

EL PASO COUNTY



COMMISSIONERS:
DENNIS HISEY (CHAIR)
JIM BENSBERG (VICE CHAIR)

DOUGLAS BRUCE
SALLIE CLARK
WAYNE WILLIAMS

DEVELOPMENT SERVICES DEPARTMENT

TO: El Paso County Planning Commission
Steve Sery, Chair

FROM: Kim Dimmett, Project Manager II, X7944
Kari Parsons, Planner I
Meggan Yoest, Planner II- Comprehensive
Jeff Rice, Engineer II
Mike Hrebenar, Customer Service/Planning Division Manager *MG for M.H.*

RE: MS-06-006 - Knollwood Village, Filing 1
Tax Schedule #: 71132-00-003

OWNER:
Copper Knoll Investments, LLC
17430 Lamplight Drive
Monument, CO 80132-2211

REPRESENTATIVE:
Land Resource Associates
David Jones
9736 Mountain Road
Chipita Park, CO 80809

Commissioner District: 1

Planning Commission Hearing Date;	2/20/07
Board of County Commissioners Hearing Date:	TBD

EXECUTIVE SUMMARY

Request by Copper Knoll Investments and Land Resource Associates for approval of Knollwood Village Filing 1, Minor Subdivision. The 2-lot commercial subdivision is located on the northeast corner of State Highway 105 and Knollwood Drive.



A. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

B. REQUEST/WAIVERS/AUTHORIZATION

Request: Minor subdivision approval for 2 lots and one tract on 21.45 acres, in accordance with the approved zoning, Planned Business Park (PBP).

Waiver: N/A

Authorization for Board of County Commissioners to Sign: Plat

C. STAFF RECOMMENDATION

Staff recommends approval of Knollwood Village Filing 1 (MS-06-006), with the following conditions and notations.

CONDITIONS OF APPROVAL

1. The Prebles Jumping Mouse habitat shall have limited disturbance. A minimum 150' buffer from the 100 year flood plain will aid in avoiding the Prebles Jumping Mouse habitat.
2. To reduce an urban-wildland interface area hazard rating, buildings or structures located on 2 acres or more or multiple sites shall create a vegetation management plan. Vegetation management plans shall be submitted to the Woodmoor /Monument Fire Protection District, code official for review and approval as part of the plans required for a (building) permit.
3. No building or development should occur within the designated 150' setback from the 100' year floodplain.
4. Buildings should be constructed to minimize erosion during water runoff and to retain the hillside soil.
5. Should lot-specific grading plans include portions of the steep slopes to the north of lots 1 and 2, mitigation measures may be required to prevent erosion and raveling problems and foundation designs should be adequate to mitigate the effects of creeping soils.

6. Site- specific foundation investigation should be conducted prior to building to determine subsurface geologic characteristics that may impact foundation design (expansive soils, shallow groundwater, etc)
7. 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.
8. 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, for 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 Development Services 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.
9. 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.
10. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
11. The applicant shall submit the mylar to Enumerations for addressing.
12. Applicable drainage and bridge fees (Dirty Woman Creek) in the amount of \$56,550.00 and \$2,397.72, respectively, shall be paid prior to recording of the Final Plat.
13. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, and specifications set by Woodmoor Water and Sanitation District.
14. 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. Applicants, the Home Owners Association, 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 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.”

15. A new Letter of Commitment is required from Woodmoor Water and Sanitation District to confirm that the District still intends to provide water and sewer services to this subdivision.
16. The following Plat notes shall be added:
 - a. Developer has delegated the responsibility for detention pond/water quality BMP final design and construction to the individual lot purchasers. The lot purchasers shall be responsible for construction of detention ponds/water quality BMPs as noted in the approved Preliminary/Final Drainage Report for this subdivision prior to the issuance of any building permits. The developer is responsible for providing financial assurances as indicated in the Subdivision Improvements Agreement and Estimate of Guaranteed Funds for all detention ponds/water quality BMPs. All detention ponds/water quality BMPs shall be constructed prior to the release of said financial assurances.
 - b. Individual lot purchasers shall provide final design, construction drawings and drainage report updates for detention ponds / stormwater quality BMPs on each lot with Plot Plan submittals. Individual lot purchasers shall enter into a Private Detention Pond / Stormwater Quality BMP Maintenance Agreement and Easement (“Agreement”) prior to the issuance of any building permits. In the case that the developer constructs the detention pond(s), the developer shall enter into an Agreement for each pond constructed.
17. The Subdivision Improvements Agreement, including the Estimate of Guaranteed Funds as approved by the El Paso County Development Services Department shall be filed at the time of the recording of the Final Plat.
18. Collateral sufficient to ensure that the public improvements as listed in the approved Estimate of Guaranteed Funds shall be provided when the Final Plat is recorded.

NOTATIONS

1. There are four areas of concern regarding hazard mitigation called out in the Geological Hazard study prepared by Entech Engineering for Knollwood Village. Please note said report is on file at the Development Services Department.

2. Periodic oversight by a qualified biologist during construction should occur.
3. Final Plats not forwarded to the Board of County Commissioners for consideration within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.
4. Declaration of Covenants, Conditions and Restrictions for Knollwood Village shall be recorded with El Paso County Clerk and Recorder prior to the recording of the Final Plat.

D. APPLICABLE RESOLUTIONS

Approval	Page 1
Disapproval	Page 2

E. LOCATION

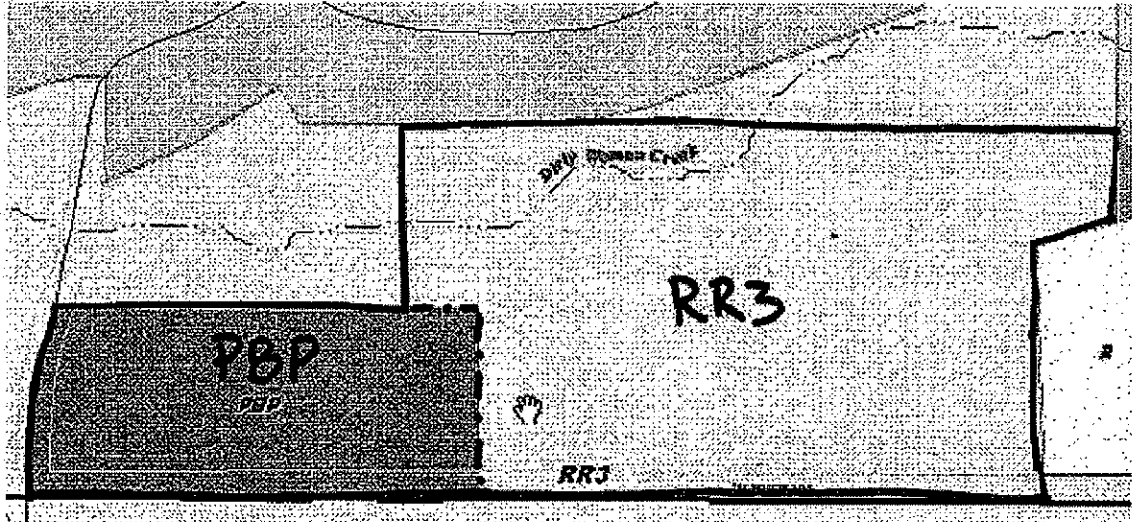
Abutting zoning and land use:

North:	RR-1/single family homes
South:	Proposed commercial Development
East:	R/Church
West:	RR-3/vacant



F. BACKGROUND

The site is located on the corner of Highway 105 and Knollwood Drive. There are several restrictive requirements in the covenants pertaining to hours of operation, specific allowed commercial and retail uses. For example, no fast food restaurants are permitted within the subdivision. The subdivision was split zoned PBP 4.623 acres and RR-3 21.316 acres December 18, 2005. This proposed final plat will create 2 lots which will be zoned PBP and one tract of land zoned RR-3, that will be developed in the future. An Early Assistance Application for a bank on the proposed lot 1 occurred in November 2006.



G. STATUS OF MAJOR ISSUES

N/A

H. APPROVAL CRITERIA

1. LAND DEVELOPMENT CODE COMPLIANCE

The proposed plat meets El Paso County Land development Code.

2. ZONING COMPLIANCE

The minor subdivision will eliminate a single parcel being split by two zones. Each of the created lots will have one zone.

3. POLICY PLAN COMPLIANCE

See sub-section H.4 regarding Master Plan consistency.

4. SMALL AREA PLAN COMPLIANCE

This property is in the *2000 Tri-Lakes Comprehensive Plan*, specifically located in Planning Unit 7, Woodmoor. The Planning Unit, as it relates to this request, states:

- *The predominant development emphasis should be on residential uses that are provided with central water and sewer, and adequate services. The existing residential patterns should be preserved, reinforced, and continued. New residential development should be consistent with, compatible with, or larger than existing lot sizes. Higher densities should be considered only in association with a density bonus for open space or other amenities such as a school-site, and only located in transition zones adjacent to or in areas designated as mixed use. (Refer to sections on Clustering and Open Space and Land Use within this Plan).*
- *Development along I-25 should be consistent with the recommendations as stated in the I-25 Corridor Overlay. Uses appropriate for this area might include officepark, medical facilities, and suitable and compatibly commercial. Appropriate buffers should be required and properly maintained between non-residential and residential uses. Development in the I-25 Overlay corridor should be consistent with the goals and objective of the I-25 Overlay and coordinated between the County, the Town of Monument, developers, and adjacent subdivisions.*
- *Mixed-use development should be considered in designated areas along SH 105, Woodmoor Drive and Lake Woodmoor Drive. Building styles should be consistent and/or compatible with WIA architectural design standards. All commercial development should serve a local need and have limited hours of operation.*

Included in the Tri-Lakes Plan is a Concept Plan map. Map 7.1 shows this property in the I-25 Overlay scenic protection area and in an area acceptable for Mixed Use and/or Non-residential development.

The zoning of this property to Planned Business Park (PBP) was approved in December, 2005. The zoning had certain conditions pertaining to the recording of covenants limiting hours and uses, and that development should be in conformance with the Tri-Lakes Comprehensive Plan. The applicant is aware of and in agreement with the conditions of the zoning and will record the required covenants. This minor subdivision request is in conformance with the approved zoning and thus consistent with the El Paso County Master Plan.

5. OTHER MASTER PLAN ELEMENTS

The Major Transportation Corridors Plan has been addressed by the Engineering Division. There is no inconsistency with the El Paso County Wildlife Habitat Descriptors (1996) or the El Paso County Department of Parks and Leisure Services Master Plan.

I. PHYSICAL SITE CHARACTERISTICS

1. HAZARDS

In the Geological Hazard study prepared for Knollwood Village Filing no. 1, by Entech Engineering, there are four areas of concern, requiring mitigation. Below are highlights from their findings.

- 1). Mitigation of expansive soils will require special foundation design.*
- 2). Floodplain exists on property. (This area to be preserved as open space).*
- 3.) Potentially seasonal high water table. Areas will be filled and foundation levels will be raised above the groundwater level. Frost heave potential a hazard in some areas on site. Recommended a minimum of 2.5 feet foundation depth.*
- 4.) "Unstable slopes along floodway. A minimum setback of 30 feet is recommended from the crest of these slopes."*

Much greater detail is desired on this subject, hence a recommended condition of approval to address the hazards has been placed under Conditions in this staff report.

2. WILDLIFE

The County's adopted El Paso County Wildlife Habitat Descriptors (1996) depict the area as having the potential for generally lower wildlife impacts. Although the Wildlife Habitat Descriptors shows low wildlife impact, there is significant Prebles Meadow Jumping Mouse habitat on site along the Dirty Woman Creek. The US Fish and Wildlife Service worked with the applicant due to this habitat.

The applicant has been advised to stay 150' from 100 year flood plain as to not disturb the PJM Habitat.

3. FLOODPLAIN

A portion of the property is within a FEMA floodplain as designated on the FEMA Floodplain Insurance Rate Maps (FIRM) for El Paso County. The major channel of Dirty Woman Creek flows from east to west along the north side of the site, partially crossing the northwest corner of proposed Tract A. but not impacting proposed Lots 1 and 2. There is a 50-foot wide no-build area included along the north side of proposed Lots 1 and 2.

4. DRAINAGE AND EROSION

The site is located in the Dirty Woman Creek drainage basin (FOMO5200), which eventually drains to Monument Creek.

The drainage basin has been studied and associated drainage and bridge fees apply in the amount of \$15,000 and \$636 per impervious acre, respectively. The total drainage and bridge fees for this subdivision will be \$56,550.00 and \$2,397.72, respectively.

A Preliminary and Final Drainage Report was received with the submittal. Engineering staff concur with the report's conclusion that this development will not adversely affect downstream or surrounding properties. Developed stormwater will be detained in two detention ponds, to be constructed with each individual lot (see Conditions of Approval), and released at less than historic levels.

Drainage from the site generally flows to the west and north, toward the floodplain and Knollwood Drive. Offsite flows from the southeast (HWY 105) will be conveyed to the main channel.

Grading and Erosion Control plans were received with the submittal. These plans call for best management practices (BMPs) to prevent sediment and debris from affecting adjoining properties and the public drainage system before, during, and after construction. The applicant will need to obtain a County ESQCP for the proposed grading activity.

5. TRANSPORTATION

The site has frontage along Knollwood Drive, an existing Collector street, and State Highway 105. With the improvements proposed by the applicant, the existing streets will be adequate for the proposed traffic. The interior street will be a private street serving Lots 1 and 2.

The applicant will be responsible for the construction of the improvements required due to this development, including turn lanes on Knollwood Drive and improvements to the intersection of Highway 105 and Knollwood Drive. The applicant has provided a copy of an agreement with developers on the south side of the intersection that splits the costs of the entire intersection improvements, but will still be required to provide an estimate of guaranteed funds and financial surety for the improvements required for this project prior to recording the plat. CDOT and Monument have reviewed and approved construction drawings for the improvements to Highway 105.

A deviation from ECM standards was requested for reduced intersection spacing (225 vs. 330 feet) from the site access to Highway 105. This deviation was approved based on the existing site constraints and justification provided in the memo dated January 8, 2007, from LSC Transportation Consultants, Inc.

Appropriate right-of-way dedication is proposed for the widening of Knollwood Drive for the additional turn lane on the east side.

J. SERVICES

1. WATER

Sufficiency

Quality: Health Department jurisdiction

Quantity: Sufficiency

Dependability: Sufficiency

2. SANITATION

Woodmoor Water and Sanitation will provide service to the property.

3. EMERGENCY SERVICES

The Woodmoor-Monument Fire Protection District will provide service to the property.

4. UTILITIES

Mountain View Electric Association (MVEA) will provide electric to the property. Aquila will be the gas provider.

5. PARKS/TRAILS

There is no residential planned for this Minor Subdivision Plat at this time. Therefore, no park fees or land dedication will be submitted.

6. SCHOOLS

There are no residential lots being proposed. No school fees are required at this time.

K. PUBLIC COMMENT AND NOTICE

Ten adjoining property owners were notified. To date, no written or verbal responses were received.

L. OUTSTANDING CONCERNS

N/A

M. ATTACHMENTS

Letter of Intent

Final Plat reduction

Vicinity map

State Engineer water letter

El Paso County Attorney water letter

Woodmoor Water and Sanitation commitment letter

LETTER OF INTENT

October 3, 2006

EL PASO COUNTY PLANNING DEPARTMENT
27 E. Vermijo
Colorado Springs, CO 80903

RE: KNOLLWOOD VILLAGE MINOR SUBDIVISION APPLICATION

PARCEL NUMBER: 71132 00 003

OWNER & DEVELOPER

COPPER KNOLL INVESTMENTS LLC
17430 Lamplight Dr.
Monument, CO 80132-2211

PROJECT CONSULTANTS

LAND RESOURCE ASSOCIATES (land planning)

Attn: David Jones (719) 684-2298 Fax (719) 684-8413
9736 Mountain Road, Chipita Park, CO 80809

LSC TRANSPORTATION CONSULTANTS, INC., (transportation planning)

Attn: Jeffrey C. Hodson, P.E. (719) 633-2868
516 N. Tejon Street, Colorado Springs, CO 80903

ENTECH ENGINEERING, INC. (soils engineering)

Attn: Joe Goode (719) 531-5599
505 Elkton Drive, Colorado Springs, CO 80907

PINNACLE LAND SURVEYING COMPANY

Attn: John Towner, (719) 634-0751
925 W. Cucharras St., Colorado Springs, CO 80905

JPS ENGINEERING

Attn: John Schwab (719) 477-9429
19 E. Willamette, Colorado Springs, CO 80903

SITE INFORMATION

The proposed subdivision is located within the S1/2 of the SW1/4 of the NW1/4 of Section 13 and the S1/2 of the S1/2 of the S1/2 of Section 14, T11S, R67W, of the 6th PM. More specifically, the property is located at the northeast corner of the intersection of Knollwood Drive and State Highway 105. The site, containing 21.453 acres, is presently zoned RR-3 (16.314 acres) and PBP Planned Business Park (5.14 acres).

DEVELOPMENT REQUEST

The applicant is requesting a minor land subdivision to allow for the development of 2 PBP Planned Business Park lots and 1 tract to be held for open space and future development.

JUSTIFICATION FOR REQUEST

The PBP Planned Business Park portion, of this property was zoned PBP by Resolution Number 00-526 on December 14, 2000. Condition Number 1 of the approval resolution requires that the property be platted prior to issuance of any building permits. This application is intended to satisfy Condition Number 1.

EXISTING AND PROPOSED IMPROVEMENTS

Current improvements on the property include water lines, sewer lines, natural gas lines, electric transmission lines, and telephone lines. Proposed improvements to the Planned Business Park portion of the property include the improvements to Highway 105, improvements to the intersection of Highway 105 and Knollwood Drive and improvements to Knollwood Drive.

The property is located within the service areas of the Mountain View Electric Association and Aquila Natural Gas. Water and sewer service will be provided by the Woodmoor Water and Sanitation District No. 1.

SUPPLEMENTAL INFORMATION

The developer will be responsible for constructing all required subdivision improvements at his sole expense. Installation of the required improvements will be guaranteed by a completion bond, letter of credit, or joint certificate of deposit acceptable to the El Paso County Board of County Commissioners.

WAIVERS

There are no waivers to the El Paso County Land Development Code or the Engineering Criteria Manual associated with this application.

STATE OF COLORADO

OFFICE OF THE STATE ENGINEER

Division of Water Resources
Department of Natural Resources

1313 Sherman Street, Room 818
Denver, Colorado 80203
Phone (303) 866-3581
FAX (303) 866-3589

www.water.state.co.us

October 18, 2006



Bill Owens
Governor

Russell George
Executive Director

Hal D. Simpson, P.E.
State Engineer

Ms. Kim Dimmett
El Paso County Planning Dept.
2880 International Cir.
Co. Springs, CO 80910

RE: Knollwood Village Filing 1 Subdivision
Sec.s 13 & 14, T11S, R67W, 6th P.M.
Water Division 2, Water District 10

Dear Ms. Dimmett:

We have received the above referenced proposal to subdivide 21.45 acres into 2 commercial use lots and a 3rd undeveloped lot. The estimated water requirements were given as 2.89 acre-feet annually. The proposed water supplier is Woodmoor Water and Sanitation District, which has provided a January 15, 2002 letter committing service. This office previously commented on this proposal on March 22, 2002 in which this proposal consisted of 3 commercial use lots and a 4th undeveloped lot, copy attached.

Information in our files indicates that the District has available 5,768 acre-feet per year from its wells based on a 100 year aquifer life, 1,923 acre-feet per year based on a 300 year aquifer life (see attached table). The water commitment for this proposal is included in the "Current Commitments" of this table. Therefore, pursuant to the provision of C.R.S. 30-28-136(1)(h)(II) it is the opinion of this office that the proposed water supply can be provided without injury to existing water rights.

Water in the Denver Basin aquifers is allocated based on a 100 year aquifer life under the provisions of CRS 37-90-134(4)(b)(I). For planning purposes the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 100 years 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. If you have any questions please contact this office.

Sincerely,

Heidi Frey, P.E.
Water Resource Engineer

cc: Division 2
Water Commissioner

HCF:word/knollwood village

RECEIVED

OCT 20 2006

EPC DEVELOPMENT SERVICES

10/18/2006

WOODMOOR WATER AVAILABILITY

	af	100 yr af	300 yr af
Total Water Available from Decreed Sources		5768	1923
Current Commitments as of August 19, 2005	1872		
Johnson Estates (1 lot included in current commitments)	0.37		
Hillsong Village	6.54		
MGP	38.96		
Total Commitments	1917.87		
Availability		3850.13	5.13

RECEIVED

OCT 20 2006

EPC DEVELOPMENT SERVICES

STATE OF COLORADO

OFFICE OF THE STATE ENGINEER

Division of Water Resources
Department of Natural Resources

1313 Sherman Street, Room 818
Denver, Colorado 80203
Phone (303) 866-3581
FAX (303) 866-3589

www.water.state.co.us



March 22, 2002

Bill Owens
Governor

Greg E. Walcher
Executive Director

Hal D. Simpson, R.E.
State Engineer

Barry Holmes
El Paso County Planning Department
P.O. Box 2007
Colorado Springs, CO 80901

RE: Knollwood Village Subdivision
Sec.s 13 & 14, T11S, R67W, 6th P.M.
Water Division 2, Water District 10

Dear Mr. Holmes:

We have received your March 7, 2002 submittal concerning the above referenced proposal to subdivide 21.45 acres into 3 commercial use lots and a 4th undeveloped lot. The estimated water requirements were given as 4.67 acre-feet annually. The proposed water supplier is Woodmoor Water and Sanitation District, which has provided a January 15, 2002 letter committing service.

Information in our files indicates that the District has available 5,768 acre-feet per year from its wells, based on a 100 year aquifer life (see attached table). Information provided by the District in 1996 stated that it estimates its ultimate water use would be 1,672 acre-feet annually, "with future inclusions". It is assumed that this 1,672 acre-feet figure was due to commitments for service entered into by the District at that time. Based on 4,096 acre-feet of excess water being available in 1996, the District should have sufficient water resources to supply this subdivision for a for a 100 year aquifer life, and pursuant to the provision of C.R.S. 30-28-136(1)(h)(II) it is the opinion of this office that the proposed water supply can be provided without injury to existing water rights.

An available supply of 5,768 acre-feet for a 100 year aquifer life would allow the District to supply an annual demand of 1,923 acre-feet for a 300 year aquifer life, allowing an annual commitment of 251 acre-feet above the 1996 commitment level of 1,672 acre-feet.

Water in the Denver Basin aquifers is allocated based on a 100 year aquifer life under the provisions of CRS 37-90-134(4)(b)(I). For planning purposes the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 100 years 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. If you have any questions please contact Keith Vander Horst of this office.

Sincerely,

Kenneth W. Knox
Assistant State Engineer

RECEIVED

OCT 20 2006

cc: Division 2
KWK/KVH:knollwood village.doc

EPC DEVELOPMENT SERVICES

EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

William H. Louis, County Attorney

Assistant County Attorneys

John N. Franklin
M. Cole Emmons
Jay A. Lauer
Lori L. Seago

November 29, 2006

MS-06-006 Knollwood Village, Filing No. 1
(Minor Subdivision)

Reviewed by: M. Cole Emmons, Assistant County Attorney
Kristine J. Beatty, Paralegal

1. This is a proposal by Copper Knoll Investments, L.L.C. and Land Resource Associates to subdivide 21.453 acres into a two-lot minor subdivision and a Tract. The property is zoned both RR-3 and PBP.
2. The Applicant has provided for the source of water to be from a central water system—Woodmoor Water and Sanitation District. Applicant estimates its water requirements for commercial use at 2.30 acre-feet, and irrigation of lawns and gardens at 0.59 acre-feet, that results in a total of 2.89 acre-feet, or 1.445 acre-feet per lot. Based on Woodmoor Water and Sanitation District's policy of providing one-half acre-foot of water annually, per acre of land, Woodmoor would provide 10.73 acre-feet of water (21.453 acres x 0.5 ac.ft./yr.). With an annual demand of 2.89 acre-feet and an annual supply of 10.73 acre-feet, Applicant's proposed supply is sufficient. Applicant will have to be able to provide a supply of 867 acre-feet of water (2.89 ac.ft./yr. x 300 yrs.) to meet the County's 300 year water supply requirement.
3. The District Manager for Woodmoor Water and Sanitation District sent a letter dated January 15, 2002, indicating the property is within the District's boundaries and committed to serving the property with water and sewer main line service subject to all District Policies, Rules and Regulations. *A current letter of commitment has been requested.
4. In its letter dated October 18, 2006, the State Engineer indicates that the proposed water supplier, Woodmoor Water and Sanitation District, has 5,768 acre-feet available annually and 1,923 acre-feet available based on a 300 year aquifer life. Pursuant to C.R.S. §30-28-136(1)(h)(II), the State Engineer is of the opinion that the proposed water supply can be provided without injury to existing water rights.
5. The water quality requirements of Section 49.5E of the Land Development Code must be satisfied since this is not a residential subdivision.

27 E. VERMILIO AVENUE
OFFICE: (719) 520-6485



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

6. Therefore, at this time, based on the State Engineer's finding of sufficiency and no injury, on the letter of commitment from Woodmoor Water and Sanitation District, and 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 shall provide an opinion as to quality.

REQUIREMENT:

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

B. 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. Applicants, the Home Owners Association, 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 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."

C. A new Letter of Commitment is required from Woodmoor Water and Sanitation District to confirm that the District still intends to provide water and sewer services to this subdivision.

cc: Kim Dimmett, Project Manager



WOODMOOR

Water & Sanitation District No.1

1845 Woodmoor Drive • P.O. Box 1407 • Monument, Colorado 80132
Phone (719) 488-2525 • Fax (719) 488-2530

December 13, 2006

Copper Knoll Investments, LLC
Attn: William F. Herebic III
17430 Lamplight Drive
Monument, CO 80132

RE: Water and Wastewater Service – Knollwood Village Subdivision
El Paso County Assessor's Parcel # 7113200003

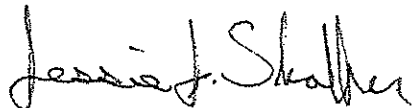
Dear Mr. Herebic:

The Woodmoor Water & Sanitation District No. 1 (the District) has received a copy of the Preliminary Plat for the above-referenced development as prepared by Pinnacle Land Surveying Company, Inc., dated November 13, 2006. The development is currently located within the service boundaries of the District, and from the information provided, it is anticipated that the development, as shown, will consist of 3 parcels located on 21.453 ± acres. According to our records an Excess Water Usage and Service Agreement (the Agreement) exists between the current landowners (Copper Knoll Investments, LLC) and the District in which the District is committed to providing up to 21.46 acre-feet of water annually to the development. The Agreement is filed in the office of the El Paso County Clerk and Recorder under reception number 205016389 and the District is committed to providing water and wastewater service to the development in accordance with the terms of the Excess Water Usage and Service Agreement and all District rules, regulations, specifications and policies regarding water and wastewater service.

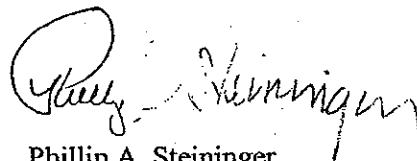
In addition, the District currently owns a 30' wide utility easement within the development in which planned improvements (by others) within the easement can be made provided that the District gives its approval. For this development, the District has no objections to the planned private roadway being constructed within the easement, however, please note that the District has no obligation to repair, modify, or replace any portion of the private improvements that may be removed or damaged, as a result of the District's operation (i.e. cleaning, repairing, inspecting, etc.) of the pipeline located within the easement.

If you should have any questions or need further assistance, please contact myself or Mr. Steininger.

Sincerely,



Jessie J. Shaffer, P.E.
District Engineer



Phillip A. Steininger
District Manager

JJS/js