand that planes at Meadow Lake do not fly straight into the runway like most do at Colorado Springs. At Meadow Lake, most planes will fly parallel to the main runway like he depicted. There is a potential safety and noise issue. Additionally, I view Meadow Lake as a resource to the County and the area being a private use facility to the County as there are not other airports like it until you get into the Denver area. The public should know there are potential issues that they may see and hear what is flying near or over their homes. It seems unfair for a homeowner in the future to go after an airport about issues that were there prior to the homeowner moving in. **Mr. Dossey** – I agree that we need to protect airports from encroachment, but airports should also protect themselves from encroachment, and the 1041 aids in that process. You could ask if the applicant is willing to impose a condition of that content, but it's not something that the County requires.

**Mr. Carlson** – On the statute that you referred to, how do you interpret number two? **Ms. Seago** – By adopting the 1041, the County then has the authority.

**Mr. Trowbridge** – I'll align myself with **Mr. Moraes** and **Mr. Carlson**. We clearly have a noise and safety issue. I understand the perspective on the 1041 process, but how can we turn a blind eye to an issue that is there?

**Ms. Fuller** – The application that keeps getting kicked back is what specifically?

**Mr. Elliott** – When EPC finally adopted Chapter 7 in 2014, in 2015 we had a master plan done for the airport and I've been working with the County since then to get it adopted. They keep changing the goal posts. They don't want to do it. It was accepted twice by staff and then it comes back to us with more comments. We are a private airport, and they don't want to be seen benefiting us as a private airport.

**Ms. Fuller** – I'm not an expert. I'm feel very strongly about the noise and safety issue. I'd like to talk more on noise overlay.



**Ms. Brittain Jack** – I think there are things in place that property owners will have when they purchase a home.

**Mr. Bailey** – Generally, the zoning came to us before. We have discussed all these things before. I'm discouraged that two years have gone by and we haven't made any progress on this. Ultimately this is something we need to work through the process and simply showing up to oppose isn't quite enough on your part (**Mr. Elliott**) to stop a development project. It may come to a legal action that decides this. I'm not sure that there's anything new as far as opposition that gives us a means to say no to this application. **Mr. Elliott** – We are not opposing it; we want the avigation easement to be put in place. Colorado Springs does not negotiate for avigation easements. The City Council requires that they be put in place.

**Mr. Risley** – If the applicant were willing to put an avigation easement on this application, would that satisfy your opposition? **Mr. Elliott** – Yes.

**Mr. Dossey** – I've been involved in their 1041 application from the beginning. There are 23 submittal requirements. They have yet to satisfy those submittal requirements. The application cannot move forward until they meet the requirements. There is no discretion there.

**Mr. Carlson** – Regardless of whether they submit the 1041, is it safe to put houses where this development is requesting? I understand that the onus is on them to do it, but there is still an issue of these powered aircraft over this development. It's an issue that needs to be resolved. Can we ask for a avigation easement for this one development? **Mr. Dossey** – **Mr. Elliott** stated he thinks the development and layout is safe.

**Mr. Moraes** – So I understand, one of those 23 requirements is to get this 1041 application passed is to get avigation easements? **Mr. Dossey** – That is correct.

**Mr. Moraes** – And one of the requirements is to have the developer put an avigation easement in their paperwork is to have the 1041 passed by the BoCC?

**Mr. Dossey** – The avigation easement is at their will not a 1041 requirement.

The applications are approved either by me or by the BoCC. **Mr. Moraes** – It seems to me that the LDC requires developers to put various easements on their documents, but are you saying that an avigation easement is not one of them?

**Mr. Dossey** -- You are considering a preliminary plan today. **Mr. Moraes** – I understand that we are discussing the plan today. However, this process of the 1041 passage and developer requirements seem very circular to me.

**After a power outage at the Centennial Hall building, lasting from 3:30 p.m. – 4:15 p.m., the meeting resumed. Notice was posted on facebook live and calls/emails made to PC members attending remotely as well as the PCD Admin office to handle any calls. No decisions were made during the**

**outage and a quorum is still in place. All members participating at this time that were in attendance at the beginning of the hearing.**

The applicant had an opportunity for rebuttal. **Mr. Guman** – We are as concerned about safety and disclosure to homeowners as you are. We have not actually refused to move forward with the notice of airport in vicinity language. The owner is agreeable to include this statement (refers to airport vicinity notice being exhibited on screen and shown below) either on the preliminary plan and/or final plat. Homeowners that are wanting to build in Saddlehorn are aware they are building next to an airport. **Mr. Elliott** made a comment about calls he's received, and we are just as concerned; and we are prepared and agreeable to put this disclaimer on our plans. As far as an avigation easement, we would defer to the lender and the buyer. We have no issue with this being part of the loan disclosure papers as well. In a good faith effort, I've been advised by our client that we agree to this.

**Mr. Carlson** – Thank you for your willingness to do this.

**Ms. Ruiz** – The applicant is proposing to add a condition of approval that an additional plat note be added to all subsequent final plats providing notification of the proximity of the of the property to the Meadow lake Airport as follows;

**NOTICE OF AIRPORT IN VICINITY**

**This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.**

**Mr. Risley** – For the record, there are 9 conditions now and 3 notations, instead of 8 conditions.

**Mr. Moraes** – I'd like to hear from **Mr. Elliott** in the near future to know what the status of his 1041 application is moving forward during public comments.

**Mr. Risley** – In other words an update that would not be on our standing agenda.

**PC ACTION: CARLSON MOVED/TROWBRIDGE SECONDED FOR APPROVAL REGULAR ITEM NUMBER 3, SP-19-006 FOR A PRELIMINARY PLAN FOR SADDLEHORN UTILIZING RESOLUTION PAGE NO. 25, CITING, 21-012 WITH NINE (9) CONDITIONS (New Condition as stated above) AND THREE (3) NOTATIONS, WITH A FINDING OF SUFFICIENCY FOR WATER**

**QUALITY, QUANTITY, AND CONDITIONAL FINDING FOR DEPENDABILITY, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION PASSED (9-0).**

4. LDC-21-001

RUIZ

**EL PASO COUNTY LAND DEVELOPMENT CODE AMENDMENT  
APPEAL OF ADMINISTRATIVE DECISIONS & DETERMINATIONS**

A request by the El Paso County Planning and Community Development Department to amend Chapters 1, 2, 5, and 7 of the El Paso County Land Development Code (2021) to clarify the requirements and procedures for appeals of administrative decisions and determinations by the Planning and Community Development Director. The proposed revisions, in their entirety, are on file with the El Paso County Planning and Community Development Department. **Type of Hearing - Legislative**

**Ms. Ruiz** gave her full presentation to the Planning Commission.

**Mr. Trowbridge** – 30 days seemed to be on the short side; I'd rather see a 30-60-day range and is it calendar or working days? **Ms. Ruiz** – It was sent out to 236 referral agencies as well as the HBA. The comment received by the HBA was they'd like to see only a 10-day time period. With a longer window, there is a much higher risk to the applicant that they are either missing out on the building season or that they have invested money into an item that is then appealed and they have to remove from the property. **Ms. Seago** – The basis is to make it consistent with the time frame that was already determined by the BoCC for appeals of administrative determinations. In addition, under the LDC code enforcement, violators only have 10 days to appeal a decision. Appeals to court are allowed 28 days. This is the basis for 30 days. We could add calendar days throughout so to not refer to business days. **Mr. Dossey** – The term of days is always calendar days in the LDC by definition.

**Mr. Moraes** – Regarding the HBA comment, the memo they sent said 30 days seemed excessive. The bullet above wants the time to start from the date of decision. The adjacent property owners get notice by regular mail so they would lose a few days in mailing. **Ms. Ruiz** – We don't provide neighbor notifications for all administrative actions. To put into very simplistic terms, if it is a use by right, there are no neighbor notifications. The decision can be viewed on EDARP as well. If you view the associated procedures, you will see that the time starts when the approval/disapproval letter has been uploaded into EDARP.

**Mr. Trowbridge** – After the merger, the frontage requirements, with regard to orphan lots, they all have to have access to roads. Is that correct? **Ms. Ruiz** –

The merger by contiguity is under the subdivision exemption section, which means they need not meet those subdivision requirements. You wouldn't be creating new lots; they were created prior to zoning being initiated. It's possible that you could have lots that don't have access onto a public frontage, and you are accessed through a private drive. Because it's a subdivision exemption, the County would have no basis to deny the merger by contiguity.

**Mr. Trowbridge** – The County can't deny a merger? **Ms. Ruiz** – If they meet the criteria, then we have no ability to deny it.

**Mr. Moraes** – I have a firm belief that govt should be easily understood by the average citizen. I read through the LDC and it is confusing. It should be written in plain language.

**Ms. Seago** – Mr. Moraes proposed revisions, and it's to your discretion as to what your motion includes. It can be the proposed by staff or it can incorporate **Mr. Moraes'** comments/revisions. **Mr. Risley** – From what I understand, **Ms. Ruiz** made some of those revisions based on comments from **Mr. Moraes** and others to the extent that it could be changed. **Ms. Ruiz** – The redlines are the staff version, but what I presented here today has some of his comments. Rewording under section A, he wanted to simplify 2.2.3.a., we don't have any issue with his revision. **Ms. Seago** – I do not have an issue with this revision.

**Ms. Ruiz** – Under authority 2.2.3.b, he proposed to revise structure of authority. **Ms. Seago** – If they accept his revision, then I have a revision to his revision. This code permits be struck and be replaced specifically identified in this Code. There are certain appeals that go to the BOA and BoCC. Variances would need to be pluralized. **Mr. Moraes** – I'm fine with **Ms. Seago's** comments.

**Ms. Ruiz** – Under Appeals, 5.3.8 If desired... must appeal within 30 days. **Ms. Seago** – I would recommend we stay with original language. Consensus that everyone was okay with original language.

**Ms. Seago** – Under 5.6.8, I prefer the original language. Consensus to agree.

**Ms. Seago** – Use the original wording but replace husband and wife with spouses.

**IN FAVOR: NONE**

**IN OPPOSITION: NONE**

**DISCUSSION: NONE**

**PC ACTION: BAILEY MOVED/BRITAIN JACK SECONDED FOR APPROVAL REGULAR ITEM NUMBER 4, LDC-21-001 FOR AN AMENDMENT TO THE LAND DEVELOPMENT CODE UTILIZING RESOLUTION PAGE NO. 7 AS AMENDED IN THE HEARING AND CITING, 21-013 AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION PASSED (9-0).**

## **5. Procedures Review**

The PCD Director approved certain procedures relating to administrative actions and appeals of those actions on February 24, 2021. Pursuant to Section 2.1.2 of the El Paso County Land Development Code (2021) “the Procedures Manual and any amendments thereto shall become effective when approved by the PCD Director; however the Procedures Manual and any amendments thereto shall be submitted to the Planning Commission and BoCC for review and comment within 30 days of approval by the PCD Director. The Planning Commission and BoCC shall provide comments to the PCD Director within 30 days of receipt of the Procedures Manual or any amendment thereto. The PCD Director shall consider any comments provided by the Planning Commission and BoCC and may amend the Procedures Manual based on the comments received from the Planning Commission and BoCC. The Planning Commission and BoCC may, but are not required to, endorse the Procedures Manual and any amendments thereto.” The Planning and Community Development Department is requesting that any comments be provided to the PCD Director by March 24, 2021.

**PC ACTION: No PC Action Required**

## **6. El Paso County Master Plan – Informational Update – No Action Needed**

The Master Plan is tentatively scheduled to come to the Planning Commission on May 5 and 26 for review and subsequent approval.

NOTE: For information regarding the Agenda item the Planning Commission is considering, call the Planning and Community Development Department for information (719-520-6300). Visit our Web site at [www.elpasoco.com](http://www.elpasoco.com) to view the agenda and other information about El Paso County. Results of the action taken by the Planning Commission will be published following the meeting. (The name to the right of the title indicates the Project Manager/ Planner processing the request.)

PRELIMINARY PLAN (RECOMMEND APPROVAL)

Commissioner Carlson moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION**

**OF THE COUNTY OF EL PASO**

**STATE OF COLORADO**

**RESOLUTION NO. SP-18-006**

**Saddlehorn Ranch Preliminary Plan**

WHEREAS, Gorilla Capital Co., did file an application with the El Paso County Planning and Community Development Department for the approval of a preliminary plan for the proposed Saddlehorn Ranch Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on March 4, 2021; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission.
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons and the general public were heard at that hearing.
4. All exhibits were received into evidence.
5. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is consistent with the purposes of the Land Development Code.
7. The subdivision is in conformance with the subdivision design standards and any approved sketch plan.

8. Sufficiency: A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Land Development Code.
9. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of the Land Development Code.
10. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions [C.R.W. §30-28-133(6)(c)].
11. Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and the Engineering Criteria Manual are provided by the design.
12. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Land Development Code and the Engineering Criteria Manual.
13. The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encouraging a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.
14. Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
15. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
16. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.

17. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.
18. That the proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
19. That for the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends approval of the application for a preliminary plan of the Saddlehorn Ranch Subdivision.

AND BE IT FURTHER RESOLVED that the Planning Commission recommends the following conditions and notation(s) be placed upon this approval:

#### **CONDITIONS**

1. Applicable traffic, drainage and bridge fees shall be paid with each final plat.
2. Applicable school and park fees shall be paid with each final plat.
3. 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, 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.
4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 18-471), as amended, 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.
5. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
6. Developer shall participate in a fair and equitable manner in offsite transportation improvements, including but not limited to the items listed in Table 10 of the Saddlehorn Ranch Traffic Impact Analysis, to be verified and approved with an updated traffic



impact analysis or memorandum provided with each final plat in the Saddlehorn Ranch development.

7. The adjacent portions of Curtis Road shall be improved to meet the minimum standards of an arterial roadway per the Engineering Criteria Manual. Improvements will be made as part of the Curtis Road access permitting. The necessary improvements and phasing will be clarified with future final plat applications. This work may be subject to any reimbursement as outlined in the El Paso County Road Impact Fee Program.
8. A site development plan shall be submitted, reviewed, and approved for the proposed water treatment plant prior to initiation of construction of the water treatment plant. The water treatment plant shall be limited to serving less than 250 dwelling units until and unless a 1041 permit is submitted, reviewed, and approved.
9. The applicant is proposing to add a condition of approval that an additional plat note be added to all subsequent final plats providing notification of the proximity of the of the property to the Meadow lake Airport as follows:
  - a. Notice of Airport in Vicinity- This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors), individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

## **NOTATIONS**

1. Subsequent final plat filings may be approved administratively by the Planning and Community Development Director.
2. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a final plat has been approved and recorded or a time extension has been granted.
3. Preliminary plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.

BE IT FURTHER RESOLVED that the Resolution and recommendations be forwarded to the El Paso County Board of County Commissioners.

Commissioner Trowbridge seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Risley	aye
Commissioner Bailey	aye
Commissioner Trowbridge	aye
Commissioner Carlson	aye
Commissioner Brittain Jack	aye
Commissioner Moraes	aye
Commissioner Greer	aye
Commissioner Blea-Nunez	aye

The Resolution was adopted by a vote of 9 to 0 by the El Paso County Planning Commission, State of Colorado.

DATED: March 4, 2021

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Brian Risley, Chair

## EXHIBIT A

### PROPERTY DESCRIPTION:

#### PARCEL A:

A PARCEL OF LAND LOCATED IN SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S 89 DEGREES 21 MINUTES 33 SECONDS E, ALONG THE NORTH LINE OF SAID SECTION 3, 5275.27 FEET TO THE NORTHEAST CORNER THEREOF; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG THE EAST LINE OF SAID SECTION 3, 1841.19 FEET; THENCE N 89 DEGREES 49 MINUTES 04 SECONDS W, 5280.38 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG SAID WEST LINE, 1883.39 FEET TO THE POINT OF BEGINNING.

EXCEPT THOSE PORTIONS CONVEYED TO EL PASO COUNTY BY AND THROUGH THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO, IN SPECIAL WARRANTY DEEDS RECORDED JANUARY 29, 2015 AT RECEPTION NO. 215008985 AND RECEPTION NO. 215008986.

#### PARCEL B:

A PARCEL OF LAND LOCATED IN SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG THE WEST LINE OF SAID SECTION 3, 1974.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE, N 00 DEGREES 05 MINUTES 14 SECONDS E, 1649.14 FEET; THENCE S 89 DEGREES 49 MINUTES 04 SECONDS E, 5280.38 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG SAID EAST LINE, 1649.15 FEET; THENCE N 89 DEGREES 49 MINUTES 04 SECONDS W, 5285.17 FEET TO THE POINT OF BEGINNING.

#### PARCEL C:

A PARCEL OF LAND LOCATED IN SECTION 3 AND SECTION 10, TOWNSHIP 13 SOUTH, RANGE 64 WEST, OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG THE WEST LINE OF SAID SECTION 3, 327.11 FEET; THENCE S 89 DEGREES 49 MINUTES 04 SECONDS E, 5289.95 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3; THENCE S 00 DEGREES 04 MINUTES

45 SECONDS E, ALONG SAID EAST LINE, 327.11 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 3; THENCE S 00 DEGREES 57 MINUTES 38 SECONDS W, ALONG THE EAST LINE OF SAID SECTION 10, 1320.52 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF THE NORTH HALF OF SAID SECTION 10; THENCE N 89 DEGREES 48 MINUTES 49 SECONDS W, ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF SAID SECTION 10, 5285.51 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 00 DEGREES 43 MINUTES 38" SECONDS E, ALONG THE WEST LINE OF SAID SECTION 10, 1320.06 FEET TO THE POINT OF BEGINNING.

Per the Commitment for Title Insurance, issued by Westcor Land Title Insurance Company, Commitment No. 56676ECS, dated August 2, 2018.

PARCEL 21:

A PORTION OF THE SOUTH HALF OF SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 3; THENCE ALONG THE EAST LINE OF SAID SECTION 3, S00°42'25"E (BEARINGS ARE RELATIVE TO THE NORTH LINE OF SECTION 3, BEING MONUMENTED AT THE WESTERLY END BY A FOUND NO.6 REBAR WITH A 3-1/4" ALUMINUM CAP IN A VAULT, STAMPED "PLS 17496", AND AT THE EASTERLY END BY A FOUND NO. 6 REBAR WITH 3-1/2" ALUMINUM CAP IN A VAULT, STAMPED "LS 17496", AND MEASURED TO BEAR S89°59'26"E, A DISTANCE OF 5275.03 FEET), A DISTANCE OF 3490.37 FEET, TO THE SOUTHEAST CORNER OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM DEED RECORDED AT RECEPTION NO. 213021177, IN THE OFFICIAL RECORDS OF EL PASO COUNTY; SAID CORNER ALSO BEING THE POINT OF BEGINNING; THENCE S00°42'25"E, CONTINUING ALONG THE WEST LINE OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM DEED RECORDED AT RECEPTION NO. 213113100, IN SAID OFFICIAL RECORDS, A DISTANCE OF 1647.65 FEET, TO THE NORTHEAST CORNER OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM DEED RECORDED AT RECEPTION NO. 213043391, IN SAID OFFICIAL RECORDS; THENCE S89°33'10"W, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 5289.71 FEET, TO A POINT LYING ON THE WEST LINE OF SAID SECTION 3; THENCE ALONG SAID WEST LINE, N00°32'28"W, A DISTANCE OF 1645.40 FEET, TO THE SOUTHWEST CORNER OF SAID PARCEL, RECORDED AT RECEPTION NO. 213021177, IN SAID OFFICIAL RECORDS; THENCE N89°31'43"E, ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 5284.95 FEET, TO THE POINT OF BEGINNING.

Per the Commitment for Title Insurance, issued by Land Title Guarantee Company, Order No. SC55073032, dated October 1, 2018.

Being more particularly described by metes and bounds as follows:

**COMMENCING** at the Northeast Corner of Section 3, Township 13 South, Range 64 West of the 6<sup>th</sup> Principal Meridian; thence along the east line of said Section 3, S00°42'27"E ( Basis of bearings is the North line of Section 3, Township 13 South, Range 64 West of the 6<sup>th</sup>

Principal Meridian, monumented at the West end by a No. 6 Rebar with a 3-1/4" aluminum cap, properly marked, in a monument box, "PLS 17496" and at the East end by a No. 6 rebar with a 3-1/2" aluminum cap, properly marked, in a monument box, "PLS 17496", having a measured bearing and distance of S89°59'23"E, 5275.26'. Bearings are relative to Colorado State Plane Central Zone (0502)), a distance of 30.00 feet, to the **POINT OF BEGINNING**; thence continuing along said east line, S00°42'27"E, a distance of 5,435.28 feet, to the Southeast Corner of said Section 3, said point also being the Northeast Corner of Section 10, Township 13 South, Range 64 West of the 6<sup>th</sup> Principal Meridian; thence along the east line of the North 1/2 of the North 1/2 of said Section 10, S00°19'54"W, a distance of 1,320.51 feet, to the North 1/16<sup>th</sup> Corner of said Section 10; thence leaving said east line and along the south line of the North 1/2 of the North 1/2 of said Section 10, S89°34'02"W, a distance of 2,642.78 feet, to the North-Center-Center 1/16<sup>th</sup> Corner of said Section 10; thence continuing along said south line, S89°34'07"W, a distance of 2,612.73 feet, to a point that is 30.00 feet distant from the North 1/16<sup>th</sup> Corner of said Section 10, said point also being a point on the east right-of-way line of Curtis Road; thence along said east right-of-way line and 30.00 feet parallel to the west line of said North 1/2 of the North 1/2 of said Section 10, N00°05'54"E, a distance of 1,319.14 feet, to a point that is 30.00 distant to the Northwest Corner of said Section 10, also being the Southwest corner of said Section 3; thence continuing along said east right-of-way line, along the following four (4) courses:

1. N00°32'28"W, a distance of 4,608.42 feet;
2. N89°27'32"E, a distance of 19.98 feet;
3. N00°32'28"W, a distance of 820.00 feet;
4. N44°46'13"E, a distance of 40.00 feet,

to a point on the south right-of-way line of Judge Orr Road, thence along said south right-of-way line, along the following three (3) courses:

1. S89°59'23"E, a distance of 822.24 feet;
2. N00°00'37"E, a distance of 20.00 feet;
3. S89°59'23"E, a distance of 4,374.49 feet,

to the **POINT OF BEGINNING**.

Containing 35,565,654 S.F. or 816.475 acres, more or less.

RESOLUTION NO. 21-

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

APPROVE PRELIMINARY PLAN FOR SADDLEHORN RANCH (SP-19-006)

WHEREAS, Gorilla Capitol Co., did file an application with the El Paso County Planning and Community Development Department for the approval of a preliminary plan for the Saddlehorn Ranch Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on March 4, 2021, upon which date the Planning Commission did by formal resolution recommend approval of the preliminary plan application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on March 23, 2021; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

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

6. The subdivision is in substantial conformance with the approved preliminary plan.
7. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. Sufficiency: A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Land Development Code.
9. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of the Land Development Code.
10. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions [C.R.W. §30-28-133(6)(c)].
11. Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and the Engineering Criteria Manual are provided by the design.
12. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Land Development Code and the Engineering Criteria Manual.
13. The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encouraging a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive

areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.

14. Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
15. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
16. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
17. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.
18. That the proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
19. That for the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the preliminary plan application for the Saddlehorn Ranch Subdivision;

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

**CONDITIONS**

1. Applicable traffic, drainage and bridge fees shall be paid with each final plat.
2. Applicable school and park fees shall be paid with each final plat.
3. 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, 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.

4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 18-471), as amended, 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.
5. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
6. Developer shall participate in a fair and equitable manner in offsite transportation improvements, including but not limited to the items listed in Table 10 of the Saddlehorn Ranch Traffic Impact Analysis, to be verified and approved with an updated traffic impact analysis or memorandum provided with each final plat in the Saddlehorn Ranch development.
7. The adjacent portions of Curtis Road shall be improved to meet the minimum standards of an arterial roadway per the Engineering Criteria Manual. Improvements will be made as part of the Curtis Road access permitting. The necessary improvements and phasing will be clarified with future final plat applications. This work may be subject to any reimbursement as outlined in the El Paso County Road Impact Fee Program.
8. A site development plan shall be submitted, reviewed, and approved for the proposed water treatment plant prior to initiation of construction of the water treatment plant. The water treatment plant shall be limited to serving less than 250 dwelling units until and unless a 1041 permit is submitted, reviewed, and approved.
9. The applicant is proposing to add a condition of approval that an additional plat note be added to all subsequent final plats providing notification of the proximity of the of the property to the Meadow lake Airport as follows:

- a. Notice of Airport in Vicinity- This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors), individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

**NOTATIONS**

1. Subsequent final plat filings may be approved administratively by the Planning and Community Development Director.
2. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a final plat has been approved and recorded or a time extension has been granted.

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

DONE THIS 23<sup>rd</sup> day of March, 2021 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

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

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

**EXHIBIT A**

PROPERTY DESCRIPTION:

PARCEL A:

A PARCEL OF LAND LOCATED IN SECTION 3, TOWNSHIP 13 SOUTH,  
RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 3; THENCE S 89 DEGREES 21 MINUTES 33 SECONDS E, ALONG THE NORTH LINE OF SAID SECTION 3, 5275.27 FEET TO THE NORTHEAST CORNER THEREOF; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG THE EAST LINE OF SAID SECTION 3, 1841.19 FEET; THENCE N 89 DEGREES 49 MINUTES 04 SECONDS W, 5280.38 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG SAID WEST LINE, 1883.39 FEET TO THE POINT OF BEGINNING.

EXCEPT THOSE PORTIONS CONVEYED TO EL PASO COUNTY BY AND THROUGH THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO, IN SPECIAL WARRANTY DEEDS RECORDED JANUARY 29, 2015 AT RECEPTION NO. 215008985 AND RECEPTION NO. 215008986.

PARCEL B:

A PARCEL OF LAND LOCATED IN SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG THE WEST LINE OF SAID SECTION 3, 1974.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE, N 00 DEGREES 05 MINUTES 14 SECONDS E, 1649.14 FEET; THENCE S 89 DEGREES 49 MINUTES 04 SECONDS E, 5280.38 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG SAID EAST LINE, 1649.15 FEET; THENCE N 89 DEGREES 49 MINUTES 04 SECONDS W, 5285.17 FEET TO THE POINT OF BEGINNING.

PARCEL C:

A PARCEL OF LAND LOCATED IN SECTION 3 AND SECTION 10, TOWNSHIP 13 SOUTH, RANGE 64 WEST, OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE N 00 DEGREES 05 MINUTES 14 SECONDS E, ALONG THE WEST LINE OF SAID SECTION 3, 327.11 FEET; THENCE S 89 DEGREES 49 MINUTES 04 SECONDS E, 5289.95 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 3; THENCE S 00 DEGREES 04 MINUTES 45 SECONDS E, ALONG SAID EAST LINE, 327.11 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 3; THENCE S 00 DEGREES 57 MINUTES 38 SECONDS W, ALONG THE EAST LINE OF SAID SECTION 10, 1320.52 FEET TO THE SOUTHEAST

CORNER OF THE NORTH HALF OF THE NORTH HALF OF SAID SECTION 10; THENCE N 89 DEGREES 48 MINUTES 49 SECONDS W, ALONG THE SOUTH LINE OF SAID NORTH HALF OF THE NORTH HALF OF SAID SECTION 10, 5285.51 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 00 DEGREES 43 MINUTES 38" SECONDS E, ALONG THE WEST LINE OF SAID SECTION 10, 1320.06 FEET TO THE POINT OF BEGINNING.

Per the Commitment for Title Insurance, issued by Westcor Land Title Insurance Company, Commitment No. 56676ECS, dated August 2, 2018.

PARCEL 21:

A PORTION OF THE SOUTH HALF OF SECTION 3, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 3; THENCE ALONG THE EAST LINE OF SAID SECTION 3, S00°42'25"E (BEARINGS ARE RELATIVE TO THE NORTH LINE OF SECTION 3, BEING MONUMENTED AT THE WESTERLY END BY A FOUND NO.6 REBAR WITH A 3-1/4" ALUMINUM CAP IN A VAULT, STAMPED "PLS 17496", AND AT THE EASTERLY END BY A FOUND NO. 6 REBAR WITH 3-1/2" ALUMINUM CAP IN A VAULT, STAMPED "LS 17496", AND MEASURED TO BEAR S89°59'26"E, A DISTANCE OF 5275.03 FEET), A DISTANCE OF 3490.37 FEET, TO THE SOUTHEAST CORNER OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM DEED RECORDED AT RECEPTION NO. 213021177, IN THE OFFICIAL RECORDS OF EL PASO COUNTY; SAID CORNER ALSO BEING THE POINT OF BEGINNING; THENCE S00°42'25"E, CONTINUING ALONG THE WEST LINE OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM DEED RECORDED AT RECEPTION NO.213113100, IN SAID OFFICIAL RECORDS, A DISTANCE OF 1647.65 FEET, TO THE NORTHEAST CORNER OF THAT PARCEL DESCRIBED IN THE QUIT CLAIM DEED RECORDED AT RECEPTION NO. 213043391, IN SAID OFFICIAL RECORDS; THENCE S89°33'10"W, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 5289.71 FEET, TO A POINT LYING ON THE WEST LINE OF SAID SECTION 3; THENCE ALONG SAID WEST LINE, N00°32'28"W, A DISTANCE OF 1645.40 FEET, TO THE SOUTHWEST CORNER OF SAID PARCEL, RECORDED AT RECEPTION NO. 213021177, IN SAID OFFICIAL RECORDS; THENCE N89°31'43"E, ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 5284.95 FEET, TO THE POINT OF BEGINNING.

Per the Commitment for Title Insurance, issued by Land Title Guarantee Company, Order No. SC55073032, dated October 1, 2018.

Being more particularly described by metes and bounds as follows:

**COMMENCING** at the Northeast Corner of Section 3, Township 13 South, Range 64 West of the 6<sup>th</sup> Principal Meridian; thence along the east line of said Section 3, S00°42'27"E ( Basis of bearings is the North line of Section 3, Township 13 South, Range 64 West of the 6<sup>th</sup> Principal Meridian, monumented at the West end by a No. 6 Rebar with a 3-1/4" aluminum cap, properly marked, in a monument box, "PLS 17496" and at the East end by a No. 6 rebar with a 3-1/2" aluminum cap, properly marked, in a monument box, "PLS 17496", having a measured bearing and distance of S89°59'23"E, 5275.26'. Bearings are relative to Colorado State Plane Central Zone (0502)), a distance of 30.00 feet, to the **POINT OF BEGINNING**; thence continuing along said east line, S00°42'27"E, a distance of 5,435.28 feet, to the Southeast Corner of said Section 3, said point also being the Northeast Corner of Section 10, Township 13 South, Range 64 West of the 6<sup>th</sup> Principal Meridian; thence along the east line of the North 1/2 of the North 1/2 of said Section 10, S00°19'54"W, a distance of 1,320.51 feet, to the North 1/16<sup>th</sup> Corner of said Section 10; thence leaving said east line and along the south line of the North 1/2 of the North 1/2 of said Section 10, S89°34'02"W, a distance of 2,642.78 feet, to the North-Center-Center 1/16<sup>th</sup> Corner of said Section 10; thence continuing along said south line, S89°34'07"W, a distance of 2,612.73 feet, to a point that is 30.00 feet distant from the North 1/16<sup>th</sup> Corner of said Section 10, said point also being a point on the east right-of-way line of Curtis Road; thence along said east right-of-way line and 30.00 feet parallel to the west line of said North 1/2 of the North 1/2 of said Section 10, N00°05'54"E, a distance of 1,319.14 feet, to a point that is 30.00 distant to the Northwest Corner of said Section 10, also being the Southwest corner of said Section 3; thence continuing along said east right-of-way line, along the following four (4) courses:

1. N00°32'28"W, a distance of 4,608.42 feet;
2. N89°27'32"E, a distance of 19.98 feet;
3. N00°32'28"W, a distance of 820.00 feet;
4. N44°46'13"E, a distance of 40.00 feet,

to a point on the south right-of-way line of Judge Orr Road, thence along said south right-of-way line, along the following three (3) courses:

1. S89°59'23"E, a distance of 822.24 feet;
2. N00°00'37"E, a distance of 20.00 feet;
3. S89°59'23"E, a distance of 4,374.49 feet,

to the **POINT OF BEGINNING**.

Containing 35,565,654 S.F. or 816.475 acres, more or less.