

Responses to Comments

- **El Paso County Parks & Community Services:**
 - We have reviewed the submittal and have no comments at this time.
Noted
 - The Park Advisory Board recommends that the Planning Commission and the Board of County Commissioners include the following conditions when considering and/or approving Ivilo Final Plat: (1) require fees in lieu of land dedication for regional park purposes in the amount of \$1,010; (2) request that the landowner provide a 25-foot public trail easement along the north side of the proposed subdivision along Vessey Road to allow for the construction and maintenance by El Paso County of a the Palmer Divide Regional Trail, and this easement shall be shown and dedicated to El Paso County on the Final Plat.
Park Fee of \$1,010.00 has been added to the Final Plat and the 25' trail easement is shown on the plat.
- **El Paso County Sheriff's Department:**
 - No concerns from EPSO.
Noted
- **Colorado Division of Water Resources:**
 - Based upon the above and pursuant to Section 30-+28-136(1)(h)(I), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights, provided well permit no. 87817 is re-permitted to operate pursuant to the augmentation plan in case no. 2022CW3087.
Noted
- **Colorado Department of Transportation:**
 - We are in receipt of the above-referenced development submittal. After review of the provided documents, CDOT Staff currently has NO COMMENT pertaining to this submittal.
Noted
- **911 Authority:**
 - No action for E911 on this submittal.
Noted
- **Academy SD 20 Building Fund:**
 - The District is requesting fees in lieu of land dedication per the existing County Code for all residential units within this development.
School fee has been added to the Final Plat.
- **Black Forest Fire Protection District:**
 - BFFRPD notes that a PE wrote the fire protection report. While the narrative states they will comply with County Codes and Criteria, the report does not state how they intend to conform with any specificity. The report does not make any mention of specifications of access/egress other than a "shared driveway." Additionally, the report states "adequate water exists at the site to fight fires" yet gives no specificity as to how they determined that conclusion. Considering there

are no known cisterns and there is not a municipal water system, we are uncertain how that determination was made. The County is the Authority Having Jurisdiction (AHJ) that will determine the requirements for cistern and specifications for access/egress.

Fire Protection Report has been revised.

- The applicant states that “No mention of fire cisterns or dry hydrants being required in the commitment letter from the District.” This is not the purpose of the fire commitment letter and has zero bearing on the county requirements to meet the county code. Additionally, the reference to the 2015 IFC may not be warranted as this does not appear to be a commercial development/project and therefore the IBC and LDC are likely the codes needing to be adhered to. El Paso County Planning & Community Development will make that determination.

Fire fighting water supply demands and cistern sizing are dependent upon occupancy hazard, type of construction, structure dimensions, and exposures. Since the developer is not building the houses, this required information is unknown at this time. It is also unknown whether there will need to be a separate cistern for each lot or one that can be shared between the two lots. The locations of the future homes within the lots are also unknown, so placing the cistern to meet all distance requirements isn't possible at this time. Thus, it is the future homeowner(s) responsibility to determine the cistern requirements, location, etc. at time of building permit application. Once this information is determined by the future homeowner(s), the cistern can be located on the site and an easement for the cistern can be dedicated via separate instrument.

- **Mountain View Electric Association:**

- MVEA requests a ten (10) foot front, side, and rear lot utility easements and all tracts, along with a twenty (20) foot exterior utility easement on the plat. MVEA also requests the platting of MVEA’s existing facilities with easements on the plat. Additional easements may be required.

The necessary easements are shown on the plat.

- MVEA has existing facilities near and within this parcel of land. If there is any damage, removal, or relocation of facilities it will be at the expense of the applicant.

Noted.

- **PCD Administrative Notice:**

- PCD mailed “Notice of Application” letters to surrounding property owners within a 500-foot range (18 addresses) on 2/14/2024. Copies of the notice, selected range, and mailing labels were uploaded to the EDARP file. The cost of postage was \$11.52 – to be billed to the applicant.

Noted.

- **EPC Stormwater Review:**

- Review 1: EPC DPW Stormwater comments have been provided (in orange text boxes) on the following uploaded documents: PBMP Applicability Form
 - SF245 - **Added**
 - No - **Added**
 - Once revisions on Page 1 have been made, you can sign here when you resubmit - **Added**

- **County Attorney – Development Review:**
 - Please change all red text in Access Maintenance Agreement to black.
Text color has been changed from red to black.
- **Colorado Geological Survey:**
 - The site (39.0377°, -104.7119°) does not contain any geologic hazards or unusual geotechnical constraints that would preclude the proposed 2-lot residential subdivision. CGS, therefore, has no objection to approval. The available referral documents include a Soil and Geology Study (RMG, Job No. 191208, December 5, 2022). RMG states (p. 16), “Geologic conditions...found to be present at this site include expansive soils, seasonal surface water and potentially uncontrolled fill.” CGS agrees with RMG’s recommendation that “lot-specific Subsurface Soil Investigation be performed for the proposed future structures.” Once building locations have been identified and prior to building permit application, lot-specific geotechnical investigation consisting of drilling, sampling, lab testing, and analysis will be needed to characterize soil and bedrock engineering properties such as density, strength, water content, and swell/consolidation potential; determine depth and expected seasonal fluctuations of groundwater, depth to bedrock and; verify the feasibility of below-grade (basement) construction, if planned; and provide earthwork, foundation, floor system, surface and subsurface drainage, and pavement recommendations for design.
Noted.
- **Pikes Peak Regional Building Department:**
 - Lot 1 can retain the existing address of 6225 Vessey Road. There were wrecking permits issued in 2022 for the house and the garage, so the address can be used again. The address for Lot 2 is 6265 Vessey Road. Add these addresses to the final plat as close to the street they are address from.
Addresses have been added to the plat.
 - Enumerations will review the pre-plat (mylar) prior to plat for address placement, street names, and title block.
Noted.
 - A \$10.00 per lot and tract platting fee will be due at the time of the review of the pre-plat, (two addresses per lot and tract). If an address is not needed on a tract then no fee applies. Check should be made out to PIKES PEAK REGIONAL BUILDING DEPARTMENT or PPRBD. Paid directly to the Enumerations Department. As of December 5th 2023, the fee for all credit/debit cards has changed from the flat 2.95% fee to the following: Over the phone Credit/Debit Card payments will be 2.3% and In-Person Debit Card payments will be 1.5% (in-person only). The plat fee will be \$10.00 for the new address for Lot 2.
Noted.
 - A copy of the final recorded plat is required prior to plan submittal for RESIDENTIAL. Please email the Enumerations staff member that reviewed your project. BeckyA@pprbd.org
Noted.
 - Pre-plat reviews need to be reviewed in-person. The pre-plat will be stamped by Enumerations for accuracy and returned to the applicant and the planner. All payments to be mailed to RBD via a check or credit card payment over the phone.

Plats should not be recorded prior to Enumerations stamping the pre-plat and receiving payment of plat fees. If any pre-plat changes occur, even if changes do not apply to Enumerations, we still need to re-stamp the pre-plat. The Enumerations stamped pre-plat copy should match the recorded document minus a few signatures. If you would like an in-person review, please make an appointment on our website, <https://www.pprbd.org/Home/BookAppt>

Noted.

- **County Attorney – Water:**

- Based on the water demand of 1.32 acre-feet/year for Ivilo Heights Subdivision and the Decree’s allowable amount of up to 1.32 acre-feet per year, the County Attorney’s Office recommends a finding of sufficient water quantity and dependability for Ivilo Heights Subdivision.

Noted

- Applicant and its successors and assigns shall comply with all requirements of the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree in Division 1 Case No. 2022CW3087.

Noted. Applicable notes are shown on final plat and also referenced in Water Resources Report.

- The County prefers that when there is an augmentation plan, Applicant create a homeowners’ association (HOA) for the purpose of enforcing covenants and assessing any necessary fees related to compliance with the water decrees and augmentation plans for the property. For minor subdivisions such as this, however, Applicant may elect to solely rely on the covenant provisions required below and forego creation of an HOA.

Noted. Water covenants have been prepared, submitted with the minor subdivision application, and will be recorded with the County.

- Applicant shall create restrictive covenants upon and running with the property which shall advise and obligate future lot owners of this subdivision, their successors and assigns, and the HOA regarding all applicable requirements of the Findings of Facts, Conclusions of Law, Ruling of the Referee and Judgment and Decree in Division 1 Case No. 2022CW3087.

Noted. Water covenants have been prepared, submitted with the minor subdivision application, and will be recorded with the County. Water covenants address all items required to be included in the covenants.

- Applicant and its successors and assigns shall reserve in any deeds of the property Dawson aquifer water in the decreed amount of 198 acre-feet (0.66 acre-feet per year) per lot, as well as 85.5 acre-feet of Laramie-Fox Hills aquifer water and 117.5 acre-feet of Arapahoe aquifer water. Said reservation shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for primary and replacement supply.

Noted

- Applicant and its successors and assigns shall convey by recorded warranty deed these reserved Dawson aquifer water rights at the time of lot sales. Specifically, Applicant and future lot owners shall convey sufficient water rights in the Dawson aquifer underlying the respective lots to satisfy El Paso County’s 300-year water supply requirement.

Noted

- Applicant shall convey by recorded warranty deed the reserved 85.5 acre-feet of Laramie-Fox Hills and 117.5 acre-feet of Arapahoe aquifer water rights for use in the augmentation plan to replace post-pumping depletions. Applicant shall recite in the deed that this water shall be used exclusively for augmentation supply and shall not be sold, conveyed, traded, bartered, assigned, or encumbered in whole or in part for any other purpose.

Noted

- Applicant and its successors and assigns shall submit a Declaration of Covenants, Conditions, and Restrictions, form deeds, and any plat notes required herein to the Planning and Community Development Department and the County Attorney's Office for review, and the same shall approved by the Planning and Community Development Department and County Attorney's Office prior to recording the final plat. Said Declaration shall cross-reference Finding of Fact, Conclusions of Law, Ruling of Referee and Decree in Division 1 Case No. 2022CW3087 and shall identify the obligations of the individual lot owners thereunder.

Final plat, augmentation plan, water resources report, and water covenants have all been previously submitted to the County for review as part of this application.

- Applicant and its successors and assigns shall record all applicable documents, including but not limited to agreements, assignments, warranty deeds regarding the water rights, and Declaration of Covenants in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

Noted

- The following plat note shall be added that addresses the State Engineer's admonition to advise landowners of potential limited water supplies in the Denver Basin.

Note is included on final plat.

- Prior to recording the final plat, Applicant shall provide proof that the well operating under permit no. 87817 has been re-permitted.

Existing well has been re-permitted, see new well permit provided with this resubmittal.

- **Drainage Report Comments:**

- SF245

Added

- Delete City

Deleted

- Please include vegetation information within the site.

Information has been added.

- This section is repeated in the proposed condition. Please remove.

Removed

- Please revise to be proposed design DP1 to match the proposed drainage map. This comment is applied to all Drainage Area.

Revised

- The proposed runoff flow for DP2 is twice the existing amount. Please discuss whether this increase will impact downstream.

Runoff calculations have been revised and downstream effects have been addressed.

- The proposed runoff flow of DP4 is double the existing amount. Please discuss whether this increase will impact downstream.

Runoff calculations have been revised and downstream effects have been addressed.

- Please revise the 2024 drainage and bridge fees.

Done

- Please revise it to be \$13,410/acre.

Done

- Discuss and analyze the impacts to the downstream as flows have increased from existing conditions. Indicate if improvements are needed due to the developed flows. A suitable outfall is needed (ECM 3.2.4).

Runoff calculations have been revised and downstream effects have been addressed.

- Please label proposed driveway

Done

- Please show and label existing and proposed contours in the legend.

Done

- **Final Plat Comments:**

- Per BFFD a cistern is required and per the LDC a cistern easement is required, please show the cistern easement.

Fire fighting water supply demands and cistern sizing are dependent upon occupancy hazard, type of construction, structure dimensions, and exposures. Since the developer is not building the houses, this required information is unknown at this time. It is also unknown whether there will need to be a separate cistern for each lot or one that can be shared between the two lots. The locations of the future homes within the lots are also unknown, so placing the cistern to meet all distance requirements isn't possible at this time. Thus, it is the future homeowner(s) responsibility to determine the cistern requirements, location, etc. at time of building permit application. Once this information is determined by the future homeowner(s), the cistern can be located on the site and an easement for the cistern can be dedicated via separate instrument.

- Please provide a note indicating the ROW dedication to El Paso County for Vessey Road.

Note added

- As indicated in the early assistance meeting, Vessey Road is a collector per the MTCP with an 80' ROW. Request that additional 10' of ROW be provided so that there is a total of 40' from the centerline.

Additional ROW has been added to the plat

- Any parcels or lots that are not a part of the subdivision, please include "not a part of the subdivision"

Note added

- The address of each lot as provided by pikes peak regional building dept.

- Lot 1 6225 Vessey Road
- Lot 2 is 6265 Vessey Road

Addresses added

- Include: Due to wildfire concerns, homeowners are encouraged to incorporate wildfire fuel break provisions as recommended by the Colorado State Forest Service and illustrated through publications available through the State Forest Service.

Note added

- Mailboxes: Mailboxes shall be installed in accordance with all El Paso County and United States Postal Service regulations.

This is note number 17 that was included on the previous plat submission

- Please include this note and site that pgs 10-19 from geo report from sf245 should be taken into account and read: Include geo hazard note: “Geologic conditions...found to be present at this site include expansive soils, seasonal surface water and potentially uncontrolled fill.” CGS agrees with RMG’s recommendation that “lot-specific Subsurface Soil Investigation be performed for the proposed future structures.” Once building locations have been identified and prior to building permit application, lot-specific geotechnical investigation consisting of drilling, sampling, lab testing, and analysis will be needed to characterize soil and bedrock engineering properties such as density, strength, water content, and swell/consolidation potential; determine depth and expected seasonal fluctuations of groundwater, depth to bedrock and; verify the feasibility of below-grade (basement) construction, if planned; and provide earthwork, foundation, floor system, surface and subsurface drainage, and pavement recommendations for design.

Note added

- Please add the following note: El Paso County does not own and is not responsible for the underdrains or groundwater discharge systems installed and assumes no liability for water rights administration. Maintenance and water rights are the responsibility of the individual lot owners.

Note added

- Please include the wildland fire & hazard mitigation plan.

Text added

- The county attorney has requested covenants be made for the water: When the Property is Subject to Existing or Proposed Covenants: All property within this subdivision is subject to a Declaration of Covenants as recorded at Reception No. _____, of the records of the El Paso County Clerk and Recorder.

Note added

- Include: Water withdrawal and wells are subject to limitations, restrictions and augmentation requirements and responsibilities as found within the Covenants for this subdivision recorded in Reception No. _____, of the Office of the El Paso County Clerk and Recorder and the terms of the water court approved water augmentation plan.

Note added

- Note 25 and 26 can be removed and replaced with: Gas and Electric: The subdivider/developer is responsible for extending utilities to each lot, tract or building site. Gas and electric service for this subdivision is provided by _____ (Provider name(s)) subject to the District’s (Providers) rules,

regulations and specifications. (Combined note, which can be broken into separate notes for gas or electric in the case of different providers)

Note updated.

- SF245

Note added

- **Fire Protection Report Comments:**

- Please include information regarding emergency access roads and gates if there are any.

Information has been added to the fire protection report.

- **Letter of Intent:**

- Please include: A discussion detailing the provision of utilities, including any proposed phasing. State if the subdivision will or will not include deferred sidewalks.

This information has been added to the letter of intent.

- **Title Commitment Comment:**

- Please provide and up to date title commitment

Current Title Commitment has been provided.

- **Colorado Parks & Wildlife:**

- Colorado Parks and Wildlife (CPW) has reviewed the plans for the Ivilo Heights Final Plat in El Paso County. Colorado Parks and Wildlife (CPW) is familiar with the site and has commented on the overall Sterling Ranch project area in the past, and CPW would defer to those previous comments. Based both on the location and type of action that has been taken CPW anticipates that the impacts to the wildlife resource from this project would be negligible.

Noted

- **El Paso County Health Department:**

- The bacteriological sample showed the presence of total coliform, but was negative for Ecoli. EPCPH recommends the well on each of the two lots be chlorinated and re-tested prior to occupancy. This procedure will clear bacteriological issues. Contact EPCPH for chlorination procedure information.

Noted.

- The secondary drinking water standard for aluminum was exceeded. Secondary drinking water standards are non-enforceable standards. Under-the-counter reverse osmosis (RO) treatment systems are available and will considerably lower the aluminum concentration in drinking water by up to 95%. EPCPH advises installation but cannot require installation.

Noted.

- The existing abandoned OWTS installed in 1975 on proposed lot 1 cannot be re-used and must be properly removed per the EPCPH OWTS Regulations.

Noted.

- **El Paso County Conservation District:**

- Ground Disturbance: If the ground is disturbed, it should be mulched or revegetated within 45 days of disturbance. It is generally important that some type of native grass should be planted for the protection of natural resources, erosion control, native vegetation preservation, sedimentation prevention, habitat protection, stormwater management, and soil health. Please make sure the

“native” grasses and plants already in place are in fact native to the area. The EPCCD store inventory generally includes both our Shotgun Native Grass Seed Mix as well as the El Paso Low Grow Grass Seed Mix; these are our recommendations should grass seed need to be implemented.

Information passed along to developer.