


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

COMMISSIONERS:  
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 CAMI BREMER (VICE-CHAIR)

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 HOLLY WILLIAMS  
 CARRIE GEITNER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Planning Commission  
 Brian Risley, Chair**

**FROM: Ryan Howser, Planner II  
 Daniel Torres, PE Engineer II  
 Craig Dossey, Executive Director**

**RE: Project File #: SF-20-030  
 Project Name: Glen at Widefield Filing No. 9B  
 Parcel No.: 55223-08-020**

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Glen Investment Group No. VIII, LLC 3 Widefield Blvd Colorado Springs, CO, 80911	Glen Investment Group No. VIII, LLC 3 Widefield Blvd Colorado Springs, CO, 80911

**Commissioner District: 4**

Planning Commission Hearing Date:	4/1/2021
Board of County Commissioners Hearing Date	4/27/2021

**EXECUTIVE SUMMARY**

A request by Glen Investment Group No. VIII, LLC, for approval of a vacation and replat of tract "D" to create two (2) single-family residential lots. The 15,000 square foot property is zoned RS-6000 (Residential Suburban) and CAD-O (Commercial Airport Overlay) and is located on the east side of Bigtooth Maple Drive, approximately three-quarters (3/4) of a mile north of the Mesa Ridge Parkway and Marksheffel Road intersection and is within Section 22, Township 15 South, Range 65 West of the 6th P.M. The property is not located within the boundaries of a small area plan.

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



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

The proposed Glen at Widefield Filing No. 9B is consistent with the RS-6000 zoning district, the approved sketch plan (PCD file no. SKP-01-003), and the approved preliminary plan (PCD file no. SP-15-004). The final plat application meets the submittal and review criteria for a final plat as well as the general development standards of Chapter 6, the final plat review criteria of Chapter 7, and the subdivision design requirements of Chapter 8 of the El Paso County Land Development Code (2019).

Water and wastewater services will be provided by Widefield Water and Sanitation District for the two lots within the subdivision.

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

**Request:** A request by Glen Investment Group No. VIII, LLC, for approval of a final plat to create two (2) single-family residential lots.

**Waiver(s)/Deviation(s):** No waivers are requested with this vacation and replat.

**Authorization to Sign:** Final plat and any other documents necessary to carry out the intent of the Board of County Commissioners.

**B. PLANNING COMMISSION SUMMARY**

**Request Heard:**

**Recommendation:**

**Waiver Recommendation:**

**Vote:**

**Vote Rationale:**

**Summary of Hearing:**

**Legal Notice:**

**C. APPROVAL CRITERIA**

Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code states that a replat, “involves two actions, the vacation of the portion of the subdivision plat where the change is proposed...and approval of a new subdivision plat.” The Code goes on to define a replat as providing a replat of a subdivision or lots in a subdivision, in which the original subdivision is substantially modified, or additional lots are created. In approving a replat, the following findings shall be made:

- The replat complies with this Code, and the original conditions of approval associated with the recorded plat;
- No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
- The replat is in keeping with the purpose and intent of this Code;

- The replat conforms to the required findings for a minor or major subdivision, whichever is applicable.
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The approval will not adversely affect the public health, safety, and welfare; and
- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved

**D. LOCATION**

North: RS-6000 (Residential Suburban)	Single family residential
South: RS-6000 (Residential Suburban)	Single family residential
East: RS-6000 (Residential Suburban)	Single family residential
West: RS-6000 (Residential Suburban)	Single family residential

**E. BACKGROUND**

The property was zoned A-4 (Agricultural) on September 20, 1965 when zoning was initiated for this portion of El Paso County. Due to changes in nomenclature of the Land Development Code, the A-4 zoning district has been renamed to the RR-5 (Residential Rural) zoning District. The property was rezoned to the RS-6000 (Residential Suburban) in 1983. The parcels were part of the Glen at Widefield Sketch Plan (PCD file no. SKP-01-003), which was approved by the Board of County Commissioners on October 11, 2001. The Sketch Plan identified this area as being planned for single-family residential development.

A preliminary plan (PCD file no. SP-15-004) was approved by the Board of County Commissioners on June 28, 2016. Approval for pre-development site grading and installation of wet utilities (water and sewer) was granted by the Board of County Commissioners on April 20, 2016.

A final plat for the Glen at Widefield Filing No. 9 (PCD file no. SF-18-005) was approved by the Board of County Commissioners on October 9, 2018. The subject property was established as “Tract D” within Filing No. 9 due to potential concerns regarding slope stabilization. Since then, additional geologic studies have been performed on the property and have concluded that slope stabilization has been conducted and “Tract D” is suitable for traditional construction methods for single family residential lots. Therefore, the applicant is proposing to vacate “Tract D” and replat it as two (2) single family residential lots.

## **F. ANALYSIS**

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

This application meets the requirements of Sections 7.2.3.A (Vacation) and 7.2.3.C (Replat), Actions Vacating or Altering a Recorded Plat, the vacation and replat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the Land Development Code.

### **2. Zoning Compliance**

The property is zoned RS-6000. The RS-6000 zoning district is intended to accommodate single-family residential development. The density and dimensional standards of the RS-6000 zoning district are as follows:

- Minimum lot size – 6,000 square feet
- Setbacks – 25 feet from front and rear lot lines; 5 feet from side lot lines
- Maximum building height – 30 feet
- Maximum lot coverage – 40 percent if two-story; 45 percent if single-story

The proposed replat is in compliance with the standards of the RS-6000 zoning district. Individual site plans will need to be submitted for review for each proposed single-family dwelling in order to ensure compliance with the applicable dimensional standards

### **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. A finding of consistency with the El Paso County Policy Plan was previously made by the Board of County Commissioners with approval of the Glen at Widefield Filing No. 9 final plat. The proposed final plat application is consistent with the findings of the prior approval.

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

The property is not located within the boundaries of a small area plan.

### **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.*

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

**Goal 1.2** – *Integrate water and land use planning.*

The subject property is located within Planning Region 7, Fountain Area, which is expected to have the largest growth demand in the County by 2060. Specifically, the Plan states:

“Areas projected to develop by 2040 are located south of Fountain (City) on the north and south sides of Link Road. Areas northwest of Fountain along the east and west sides of Marksheffel Road are also expected to grow by then, as well as the area south of Fountain on the west side of I-25.”

The property is located within an estimated area of future development expected to reach build-out by 2060. Region 7 does not draw from the Denver Basin aquifer and is not identified as potentially having issues regarding long term sustainable draw. The Plan identifies the current demands for Region 7 to be 10,141 acre-feet per year (AFY) with a current supply of 15,376 AFY (Figure 5.1). The demand in 2040 is projected to be 15,845 AFY with a projected supply of 25,241 AFY (Figure 5.2). At build-out in 2060, the demand for Region 3 is projected to be 26,969 AFY with a projected supply of 27,840 AFY, which means by 2060 there is anticipated to be a surplus of 871 AFY (Figure 5.3, Table 5-2).

The property is serviced by the Widefield Water and Sanitation District. The District was sent a referral and does not have any outstanding comments. The District has indicated adequate water supplies are available to service the proposed subdivision.

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

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. El Paso County Environmental Services was sent a referral and has no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies upland deposits and coal 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, no severed mineral rights exist.

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

Staff did not identify any inconsistencies with the 2016 Major Transportation Corridors Plan Update (MTCP) during the review of the proposed vacation and replat application.

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

A geology and soils report, dated November 4, 2015, was prepared by Hepworth-Pawlek Geo-Technical, Inc., in support of the approved preliminary plan (SP-15-004) and this final plat application. The report provides a geologic hazard evaluation and preliminary geotechnical investigation of the plan area. The report identified the following hazards: potentially unstable soils, shallow groundwater, and potential swell characteristics in the soil and bedrock.

Additional studies were performed and prepared by J&K Geological Services on December 8, 2017 and February 6, 2019. The new studies indicate that the slope stabilization has been conducted and that those areas previously left as no build areas in "Tract D" are now stable and can be built on with traditional construction methods. Colorado Geological Survey (CGS) was sent a referral and has no outstanding comments.

### **2. Wildlife**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. El Paso County Environmental Services was sent a referral and has no outstanding comments.

### **3. Floodplain**

The property is not located within a defined floodplain as determined from review of the FEMA Flood Insurance Rate Map panel number 08041C0956G, dated December 7, 2018.

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

The property is located within the West Fork Jimmy Camp Creek (FOFO2000) drainage basin. The West Fork Jimmy Camp Creek drainage basin is a studied basin with drainage and bridge fees. The subdivision is subject to the Drainage Basin Fee program which requires fees to be paid at the time of final plat recordation. Drainage fees in the amount of \$1,332.55 and bridge fees in the amount of \$394.23 shall be paid by the developer at the time of plat recordation.

Runoff from the site will be collected via an existing storm sewer system that will convey the flows into two existing full spectrum detention ponds (Pond A & Pond B), which will provide water quality and flood control storage. Per the associated drainage letter, there are no proposed drainage improvements and there will be no effect on the existing drainage patterns as the site was previously analyzed and accounted for in the approved drainage report submitted with Glen at Widefield Filing No. 9, dated July 26, 2018.

A grading and erosion control plan was not required as there is no land disturbance proposed with this subdivision.

## **5. Transportation**

The site is located within the Glen at Widefield Filing No. 9 subdivision, which is located north of Mesa Ridge Parkway and west of Marksheffel Road. The two proposed lots will be accessed from the existing public right-of-way of Bigtooth Maple Drive. The proposed subdivision will have a minimal impact to the County's transportation network. The lots will be required to obtain access permits.

The subdivision is subject to the El Paso County Road Impact Fee Program (Resolution 19-471), as amended. The two proposed lots are included within the boundaries of the ten (10) mill Public Improvement District No. 2 (PID No. 2).

## **H. SERVICES**

### **1. Water**

The subdivision will be served by Widefield Water and Sanitation District.

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State Water Engineer's Office has made a recommendation regarding a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's

Office recommends a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health has made a recommendation regarding a finding of sufficiency for water quality and has no outstanding comments.

**2. Sanitation**

Widefield Water and Sanitation District has committed to provide wastewater service to the development.

**3. Emergency Services**

The property is within the Security Fire Protection District. The District was sent a referral for the final plat and did not provide a response.

**4. Utilities**

Mountain View Electric Association will provide electrical service and Black Hills Energy will provide natural gas service to the area included within the replat.

**5. Metropolitan Districts**

The site is within The Glen Metropolitan District No. 3. The District is responsible for ownership and maintenance of drainage, landscaping, and open space tracts within the overall Glen Development.

**6. Parks/Trails**

The El Paso County Parks Master Plan (2013) does not depict any existing or planned parks or trails in vicinity of the property. Fees in lieu of park land dedication in the amount of \$934.00 for regional parks fees and \$590.00 for urban park fees will be due at the time of recording the replat.

**7. Schools**

Fees in lieu of school land dedication in the amount of \$414.00 shall be paid to El Paso County for the benefit of Widefield School District No. 3 at the time of recording the replat.

**I. APPLICABLE RESOLUTIONS**

Approval                      Page 19  
Disapproval                    Page 20

**J. STATUS OF MAJOR ISSUES**

There are no major issues at this time.

## **K. RECOMMENDED CONDITIONS AND NOTATIONS**

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (2019) staff recommends the following conditions and notations:

### **CONDITIONS**

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any

amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

8. Park fees in lieu of land dedication for regional parks (Area 4) in the amount of \$934.00 and urban park (Area 4) fees in the amount of \$590.00 shall be paid at time of plat recordation.
9. Fees in lieu of school land dedication in the amount of \$414.00 shall be paid to El Paso County for the benefit of Widefield School District No. 3 at the time of plat recordation.
10. Drainage fees in the amount of \$1,332.55 and bridge fees in the amount of \$394.23 for the West Fork Jimmy Camp Creek drainage basin (FOFO2000) shall be paid to El Paso County at the time of plat recordation.

#### **NOTATION**

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

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

The Planning and Community Development Department notified four (4) adjoining property owners on March 16, 2021, for the Planning Commission meeting. Responses will be provided at the hearing.

#### **M. ATTACHMENTS**

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

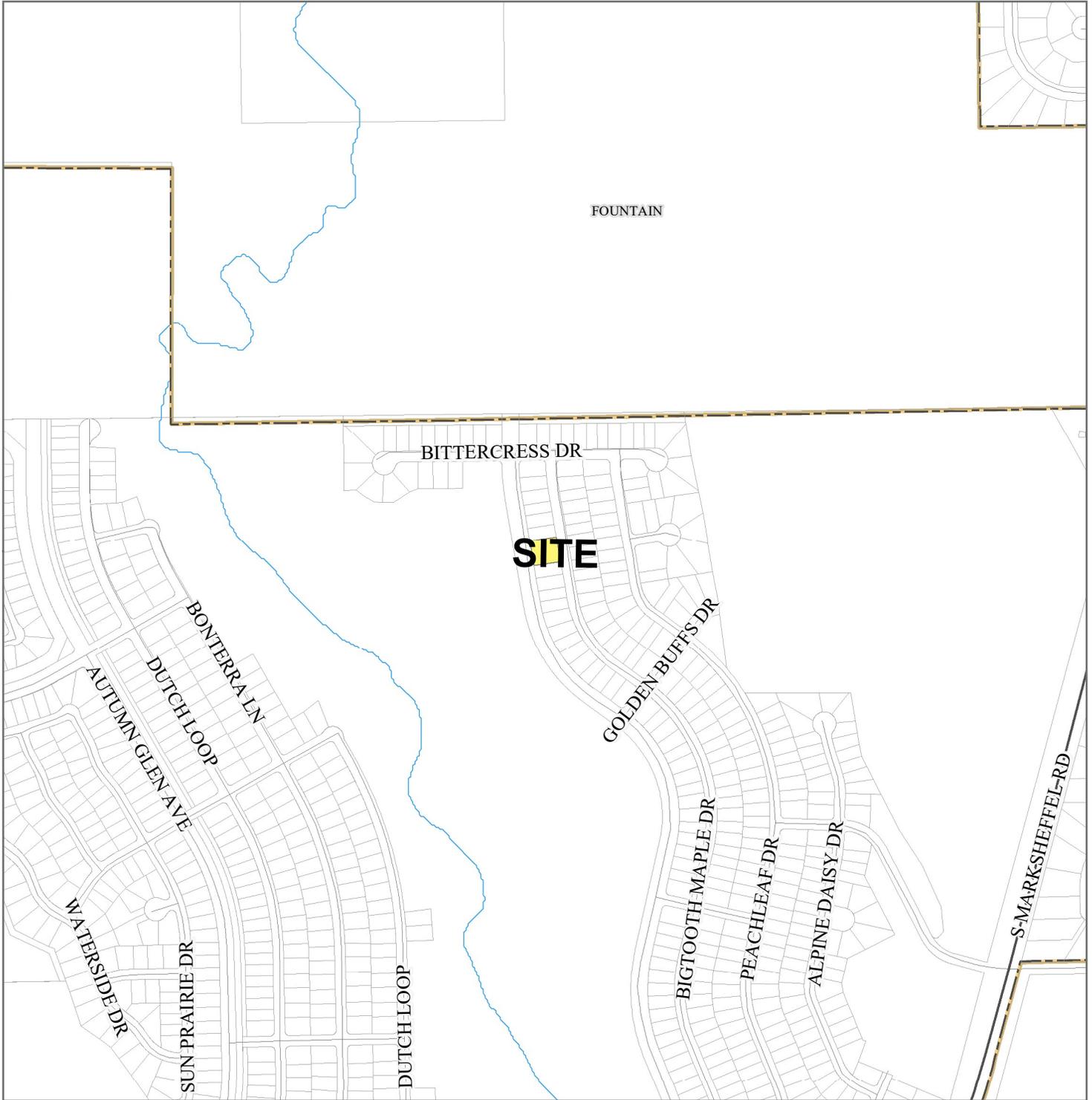
# El Paso County Parcel Information

File Name: SF-20-030

PARCE	NAME
5522308	GLEN INVESTMENT GROUP

Zone Map No. --

Date: March 12, 2021



Please report any parcel discrepancies to:  
El Paso County Assessor  
1675 W. Garden of the Gods Rd.  
Colorado Springs, CO 80907  
11 (719) 520-6600



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**LETTER OF INTENT**  
**THE GLEN AT WIDEFIELD FILING NO. 9B a Vacation and Replat of Tract D of THE GLEN**  
**AT WIDEFIELD FILING NO. 9**

November 9, 2020  
Rev. December 7, 2020  
Rev. January 19<sup>th</sup>, 2021

**OWNER/APPLICANT:**

Glen Investment Group No. VIII, LLC  
3 Widefield Boulevard  
Colorado Springs, CO 80911  
(719) 392-0194

**OWNER:**

Glen Investment Group No. VIII, LLC  
3 Widefield Boulevard  
Colorado Springs, CO 80911  
(719) 392-0194

**PLANNING/PROCESSING CONSULTANT:**

James Nass  
Nass Design Associates  
111 S. Tejon St., Suite 312  
Colorado Springs, CO 80903  
(719) 475-2406

**SURVEYING CONSULTANT:**

John Towner  
Pinnacle Land Surveying Co.  
121 County Road 5  
Divide, CO 80814  
(719) 634-0751

**ENGINEERING CONSULTANT:**

Andy McCord  
Kiowa Engineering Corp.  
1604 South 21st Street  
Colorado Springs, CO 80904  
(719) 630-7342

**SITE LOCATION AND SIZE:** This plat is a replat of Tract D which is a parcel of land located between Bigtooth Maple Drive and Spring Glen Drive north of existing Lot 13 and south of existing Lot 14 in The Glen at Widefield Filing No. 9 plat. This tract is a parcel of land comprised of 15,000sf of land.

**PRESENT ZONING:** RS- 6000 (Single Family Residential - Minimum Lot Size 6000sf.)

**PURPOSE:** To vacate and replat Tract D into two residential lots of equal size of 7,500sf each. The replat will also remove the previous "No Structures" lines from these proposed lots. Additional reports discussing the geologic mitigation that has been conducted to this area to stabilize any unstable slopes is a part of this submission.

**HISTORICAL CONTEXT:**

The Glen at Widefield East Preliminary Plan was approved in 2016 for a parcel of land which encompassed 294.19 acres of land. That preliminary plan was then parceled into final plats for filings 7-12. As a part of the preliminary plan submission extensive soils and geological studies were prepared by STE, Inc. in April 16, 2007, with an additional study prepared on December 8<sup>th</sup>, 2017. Additional studies and mitigation recommendations were prepared by Hepworth-Pawlak Geotechnical, Inc. on April 16, 2007. These studies can be found in the files of El Paso County in File Nos. SP-15-004. At the time of these studies it was determined that certain areas of the preliminary plan area had some geologic hazards associated with expansive and hydrocompactive soils. They also identified high ground

water areas and a map was produced and included with the preliminary plat depicting those geologic hazard and high groundwater areas and the plan depicted those lots which would require further geotechnical analysis and that there would be a restriction on basements on specific lots and slope stabilization on some areas left in tracts until further analysis and mitigation measures were taken into consideration. Tract D specifically had a no structure line shown on the plan due to possible slope stabilization issues along Spring Glen Drive.

Additional studies have now been performed and prepared by J&K Geological Services on December 8<sup>th</sup> 2017, and February 6, 2019. Letters dated September 26, 2020 and a recent response letter dated January 18, 2021 accompanies the geologic studies and explains the slope stabilization that has been conducted and that those areas previously left as no build areas in Tract D are now stable and can be built on with traditional construction methods. The tract will now be concurrently vacated and replatted into two single family residential lots.

**APPLICABILITY:**

LDC 7.2.3(C) A replat shall be required in order to substantially alter an existing recorded subdivision plat or where the standards for a lot line adjustment are exceeded.

**Replat of the previous Tract D area into two Single Family Residential Lots:**

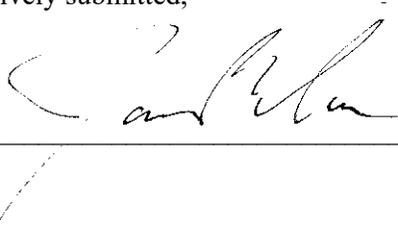
- The replat complies with this Code, and the original conditions of approval associated with the recorded plat;. This replat complies with the original conditions and in conformance with, LDC 7.2.1(C) 2 Major Subdivisions, which was applicable to the original subdivision plat of The Glen at Widefield Sub. Filing 9. All code requirements and policies of LDC 7.2.1 D(3) Final Plat, have been met on the Replat document.
- No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased; the proposed two lots to be created are in conformance with the zoning code LDC 3.2.3.(B) RS-6000 and are sized at 7,500sf a piece, and no nonconforming lots are being created in this subdivision.
- The replat is in keeping with the purpose and intent of this Code; this replat complies with and is in conformance with all code requirements and policies. All code requirements and policies of LDC 7.2.1 D(3) Final Plat, have been met on the Replat document.
- The replat conforms to the required findings for a minor or major subdivision, whichever is applicable, This replat does conform to the required findings for major subdivisions as that was what the original plat for The Glen at Widefield Sub. 9 was created under and all provisions of that plat are contained within this plat document.
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM; Access to the two proposed lots is from the existing public right of way of Bigtooth Maple Drive.
- The approval will not adversely affect the public health, safety, and welfare; and
- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved. The two proposed lots will be subject to all restrictions and guidelines of the Declaration of Covenants, Conditions,

Restrictions and Easements for Glen Filings No. 7 -10 recorded August 1, 2016 at Reception No. 216085646. First Amendment to said Declaration recorded March 15,2019 at Reception No. 219026578 and Second Amendment to said Declaration recorded June 12, 2019 at Reception No. 219064437. The platting of these two lots which will be developed in conformance with all plat and zoning criteria and also in conformance with all adjacent lots will not adversely affect the public health, safety and welfare.

**CONCLUSIONS:**

Our intent is to vacate and replat Tract D into two single family residential lots and that the additional geological studies that have been submitted show that this area is stable and can be developed for typical residential housing. This replat is in compliance with the zoning, and code requirements of El Paso County.

Respectively submitted,



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James P. Nass, Nass Design Associates





January 13, 2021

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

RE: Glen at Widefield Filing No. 9 - Tract D Plat Amendment  
Sec. 22, Twp. 15S, Rng. 65W, 6<sup>th</sup> P.M.  
Water Division 2, Water District 10  
CDWR Assigned Subdivision No. 24198

To Whom It May Concern:

We have received the submittal concerning the above-referenced proposal to subdivide a 0.344 +/- acre tract of land, known as Tract D, into two single-family lots. According to the submittal, the proposed supply of water and wastewater disposal is to be served by Widefield Water and Sanitation District ("Widefield").

### Water Supply Demand

The Water Supply Information Summary, Form No. GWS-76, provided with the submittal references a demand of 0.7 acre-feet/year for both lots. This results in an estimated demand of 0.35 acre-feet/year per lot.

The referral materials indicate that this commitment is wholly included in the 235.17 acre-foot/year previously committed to the Glen at Widefield East Preliminary Plan. The entirety of the Glen at Widefield Filing No. 9 is included within this prior commitment.

### Source of Water Supply

The source of water for the proposed development is to be served by the Widefield Water and Sanitation District ("Widefield"). Widefield provided a July 22, 2020 letter confirming a commitment of 0.70 acre-feet for the proposed plat amendment to Tract D. The letter states that the water commitment is wholly included in the previous "The Glen at Widefield East Subdivision" commitment.

### State Engineer's Office Opinion

According to this office's records, it appears Widefield has sufficient water resources to serve the proposed development. Based upon the above and pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply is adequate and can be provided without causing injury to decreed water rights. Should you have any further questions, please feel free to contact me directly.



Sincerely,

A handwritten signature in black ink, appearing to read "Ivan Franco". The signature is written in a cursive, flowing style.

Ivan Franco, P.E.  
Water Resource Engineer

cc: Bill Tyner, Division 2 Engineer  
Doug Hollister, District 10 Water Commissioner

County Attorney

Diana K. May, County Attorney  
719-520-6485  
Centennial Hall  
200 S. Cascade, Suite 150  
Colorado Springs, CO 80903  
www.ElPasoCo.com

Board of County Commissioners  
Holly Williams, District 1  
Carrie Geitner, District 2  
Stan VanderWerf, District 3  
Longinos Gonzalez, Jr., District 4  
Cami Bremer, District 5

January 25, 2021

SF-20-30 Glen at Widefield Filing No. 9B  
Plat Amendment

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



**FINDINGS AND CONCLUSIONS:**

1. This is a proposal for the Glen at Widefield Filing No. 9B subdivision by Glen Investment Group No. VIII, LLC ("Applicant"), to replat Tract D, Filing No. 9, a 0.344-acre parcel, into 2 single family lots. Tract D was included in the Glen at Widefield East preliminary plan approved in 2016. The property is zoned RS-6000 (Residential Suburban).

2. The Applicant has provided for the source of water to derive from the Widefield Water and Sanitation District ("District"). Based on the Water Supply Information Summary, the total water supply necessary for this proposal is 0.70 acre-feet (0.35 acre-feet x 2 single family lots). Based on these figures, the Applicant must be able to provide a supply of 210 acre-feet of water (0.70 acre-feet/year x 300 years) to meet the County's 300 year water supply requirement. Since the District's water is considered annually renewable (see below), it is considered to already have a minimum life of 300 years, and therefore, does not have to reserve this total quantity of water.

3. Under Section 8.4.7.C.1., LDC, "[w]ater provided from renewable ground water sources is considered to be annually renewable and, therefore, is considered to have a minimum life of three hundred (300) years." As detailed in the *District Water and Wastewater Report Annual Update* dated January 1, 2020 ("*Report*"), "[t]he system does not rely on any non-renewable water sources," therefore, it appears the proposed water supply is an annually renewable source and falls within the provisions of Section 8.4.7.C.1., and thus the proposed supply is considered to have a minimum life of 300

**ASSISTANT COUNTY ATTORNEYS**

M. COLE EMMONS  
LORI L. SEAGO

LISA A. KIRKMAN  
STEVEN A. KLAFFKY

MARY RITCHIE  
BRYAN E. SCHMID

NATHAN J. WHITNEY  
MICHAEL J. DESMOND

CHRISTOPHER M. STRIDER  
TERRY A. SAMPLE

years. The *Report* indicates that the District has “current Legal Water Supply Holding” estimated at 7,900 annual acre-feet. “The current Developed Physical Supply is 5271 annual acre-feet. The three year running average actual use is 2615 acre-feet which is roughly 48% of the existing available physical supply.”

4. The District’s General Manager provided a letter of commitment for the entire Glen at Widefield East Subdivision dated July 13, 2015, in which the District committed to providing water service to the entire subdivision of 595 residential lots, plus 1 small park with an annual water requirement of 235.17 acre-feet. The District Engineer provided a subsequent letter dated July 22, 2020 addressing this Filing No. 9 Tract D and stated that the District “commits to providing water and sewer service to the above mentioned subdivision per this letter.... The water commitment is for ‘The Glen at Widefield Subdivision Filing No. 9 Tract D’ being 2 Residential Lots and 0.70 acre-feet, is wholly included in previous ‘The Glen at Widefield East Subdivision’ commitment.”

5. In a letter dated January 13, 2021, the State Engineer reviewed the application to subdivide the 0.344 +/- acre parcel known as Tract D into 2 single-family residential lots. The State Engineer reviewed this matter based on information provided in the Water Supply Information Summary and the District’s letter dated July 22, 2020, which estimated water requirements at a total of 0.70 acre-feet/year for Glen at Widefield Filing No. 9 Tract D. The State Engineer stated that according to their records, “it appears Widefield has sufficient water resources to serve the proposed development” and further, “pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.”

6. PFCs. On May 19, 2016, the Environmental Protection Agency (“EPA”) announced that it lowered the health advisory levels (“HAL”) for perfluorinated compounds (“PFC”), to 70 parts per trillion. One of the three local water providers whose PFC levels now exceed the EPA’s HAL is Widefield Water and Sanitation District. There has been much coverage in the local press and much public concern expressed over PFCs recently. The District Manager provided a letter dated July 29, 2016 (see **Exhibit 1** attached hereto), in which he explains that the PFCs are unregulated and unenforceable, and the new HAL “. . . in no way impacts or reduces Widefield Water and Sanitation District’s water supply quantity or our ability to serve water to our current or future customers.”

7. Analysis: As indicated above, the Applicant provided a *District Water and Wastewater Report Annual Update* dated January 1, 2020, delineating the sources of the District’s water supply, which is based on surface water rights, renewable groundwater, and a mix of various sources. The *Report* notes that the District does not rely on any non-renewable water sources and that the District’s current Legal Water Supply Holdings are estimated at 7,900 annual acre-feet. The current Developed Physical Supply is 5271 annual acre- feet and the three year running average actual use is 2615 acre-feet which is roughly 48% of the existing available physical supply.” With a proposed annual demand of 0.70 acre-feet and based on the current commitments of the District and the available water supply, it appears the proposed water supply will be sufficient for Glen at Widefield Filing No. 9B.

ASSISTANT COUNTY ATTORNEYS

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8. 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.

9. Therefore, based upon the finding of sufficiency and no injury by the State Engineer, the District's commitment, the District's explanation that PFCs will not affect the quantity of the District's water supply, and based on the requirements below, the County Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability. The El Paso County Health Department may wish to confirm that the District is in compliance with the water quality regulations.

**REQUIREMENTS:**

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

cc: Ryan Howser, Planner I

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37 Widefield Boulevard, Colorado Springs, Colorado 80911

RECEIVED

AUG 01 2016

El Paso County  
Attorney's Office

July 29, 2016

Cole Emmons  
County Attorney's Office  
27 East Vermijo Avenue  
Colorado Springs, Colorado 80903

**Re: Perfluorinated Compounds**

Dear Mr. Emmons:

Due to all of the negative media pertaining to PFC's in the water, I wanted to write to you to explain what has occurred and to reiterate in writing that the new health advisory level for PFC's in no way impacts or reduces Widefield Water and Sanitation District's water supply quantity or our ability to serve water to our current or future customers.

On May 19, 2016, the Environmental Protection Agency (EPA) announced it lowered the health advisory levels (HAL's) for both PFOS and PFOA to 70 parts per trillion. In addition, the Colorado Department of Public Health and Environment (CDPHE) decided to include PFHpA into the 70 parts per trillion combined level. By adding three of the PFC's together and lowering the level, the wells in the Widefield aquifer do not meet the new Health Advisory Level. Prior to May 19, 2016, Widefield Water and Sanitation District's well water was below the former Health Advisory Level for PFC's. PFC's are unregulated and unenforceable.

As an unregulated contaminant the EPA nor CDPHE requires public water suppliers to do anything about exceeding the health advisory level for PFC's other than notifying customers that the water may at times exceed the new HAL. WWSD can legally operate all of our wells without providing any form of treatment. Although we are not required by regulations to treat for or remove PFC's from the water, WWSD plans on designing and building a treatment plant(s) to remove PFC's in order to restore and maintain consumer confidence. We are also currently working with the Air Force, who has authorized funds to help us mitigate the PFC concerns, as it is suspected that the Air Force's use of firefighting foams may have contributed to, or caused the PFC contamination.

Widefield Water and Sanitation District water quantity or ability to deliver water is not at all impacted by the PFC issue in any way. In addition, we plan on having it mitigated before next year's high summer demand period.

Sincerely,

A blue ink signature of Steve Wilson, consisting of a stylized first name and a more legible last name.

Steve Wilson, District Manager

