

**SUPPLEMENTAL LETTER OF INTENT
SP-20-005**

January 23, 2023

RE: EAGLE RISING PRELIMINARY PLAN REINSTATEMENT SP-20-005

PARCEL NUMBERS:

52290 00 034 Casas Limited Partnership #4
52290 00 035 IQ Investors, LLC

LAND OWNER:

Casas Limited Partnership #4 and IQ Investors, LLC
P.O. Box 2076
Colorado Springs, CO 80901-2076

DEVELOPER:

MyPad, Inc., Stephen J. Jacobs, Jr., President
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CONSULTANTS / AUTHORIZED REPRESENTATIVES

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HISTORY OF APPLICATION SP-20-005

On December 8, 2020 the El Paso County Board of County Commissioners approved a Preliminary Plan reinstatement application (PCD file no. SP-20-005) for the Eagle Rising Preliminary Plan (see attached Dec 8, 2020 staff review letter, BoCC Reinstatement Resolution, Nov 17, 2020 Letter of Intent and 2013/2020 Preliminary Plan). In addition, on Nov 15, 2022, the BoCC approved a resolution providing for a 2 year extension of the Preliminary Plan until Dec 08, 2024.

The Dec 08, 2020 BoCC reinstatement approval included a waiver allowing for private versus public roadways and 7 Conditions of Approval. Condition of Approval No. 6 required that certain Preliminary Plan Supporting Documents be updated to current Code standards including: Natural Features Report, Wetland Analysis, Clearance Letter from USFW, Soils and Geology Report, Grading and Erosion Control Plan and Traffic Impact Study.

Because the Preliminary Plan reinstatement file (SP-20-005) had been closed, the applicant included the updated Preliminary Plan support documents within the EDARP Eagle Rising Filing 1 Final Plat application (SF-22-025) submitted July 25, 2022. The first PCD review under PCD File SF-22-025 was transmitted to the applicant on Sep 1, 2022. Subsequently, PCD reopened the Preliminary Plan reinstatement File-20-005 on Sep 20, 2022 and transmitted a revised submission request to the applicant on Oct 13, 2022 and Nov 4, 2022.

REMAINING SUPPORT DOCUMENT ISSUES TO RESOLVE

This Supplemental Letter of Intent is intended to address the remaining staff review comments as outlined in PCD’s Nov 4, 2022 Submission Request (SP-20-005) and specifically PCD-Engineering Review’s Nov 3, 2022 Comment Memorandum. To date, the remaining preliminary plan support documents to be addressed include;

- Letter of Intent
 - Including private roadway and roadway surface waivers and deviations
 - Discussion of all existing structures to be removed or retained
- Transportation / Traffic Impact Study
 - Including needed deviation requests
 - Addressing redline comments
- Preliminary Drainage Report
 - Addressing redline comments
- Geotechnical Issues
 - Include a discussion of potentially high ground water issues and mitigation techniques presented in the Entech geotechnical report
- Preliminary Plan Drawing
 - Including plan revisions necessitated by the updated support documents and/or previous staff requirements

Please revisit this - comments have been provided on the preliminary plan drawing regarding this

THE PRELIMINARY PLAN AS CURRENTLY PROPOSED

The current Eagle Rising subdivision development is zoned RR-2.5 and envisions the development of 17 single family residential lots on 70.79 acres with a minimum lot size of 2.5 acres and an average lot size of 3.25 acres. Also included within the development is Tract A facilitating 12.08 acres of open space and wetlands preservation area.

preservation area?

A total of 2.11 acres of this subdivision will be public right-of-way including; (1) a 1.43 acre take that El Paso County plans to negotiate acquisition for the Briargate Parkway 60’ wide ½ right-of-way, (2) 0.34 acre gravel cul-de-sac head ROW terminating the southern end of Kurie Road and (3) 0.34 acre asphalt cul-de-sac head ROW terminating the easterly end of the public portion of Eagle Wing Drive. Both public cul-de-sac head ROWs will be dedicated (platted) as needed in order to provide vehicular access to multiple Eagle Rising subdivision lots.

Tract B, a 1.31 acre parcel, facilitates the proposed private road ROW portion of Eagle Wing Drive. The Tract B portion of Eagle Wing Drive is proposed to be privately owned and maintained by the development’s property owner’s association. See later LOI discussion of this private roadway and gravel surfaced deviation requests submitted by LSC, Inc.

The 70.79 acre 17 lot Eagle Rising subdivision includes two separate El Paso County Assessor parcels owned by two separate ownership entities. The original and current Preliminary Plan encompass both parcels and ownerships. As allowed by County Codes and State Statutes, Final Plats will be submitted, processed, and recorded on portions of the approved Preliminary Plan and on a per phase basis.

The current Eagle Rising subdivision proposal contains minimal changes from the Eagle Rising subdivision envisioned in the Preliminary Plan approved by the BoCC in their Dec 08, 2020 Preliminary Plan reinstatement application.

CURRENT PRELIMINARY PLAN DRAWING UPDATES

The current Eagle Rising Preliminary Plan drawing has been updated to reflect the findings detailed in the updated Preliminary Plan Support Documents and/or to address previous staff requests and requirements. These updates include:

- The easterly public terminus (cul-de-sac head) of Eagle Wing Drive was originally located and constructed within a turnaround easement platted at the easterly edge of the Eagle Wing subdivision. This existing cul-de-sac head location was utilized in both the original BoCC approved Eagle Rising Preliminary Plan and the reinstated Dec 8, 2020 Preliminary Plan. Staff subsequently requested that the public turnaround be relocated into the Eagle Rising property necessitating minor ROW and adjoining lot line configurations modifications shown on the current Preliminary Plan.
- Both the original and reinstated Preliminary Plans utilized a "Prudent Line Theory concept" in preparation of their Preliminary Drainage Plans and Reports. Following the Dec 8, 2020 reinstatement of the Eagle Rising Preliminary Plan, El Paso County eliminated the use of "Prudent Line Theory" based drainage plans necessitating a modification to the previously approved Eagle Rising Preliminary Drainage Plan and Report. Amongst other updates, the MVE Inc. Master Development Drainage Plan and Preliminary Drainage Report updates to the studied 100 year floodplain location and updates the FEMA 100 year Zona A floodplain location. The MVE Inc. Report also updates the proposed size of two Eagle Wing Drive driveway culverts and one Eagle Wing Drive culvert crossing. All of these updates are shown on the current Eagle Rising Preliminary Plan.
- The BoCC's Preliminary Plan reinstatement approval required that the subdivision's environmental documentation be updated including; Natural Features Report, Wetland Analysis and Clearance Letter from US Fish and Wildlife Service. The updated wetlands report indicated that the wetlands had moved over the past nine years thereby shifting the limits of the PJ Mouse habitat. On the Preliminary Plan, the limits of the PJ Mouse habitat define the limits of allowable construction disturbance. The current Preliminary Plan "limits of construction disturbance" line has been updated to reflect the latest environmental data.
- Certain "housekeeping" type issues have been updated on the current Preliminary Plan. None of the updates affect the total number of lots, size of lots, drainage network or transportation network. These updates include;
 - The Lot numbers and Tract identifiers have been revised to reflect standard Preliminary Plan level numbering and nomenclature.
 - The El Paso County Assessor's parcel numbers have been updated to reflect current assigned parcel numbers.
 - Additional existing structures have been identified including; type, location and status.
 - The Geologic Hazards note has been updated to reflect current report dates and lot number identification

temporary?

REQUIRED WAIVERS AND DEVIATIONS

The development of the Eagle Rising subdivision as proposed will require 1 waiver to the El Paso County Land Development Code related to the use of private roads and 2 deviations to the El Paso County Engineering Criteria Manual related to the length of the proposed Eagle Wing Drive cul-de-sac and the use of gravel surfacing in-lieu-of asphalt surfacing on the private roadway portion of Eagle Wing Drive

State that the previously proposed 20' ROW reservation is being changed to "no building area" (not at Staff's request)

Road grade as well? Verify vertical curve also.

The BoCC waiver to allow the use of privately owned and maintained roads was included within the Preliminary Plan Reinstatement application and approved by the BoCC on Dec 8, 2020.

The deviation request regarding longer than allowable cul-de-sac lengths (Eagle Wing Dr.) was submitted and approved during a previous final plat application.

The deviation request regarding gravel roadway surfacing is now included within this support document resubmittal package. A development plan note on the previously approved BoCC reinstated Preliminary Plan included a reference to the proposed private portion of the Eagle Wing Drive extension to be gravel surfaced. Never the less and at the request of PCD-Engineering, the applicant has included a deviation as well

ATTACHMENTS

since one was
not previously
approved

- Nov 17, 2020 Letter of Intent
- Dec 8, 2020 Staff Summary of Preliminary Plan Reinstatement Request
- Dec 8, 2020 BoCC Preliminary Plan Reinstatement Approval Resolution
- Current Eagle Rising Preliminary Plan
- Dec 8, 2020 Reinstated Eagle Rising Preliminary Plan

LETTER OF INTENT

November 17, 2020

RE: EAGLE RISING PRELIMINARY PLAN SP-12-006 REINSTATEMENT APPLICATION

PARCEL NUMBERS:

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DEVELOPMENT REQUEST

The applicant is requesting reinstatement of the Eagle Rising Preliminary Plan SP-12-006 for 2 years in order to allow for the Filing No. 1 Final Plat application to move forward in the review process while resolving the water dispute detailed in the attached Duncan Bremer letter.

The applicant is also requesting: 1) Approval of private interior roadways to be owned and maintained by the Home Owners Association. 2) Deferring finding of sufficiency of water from the Preliminary Plan stage until the Final Plat stage as detailed in the attached Duncan Bremer letter.

SITE INFORMATION

The proposed Eagle Rising subdivision is located within a portion of the E1/2 of Section 29, T12S, R65W of the 6th PM. More specifically, the property is located south of the Park Forest Estates subdivision,

north and west of the Highland Park subdivision and east of the Eagle Wing subdivision. Vehicular access to the site is provided from the north by Kurie Road, a 60' ROW gravel County Rural Residential roadway and from the west by Eagle Wing Drive, a 60' ROW asphalt surfaced County Rural Residential roadway. The proposed 70.97 acre subdivision is an in-fill subdivision and is currently zoned RR-2.5 (2.5 ac min.).

Districts serving the property include; Academy School District No. 20, Pikes Peak Library District, Black Forest Fire Protection District, Park Forest Water District (subject to issues outline in the attached Bremer letter), El Paso County Conservation District, Mountain View Electric Association and Black Hills Energy (natural gas).

PREVIOUS PRELIMINARY PLAN APPROVAL

The previously approved Eagle Rising Preliminary Plan allowed for the development of 17 single family residential lots at a minimum lot size of 2.5 acres each and the inclusion of 12.37 acres of open space. The average lot size is proposed to be 3.2 acres and the gross density is proposed to be 1 lot per 4.16 acres. No changes to the previously approved Preliminary Plan are included within this reinstatement application.

HISTORY OF DEVELOPMENT APPLICATIONS

September 24, 2013 by Resolution 13-407, the BOCC approved the Eagle Rising Preliminary Plan (SP-12-006) including Notation No. 2 which stated "Approval of the preliminary plan will expire after two (2) years unless a final plat has been approved and recorded or a time extension has been granted." The

Approval of the Preliminary Plan was conditioned on the inclusion of the property in the Park Forest Water District. The Inclusion Agreement required the applicant to construct the on-site water distribution system and related drainage and road improvements and to deed them and its water rights to the District. Consistent with the approved Preliminary Plan, the applicant constructed the improvements and has deeded them and the water rights to the District.

On April 9, 2015, the District obtained a Final Judgment including of the applicant's property into the District.

In August of 2015, the developer submitted an application (paying County review fees) for the Eagle Rising Filing No. 1 Final Plat (SF1517).

During the Final Plat review period, an adjoining property owner illegally started construction of a detached garage detrimental to the north access to this subdivision. The neighbor applied for and was granted a variance by the Board of Adjustment. The applicant, believing that his property/subdivision had been damaged by the construction of the non-conforming garage, initiated litigation to overturn the Board of Adjustment decision. The litigation took its course and a settlement was eventually agreed in July 2018.

Meanwhile, the applicant and P&CD continued to work on the Final Plat application, and P&CD shifted from paper applications to the EDARP electronic system.

In September, 2018, the applicant made a resubmission of the Final Plat application and was surprised to find out that P&CD had closed the prior paper application file. P&CD opened the Final Plat application in EDARP and paid a 2nd application review fee.

During the application's review, the Park Forest Water District rescinded their "will serve" letter effectively halting the Final Plat application's review. The developer is currently in litigation with the District (see attached Duncan Bremer water status letter) to resolve the dispute.

PREVIOUS JUSTIFICATION FOR REQUEST

Contained within Resolution No. 13-407, Approval Preliminary Plan Request for Eagle Rising (SP-12-006), are sixteen (16) BOCC "Findings" or "Justifications" supporting the approval of the original Preliminary Plan (see attached Resolution). Summarized, these "Findings" include:

1. That proper posting, publication and public notice were provided...
2. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete...
3. That the proposed subdivision is in general conformance with the goals, objectives and policies of the Master Plan.
4. That the subdivision is consistent with the purposes of the El Paso County Land Development Code.
5. That the subdivision is in conformance with the subdivision design standards and approved Sketch Plan.
6. That a sufficient water supply has been acquired in terms of quantity, quality, and dependability...
7. That 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...
8. That 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...
9. That adequate drainage improvements complying with State law...and the requirements of the LDC and the ECM are provided by the design.
10. That the proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features in 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 balance transportation system...: (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land owners: (4) incorporating identified environmentally sensitive areas...into the design: and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed subdivision...
11. That necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
12. That the subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
13. That the proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
14. That 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...
15. That the proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
16. 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.

As the applicant is proposing no changes to the originally approved Preliminary Plan and because there has been no substantive physical changes within the property or surrounding neighborhood, with the partial exception of "Findings" 6, 7, 9, and 14 (discussed below), the original BOCC "Findings" or "Justifications" remain as valid today as they were when originally approved and support and/or justify the requested reinstatement.

"Finding" No. 6 addresses water sufficiency in terms of quantity, quality, and dependability. The water quantity, quality and dependability were determined sufficient as to the original Preliminary Plan application. Because of the Water District's recension of the "will serve" letter, the original Preliminary Plan's finding of sufficiency is in question. The attached Duncan Bremer letter details the applicant's

request to defer determination of water sufficiency to the Final Plat stage rather than at the Preliminary Plan stage.

“Findings” 7, 9 and 14 all address compliance with current engineering standards, codes and criteria. Both the applicant and P&CD staff agree that engineering standards, codes and criteria have changed over the years and agree that, should the BOCC grant the requested reinstatement, the following engineering plans and reports will be updated to meet current standards, codes and criteria as a condition of approval of the Preliminary Plan (which update may be concurrent with the processing of the first Final Plat) (1) Onsite Wastewater Treatment Report, (2) Grading & Erosion Control Plan and (3) Preliminary Drainage Report.

The applicant agrees that all CONDITIONS OF APPROVAL and NOTATIONS contained within the BOCC’s original Preliminary Plan approval resolution shall remain in effect.

CURRENT CRITERIA FOR PRELIMINARY PLAN APPROVAL – LDC SEC 7.2.1(D)(2)(e)

The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan; The Master Plan for the County includes the County Policy Plan, relevant small area plans, the County Water Master Plan, and the 2040 Major Transportation Corridor Plan.

County Policy Plan;

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 proposed subdivision is an infill development. The proposed single family residential land uses (2.5 ac min lot size) at a gross density of 1 lot per 4.16 ac is compatible with previously developed subdivisions to the north, south, east and west. Vehicular access into the proposed subdivision will be via existing rural residential County roadways.

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 proposed 17 lot single family residential subdivision is planned to be a continuation of the Park Forest subdivision to the north and the Eagle Wing subdivision to the west with similar compatible land uses and densities.

Small Area Master Plan (Black Forest Preservation Plan); The proposed subdivision is located within the Black Forest Preservation Plan’s Southern Transitional Area Planning Unit. Development within this Planning Unit north of the proposed Briargate Blvd arterial encourages single family residential development with lot sizes and densities that would provide a buffer between the urban scale development south of Briargate Blvd to rural scale residential development (1 lot per 5.0 ac gr density) within the Timbered Area Planning Unit north of the proposed subdivision. The Eagle View subdivision, currently zoned RR2.5, proposes a minimum lot size of 2.5 acres with a gross density of 1 lot per 4.16 acres, well within the transitional limitations required with the Southern Transitional Area Planning Unit.

Water Master Plan;

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

Goal 6.0: Require adequate water availability for proposed development.

See attached Duncan Bremer letter for a detailed discussion as to current water status, water history and request for deferred consideration of water sufficiency.

(Note that this is
now not the case)

2040 Major Transportation Corridor Plan; The 2040 Major Transportation Corridor Plan indicates the future extension of Briargate Blvd (principle arterial) along the southerly boundary of the proposed subdivision. Provisions for the future right-of-way dedication necessary to facilitate this planned principle arterial have been incorporated into the subdivision's design documents.

The subdivision is in conformance with the subdivision design standards and any approved sketch plan; With the exception of a single approved EMC deviation regarding the maximum length of a cul-de-sac, the subdivision is consistent with subdivision design standards included within the EMC and the LDC.

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 (CRS 30-28-133(6)(a) and the requirements of Chapter 8 of the Code; See attached Duncan Bremer letter requesting deferment of consideration of water sufficiency until the Final Plat stage.

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. The subdivision will utilize individual on-site septic systems. The subdivision's ability to safely facilitate on-site waste water treatment, in compliance with state and local laws, has been evaluated by Entech Engineering in their On-site Waste Water Treatment report and incorporated into the subdivision's design documents.

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; The soil and topographic conditions presenting hazards and recommendations identified in Entech Engineering's Soils, Geology and Geologic Hazards Report have been incorporated into the subdivision's design documents meeting this standard.

Adequate drainage improvements complying with State law and the requirements of this Code and the ECM are provided by the design; The drainage improvements identified in the M&S Civil Engineering's Preliminary Drainage Report and Grading and Erosion Control statement have been incorporated into the subdivision's design documents and meet or exceed State and local drainage requirements.

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; Legal and physical vehicular access to the subdivision has been provided on the north by Kurie Rd and from the west by Eagle Wing Dr., both roadways are owned and maintained by El Paso County. Vehicular access to the subdivision lots will be provided by continuations of Kurie Rd and Eagle Wing Dr.

The proposed subdivision has established and 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; As depicted in the ERO Resources' Natural Features Report, the site is bisected north to south by a major drainageway and two existing pond structures. These features have been retained in their natural form, placed into open space tracts or no-build drainage easements and incorporated into the subdivision's design documents.*
- 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; Appropriate provisions have been made in this regard given the context of the site and surrounding areas. The LSC Transportation Impact Report's recommendations have been incorporated into the subdivision design documents.*
- 3. Incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; The proposed subdivision is an infill subdivision and the proposed land use (2.5 ac min. single family residential) and gross density of 1 lot per 4.16 acres is consistent with adjoining subdivisions to the north, south, east and west.*

4. *Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design;* The Natural Features Report prepared by ERO Resources indicates environmentally sensitive areas following the north/south drainageway and ponds. These sensitive areas are protected by inclusion into open space and/or no-build drainage easements and incorporated into the subdivision's design documents.
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 County services and facilities;* The Traffic Report prepared by LSC Transportation Consultants demonstrates that the proposed access points will function within acceptable traffic engineering parameters. The reports relating to water supply, wastewater treatment, and drainage demonstrate that there will be no negative impact on the levels of service of County services and facilities.

Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision; Police services will be provided by the El Paso County Sheriff's Department and fire protection by the Black Forest Fire Protection District which has previously provided a letter of commitment. The subdivision is located in the service areas of Mountain View Electric Association and Black Hills Energy (natural gas) both of which have previously provided letters of commitment.

The subdivision provides evidence to show that the proposed methods of fire protection comply with Chapter 6 of this Code; and. A Wildfire Hazards Identification and Mitigation Plan was previously prepared for the subdivision addressing the criteria in Chapter 6. Recommendations within this Plan have been incorporated into the subdivision's design documents.

The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code. To the best of applicant knowledge, all applicable sections of Chapter 6 and 8 of the LDC have been met.

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To: Board of County Commissioners of El Paso County

Through EDARP

Re: Application for Reconsideration of Preliminary Plan for Eagle Rising – Determination of Water Sufficiency

Thursday, August 6, 2020

Dear Commissioners:

The applicant requests that the Board defer determination of sufficiency of water for the subdivision until the Final Plat stage rather than at the Preliminary Plan stage.

History.

In 2000 and 2010 respectively (by Water Court Case No. 00CW84 and Case No. 10CW24), the Applicant adjudicated its groundwater rights and obtained approval of its augmentation plan to serve up to 18 single-family lots.

September 19, 2013, the Applicant and the Park Forest Water District entered into an Inclusion Agreement by which the Applicant agreed to convey its adjudicated water rights to the District and the District agreed to serve the Applicant's land and development of 17 lots.

September 24, 2013 by Resolution 13-407, the BOCC approved the Preliminary Plan and made a finding of sufficiency of water supply in terms of quantity, quality and dependability for 17 lots.

By Order dated April 9, 2015, the Water Court Approved the District's application for amendment to the applicable augmentation plans concerning the inclusion of the subject property into the District and the District's service to the 17 lots in the Preliminary Plan.

The District issued a "will serve" letter to the County for up to 17 lots on the Applicant's property.

Since then, the District has sought to rescind the Inclusion Agreement and is in litigation with the applicant which seeks to enforce the Inclusion Agreement. It is uncertain when this litigation will be settled or otherwise finalized.

In sum, at least three Water Court decisions have determined that there is sufficient water for the proposed Preliminary Plan. In addition, the BOCC in its prior approval of the Preliminary Plan made a finding of sufficiency of quantity and dependability of water. The only question remaining is whether the water will be supplied by the District or whether, if the Inclusion Agreement is rescinded, the water will be supplied by individual wells on each (minimum 2.5 acre) Lot.

Under these circumstances, it seems prudent for the County to defer consideration of sufficiency of the water for the subdivision until the Final Plat comes before the BOCC.

Very Truly Yours,

Duncan S Bremer, P.C.

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Date: December 8, 2020

To: Board of County Commissioners

From: Nina Ruiz, Planning Manager
Jeff Rice P.E., Engineer III

Subject: Approval of a request for a reconsideration of the Eagle Rising Preliminary Plan (PCD file no. SP-20-005).

Summary: A preliminary plan for the Eagle Rising Subdivision, consisting of 70.97 acres proposed for residential development consisting of 17 lots, was heard and approved by the Board of County Commissioners on September 24, 2013 (PCD file no. SP-12-006, BoCC Resolution 13-407). The property is generally located approximately one-half (1/2) mile east of Black Forest Road and immediately north of the anticipated Briargate Parkway eastern extension and within the Black Forest Preservation Plan (1987).

The 2013 Preliminary Plan approval included five (5) conditions of approval and three (3) notations. Notation number two (2) states:

“Approval of the preliminary plan will expire after two (2) years unless a final plat has been approved and recorded or a time extension has been granted.”

A final plat was submitted in 2015, however, it was never completed or scheduled for a public hearing before the Planning Commission or the Board of County Commissioners due to staff review comments not being addressed by the applicant with a resubmittal. The 2015 project was subsequently closed due to inactivity. The applicant submitted another final plat application in 2018. Again, due to the project being inactive for over one year, the final plat application was closed.

No final plat has been approved to date; therefore, the preliminary plan remains expired. The applicant now requests that the preliminary plan be

reconsidered to allow the approval to be reactivated and extended for two years, creating a new expiration date of December 8, 2022.

The applicant is also requesting approval of a waiver of Section 8.4.4.C of the Land Development Code:

“Divisions of land, lots, and tracts shall be served by public roads.”

The preliminary plan approved in 2013 included public roadways. The applicant is now proposing the interior roadways be privately owned and maintained.

The Land Development Code and Engineering Criteria Manual have been updated since the 2013 approval. Staff recommends that a condition of approval be added to the preliminary plan extension requiring that all documents associated with the preliminary plan be brought up to all current standards. It is anticipated that the ultimate layout and configuration will be slightly modified from what was approved in 2013 due to the changes in the regulations. Should the Board of County Commissioners choose to approve the extension, staff requests the Board authorize the PCD Director to approve minor modifications to the layout administratively. The Director shall have the authority to determine whether any proposed future amendment to the plan constitutes a major or minor amendment to the plan. All major amendments to the plan shall be processed as such, including hearings before the Planning Commission and Board of County Commissioners.

The applicant previously received a commitment letter from the Park Forest Water District in support of the now-expired preliminary plan. The Board of County Commissioners made a finding of sufficiency in terms of water quality, quantity, and dependability with the preliminary plan approval. Since the approval date, the District has rescinded their commitment letter. The applicant and the District are currently in litigation regarding this matter. The applicant acknowledges that without the commitment, the water finding is no longer valid. The applicant requests with the preliminary plan extension that the Board of County Commissioners allow the water finding to be deferred until the final plat(s) stage of development.

Recommended Condition of Approval:

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, 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 threatened species.

2. No additional building permits for single-family residences shall be issued prior to approval and recordation of subsequent final plat(s) to create lots within the preliminary plan area.
3. Applicable park, school, drainage, bridge and road impact fees shall be paid to the El Paso County Planning and Community Development Department at the time of recording any final plat.
4. A driveway access permit will be required from the El Paso County Planning and Community Development Department for any access to a County-maintained roadway.
5. Authority is given to the PCD Director to administratively approve minor amendment(s) to the preliminary plan. The Director shall have the authority to determine whether any proposed future amendment to the plan constitutes a major or minor amendment to the plan. All major amendments to the plan shall be processed as such, including hearings before the Planning Commission and Board of County Commissioners.
6. The preliminary plan, including all supporting documents, shall be in accordance with the current standards of the Land Development Code and Engineering Criteria Manual. The applicant shall revise, pursuant to the current standards, and submit at a minimum the following documentation and reports for approval:
 - a. Natural Feature Report
 - b. Wetland Analysis
 - c. Clearance Letter from the US Fish and Wildlife Service
 - d. Soils and Geology Report
 - e. Preliminary Drainage Report
 - f. Grading and Erosion Control Plan
 - g. Traffic Impact Study
7. The applicant will be required to obtain a water sufficiency finding from the Board of County Commissioners with all future final plat(s) applications.

Attachments:

Letter of Intent

2013 Preliminary Plan

Staff Report Considered at the Board of County Commissioners' Hearing

Reconsideration Resolution

BOCC

RESOLUTION NO. 20-423

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO**

**RECONSIDERATION OF A PRELIMINARY PLAN TO APPROVE A TWO YEAR TIME
EXTENSION TO RECORD THE FIRST FINAL PLAT FOR EAGLE RISING
PRELIMINARY PLAN**

WHEREAS, the Board of County Commissioners of El Paso County, Colorado ("Board"), previously adopted Resolution No. 13-407, approving the Preliminary Plan for Eagle Rising;

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the extension of time of two years in which to have the first final plat filing recorded for Eagle Rising Preliminary Plan request as submitted, for the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference;

BE IT FURTHER RESOLVED the following conditions shall be placed upon this approval:

- 1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, 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 threatened species.**
- 2. No additional building permits for single-family residences shall be issued prior to approval and recordation of subsequent final plat(s) to create lots within the preliminary plan area.**
- 3. Applicable park, school, drainage, bridge and road impact fees shall be paid to the El Paso County Planning and Community Development Department at the time of recording any final plat.**
- 4. A driveway access permit will be required from the El Paso County Planning and Community Development Department for any access to a County-maintained roadway.**

5. Authority is given to the PCD Director to administratively approve **minor** amendment(s) to the preliminary plan. The Director shall have the authority to determine whether any proposed future amendment to the plan constitutes a major or minor amendment to the plan. All major amendments to the plan shall be processed as such, including hearings before the Planning Commission and Board of County Commissioners.

6. The preliminary plan, including all supporting documents, shall be in accordance with the current standards of the Land Development Code and Engineering Criteria Manual. The applicant shall revise, pursuant to the current standards, and submit at a minimum the following documentation and reports for approval:
 - a. Natural Feature Report
 - b. Wetland Analysis
 - c. Clearance Letter from the US Fish and Wildlife Service
 - d. Soils and Geology Report
 - e. Preliminary Drainage Report
 - f. Grading and Erosion Control Plan
 - g. Traffic Impact Study

7. The applicant will be required to obtain a water sufficiency finding from the Board of County Commissioners with all future final plat(s) applications.

DONE THIS 8th day of December 2020, at Colorado Springs, Colorado.

ATTEST

By: _____

County Clerk & Recorder



BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: _____

Chair

A handwritten signature in black ink, consisting of a large, stylized 'O' followed by a long, sweeping horizontal line that tapers to the right.

Resolution No. _____
EXHIBIT A

NORTH PORTION – (10195 KURIE ROAD)

LEGAL DESCRIPTION:

THAT PORTION OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 29, SAID POINT BEING ON THE SOUTHERLY BOUNDARY OF PARK FOREST ESTATES FILING NO 2 (PLAT BOOK B-2 AT PAGE 52); THENCE S 00° 13'40"E ON THE WEST LINE OF THE EAST HALF OF SAID SECTION 29, A DISTANCE OF 1413.98 FEET TO THE TRUE POINT OF BEGINNING; THENCE N 00° 13'40"W, 1413.98 FEET; THENCE N89°14'16"E, ON THE SOUTHERLY BOUNDARY OF SAID PARK FOREST ESTATES, A DISTANCE OF 375.32 FEET TO THE SOUTHEAST CORNER OF LOT 14, BLOCK 18 OF SAID PARK FOREST ESTATES; THENCE N89°13'46"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 60.00 FEET TO THE EAST LINE OF KURIE ROAD; THENCE N89°33'17"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 237.50 FEET; THENCE N89°20'43"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 149.96 FEET; THENCE S00°39'26"E, DEPARTING SAID SOUTHERLY BOUNDARY OF PARK FOREST ESTATES, A DISTANCE OF 231.57 FEET; THENCE S43°12'03"E, A DISTANCE OF 433.08 FEET; THENCE S43°12'03"E, A DISTANCE OF 56.61 FEET; THENCE N88°33'24"E, A DISTANCE OF 0.10 FEET TO THE NORTHWEST CORNER OF LOT 1 POCO SUBDIVISION ACCORDING TO THE TO THE OFFICIAL MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF EL PASO COUNTY, COLORADO, AS RECEPTION NO. 2406425; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 1 THE FOLLOWING SIX (6) COURSES:

S16°04'20"E, 158.01 FEET;
S02°43'41"W, 265.73 FEET;
N84°46'48"W, 71.67 FEET;
S00°11'34"W, 147.46 FEET;
N88°32'26"E, 150.00 FEET;
S01°27'34"E, 275.63 FEET;

THENCE S89°45'28"W DEPARTING SAID WESTERLY LINE OF SAID LOT 1, A DISTANCE OF 766.08 FEET; THENCE N00°14'32"W, 100.00 FEET; THENCE S89°45'28"W, 152.00 FEET; THENCE S00°14'32"E, 200.00 FEET; THENCE S89°45'28"W, 152.00 FEET; THENCE N00°14'32"W, 100.00 FEET; THENCE S89°45'28"W, 201.18 FEET TO A POINT ON SAID WEST LINE OF THE EAST HALF OF SAID SECTION 29, SAID POINT BEING THE TRUE POINT OF BEGINNING.

DESCRIPTION PREPARED BY:

M & S CIVIL CONSULTANTS, INC.
102 EAST PIKES PEAK AVE. STE.306
COLORADO SPRINGS, COLORADO

SOUTH PORTION –(10115 KURIE ROAD)

LEGAL DESCRIPTION:

THAT PORTION OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 29, SAID POINT BEING ON THE SOUTHERLY

BOUNDARY OF PARK FOREST ESTATES FILING NO. 2 (PLAT BOOK B-2 AT PAGE 52), THENCE N89°14'16"E, ON THE SOUTHERLY BOUNDARY OF SAID PARK FOREST ESTATES, A DISTANCE OF 375.32 FEET TO THE SOUTHEAST CORNER OF LOT 14, BLOCK 18 OF SAID PARK FOREST ESTATES; THENCE N89°13'46"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 60.00 FEET TO THE EAST LINE OF KURIE ROAD; THENCE N89°33'17"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 237.50 FEET; THENCE N89°20'43"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 149.96 FEET; THENCE S00°39'26"E, DEPARTING SAID SOUTHERLY BOUNDARY OF PARK FOREST ESTATES, A DISTANCE OF 231.57 FEET; THENCE S43°12'03"E, A DISTANCE OF 433.08 FEET; THENCE S43°12'03"E, A DISTANCE OF 56.61 FEET; THENCE N88°33'24"E, A DISTANCE OF 0.10 FEET TO THE NORTHWEST CORNER OF LOT 1 POCO SUBDIVISION ACCORDING TO THE TO THE OFFICIAL MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF EL PASO COUNTY, COLORADO, AS RECEPTION NO. 2406425; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 1 THE FOLLOWING SIX (6) COURSES:

S16°04'20"E, 158.01 FEET;

S02°43'41"W, 265.73 FEET;

N84°46'48"W, 71.67 FEET;

S00°11'34"W, 147.46 FEET;

N88°32'26"E, 150.00 FEET;

S01°27'34"E, A DISTANCE OF 275.63 FEET TO THE TRUE POINT OF BEGINNING; THENCE S01°27'34"E, A DISTANCE OF 178.87 FEET; THENCE S34°54'56"W, A DISTANCE OF 563.22 FEET; THENCE S00°00'00"E, A DISTANCE OF 344.55 FEET; THENCE N90°00'00"E, A DISTANCE OF 87.56 FEET; THENCE S00°00'00"E, A DISTANCE OF 459.65 FEET; THENCE S89°59'26"W, A DISTANCE OF 1035.05 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF SAID SECTION 29; THENCE N00°13'40"W, ALONG SAID WEST LINE, A DISTANCE OF 1439.98 FEET TO A POINT WHICH IS DRAWN S 89° 45'28" W FROM THE POINT OF BEGINNING; THENCE N 89°45'28"E, A DISTANCE OF 201.18 FEET; THENCE S00°14'32"E, 100.00 FEET; THENCE N89°45'28"E, 152.00 FEET; THENCE N00°14'32"W, 200.00 FEET; THENCE N89°45'28"E, 152.00 FEET; THENCE S00°14'32"E, 100.00 FEET; THENCE N89°45'28"E, 766.08 FEET, MORE OR LESS TO THE TRUE POINT OF BEGINNING.

DESCRIPTION PREPARED BY:
M & S CIVIL CONSULTANTS, INC.
102 EAST PIKES PEAK AVE. STE 306
COLORADO SPRINGS, COLORADO
80903

DEVELOPMENT NOTES:

- TRACT A - USE OPEN SPACE - TO BE PLACED INTO A CONSERVATION EASEMENT AND OWNED AND MAINTAINED BY HOME OWNERS ASSOCIATION OR OTHER ENTITY ACCEPTABLE TO BOTH THE APPLICANT AND THE BOARD OF COUNTY COMMISSIONERS.
- AREAS WITHIN PLATTED DRAINAGE EASEMENTS AND TRACT A SHALL BE A DRAINAGE & DRAINAGE MAINTENANCE ACCESS EASEMENT IN ITS ENTIRETY GRANTED TO EL PASO COUNTY. NO BUILDINGS, BUILDING PERMITS, WELLS OR SEPTIC SYSTEMS SHALL BE ALLOWED WITHIN THIS AREA.
- NO NON-MOTORIZED TRAILS OR TRAIL EASEMENTS ARE INCLUDED WITHIN THIS APPLICATION.
- THE EAGLE WING DRIVE EXTENSION SHALL BE OWNED AND MAINTAINED BY THE HOME OWNERS ASSOCIATION. THE KURIE ROAD EXTENSION SHALL BE OWNED AND MAINTAINED BY EL PASO COUNTY. BOTH ROADWAY EXTENSIONS SHALL BE GRAVEL SURFACED AND DESIGNED AND CONSTRUCTED TO EL PASO COUNTY STANDARDS.
- WATER TO A CENTRAL DISTRIBUTION SYSTEM OWNED AND OPERATED BY THE PARK FOREST WATER DISTRICT. FIRE HYDRANTS TO BE PROVIDED WITH THE CENTRAL WATER DISTRIBUTION SYSTEM PER THE BLACK FOREST FIRE PROTECTION DISTRICTS CODE AND SPECIFICATION REQUIREMENTS.
- WASTE WATER TO BE INDIVIDUAL ON SITE SEPTIC SYSTEMS.
- THIS PROPERTY IS LOCATED WITHIN AND SERVICED BY MOUNTAIN VIEW ELECTRIC ASSOCIATION SERVICE DISTRICT, THE BLACK FOREST FIRE DISTRICT, THE ACADEMY SCHOOL DISTRICT NO. 20 AND THE BLACK HILLS ENERGY CORPORATION SERVICE DISTRICT.
- MAXIMUM BUILDING HEIGHT - 35'
- BUILDING SETBACKS FOR FRONT, SIDE AND REAR YARDS - 25' UNLESS SHOWN OTHERWISE.
- STANDARD DRAINAGE AND UTILITY EASEMENTS: FRONT - 15', SIDE - 10', REAR - 10' AND PERIMETER 30'.
- PROPOSED METHOD OF GUARANTEEING FUNDS SHALL BE APPROVED BY AND ACCEPTABLE TO THE EL PASO COUNTY ATTORNEYS OFFICE.
- ALL RECORDED EASEMENTS WHOSE LOCATION CAN BE DEFINED ARE SHOWN ON THE PLAN. A UTILITY MAINTENANCE EASEMENT WHICH AFFECTS THE ENTIRE PROPERTY IS RECORDED IN BK 3673 PG 917 OF THE EL PASO COUNTY PUBLIC RECORDS.
- UTILITY LINES PROVIDING SERVICE TO EXISTING BUILDINGS AND FACILITIES MAY BE RELOCATED DEPENDING UPON FINAL UTILITY ENGINEERING PROVIDED BY INDIVIDUAL UTILITY COMPANIES.

DEVELOPMENT DATA -

SINGLE FAMILY RESIDENTIAL - 17 LOTS, 55.29 AC, 78%
 OPEN SPACE (TRACT A) - 12.08 AC, 17%
 PUBLIC ROAD ROW - 2.11 AC, 3%
 COUNTY PROPOSED BRIARGATE (ASPHALT) - 1.43 AC
 KURIE ROAD CUL-DE-SAC (GRAVEL) - 0.34 AC
 EAGLE WING DRIVE CUL-DE-SAC (ASPHALT) - 0.34 AC
 PRIVATE ROAD ROW (TRACT B) - EAGLE WING DRIVE - 1.31 AC, 2% (GRAVEL)
 TOTAL PROJECT - 17 LOTS, 70.79 AC, 100%
 MIN LOT SIZE - 2.5 AC
 AVE LOT SIZE - 3.25 AC
 GROSS DENSITY - 1 LOT PER 4.16 AC
 MAX BLDG HEIGHT - 35 FEET
 EXISTING ZONING - RR-2.5

STANDARD DSD PLAT NOTES

- THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THE PRELIMINARY PLAN FOR THIS SUBDIVISION AND ARE ON FILE AT THE COUNTY DEVELOPMENT SERVICES DEPARTMENT: TRANSPORTATION IMPACT STUDY; DRAINAGE REPORT; WATER RESOURCES REPORT; WASTEWATER DISPOSAL REPORT; GEOLOGY AND SOILS REPORT; FIRE PROTECTION REPORT; NATURAL FEATURES REPORT.
- ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGH THEIR PROPERTY. PUBLIC DRAINAGE EASEMENTS AS SPECIFICALLY NOTED ON THE PLAT SHALL BE MAINTAINED BY THE LOT OWNERS UNLESS OTHERWISE INDICATED. STRUCTURES, FENCES, MATERIALS OR LANDSCAPING THAT COULD IMPEDE THE FLOW OR RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENTS.
- 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 RELATED TO THE LISTED SPECIES IDENTIFIED IN THE PROJECT'S ENVIRONMENTAL ASSESSMENT.
- NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY.
- MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH EL PASO COUNTY AND US POSTAL SERVICE REGULATIONS.
- THE DEVELOPER SHALL BE RESPONSIBLE FOR THE FINAL DESIGN, CONSTRUCTION, AND MAINTENANCE OF PRIVATE DETENTION POND/WATER QUALITY BMP(S) AS DESCRIBED IN THE APPROVED PRELIMINARY/FINAL DRAINAGE REPORT FOR THIS SUBDIVISION. FINAL DESIGN, CONSTRUCTION DRAWINGS AND DRAINAGE REPORT UPDATES FOR THE DETENTION POND/WATER QUALITY BMP(S) SHALL BE PROVIDED WITH FINAL PLAT SUBMITTALS. THE DETENTION POND/WATER QUALITY BMP(S) SHALL BE CONSTRUCTED AND COMPLETED PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS.

GEOLOGIC HAZARDS NOTE:

PORTIONS OF THE FOLLOWING LOTS HAVE BEEN FOUND TO BE IMPACTED BY GEOLOGIC HAZARDS. MITIGATION MEASURES AND A MAP OF THE HAZARD AREA CAN BE FOUND IN THE SOILS, GEOLOGY, HAZARDS AND WASTE WATER STUDY FOR THE EAGLE RISING SUBDIVISION BY ENTECH ENGINEERING DATED 5/30/2012 AND 9/14/12 AND REVISED 1/9/23. IN COUNTY PLANNING AND

AREAS OF PONDED WATER: LOTS 3, 6, 11 & 16 (PORTIONS OF)
 AREAS OF POTENTIALLY SHALLOW GROUND WATER: LOTS 1, 7, 8, 9 & 10 (PORTIONS OF)
 AREAS OF SEASONALLY WET SOILS: LOTS 4, 5, 6, 9, 10, 11, 14, 15, 16 & 17 (PORTIONS OF)
 AREAS WHERE SEPTIC SYSTEMS ARE NOT RECOMMENDED: LOTS 3, 6, 7, 8, 9, 10, 11, 14, 15, 16 & 17 (PORTIONS OF)
 AREAS WHERE SHALLOW BEDROCK MAY REQUIRE ENGINEERED SEPTIC SYSTEMS: LOTS 3, 5, 8, 12 & 14 (PORTIONS OF)
 AREAS WHERE 30% + SLOPES EXIST: LOT 17 (PORTIONS OF)

TYPICAL LINE SCHEDULE

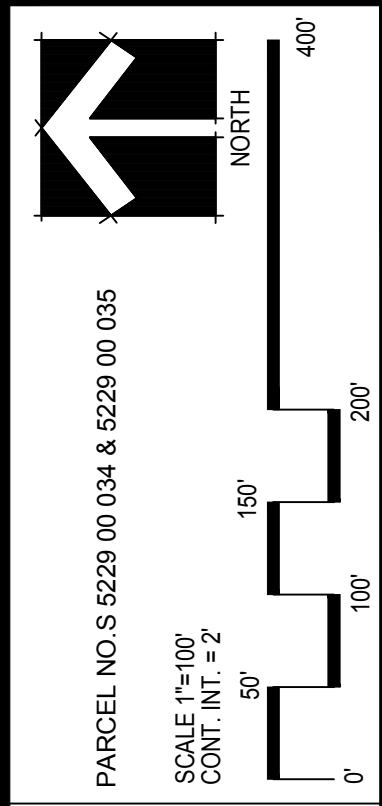
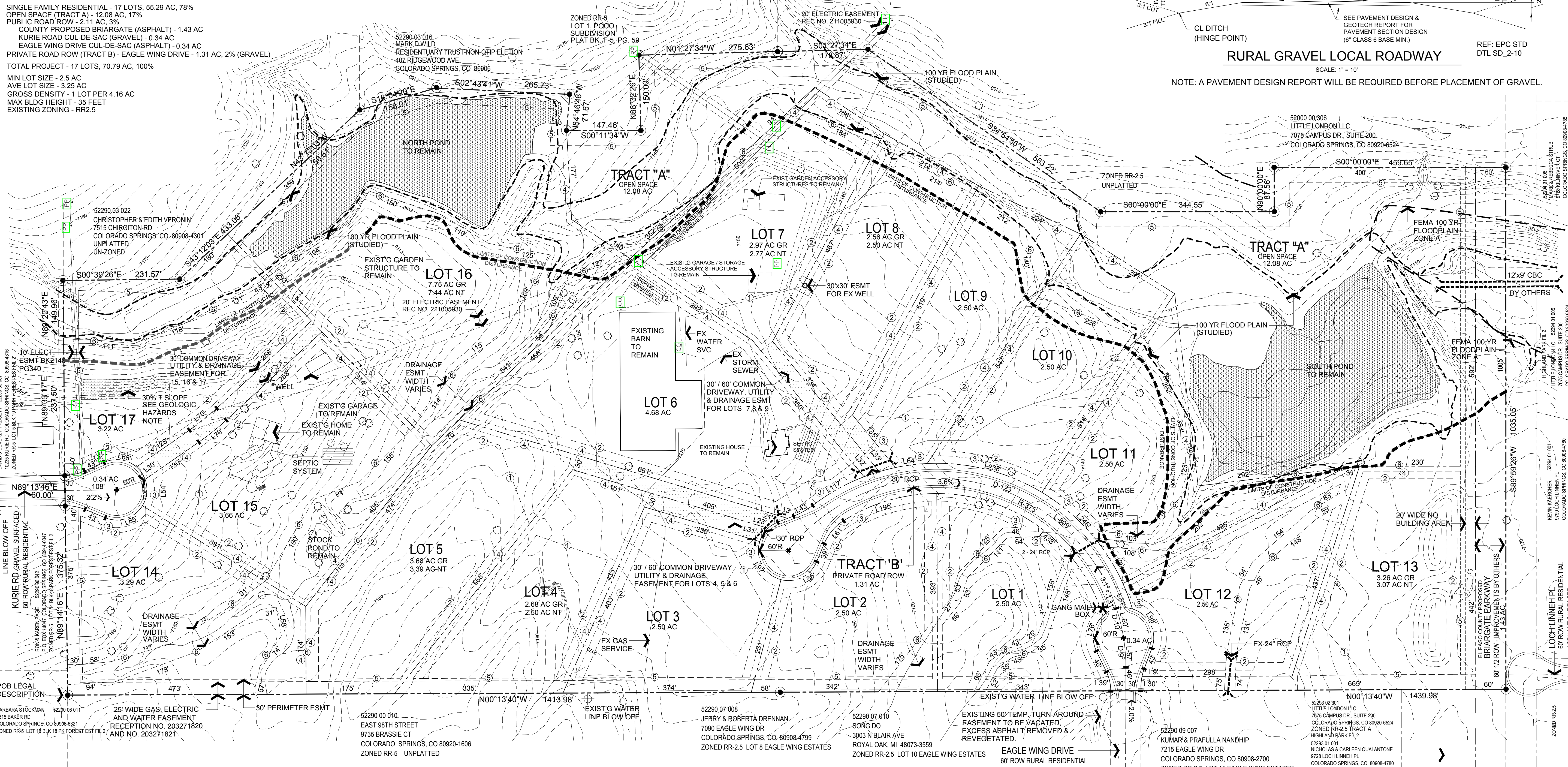
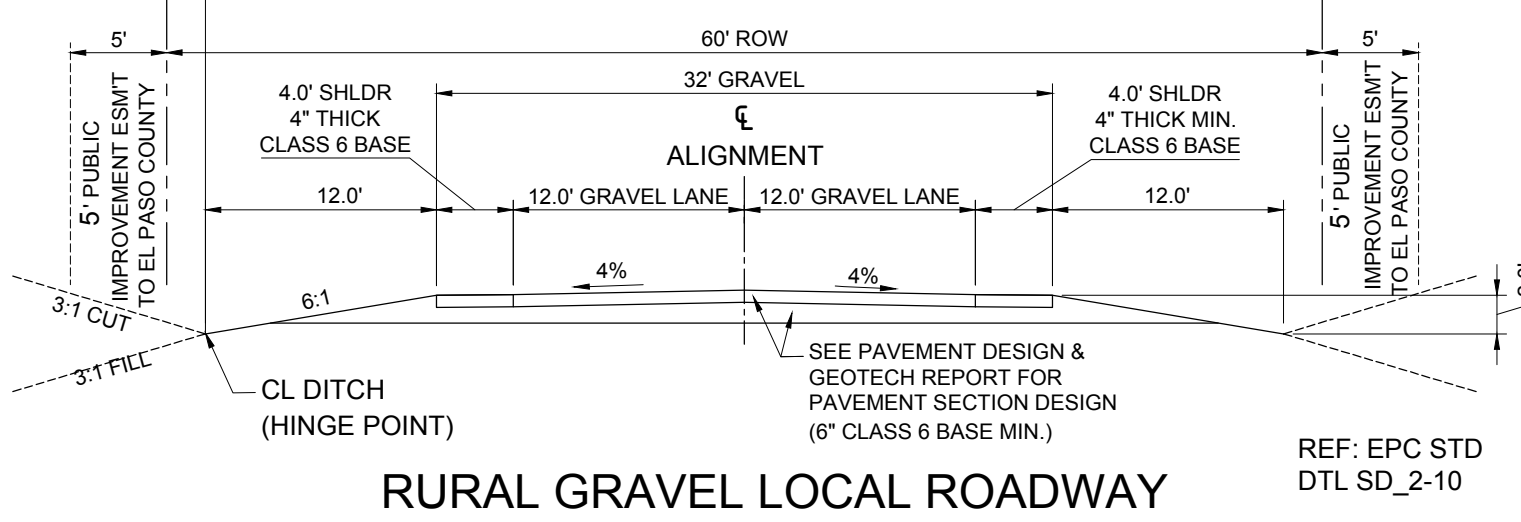
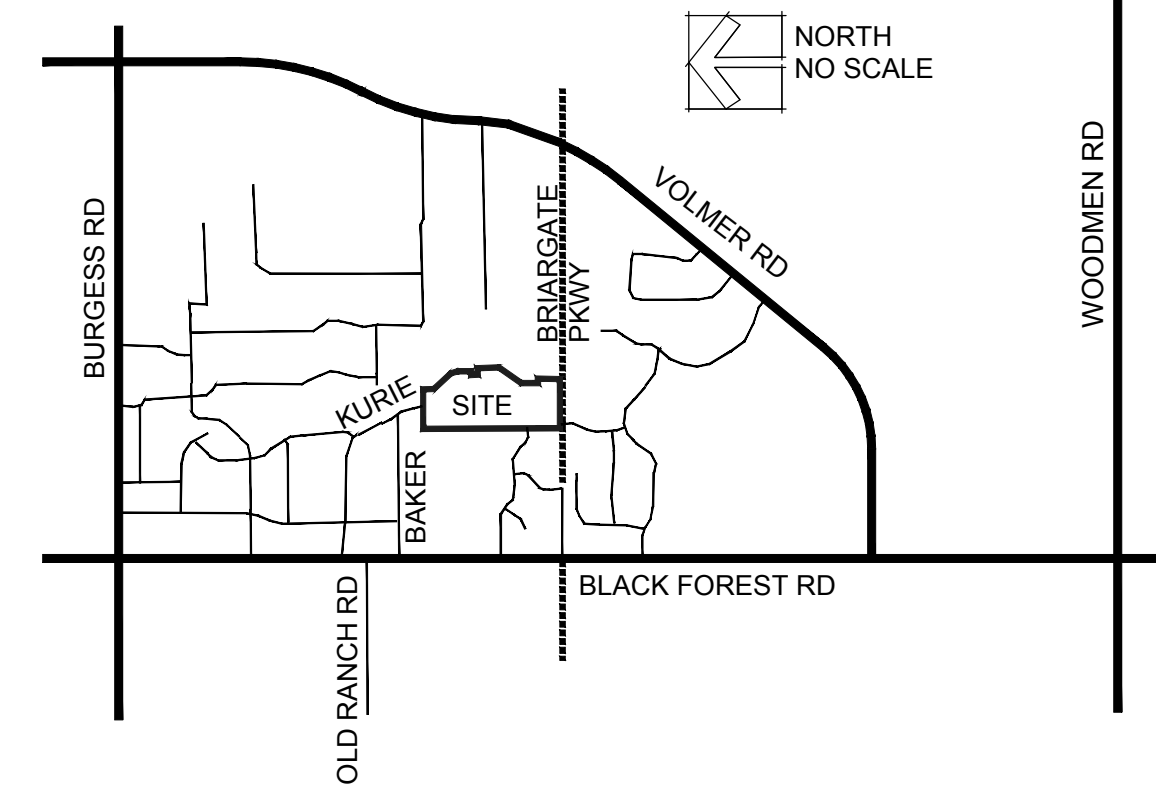
- ① FRONT BLDG SETBACK AT 200' MIN. LOT WIDTH
- ② 25' BUILDING SETBACK
- ③ 15' FRONT UTILITY & DRAINAGE EASEMENT
- ④ 10' SIDE AND REAR UTILITY & DRAINAGE EASEMENT
- ⑤ 30' PERIMETER UTILITY & DRAINAGE EASEMENT
- ⑥ DRAINAGE EASEMENT WIDTH VARIES

PROPERTY OWNERS:

CASAS LIMITED PARTNERSHIP #4
 PO BOX 2076
 COLORADO SPRINGS, CO 80901-2076
 IQ INVESTORS LLC
 PO BOX 2076
 COLORADO SPRINGS, CO 80901-2976
 DEVELOPER
 MYPAD, INC.
 STEPHEN J. JACOBS, JR., PRESIDENT
 PO BOX 2076
 COLORADO SPRINGS, CO 80901-2976

VICINITY MAP

NORTH
 NO SCALE



LRA
 LAND RESOURCE ASSOCIATES
 9736 MOUNTAIN RD.
 CHIPITA PARK, CO 80809
 719-684-2298

PRELIMINARY PLAN - REINSTATED
EAGLE RISING
 CASAS LIMITED PARTNERSHIP #4
 P.O. BOX 2076, COLORADO SPRINGS, CO 80901-2076

ISSUED FOR:	COUNTY REINSTATEMENT
DATE:	DEC 08, 2022
project number	
computer file	
issue date	APRIL 16, 2022
drawn by	DFJ
checked by	
revisions	
	JAN 18, 2023
	JAN 23, 2023

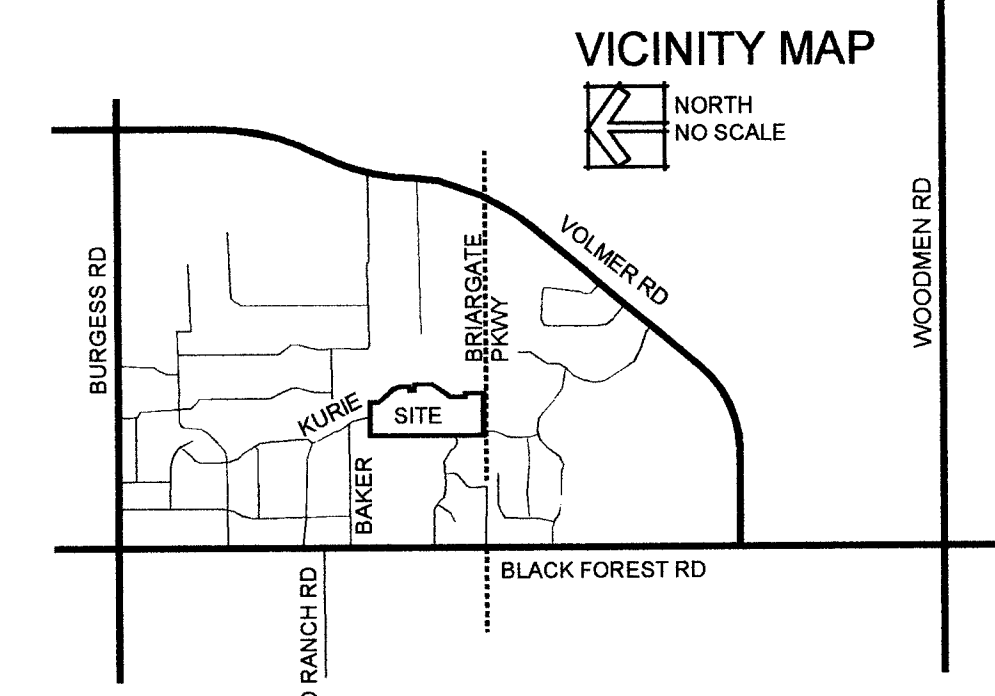
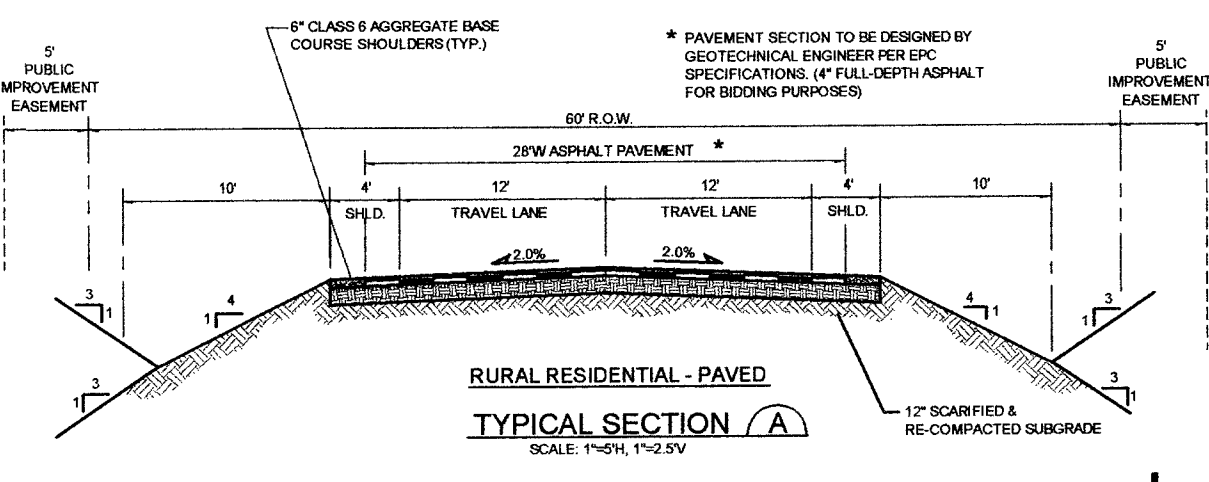
sheet number
1
 PCD PROJECT NUMBER
SP205

STANDARD DSD PLAT NOTES

1. THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THE PRELIMINARY PLAN FOR THIS SUBDIVISION AND ARE ON FILE AT THE COUNTY DEVELOPMENT SERVICES DEPARTMENT: TRANSPORTATION IMPACT STUDY; DRAINAGE REPORT; WATER RESOURCES REPORT; WASTEWATER DISPOSAL REPORT; GEOLOGY AND SOILS REPORT; FIRE PROTECTION REPORT; NATURAL FEATURES REPORT.
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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, 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 RELATED TO THE LISTED SPECIES IDENTIFIED IN THE PROJECTS ENVIRONMENTAL ASSESSMENT.
4. NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY.
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DEVELOPMENT NOTES:

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2. AREAS WITHIN THE PRUDENT LINE RESERVATION AREA AND TRACT A SHALL BE A DRAINAGE & DRAINAGE MAINTENANCE ACCESS EASEMENT IN ITS ENTIRETY GRANTED TO EL PASO COUNTY. NO BUILDINGS, BUILDING PERMITS, WELLS OR SEPTIC SYSTEMS SHALL BE ALLOWED WITHIN THIS AREA.
3. NO NON-MOTORIZED TRAILS OR TRAIL EASEMENTS ARE INCLUDED WITHIN THIS APPLICATION.
4. ALL STREETS WITHIN THIS SUBDIVISION SHALL BE CONSTRUCTED TO EL PASO COUNTY STANDARDS AND WILL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION. STREETS WITHIN FILING 1 SHALL BE ASPHALT SURFACED WHILE STREETS WITHIN FILING 2 SHALL BE GRAVEL SURFACED.
5. WATER TO A CENTRAL DISTRIBUTION SYSTEM OWNED AND OPERATED BY THE PARK FOREST WATER DISTRICT. FIRE HYDRANTS TO BE PROVIDED WITH THE CENTRAL WATER DISTRIBUTION SYSTEM PER THE BLACK FOREST FIRE PROTECTION DISTRICT'S CODE AND SPECIFICATION REQUIREMENTS.
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13. AREAS WITHIN THE PRUDENT LINE RESERVATION AREA SHALL BE OWNED AND MAINTAINED BY THE INDIVIDUAL LOT OWNERS OF THE AFFECTED LOTS.
14. UTILITY LINES PROVIDING SERVICES TO EXISTING BUILDINGS AND FACILITIES MAY BE RELOCATED DEPENDING UPON FINAL UTILITY ENGINEERING PROVIDED BY INDIVIDUAL UTILITY COMPANIES.



NORTH PORTION - (10195 KURIE ROAD)

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S02°43'41"W, 265.73 FEET;
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S00°11'34"W, 147.46 FEET;
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SOUTH PORTION - (10115 KURIE ROAD)

LEGAL DESCRIPTION: THAT PORTION OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 29, SAID POINT BEING ON THE SOUTHERLY BOUNDARY OF PARK FOREST ESTATES FILING NO. 2 (PLAT BOOK B-2 AT PAGE 52); THENCE N89°14'16"E, ON THE SOUTHERLY BOUNDARY OF SAID PARK FOREST ESTATES, A DISTANCE OF 375.32 FEET TO THE SOUTHEAST CORNER OF LOT 14, BLOCK 18 OF SAID PARK FOREST ESTATES; THENCE N89°13'46"E ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 60.00 FEET TO THE EAST LINE OF KURIE ROAD; THENCE N89°33'17"E ALONG SAID SOUTHERLY BOUNDARY OF PARK FOREST ESTATES, A DISTANCE OF 149.96 FEET; THENCE S00°39'26"E, ALONG SAID SOUTHERLY BOUNDARY OF PARK FOREST ESTATES, A DISTANCE OF 231.57 FEET; THENCE S43°12'03"E, A DISTANCE OF 433.08 FEET; THENCE S43°12'03"E, A DISTANCE OF 56.61 FEET; THENCE N88°33'24"E, A DISTANCE OF 0.10 FEET TO THE NORTHWEST CORNER OF LOT 1 POCO SUBDIVISION ACCORDING TO THE TO THE OFFICIAL MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF EL PASO COUNTY, COLORADO, AS RECEPTION NO. 2466425; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 1 THE FOLLOWING SIX (6) COURSES:

S16°04'20"E, 158.01 FEET;
S02°43'41"W, 265.73 FEET;
N84°46'08"W, 71.67 FEET;
S00°11'34"W, 147.46 FEET;
N88°32'28"E, 150.00 FEET;
S01°27'34"E, 275.63 FEET;

THENCE S89°45'28"W DEPARTING SAID WESTERLY LINE OF SAID LOT 1, A DISTANCE OF 766.08 FEET; THENCE N00°14'32"W, 100.00 FEET; THENCE S89°45'28"W, 152.00 FEET; THENCE S00°14'32"W, 200.00 FEET; THENCE S89°45'28"W, 152.00 FEET; THENCE N00°14'32"W, 100.00 FEET; THENCE S89°45'28"W, 201.18 FEET TO A POINT ON SAID WEST LINE OF THE EAST HALF OF SAID SECTION 29, SAID POINT BEING THE TRUE POINT OF BEGINNING.

GEOLOGIC HAZARDS NOTE:

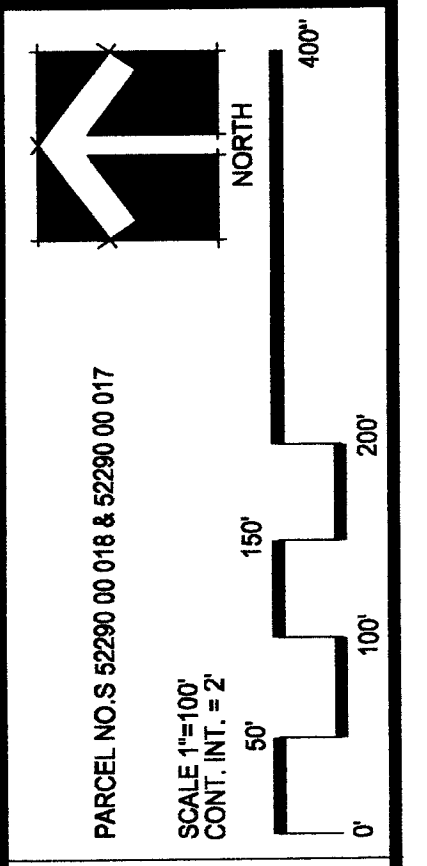
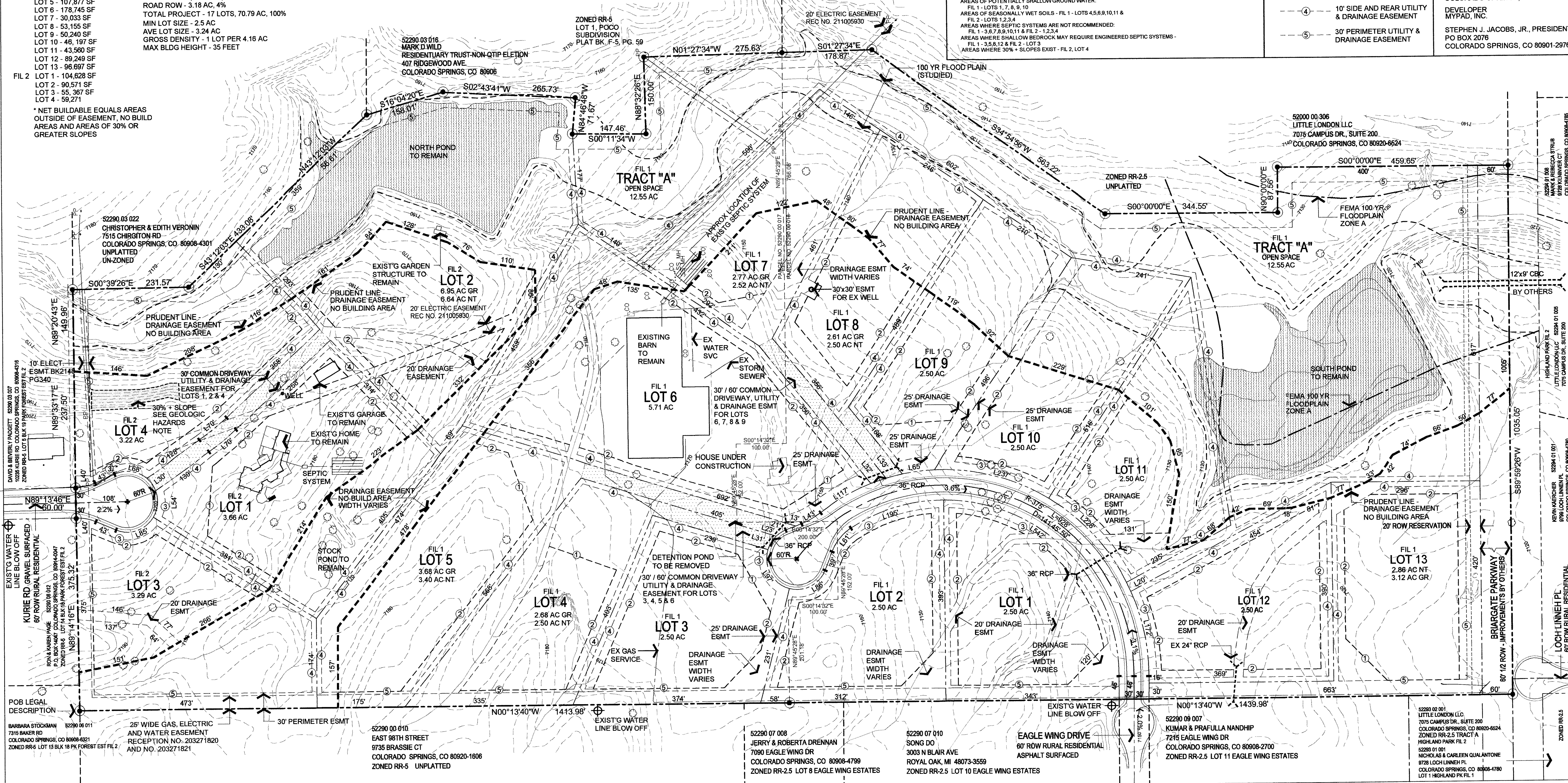
AREAS OF THE FOLLOWING LOTS HAVE BEEN FOUND TO BE IMPACTED BY GEOLOGIC HAZARDS: MITIGATION MEASURES AND A MAP OF THE HAZARD AREA CAN BE FOUND IN THE SOILS, GEOLOGY, HAZARD AND WASTE WATER STUDY FOR THE EAGLE RISING SUBDIVISION BY ENTECH ENGINEERING DATED 5/20/2012 AND 8/14/2012, IN FILE SP-12-008 EAGLE RISING PRELIMINARY PLAN AVAILABLE AT THE EL PASO COUNTY DEVELOPMENT SERVICES DEPARTMENT.

AREAS OF PONDED WATER: FIL - LOTS 3, 8, 11 & FIL 2 - LOT 2
AREAS OF POTENTIALLY SHALLOW GROUND WATER: FIL - LOTS 1, 7, 8, 9, 10
AREAS OF POTENTIALLY WET SOILS - FIL - LOTS 4, 5, 6, 9, 10, 11 & FIL 2 - LOTS 12, 14
AREAS WHERE SEPTIC SYSTEMS ARE NOT RECOMMENDED: FIL - 1 - 3, 6, 7, 8, 9, 10, 11 & FIL 2 - 1, 2, 3, 4
AREAS WHERE SHALLOW BEDROCK MAY REQUIRE ENGINEERED SEPTIC SYSTEMS: FIL - 1 - 3, 6, 8, 12 & FIL 2 - LOTS 3
AREAS WHERE 30%+ SLOPES EXIST: FIL - LOTS 4

TYPICAL LINE SCHEDULE	PROPERTY OWNERS:
1 - FRONT BLDG SETBACK AT 20' MIN. LOT WIDTH	CASAS LIMITED PARTNERSHIP #4 PO BOX 2076 COLORADO SPRINGS, CO 80901-2076
2 - 25' BUILDING SETBACK	52290 00 018 LITTLE LONDON LLC 10 INVESTORS LLC PO BOX 2076 COLORADO SPRINGS, CO 80901-2976
3 - 15' FRONT UTILITY & DRAINAGE EASEMENT	DEVELOPER MYPAD, INC.
4 - 10' SIDE AND REAR UTILITY & DRAINAGE EASEMENT	STEPHEN J. JACOBS, JR., PRESIDENT PO BOX 2076 COLORADO SPRINGS, CO 80901-2976
5 - 30' PERIMETER UTILITY & DRAINAGE EASEMENT	

NET BUILDABLE AREAS	DEVELOPMENT DATA -
FIL 1 LOT 1 - 73,609 SF	EXISTING ZONING - RR5
LOT 2 - 84,325 SF	PROPOSED ZONING - RR2.5
LOT 3 - 84,135 SF	SINGLE FAMILY RESIDENTIAL - 17 LOTS, 55.06 AC, 78%
LOT 4 - 50,007 SF	OPEN SPACE (TRACT A) - 12.55 AC, 18%
LOT 5 - 107,877 SF	ROAD ROW - 3.18 AC, 4%
LOT 6 - 178,745 SF	TOTAL PROJECT - 17 LOTS, 70.79 AC, 100%
LOT 7 - 30,033 SF	MIN LOT SIZE - 2.5 AC
LOT 8 - 53,155 SF	AVE LOT SIZE - 3.24 AC
LOT 9 - 50,240 SF	GROSS DENSITY - 1 LOT PER 4.16 AC
LOT 10 - 46,191 SF	MAX BLDG HEIGHT - 35 FEET
LOT 11 - 43,560 SF	
LOT 12 - 89,249 SF	
LOT 13 - 96,697 SF	
FIL 2 LOT 1 - 104,628 SF	
LOT 2 - 90,571 SF	
LOT 3 - 55,367 SF	
LOT 4 - 59,271 SF	

* NET BUILDABLE EQUALS AREAS OUTSIDE OF EASEMENT, NO BUILD AREAS AND AREAS OF 30% OR GREATER SLOPES



LRA
LAND RESOURCE ASSOCIATES

9736 MOUNTAIN RD.
CHIPPITA PARK, CO 80809
719-684-2298

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EPC DEVELOPMENT SERVICES

VERSION # 4
DATE 7-31-13

PRELIMINARY PLAN
EAGLE RISING
CASAS LIMITED PARTNERSHIP #4
P.O. BOX 2076, COLORADO SPRINGS, CO 80901-2076

ISSUED FOR:	COUNTY REVIEW
project number	
computer file	
issue date	OCT 4, 2012
drawn by	DFJ
checked by	
revisions	JUNE 28, 2013 JULY 30, 2013

sheet number
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