

**SUPPLEMENTAL LETTER OF INTENT
EAGLE RISING PRELIMINARY PLAN REINSTATEMENT
SUPPLEMENTAL DOCUMENT UPDATES
SP-205**

September 5, 2023

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52290 00 035 IQ Investors, LLC

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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.

The Preliminary Plan was to be updated where required by changes to the updated supporting documents or the current Land Development Code/Engineering Criteria Manual. Condition No. 5 of the Dec 8, 2020 BoCC approval resolution allowed for minor modifications to the Preliminary Plan to be approved Administratively and gave the PCD Director sole authority to determine whether a change was "minor" in nature or "major". The full County review process would be required for "major" changes. See discussion below for a detail description of "minor" changes to the Preliminary Plan.

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 discussions.
 - Discussion of all existing structures to be removed or retained.
- Transportation / Traffic Impact Study
 - Including any needed ECM deviation requests.
 - Addressing redline comments.

- Preliminary Drainage Report

- Provide expanded Master Development Drainage Plan/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 minor plan revisions necessitated by the updated support documents, updated Code requirements, and previous staff red-line requirements.
- Natural Resource Assessment, Wetlands Delineation and Corps of Engineers Determination and Concurrence Letter
 - An updated Natural Resource Assessment has been provided and utilized in updating the Preliminary Plan.
 - An updated Wetlands Delineation has been provided and utilized in up-dating the Preliminary Plan.
 - An updated Corps of Engineers request for Determination and Concurrence Letter has been provided along with the original Corps Concurrence Letter. The Corps has indicated that they are currently not providing Concurrence Letters due to recent wetland litigation.

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. Included within the development is;

- Tract A facilitating 12.08 acres of open space and wetlands preservation area.
- 2.11 acres public right-of-way including;
 - 1.43 acre Briargate Parkway El Paso County requested ROW.
 - 0.34 acre public gravel surfaced cul-de-sac head ROW terminating the southern end of Kurie Roadway.
 - 0.34 acre public asphalt surfaced cul-de-sac head ROW terminating the easterly end of the public portion of Eagle Wing Drive.
- Tract B, a 1.31 acre parcel, facilitates the proposed private road ROW portion of Eagle Wing View. The Tract B portion of Eagle Wing View is proposed to be privately owned and maintained by the development’s property owner’s association. See later LOI discussion of this private and gravel surfaced roadway.
- Tract C (160sf) and Tract D (900sf) tracts facilitate existing wells privately owned by MyPad, Inc.

The minimum lot size is 2.50 ac while the average lot size is 3.25 ac. The gross density is 1 lot per 4.16 ac. The maximum building height is 35 feet and the property is currently zoned Rural Residential 2.5 (RR-2.5).

Note that both the 20’ ROW Reservation adjoining the northerly ROW of Briargate Parkway and the 60’ Briargate Parkway ROW are future ROWs for acquisition contemplated to be acquired by El Paso County at a later date.

The 70.79 acre 17 lot Eagle Rising subdivision comprises 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.

EXISTING ON SITE IMPROVEMENTS TO REMAIN

Existing improvements to remain within the proposed Eagle Rising subdivision include:

- Lot 3 and Lot 4 has a corral.
- Lot 6, existing single family residential home w/ utilities, existing accessory barn w/ utilities, 4 existing storage containers.
- Lot 7, existing accessory garden/storage structure, existing garage and storage containers.
- Lot 15, existing single family residential home w/ utilities, existing 3 car detached garage.
- Lot 16, existing caboose / garden structure.
- Tract B, existing gravel surfaced ranch roadway (subject of MVE Engineers' Waiver Request).
- Tract C, permitted, existing Dawson aquifer water well to be privately owned and maintained.
- Tract D, permitted, existing Dawson aquifer water well to be privately owned and maintained.
- Existing subdivision wide improvement;
 - Water distribution system w/ fire hydrants
 - Electrical Distribution system
 - Natural gas distribution system
 - Communications fiber network

All existing structures are in compliance with El Paso County building setback and height limitations. See Preliminary Plan for structure locations in relationship to proposed building setback lines.

The existing private roadway improvements, including drainage improvements located within Tract B, will be owned and maintained by the property owners association. Drainage improvements located within privately owned lots will be owned and maintained by the individual lot owner. Drainage improvements located with Tract A open space will be owned and maintained by the property owners association. Publicly owned roadways and drainage improvements located within dedicated public ROW's will be owned and maintained by El Paso County. Existing utilities including electric, natural gas, communications fiber network, water service and fire hydrants shall be owned and maintained by the individual utility company.

CURRENT PRELIMINARY PLAN DRAWING UPDATES

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.

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 temporary 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. Following BoCC approval of Eagle Rising's private roadway status, staff subsequently requested that the public turnaround be relocated within the Eagle Rising property necessitating minor ROW and adjoining lot line configurations modifications shown on the current Preliminary Plan. The then PCD Director administratively approved these modifications as "minor".
- 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 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

SUPPLEMENTAL INFORMATION

The developer proposes to pay fees in lieu of land dedication for school dedication and park dedication requirements.

The developer will be responsible for constructing all required subdivision improvements at his sole expense. Installation of the required public improvements will be guaranteed by a letter of credit acceptable to the El Paso County Board of County Commissioners.

All lots within this subdivision are subject to transportation impact fees in accordance with the El Paso County Road Impact Fee Program, as amended, at the time of building permit application. The road impact fees will be paid on a per lot basis by each individual residential building contractors at the time of building permit application. This subdivision will not enter into a Road Fee PID.

EXISTING & PROPOSED WAIVERS OF THE LAND DEVELOPMENT CODE

- During the 2020 Eagle Rising Preliminary Plan Reinstatement application process (SF-20-012), the applicant requested a waiver to LDC 8.4.4.C allowing for Eagle Wing Drive (now View) to be a private roadway rather than a public roadway. The BoCC approved the requested waiver in their December 8, 2020 Resolution No. 20-423. The Preliminary Plan reflects this approval by placing Eagle Wing View into Tract B to be owned and maintained by the Eagle Rising Owners Association.
- Included within the Eagle Rising Filing No. 1 Final Plat application, the applicant is requesting a waiver to LDC 8.4.4.E requiring that private roads meet County Standards. See MVE Engineering waiver application for a detailed discussion of this waiver including justifications and expected results. Approval of this waiver will eliminate the need for numerous individual Engineering Criteria Manual deviation requests including:
 - Design Speed from standard 50 mph (posted 45) to 20 mph (posted 15 mph).
 - Standard section thickness minimums and pavement type from asphalt or 6" thick gravel to existing gravel thickness.

EXISTING & PROPOSED DEVIATIONS TO THE ENGINEERING CRITERIA MANUAL

- The original 2013 Eagle Rising Preliminary Plan application included a 972 lf on-site extension of Eagle Wing Drive (now View) making the total Code calculated length of the single access roadway 2,050 lf (on and off site). As the ECM limits single access roadways to 1,600 lf (Section 2.3.8.A), the applicant included a deviation request, addressing the 450 lf overage, within the 2013 Preliminary Plan package. Note that the 2013 deviation request addressed only the length

of the roadway, not the number of homes limited on a single access road, 20 homes where 25 are currently allowed.

The ECM roadway length deviation request has a long history going back to the original Eagle Rising Preliminary Plan approval in September of 2013 including;

- The original roadway length deviation request was submitted to the ECM Administrator on Aug 29, 2013.
- Based upon approval recommendations from the Planning Commission, on Sep 24, 2013 the BoCC approved the original Preliminary Plan illustrating the same roadway length and number of lots as shown today.
- On Oct 17, 2013, three weeks after BoCC approval of the Preliminary Plan, the ECM administrator denied the deviation application without comment, leaving the applicant to sort out the question of “why the denial and does the ECM Administrator’s post hearing denial over-ride the BoCC’s previous Preliminary Plan approval.”
- The Eagle Rising Preliminary Plan, including the unchanged roadway length, was again ratified by the BoCC in their Dec 8, 2020 Preliminary Plan Reinstatement application.
- Included within the Eagle Rising Filing No. 1 Final Plat application, the applicant is requesting a Deviation from Engineering Criteria Manual (Appendix F SD 2-10 Rural Local Gravel Roadway Typical Section) allowing for;
 - Decrease of travel lane from 12’ to 11’.
 - Decrease of shoulder width from 4’ to 2’.
 - Steepening of foreslope (slope leading from the road surface to ditch line) from 6:1 to 4:1.
 - Elimination of the 5’ wide public improvement easement dedicated to El Paso County.

As noted above, the question of approvable roadway length was addressed and approved in the Sep 24, 2013 BoCC Eagle Rising Preliminary Plan approval resolution.

ATTACHMENTS

- Dec 8, 2020 BoCC Preliminary Plain Reinstatement Approval Resolution
 - Nov 17, 2020 Letter of Intent
 - Dec 8, 2020 Staff Summary of Preliminary Plan Reinstatement Request
 - July 30, 2013 / Dec 8, 2020 Reinstated Eagle Rising Preliminary Plan
- Current Preliminary Plan Sep 05, 2023

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

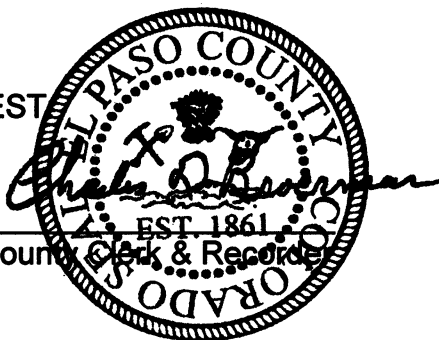
7. The applicant will be required to obtain a water sufficiency finding from the Board of County Commissioners with all future final plat(s) applications.

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.

LETTER OF INTENT

November 17, 2020

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

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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.

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.

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

DEVELOPMENT NOTES:

- TRACT A - USE OPEN SPACE - TO BE OWNED AND MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION.
- AREAS WITHIN PLATTED DRAINAGE EASEMENTS AND TRACT A SHALL BE DRAINAGE AND DRAINAGE MAINTENANCE ACCESS EASEMENTS IN THEIR ENTIRETY GRANTED TO EL PASO COUNTY AND SHALL BE MAINTAINED BY THE PROPERTY OWNER OR THE PROPERTY OWNERS ASSOCIATION. NO BUILDINGS, BUILDING PERMITS, WELLS OR SEPTIC SYSTEMS SHALL BE ALLOWED WITHIN THESE EASEMENTS.
- NO NON-MOTORIZED TRAILS OR TRAIL EASEMENTS ARE INCLUDED WITHIN THIS APPLICATION.
- THE EAGLE WING VIEW EXTENSION SHALL BE OWNED AND MAINTAINED BY THE PROPERTY 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 OR EL PASO COUNTY APPROVED DEVIATIONS AND WAIVERS.
- 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.
- 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'.
- THE PROPOSED METHOD OF GUARANTEEING FUNDS FOR PUBLIC IMPROVEMENTS SHALL BE APPROVED BY AND ACCEPTABLE TO THE EL PASO COUNTY ATTORNEY'S OFFICE AND THE EGM ADMINISTRATOR.
- 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.
- TRACTS "C" AND "D" LAND AND WELL SHALL BE OWNED BY MYPAD, INC. AND / OR ASSIGNS AND SHALL BE MAINTAINED AND / OR REPLACED BY THE PROPERTY OWNERS ASSOCIATION IN ACCORDANCE WITH AGREEMENT OF RECORD.
- WASTE WATER TREATMENT WILL BE PROVIDED VIA INDIVIDUAL ON-SITE SEPTIC SYSTEMS, DESIGNED, PERMITTED, CONSTRUCTED AND OPERATED PER THE EL PASO COUNTY HEALTH DEPARTMENT CODES AND REGULATIONS. ALL SEPTIC SYSTEMS TO BE DESIGNED BY A COLORADO REGISTERED PROFESSIONAL ENGINEER.
- FUTURE BRIARGATE PARKWAY 60' ROW AND THE 20' ROW RESERVATION ADJOINING THE NORTHERLY ROW LINE OF BRIARGATE BLVD SHOWN ON PRELIMINARY PLAN LOT NO. 13 AND TRACT A ARE FUTURE ROWS FOR ACQUISITION CONTEMPLATED TO BE ACQUIRED BY EL PASO COUNTY AT A LATER DATE.

STANDARD PCD PRELIMINARY PLAN NOTES

- THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THE PRELIMINARY PLAN FOR THIS SUBDIVISION AND ARE ON FILE AT THE COUNTY PLANNING & COMMUNITY DEVELOPMENT 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 PLAN 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 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.
- SEE PRELIMINARY PLAN SHEET 2 OF 2 FOR A DETAILED DESCRIPTION OF AND LOCATION OF SOILS AND GEOLOGIC HAZARDS WITHIN THE EAGLE RISING SUBDIVISION INCLUDING SPECIFIC LOTS AFFECTED.
- 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 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.
- SEE PRELIMINARY PLAN SHEET 2 OF 2 FOR A DETAILED DESCRIPTION OF AND LOCATION OF EXISTING BIOLOGICAL HAZARDS AND LOCATIONS POTENTIALLY AFFECTING SPECIFIC LOTS WITHIN THE SUBDIVISION.

PRELIMINARY PLAN EAGLE RISING

A PORTION OF THE EAST HALF (E 1/2) OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO

DEVELOPMENT DATA -

SINGLE FAMILY RESIDENTIAL - 17 LOTS, 55.27 AC, 77.7%
 OPEN SPACE (TRACT A) - 12.08 AC, 17%
 MISC TRACTS (WELLS) - 0.02 AC, 0.03%
 WELL SITE NO. 1 (TRACT C) - 160 SF
 WELL SITE NO. 2 (TRACT D) - 900 SF
 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 VIEW - 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

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

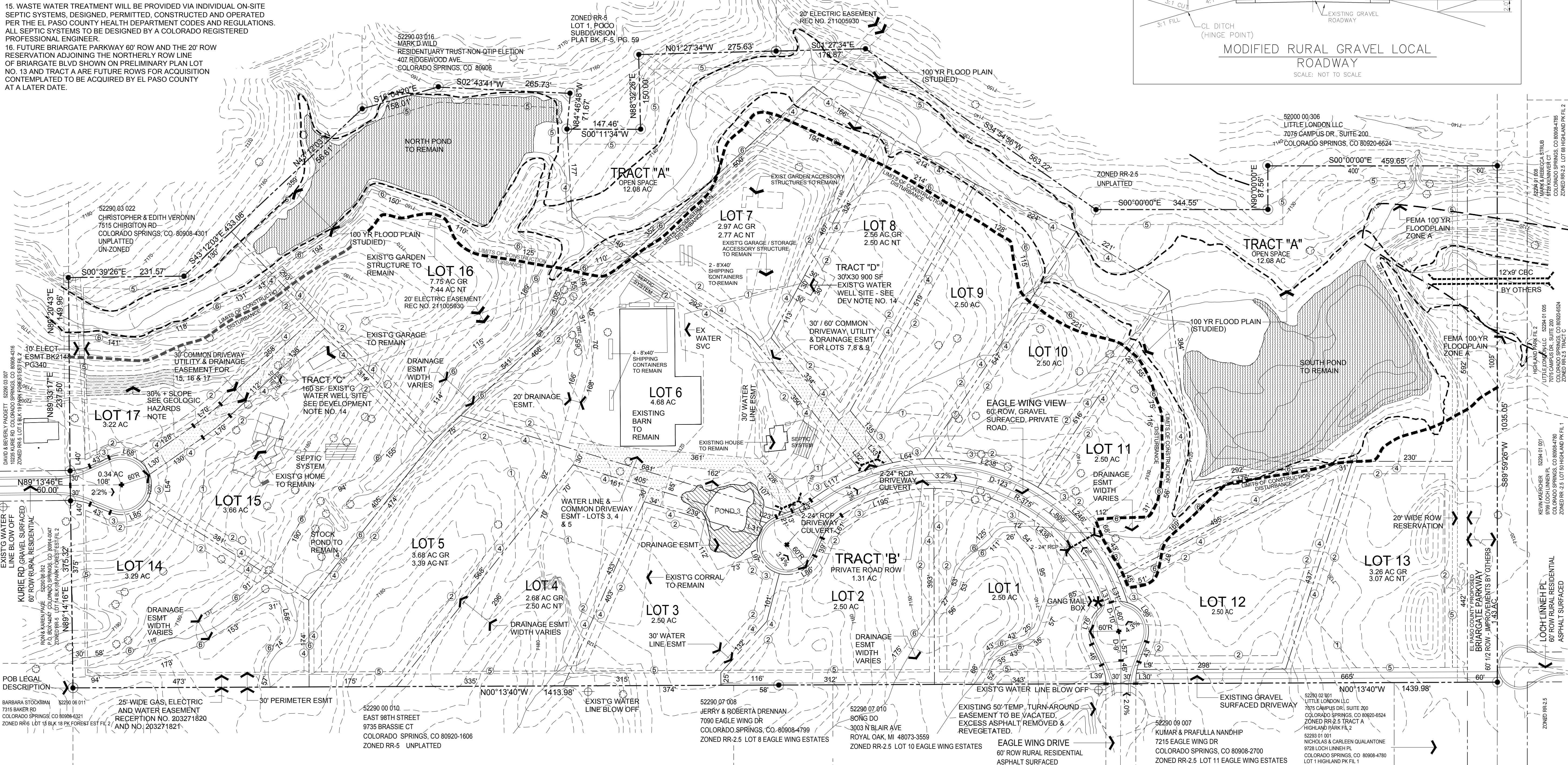
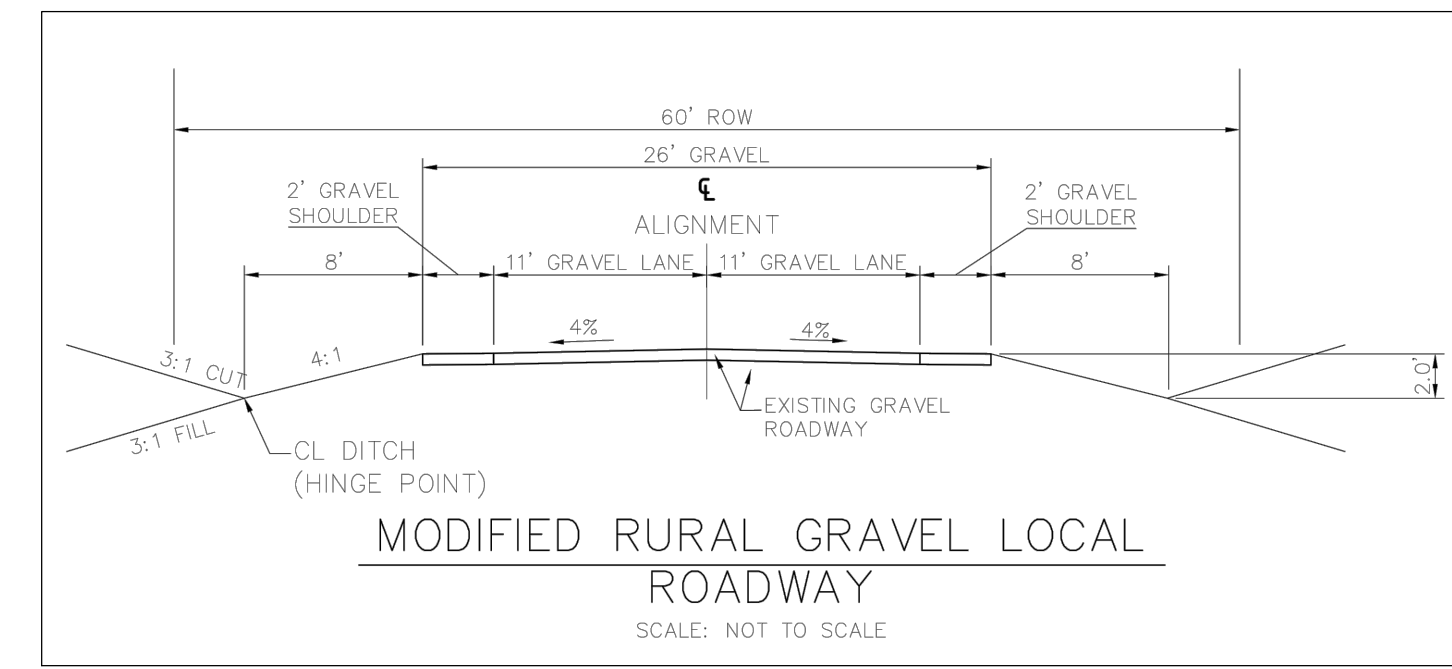
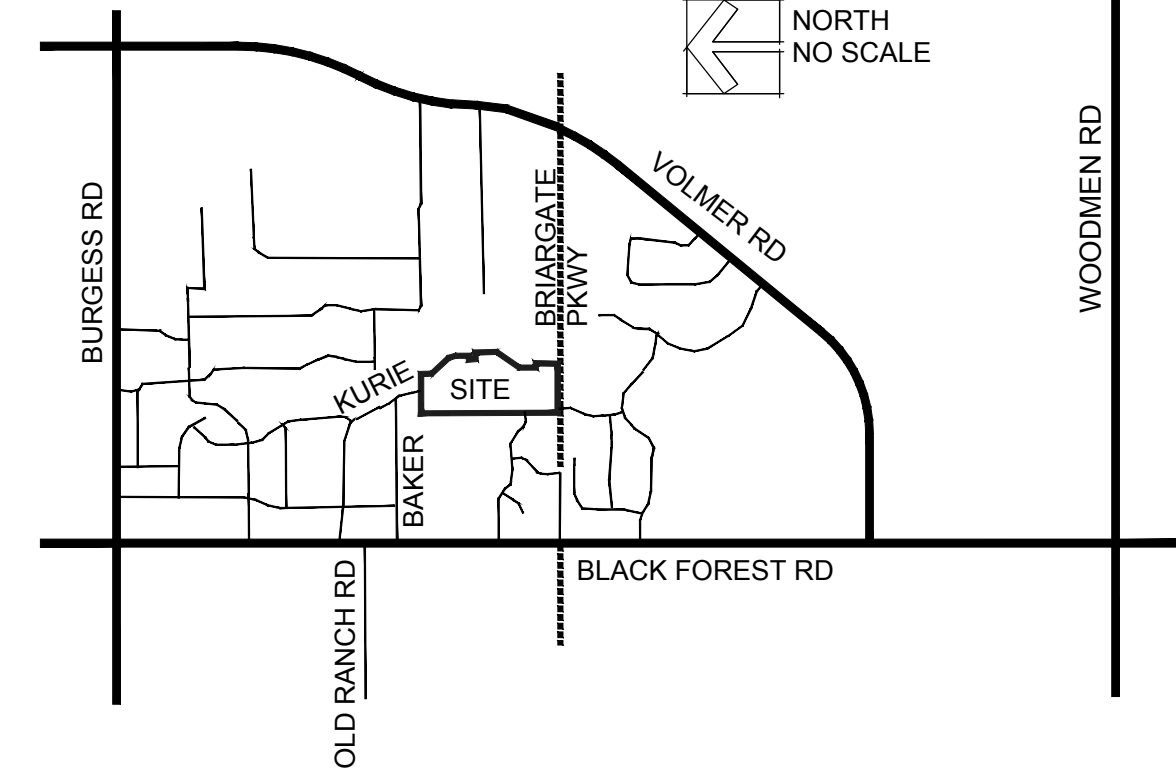
DEVELOPER

MYPAD, INC.
 STEPHEN J. JACOBS, JR., PRESIDENT
 PO BOX 2076
 COLORADO SPRINGS, CO 80901-2976

TYPICAL LINE SCHEDULE

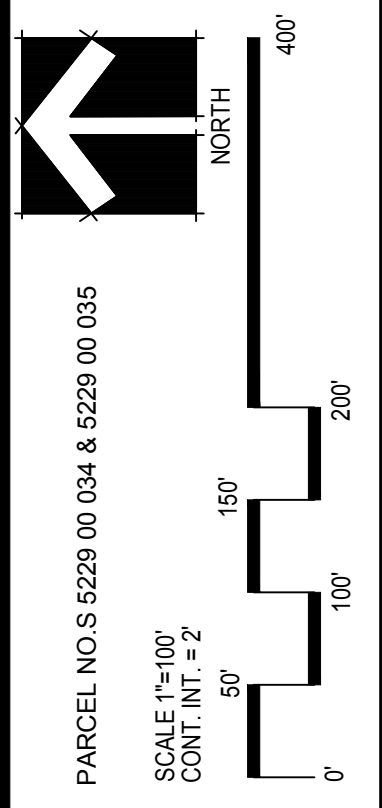
- FRONT BLDG SETBACK AT 200' MIN. LOT WIDTH
- 25' BUILDING SETBACK
- 15' FRONT UTILITY & DRAINAGE EASEMENT
- 10' SIDE AND REAR UTILITY & DRAINAGE EASEMENT
- 30' PERIMETER UTILITY & DRAINAGE EASEMENT
- DRAINAGE EASEMENT WIDTH VARIES

VICINITY MAP



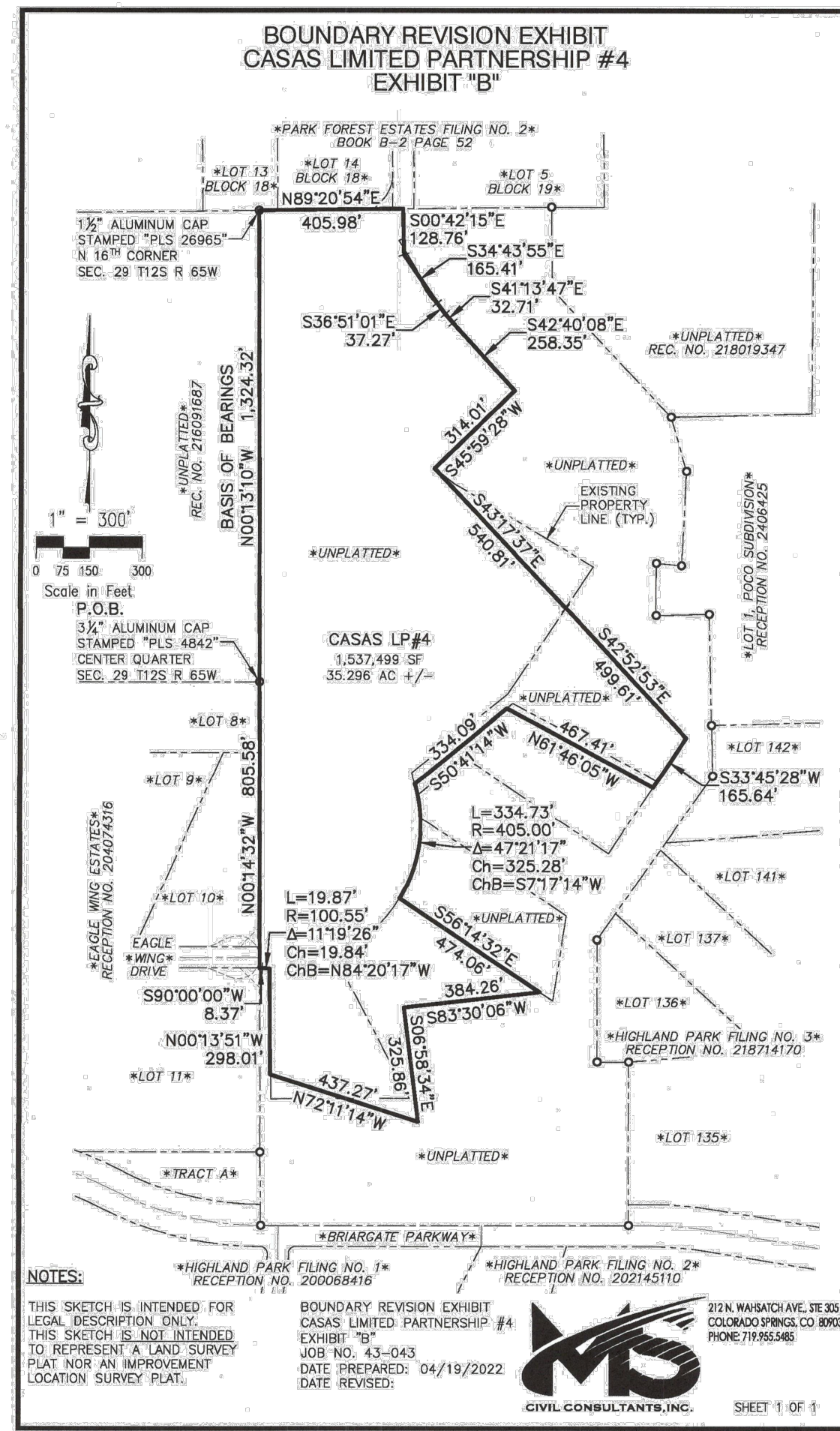
LRA

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



ISSUED FOR:	COUNTY REINSTATEMENT
project number	
computer file	
issue date	SEPTEMBER 05, 2023 V1.1
drawn by	DFJ
checked by	
revisions	

sheet number
1
 of two
 PCD PROJECT NUMBER
SP205



**CASAS LIMITED PARTNERSHIP #4
LEGAL DESCRIPTION**

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4 NE1/4) AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (NW1/4, SE1/4) SECTION 29, T12S, R65W, OF THE 6TH P.M., EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

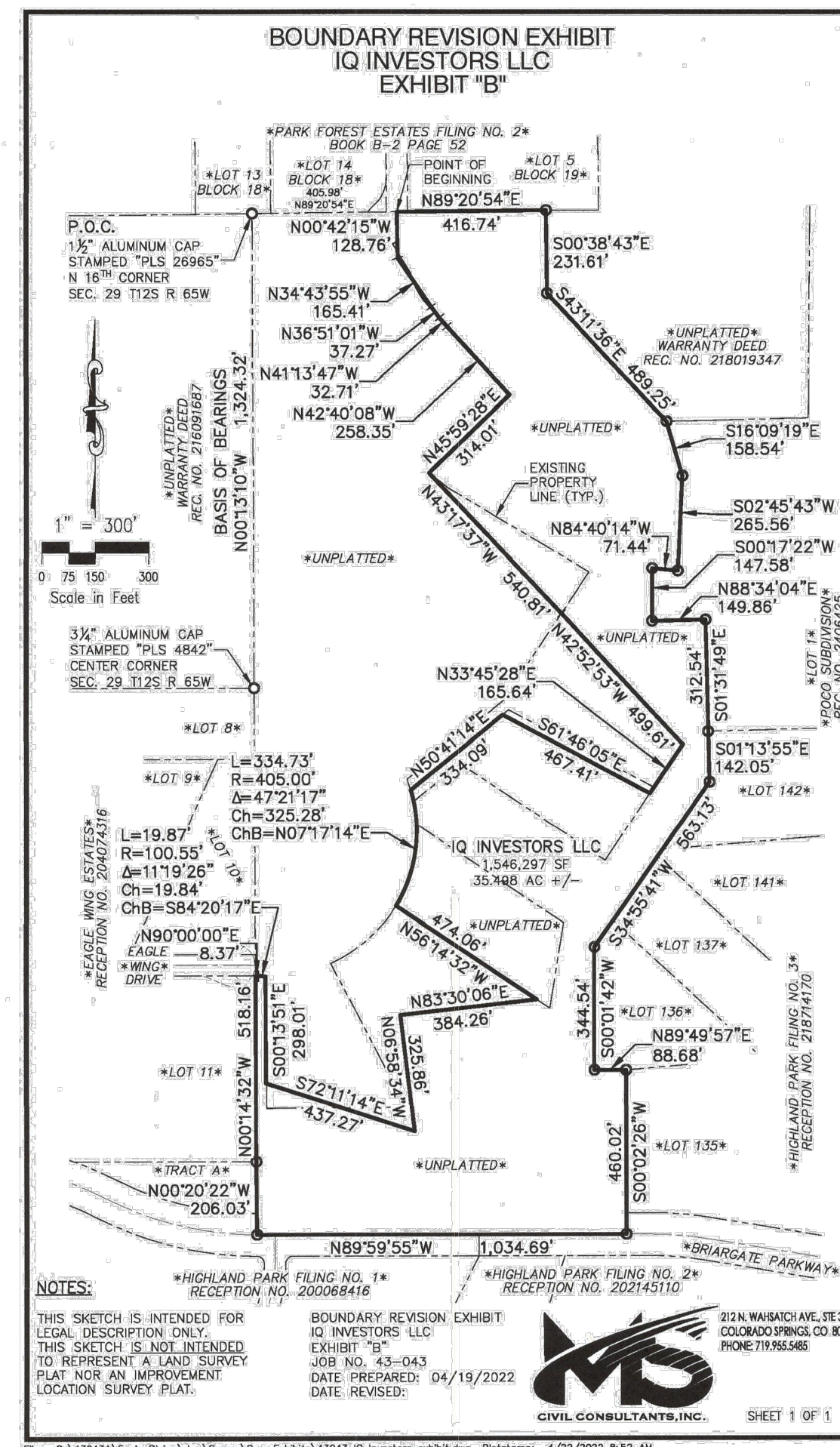
BEGINNING AT THE SOUTHEAST CORNER OF THAT PARCEL DESCRIBED BY WARRANTY DEED RECORDED UNDER RECEPTION NO. 216091687 OF THE RECORDS OF EL PASO COUNTY, COLORADO;
THENCE N00°13'10"W ALONG THE EAST LINE THEREOF, 1,324.32 FEET TO THE SOUTH LINE OF "PARK FOREST ESTATES FILING NO. 2" AS RECORDED IN BOOK B-2 AT PAGE 52 OF THE RECORDS OF EL PASO COUNTY, COLORADO;
THENCE N89°20'54"E ALONG THE SOUTH LINE THEREOF, 405.98 FEET;
THENCE S00°42'15"E A DISTANCE OF 128.76 FEET;
THENCE S34°43'55"E A DISTANCE OF 165.41 FEET;
THENCE S41°13'47"E A DISTANCE OF 37.27 FEET;
THENCE S42°40'08"E A DISTANCE OF 258.35 FEET;
THENCE S45°59'28"W A DISTANCE OF 314.01 FEET;
THENCE S43°17'37"E A DISTANCE OF 540.81 FEET;
THENCE S42°52'53"E A DISTANCE OF 499.61 FEET;
THENCE S33°45'28"W A DISTANCE OF 165.64 FEET;
THENCE N61°46'05"W A DISTANCE OF 467.41 FEET;
THENCE S50°41'14"W A DISTANCE OF 334.09 FEET;
THENCE S34°17'37"E ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 405.00 FEET, A CENTRAL ANGLE OF 47°21'17" THE CHORD OF 325.28 FEET WHICH BEARS S07°17'14"W;
THENCE S56°14'32"E, NON-TANGENT TO THE PREVIOUS COURSE, 474.06 FEET;
THENCE S83°30'06"W A DISTANCE OF 384.26 FEET;
THENCE S06°58'34"E A DISTANCE OF 325.86 FEET;
THENCE N72°11'14"E A DISTANCE OF 437.27 FEET;
THENCE N00°13'51"W A DISTANCE OF 298.01 FEET;
THENCE 19.87 FEET ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 100.55 FEET, A CENTRAL ANGLE OF 11°19'26" THE CHORD OF 19.84 FEET WHICH BEARS N84°20'17"W TO A POINT OF TANGENT;
THENCE S90°00'00"W A DISTANCE OF 8.37 FEET TO THE EAST LINE OF "EAGLE WING ESTATES" AS RECORDED UNDER RECEPTION NO. 204074316 OF THE RECORDS OF EL PASO COUNTY, COLORADO;
THENCE N00°14'32"W ALONG SAID EAST LINE, 805.58 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS A CALCULATED AREA OF 1,537,499 SQUARE FEET (35.296 ACRES, MORE OR LESS).

BASIS OF BEARINGS:
THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4 NE 1/4) SECTION 29, T12S, R65W, 6TH P.M., EL PASO COUNTY, COLORADO, BEING MONUMENTED ON THE SOUTH BY A FOUND 3 1/4" ALUMINUM CAP STAMPED "PLS 4842" AND ON THE NORTH BY A 1 1/2" ALUMINUM CAP STAMPED "PLS 26965", AND IS ASSUMED TO BEAR N00°13'10"W, A DISTANCE OF 1,324.32 FEET.

**PRELIMINARY PLAN
EAGLE RISING**

A PORTION OF THE EAST HALF (E 1/2) OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO



**IQ INVESTORS LLC
LEGAL DESCRIPTION**

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4 NE1/4) AND THE WEST HALF OF THE SOUTHEAST QUARTER (W1/2, SE1/4) SECTION 29, T12S, R65W, OF THE 6TH P.M., EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THAT PARCEL DESCRIBED BY WARRANTY DEED RECORDED UNDER RECEPTION NO. 216091687 OF THE RECORDS OF EL PASO COUNTY, COLORADO;
THENCE N89°20'54"E ALONG THE SOUTH LINE OF "PARK FOREST ESTATES FILING NO. 2" AS RECORDED IN BOOK B-2 AT PAGE 52 IN THE RECORDS OF EL PASO COUNTY, COLORADO, A DISTANCE OF 405.98 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING N89°20'54"E ALONG SAID SOUTH LINE A DISTANCE OF 416.74 FEET TO THE NORTHWEST CORNER OF THAT PARCEL DESCRIBED BY WARRANTY DEED RECORDED UNDER RECEPTION NO. 218019347 OF THE RECORDS OF EL PASO COUNTY, COLORADO;
THENCE ALONG THE WEST LINES THEREOF THE FOLLOWING TWO (2) COURSES:
1. THENCE S00°38'43"E A DISTANCE OF 231.61 FEET;
2. THENCE S43°13'36"E A DISTANCE OF 489.25 FEET TO THE NORTHWEST CORNER OF LOT 1, "POCO SUBDIVISION" AS RECORDED UNDER RECEPTION NO. 2406425 OF THE RECORDS OF EL PASO COUNTY, COLORADO;

THENCE ALONG THE WEST LINES THEREOF THE FOLLOWING SIX (6) COURSES:

1. THENCE S16°09'19"E A DISTANCE OF 158.54 FEET;
2. THENCE S02°45'43"W A DISTANCE OF 265.56 FEET;
3. THENCE N84°40'14"W A DISTANCE OF 71.44 FEET;
4. THENCE S00°14'22"W A DISTANCE OF 147.58 FEET;
5. THENCE N88°34'04"E A DISTANCE OF 149.86 FEET;
6. THENCE S01°31'49"E A DISTANCE OF 312.54 FEET TO THE NORTHWEST CORNER OF "HIGHLAND PARK FILING NO. 3" AS RECORDED UNDER RECEPTION NO. 21874170 OF THE RECORDS OF EL PASO COUNTY, COLORADO;

THENCE ALONG THE WEST LINES THEREOF THE FOLLOWING FIVE (5) COURSES:

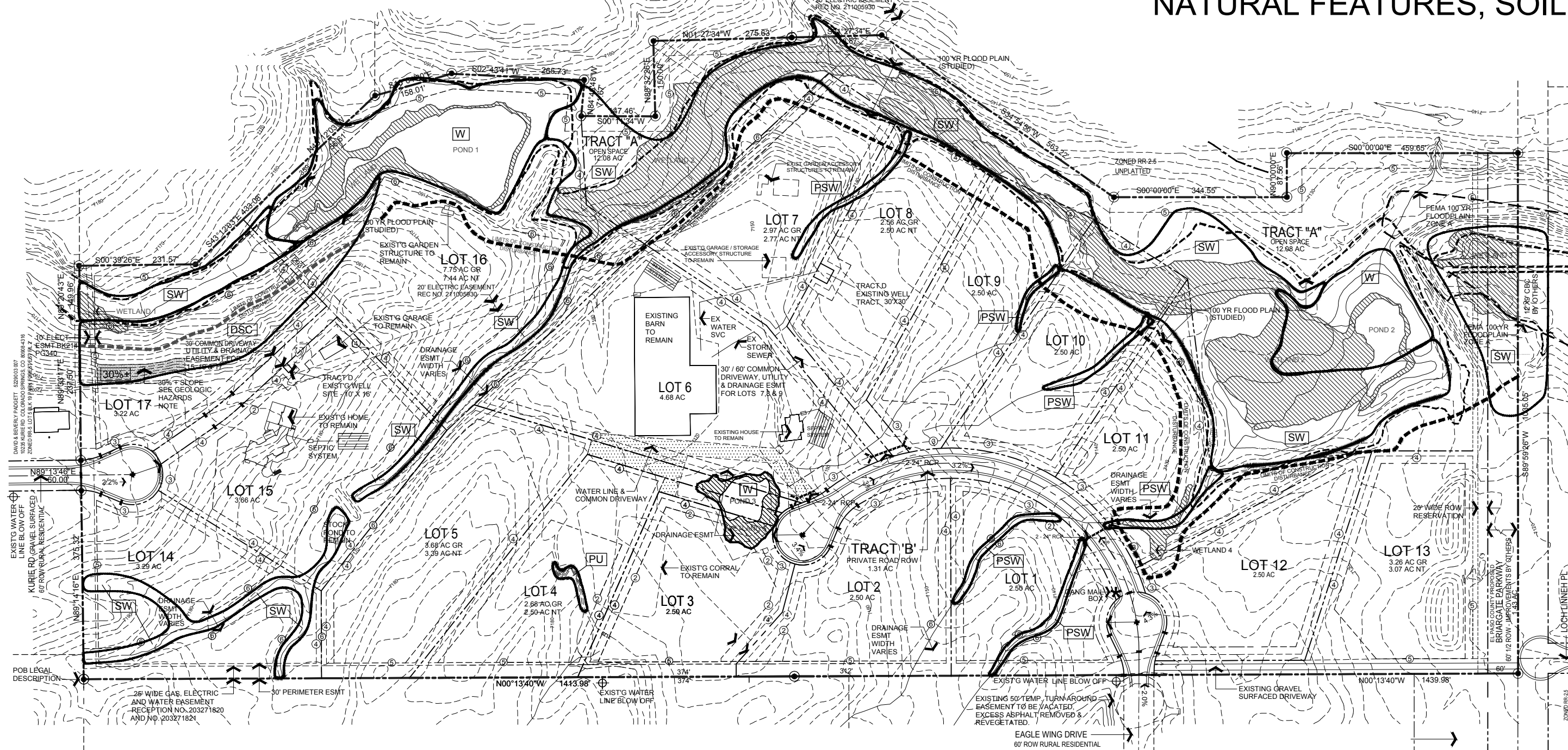
1. THENCE S01°13'55"E A DISTANCE OF 142.05 FEET;
2. THENCE S34°55'41"W A DISTANCE OF 563.13 FEET;
3. THENCE S00°01'42"W A DISTANCE OF 344.54 FEET;
4. THENCE N89°49'57"E A DISTANCE OF 88.68 FEET;
5. THENCE S00°02'26"W A DISTANCE OF 460.02 FEET TO THE NORTH RIGHT-OF-WAY OF BRIARGATE PARKWAY AS SHOWN ON THE PLATS OF, "HIGHLAND PARK FILING NO. 2" AS RECORDED UNDER RECEPTION NO. 20214510 AND "HIGHLAND PARK FILING NO. 1" AS RECORDED UNDER RECEPTION NO. 200068416 OF THE RECORDS OF EL PASO COUNTY, COLORADO;

THENCE N89°59'55"W ALONG SAID RIGHT-OF-WAY LINE 1,034.69 FEET;
THENCE N00°20'22"W A DISTANCE OF 206.03 FEET TO THE SOUTHEAST CORNER OF LOT 11, "EAGLE WING ESTATES" AS RECORDED UNDER RECEPTION NO. 204074316 OF THE RECORDS OF EL PASO COUNTY, COLORADO;
THENCE N00°14'32"W ALONG THE EAST LINE THEREOF, 518.16 FEET;
THENCE N90°00'00"E A DISTANCE OF 8.37 FEET TO A POINT OF CURVE;
THENCE 19.87 FEET ON THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 100.55 FEET, A CENTRAL ANGLE OF 11°19'26" THE CHORD OF 19.84 FEET WHICH BEARS S84°20'17"E;
THENCE S00°13'51"E A DISTANCE OF 298.01 FEET;
THENCE S72°11'14"E A DISTANCE OF 437.27 FEET;
THENCE N06°58'34"W A DISTANCE OF 325.86 FEET;
THENCE N83°30'06"E A DISTANCE OF 384.26 FEET;
THENCE N56°14'32"E A DISTANCE OF 474.06 FEET;
THENCE S34°17'37"E ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 405.00 FEET, A CENTRAL ANGLE OF 47°21'17" THE CHORD OF 325.28 FEET WHICH BEARS N07°17'14"E;
THENCE N50°41'14"E, NON-TANGENT TO THE PREVIOUS COURSE, 334.09 FEET;
THENCE S61°46'05"E A DISTANCE OF 467.41 FEET;
THENCE N33°45'28"E A DISTANCE OF 165.64 FEET;
THENCE N42°52'53"W A DISTANCE OF 499.61 FEET;
THENCE N43°17'37"W A DISTANCE OF 540.81 FEET;
THENCE N45°59'28"E A DISTANCE OF 314.01 FEET;
THENCE N42°40'08"W A DISTANCE OF 258.35 FEET;
THENCE N41°13'47"W A DISTANCE OF 32.71 FEET;
THENCE N36°51'01"W A DISTANCE OF 37.27 FEET;
THENCE N34°43'55"W A DISTANCE OF 165.41 FEET;
THENCE N00°14'32"W A DISTANCE OF 128.76 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS A CALCULATED AREA OF 1,546,297 SQUARE FEET (35.498 ACRES, MORE OR LESS).

BASIS OF BEARINGS:
THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4 NE 1/4) SECTION 29, T12S, R65W, 6TH P.M., EL PASO COUNTY, COLORADO, BEING MONUMENTED ON THE SOUTH BY A FOUND 3 1/4" ALUMINUM CAP STAMPED "PLS 4842" AND ON THE NORTH BY A 1 1/2" ALUMINUM CAP STAMPED "PLS 26965", AND IS ASSUMED TO BEAR N00°13'10"W, A DISTANCE OF 1,324.32 FEET.

NATURAL FEATURES, SOILS & GEOLOGIC HAZARDS PLAN



TYPICAL LINE SCHEDULE

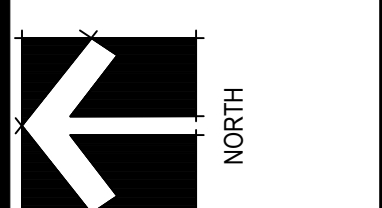
1. FRONT BLDG SETBACK AT 200' MIN. LOT WIDTH
2. 25' BUILDING SETBACK
3. 15' FRONT UTILITY & DRAINAGE EASEMENT
4. 10' SIDE AND REAR UTILITY & DRAINAGE EASEMENT
5. 30' PERIMETER UTILITY & DRAINAGE EASEMENT
6. DRAINAGE EASEMENT WIDTH VARIES

GEOLOGIC HAZARDS NOTE:

PORTIONS OF THE FOLLOWING LOTS AND TRACTS HAVE BEEN FOUND TO BE IMPACTED BY GEOLOGIC HAZARDS. SPECIFIC MITIGATION MEASURES, IF ANY, AND A MAP OF THE HAZARD AREAS 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 1/19/23 LOCATED IN THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT FILES.

LRA
LAND RESOURCE ASSOCIATES

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



PARCEL NO. S 5229 00 034 & 5229 00 035
PLAN SCALE 1"=200'
CONT. INT. = 2

ISSUED FOR:	COUNTY REINSTATEMENT
project number	
computer file	
issue date	September 05, 2023
drawn by	DFJ
checked by	
revisions	

sheet number
2 of two
PCD PROJECT NUMBER
SP205