



"A MASTER PLANNED COMMUNITY" COLORADO SPRINGS, COLORADO

September 6, 2022

El Paso County – Planning and Community Development Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910

RE: Mayberry Filing #3 – Applicant Comment Response Letter

On behalf of Mayberry Communities, LLC (Mayberry), NES Landscape Architects submitted documents associated with the Mayberry PUD Phase 1, Filing 3 subdivision consisting of 142 residential lots. This first submittal was posted to EDARP on May 20, 2022.

First-submittal agency review comments were posted on July 8, 2022. Since that time, NES and JPS Engineering have separated from the project and HDR/Calthorpe has taken over the lead land planning role and R&R Engineers and Surveyors have assumed the Civil Engineer-of-Record role for the project.

This letter provides a summary of second-round submittal materials and Mayberry's understanding of resubmittal requirements for Filing 3.

Mayberry acknowledges their understanding that the following first-round submittals have been accepted and approved by the respective agencies and no further action is required:

- Adjacent Property Owner Notification
- Application/Petition Form
- Legal Description
- Title Commitment
- Vicinity/Location Map
- Mineral Rights Certification
- PBMP Application Form
- PDB/BMP Operations & Infiltration Design Data Worksheet
- Storm Water Management Plan Checklist
- Commitment Letter from Wastewater Service Provider
- Commitment Letter from Water Service Provider
- Commitment Letter from Electric Service Provider
- Fire Commitment Letter
- Natural Gas Commitment Letter
- Fire Protection Report
- Subdivision Summary Sheet
- Wastewater Treatment Report
- Water Resources Report



- Water Supply Information Summary
- Closures Sheet
- Proof of Submittal of Non-jurisdictional Water Impound Structure Form

Mayberry acknowledges the following documents have been revised and uploaded to EDARP in response to first-round submittal agency comments:

- Construction Drawings (Plans/Profiles) – *by R&R Engineers*
- Detention Maintenance Agreement (MS Word w/ attachments included under Optional Documents, see below) – *by Mayberry*
 - Accepted 'Track Changes', added requested information, provided additional comments
- Financial Assurance Forms – *by R&R Engineers*
- Drainage Report – Final – *by R&R Engineers*
- Final Plat Drawings – *by R&R Surveyors*
- Soils & Geology Report – *by CTL Thompson*
- Grading & Erosion Control Plan – *by R&R Engineers*
- Letter of Intent – *by Mayberry (revised from NES original submittal)*
- Natural Features Report – *NES original submittal with footnotes by HDR*
- Erosion and Stormwater Quality Control Permit (ESQCP) – *by R&R Engineers*
- Subdivision Improvement Agreement (MS Word version) – *by Mayberry*
- Traffic Impact Study – *by LSC Transportation Consultants*
- Storm Water Management Plan (SWMP) – *by R&R Engineers*
- Applicant Response Letter (*this document*)
- MS4 Post Construction Form – *by R&R Engineers*
- Grading & Erosion Control Checklist – *by R&R Engineers*

Additionally, Mayberry has uploaded the following **Optional Documents** in order to provide clear response to first-round agency comments. We have also provided additional materials that were not included with the initial EDARP submittal package but later determined necessary.

- Construction Document Agency Comment Response – *by R&R Engineers*
- Financial Assurance Agency Comment Response – *by R&R Engineers*
- Drainage Report Agency Comment Response – *by R&R Engineers*
- Plat Drawings Agency Comment Response – *by R&R Surveyors*
- GEC Agency Comment Response – *by R&R Engineers*
- TIS & Roundabout Agency Comment Response – *by LSC Transportation Engineers*
- Stormwater Management Plan Agency Comment Response – *R&R Engineers*
- Detention Maintenance Agreement Exhibits A, B-1, B-2 – *by R&R Engineers & Surveyors*
 - New Submittal – Exhibits to be attached to final Detention Maintenance Agreement
- Offsite Easements – *by R&R Surveyors*
 - New Submittal – Offsite easements for drainage channel and temporary turnarounds at El Reno Lane and Union Pacific Way



- Subdivision Boundary Description (MS Word) – by R&R Surveyors
 - New Submittal – as requested by EPC in MS Word format
- EPC Roundabout Design Report – *by LSC Transportation Engineers*
 - New Submittal – per EPC, a separate Roundabout Design Report is required to accompany the Construction Documents
- CDOT Access Permit Memo – *by LSC Transportation Engineers*
 - New Submittal – comments were not provided by CDOT from first submittal. LSC later confirmed that access permit materials are required for Filing 3.
- CDOT Access Permit Application – *by LSC Transportation Engineers*
 - New Submittal – see bullet item above

Mayberry acknowledges the additional written EDARP comments from the first submittal (not otherwise addressed above) and provides the following respective responses:

- **El Paso County Public Health**

Public Health provided a memorandum indicating a finding of sufficiency regarding water quality and acknowledging sufficient wastewater treatment capacity. The memo encourages Radon-resistant construction and notifies the applicant regarding a need to obtain a State Construction Activity Permit for site construction activities. Mayberry acknowledges the Health Division’s comments and understands that no resubmittal regarding these matters is required for approval of this application.
- **EPC Parks Department**

The Community Services Department provided a July 7, 2022, letter regarding the application. This letter requests an easement along Highway 94 for the secondary regional trail system. Mayberry has since discussed this requirement with Parks Department Planning Supervisor, Jason Meyer, and Parks Department Landscape Architect, Greg Stachon. It has been agreed that Mayberry will incorporate the secondary regional trail through the development in lieu of a future trail within a 25’ dedicated easement paralleling Hwy 94. In consideration, the Community Services Department has agreed to vacate existing 25’ regional trail easements already dedicated and to not require further dedication of a separate easement along Highway 94. Independent of Filing 3 approvals, Mayberry will provide a draft trail layout illustrating a phased construction of the trail for Parks Department consideration.

The letter further notes the opportunity for a Park Lands Agreement in lieu of urban park fees. Mayberry has chosen not to pursue a Park Lands Agreement for Filing 3.
- **Colorado Division of Water Resources**

The Division provided a June 15, 2022, letter including attachment of its February 22, 2022, letter. The letter includes an opinion that water supply is adequate and can be provided without causing injury, with a qualification regarding the economic life of the aquifer. The Division also notifies Mayberry of the potential for administrative review of the storm water



detention and infiltration facility under Rule 5.11. Mayberry acknowledges the Division's comments and understands that no resubmittal is required for approval of this application.

- **Colorado Parks and Wildlife**

CPW provided a June 13, 2022, letter generally identifying potential sensitive wildlife and habitat and potential construction restrictions that may be required. Mayberry acknowledges its responsibilities in accordance with related local, state, and federal requirements and understands that no resubmittal regarding these matters is required for approval of this application.

- **Pikes Peak Regional Building Department**

The Department requests submittal of addressing assignments and payment of the address assignment fee. Mayberry acknowledges the Department's comments and understands no resubmittal regarding these matters is required for approval of this application. Mayberry will pursue PPRBD signature on the Mylar prior to recordation appointment with County.

- **Colorado Geological Survey**

Mayberry acknowledges the CGS provided comments through EDARP regarding the recommendation for site specific design level soils and foundation investigation at the time of building construction. Mayberry has further addressed the change in reference noted by CGS on the Grading Plans and understands that no resubmittal regarding these matters is required for approval of this application.

- **Mountain View Electric Association**

The Association provided a letter, dated June 7, 2022, confirming it will provide service. The letter further indicates potential provisions for system improvement, line extensions, and payment of fees. It also requests front lot, rear lot, and exterior utility easements as well as platting of the Association's existing easements on the final plat. The Association also puts Mayberry on notice that any damaged, removed or relocated facilities will be done at Mayberry's expense.

Mayberry met with representatives of MVEA on August 31, 2022, to discuss the requested utility easements. It was agreed upon that Utility and Drainage Easements for Filing 3 would follow the approved Phase 1 PUD, noting 8' front, 4' side, and 7.5' rear Utility and Drainage Easements along all lot boundaries. Mayberry acknowledges these requests and has addressed the easements in the resubmittal of the final plat.

- **911 Authority – El Paso/Teller County**

The Authority has no comments and Mayberry understands no additional submittal materials are required regarding this matter for approval of this application.

- **Ellicott Fire Protection District**

The District indicates no objections to the final plat and identifies the review fee payable to the District. Mayberry acknowledges its responsibility to pay the review fee and understands



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no additional submittal materials are required to be made regarding this matter for approval of this application.

- **EPC Environmental Services**

EPC Environmental provided a May 24, 2022, memorandum stating it has no comments.

The memo references the regulatory jurisdiction of the EPC Environmental Division.

Mayberry understands no additional submittal materials are required regarding these matters for approval of this application.

The documents referenced within the above response letter have been uploaded to EDARP for final review and approval. Once approved, documents will be signed and sealed, as necessary, for final permit and recording, where applicable.

Please feel free to contact our office directly should you have any questions or require additional information.

Respectfully,

A handwritten signature in black ink, appearing to read 'D. Scott Souders', written over a horizontal line.

D. Scott Souders, PE
Director of Development
Mayberry Communities
Cell: (719) 922-2181