

LETTER OF INTENT

EAGLE FOREST PUD/PRELIMINARY PLAT (PUDSP)

January 2021

Revised May 2021

**Owner and Developer:
Eagle Forest Development, LLC**

Consultant:



I. LOCATION

The 44.2 acre property is located in Black Forest on Shoup Road approximately 1/2 mile east of the commercial center of Black Forest at the intersection of Black Forest Road and Shoup Road, as shown in the aerial photo below. The Parcel Number is 5208000071.



II. REQUEST

The Eagle Forest PUD (EFPUD) is a 9 lot residential subdivision with a large open space tract that has been through various El Paso County (EPC) approval processes beginning in 2005. The site is zoned PUD as a result of the approval of the 2005-2007 PUD application. The applicant, Eagle Forest Development, LLC is requesting a PUDSP (PUD + Preliminary Plan) followed by an Administrative Final Plat.

III. PROJECT DESCRIPTION

A. Project History

EFPUD has been through two separate review/approval processes in EPC beginning in 2005. PUD approvals were initially obtained in 2007-2008 by a different applicant. Initial development of EFPUD in 2007 was halted due to financial issues related to the recession. An Amended PUD Development Plan (for a relocated main road entrance off Shoup Road), Final Plat and Construction Drawings were approved in 2013 but the subsequent attempt at development was ceased due the Black Forest Fire, which burned almost all the trees on what was a densely forested site. The result is that despite this extensive history of submittals and approval processes, all approvals have lapsed, and the project is required to start over in the EPC review process.

Below is a table summarizing the submittals and outcomes of these processes:

| Applicant | Plan or Document | Year Submitted | Approved? | Approval Date | Recorded? Date? | Comment |
|--------------------------|--|----------------|-----------|---------------|--------------------|--|
| Ed Edwards | PUD Development Plan | 2005 | Yes | Nov 2007 | Yes Nov 3, 2008 | PUD Plans replaced by 2013 plans |
| Ed Edwards | Rezone to PUD | 2005 | Yes | Oct 25 2007 | Yes Dec 20 2007 | Rezoning still in effect. |
| Ed Edwards | Preliminary Plan | 2005 | Yes | Oct 25 2007 | Yes Dec 20 2007 | Prel Plan (2 plan sheets) replaced with amendment in 2013 |
| Ed Edwards | PUD Design Guidelines and Restrictions | 2005 | Yes | Nov 2007 | Yes Oct 2008 | Updated with this submittal |
| Ed Edwards | Approval Letter | | | Nov 7 2007 | | |
| Eagle Forest Development | Amended PUD Dev Plan | 2102 | Yes | March 2013 | No | The PUD Dev Plan was amended to move the main access road 60' to the west. |
| Eagle Forest Development | Approval Letter from EPC | | | | | March 14, 2013 |
| Eagle Forest Development | Final Plat | 2012 | Yes | May 28 2013 | No | BOCC approved Resolution May 28, 2013 approving the Final Plat. FP never recorded. |
| Eagle Forest Development | Construction Drawings | | Yes | | No | April 2013 from JPS Engineering. |

The applicant, Eagle Forest Development, LLC is requesting a PUDSP (PUD + Preliminary Plan) followed by an Administrative Final Plat.



B. Site Description

The site is divided by Burgess Creek, which is an ephemeral creek running east/west in the center of the property. The creek is dry most of the year and generally only runs during storm events. There is no 100 year floodplain on the site. Because Burgess Creek is ephemeral, there are no associated jurisdictional wetlands. South of the creek is gently sloping terrain. North of the creek are steeper slopes (up to 25%) with a prominent ridge at the top of the slope. The site is relatively flat on the north portion, above the ridge.

The Black Forest Fire of 2013 burned the entire site except for the southernmost, lower portion of the site adjacent to Shoup Road. Trees that were burned were removed and the result is the ponderosa pine forest has been replaced with post-fire grasses and forbs, except for the most southerly area within Lot 1 that did not burn. There is a residence located on Lot 1 that was built in 2012 so only 8 new homes will be constructed on the site. Below are 1) a current aerial photo of the site; and 2) a photo of the site looking north from just south of Burgess Creek, north of Lot 1.





Wildlife and Vegetation

Tetra Tech performed Preble’s Mouse Assessments on the site in 2005 and 2013. Their November 2013 Habitat Assessment report found:

“...there is no suitable habitat on the site or upstream of the site. The property does not contain suitable habitat for Preble’s for the following reasons:

- Creek is dry most of the time;
- Vegetation lacks structural diversity;
- Vegetation does not offer significant cover;
- Most of the vegetation is upland in nature; and
- Narrow riparian area with steep slopes.”

Additionally, according to this same Tetra Tech report, the US Fish and Wildlife Service “previously determined on 11 May 2005 that a very similar proposed project on the same property would not have direct adverse effect on Preble’s.”

There are no known impacts to other wildlife species as a result of the proposed project.

Soils and Geology

A Preliminary Geology and Surface Soils Evaluation was completed by John Himmelreich & Associates for the project in 2005. Also, in 2005, Front Range Geotechnical, Inc. produced a Performance Report/Sewage Disposal Evaluation. These reports were reviewed in June 2020 by Cornell Engineering. Cornell Engineering found that these reports remain valid and meet the requirements of the current LDC. Additionally, the 2005 reports were reviewed by EPC staff as components of the 2005 submittal and were accepted. The Colorado Geological Survey (CGS) has also reviewed the Preliminary Geology and Surface Soils Evaluation twice: once in 2005 and again in October 2020. The applicant agrees to abide by CGS’s four suggestions found in their October 1, 2020 review comments and will incorporate them into the plat as directed by EPC staff. Plat notes have been added regarding these reports.

Additionally, the applicant requests the application of LCS Section 8.4.9 (A)(2) for situations “Where a

geology and soils report has been completed and reviewed at an earlier stage of the subdivision review process, a new report may not be required if in the determination of the PCD Director the existing report provides the level of site-specific detail necessary to review the subdivision application, and the recommendations of the report and CGS have been followed in the preparation of the preliminary plan .”

C. Site Plan

Lot Layout/Access/Open Space

EFPUD will have 9 lots sized between 3.1 and 5 acres accessed from Eagle Forest Drive (EFD), a proposed public road dedicated to EPC. Each lot has a building envelope. EFD intersects with Shoup Road on the southern boundary of EFPUD, crosses Burgess Creek and ascends the slope on the eastern portion of the property to access the upper plateau.

Consolidation of accesses onto Shoup Road is proposed. Two existing driveways to residences intersecting with Shoup Road will be eliminated: one for Lot 1 EFPUD and one to the west of proposed EFD. As requested by County Parks Department, an additional 20 feet of Right of Way will be dedicated to EPC along Shoup Road as well as a 25 foot wide trail easement.

EFPUD’s site plan clusters most lots in the least environmentally sensitive area. Lots 3 through 9 are located on the upper plateau on an open meadow (formerly a forested area burned in the 2013 Black Forest Fire). These lots are double loaded off Eagle Forest Drive. Lot 2 is located to the east of Eagle Forest Drive on a mild slope as the road climbs to the upper plateau. A No-Build Area south of the Building Envelope on Lot 2 is open space for Burgess Creek. Lot 1 is located west of the subdivision entry in the only treed area of the site.

The clustering design of the lot and building envelope layout allows for the preservation of extensive areas of open space and protects the natural features including Burgess Creek and adjacent banks.

Eagle Forest Drive meets EPC standards with the exception of the curve radius on the upper curve for which a deviation was approved in 2013. A request for deviation is being made with this application for the length of the cul-de-sac.

A detention pond will be located on Lot 5 in the northwest corner of the property and will drain to the west. An in-ground cistern and 30’ x 10’ road pull-off for Black Forest Fire/Rescue Protection District (BFFRPD) use will be located on the northwest side of EFD along with a cluster mailbox facility for residents. BFFRPD recently requested an additional turnout on the upper portion of the road. The applicant has agreed to the additional, second turnout which will be added to the project plans on the Final Plat (BFFRPD has agreed to this provision).

EFPUD will feature a 5.4 acre (12% of the PUD) Open Space Tract A that includes Burgess Creek and its adjacent banks. Burgess Creek will also go through the southern portion of Lot 2, outside the building envelope in a No-Build Area. No structures will be allowed to be constructed outside the Building Envelopes, representing an additional 17.4 of open space for a total of 22.8 acres open space (52% of the total area of the PUD).

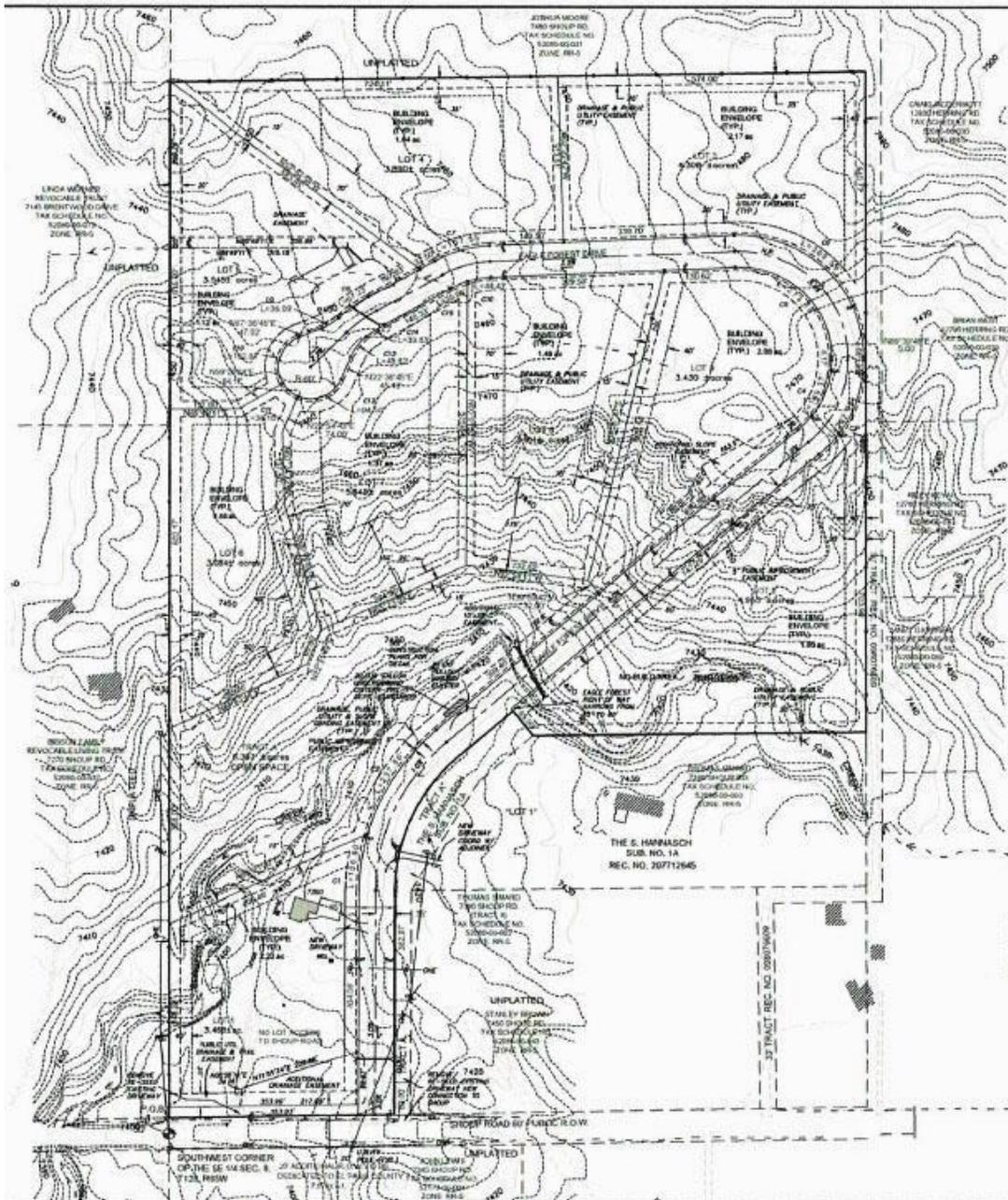
The open space tract will be preserved as private open space for the use of EFPUD residents, guests and invitees. Accessory uses will include a fire protection cistern, emergency vehicle pull-off and a cluster



mailbox area. Ownership will be transferred by deed of trust to the Homeowners Association (HOA) at time of final plat recordation. Maintenance will be the responsibility of the HOA. Access will be limited to emergency and maintenance vehicles.



The proposed PUD/SP Development Plan is shown below:



Utilities

Water will be supplied by individual on-lot wells. There are two existing wells on site. The development will create a demand of approximately 9.9 acre feet annually. The State Engineer's Office wrote a letter in November 2012 stating: "...based upon the conditions that "well permits are obtained pursuant to the decree granted in" the applicable water court cases "and the terms and conditions of the well permits and said decree are followed, the proposed water supply can be provided without causing injury to decreed water rights and is expected to be physically adequate." The well permits referred to have been obtained.

Additionally, the original 2007 PUD approval from EPC found that the water supply was adequate.

Wastewater will be handled by individual on-lot septic systems. A Sewage Disposal Evaluation Report by Front Range Geotechnical, Inc. in January 2005 found as follows: “We believe all the lots within the proposed development are suitable for installation of some type of on-site wastewater disposal system utilizing soil absorption. The groundwater augmentation plan for the development requires that non-evaporative type wastewater disposal systems be used.” It is likely that most if not all lots will require an engineered OWTS system. The 2005 report has been reviewed by Cornell Engineering and found to still be valid.

Natural gas service will be supplied by Black Hills Energy while Mountain Valley Electric Association will provide electric service. Both utilities have written commitment letters.

Drainage

As noted above, Burgess Creek, an ephemeral, mostly dry creek bed, runs east/west through the site. As described in the updated Eagle Forest Preliminary Drainage Report, “*Developed drainage within the site will be conveyed through paved streets with roadside ditches and culverts, as well as grass-lined channels through open space areas following historic drainage patterns through the site. Developed runoff from Eagle Forest Subdivision will flow in a southwesterly direction, feeding into the existing main channel of Burgess Creek. Impacts of developed flows from the proposed subdivision will be mitigated through an onsite stormwater detention pond near the northwest corner of the parcel.*”

IV. DEVELOPMENT GUIDELINES

EFPUD Development Guidelines, Standards and Dimensional Standards can be found on the Cover Sheet of the *Preliminary/PUD Development Plan* that has been submitted to EPC.

V. PROJECT JUSTIFICATION

A. PUD Development Plan

Criteria for approval as found in the EPC Land Development Code is found in bold font with the applicant’s responses in regular (non-bold) font.

The proposed PUD Development Plan is consistent with the approval criteria set forth in Section 4.2.6.D of the LDC as follows:

1. The application is in general conformity with the Master Plan;

The site lies within The Timbered Area Sub-Area of the Black Forest Preservation Plan Update (1987). As described above in this LOI, EFPUD complies with the intent and description of The Timbered Area and the 1987 Black Forest Preservation Plan. EFPUD is consistent with the following goals and policies of The Timbered Area found in the Black Forest Preservation Plan:



- *“Uses in this unit will be limited to low density residential or open space with the exception of the "community center" at the intersection of Shoup and Black Forest Roads and the commercial node at the intersection of Burgess and Black Forest Roads.”*
- *“Individual well and septic systems will be utilized.”*
- *“Large lot modified cluster (as described in the Overall Density Section of Chapter II),should be encouraged to preserve open space, especially where it can be used to protect the meadows and ponds.”*

EFPUD also complies with the intent and description of the following from the Goals, Policies and Proposed Actions Section of the Black Forest Preservation Plan:

- *“As defined previously in this section large lot cluster developments are those which may be served by individual well and septic systems. Minimum lot size is ordinarily 2+ acres as dictated by state and local regulations.”*
- **Discussing characteristics of Large Lot Cluster Developments:**
“A planned unit development, an overall density zoning overlay or an open space zone could be employed to provide more assurance of perpetual open space.”
- **“Goal Statements:**
 - *1.A - Preserve and enhance the sensitive natural environment and unique community character of the Black Forest Planning Area.*
 - *3.A Promote a residential environment which perpetuates the rural-residential character of the Black Forest Planning Area.”*
- **“Policies:**
 - *1.5 - Preserve open space as a means of retaining natural features and the separate identity of the Black Forest Planning Area.*
 - *3.3 Promote modified clustering in large lot rural residential subdivisions (those with individual well and septic systems) if it can be demonstrated that open space will be protected and maintained and that a precedent for higher density future development will not be set (refer to discussion in Land Use Scenario).”*

EFPUD is also consistent with the County Policy Plan and specifically the policies below.

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.

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.

Policy 6.1.13: Encourage the use of carefully planned and implemented clustering concepts in order to promote efficient land use, conservation of open space and reduction of infrastructure costs.

Policy 6.1.14: Support development which complements the unique environmental conditions and established land use character of each sub-area of the County.



2. The proposed development is in compliance with the requirements of this Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County;

EFPUD complies with the requirements of the Land Development Code (LDC), other than the following:

- a. A Deviation approved in 2007 for road curve radius of 200' instead of 300' and deletion of 5' public improvement easement along limited segments of one side of the road.
- b. A Deviation requested with this submittal for length of cul-de-sac of 2,542' instead of 1,600'.

The proposed project will not be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County.

3. The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment; and will not have a negative impact upon the existing and future development of the surrounding area;

As previously determined by EPC, the site and general location are suitable for single family larger lot development. EFPUD fits in well with the neighborhood. The entire surrounding area is zoned RR-5, with a variety of lot sizes from 1.8 acres to 40 acres. Most of the adjacent lots between 4.5 and 10 acres. With the inclusion of the open space, EFPUD lot sizes average almost 5 acres. This is the same density approved by EPC in the 2013 Amended PUD Development Plan.

Designated building envelopes provide additional open space within lots adding to the 5.4 acre open space tract. With the inclusion of the area outside building envelopes and the open space tract EFPUD's open space totals 22.8 acres representing 52% of the PUD. The clustering design of the lot and building envelope layout which locates 7 of the 9 lots in the upper plateau area (least environmentally sensitive area) allows for the preservation of extensive areas of open space including meadow areas, Burgess Creek and forested areas near the entryway.

EFPUD is in harmony with natural environment. There are no significant geologic or soils hazards, no sensitive wildlife habitat and Burgess Creek will be protected by a large open space. EFPUD land use and design are consistent with the neighborhood, the Black Forest Preservation Plan and the Timbered Area Sub-area and will not have a negative impact upon the existing and future development of the surrounding area.

4. The proposed development provides adequate consideration for any potentially detrimental use to use relationships (e.g. commercial use adjacent to single family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site which may include innovative treatments of use to use relationships;

As stated above, the site layout and lot sizes avoid any "potentially detrimental use to use relationships". EFPUD's land use and density are similar to those of adjacent properties, avoiding the need for transitioning or buffering.

5. The allowed uses, bulk requirements and required landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community;

EFPUD's Development Guidelines, Standards and Dimensional Standards are similar to those of the RR-5



Zone District. The entire surrounding area is zoned RR-5, making it compatible with the type of development in the surrounding neighborhood.

6. Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;

The unique feature of the site is Burgess Creek which has been incorporated into the design through a large open space tract and an open space located on Lot 2.

7. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide a reasonable walking and biking opportunities;

EFPUD residents and guests will have access to the open space tract for hiking and other passive outdoor recreation opportunities. As requested by County Parks Department, a trail easement of 25' will be dedicated to EPC along Shoup Road.

8. The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g. fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed;

All necessary utility and fire protection commitments have been obtained. The updated Traffic Impact Study demonstrates that the development is well within the capacity of existing roads. Water and wastewater reports indicate sufficient water supply and adequate soils for OWTS's.

9. The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy efficient site design;

The site is not part of an interconnected open space system. See above responses addressing conservation of environmental features and harmonious design. The use of solar panels will be allowed with the approval of the EFHOA.

10. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner;

There are no mineral rights owners on this property.

11. Any proposed exception or deviation from the requirements of the zoning resolution or the subdivision regulations is warranted by virtue of the design and amenities incorporated in the development plan and development guide; and

There is one Deviation request with EFPUD for the length of the cul-de-sac. There will be no negative impacts resulting from the proposed road and cul-de-sac length. This same road design and cul-de-sac length has been approved by EPC twice. It is believed that the regulations for cul-de-sac length have been revised since the 2013 PUD Amendment approval. The Black Forest Fire/Rescue Protection District has reviewed and approved the road design and cul-de-sac length.

12. The owner has authorized the application.

Eagle Forest Development, LLC is both the owner and applicant for EFPUD – an authorized representative



of Eagle Forest Development, LLC has signed the application.

B. Preliminary Plan

It should be noted that a Preliminary Plan for essentially the same subdivision was approved by EPD in October 2007. In addition, a Final Plat and Construction Drawings with the same site plan as currently proposed (except that the cistern, fire department pull-off and mailbox cluster have now been added) were approved in April/May 2013.

The Preliminary Plan is consistent with the approval criteria set forth in Section 7.2.1.D.2.e of the LDC as follows:

1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;

See response under PUD Justification 1 above.

2. The subdivision is consistent with the purposes of this Code;

See response under PUD Justification 2 above.

3. The subdivision is in conformance with the subdivision design standards and any approved sketch plan;

The subdivision design standards are met. The site layout has been reviewed and approved by the Black Forest Fire/Rescue Protection District for safety. A cistern and pull-off were added to the plan due to a request from the Black Forest Fire/Rescue Protection District.

4. 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 [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;

A sufficient water supply exists for the development. Water will be supplied by individual on-lot wells. There are two existing wells on site. The development will create a demand of approximately 9.9 acre feet annually. The State Engineer's Office wrote a letter in November 2012 stating: "...based upon the conditions that "well permits are obtained pursuant to the decree granted in" the applicable water court cases "and the terms and conditions of the well permits and said decree are followed, the proposed water supply can be provided without causing injury to decreed water rights and is expected to be physically adequate." The well permits referred to have been obtained. Additionally, the original 2007 PUD approval from EPC found that the water supply was adequate.

5. 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, [C.R.S. §30-28-133(6) (b)] and the requirements of Chapter 8 of this Code;

Wastewater will be handled by individual on-lot septic systems. A Sewage Disposal Evaluation Report by Front Range Geotechnical, Inc. in January 2005 found as follows: "We believe all the lots within the proposed development are suitable for installation of some type of on-site wastewater disposal system utilizing soil absorption. The groundwater augmentation plan for the development requires that non-evaporative type wastewater disposal systems be used." It is likely that most if not all lots will require an engineered OWTS system. The 2005 report has been reviewed by Cornell Engineering and found to still be valid.



6. 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. [C.R.S. §30-28-133(6)(c)];

A Preliminary Geology and Surface Soils Evaluation was completed by John Himmelreich & Associates for the project in 2005. Also, in 2005, Front Range Geotechnical, Inc. produced a Performance Report/Sewage Disposal Evaluation. These reports were reviewed in June 2020 by Cornell Engineering. Cornell Engineering found that these reports remain valid and meet the requirements of the current LDC. Additionally, the 2005 reports were reviewed by EPC staff as components of the 2005 submittal and were accepted.

7. Adequate drainage improvements complying with State law [C.R.S. §30-28- 133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;

Drainage is addressed in the Preliminary Drainage Report prepared by JPS Engineering. “Developed drainage within the site will be conveyed through paved streets with roadside ditches and culverts, as well as grass-lined channels through open space areas following historic drainage patterns through the site. Developed runoff from Eagle Forest Subdivision will flow in a southwesterly direction, feeding into the existing main channel of Burgess Creek. Impacts of developed flows from the proposed subdivision will be mitigated through an onsite stormwater detention pond near the northwest corner of the parcel.”

8. 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;

All lots and Tract A will have legal and physical access from EFD, a public road owned and maintained by EPC. EFD meets EPC standards with the exception of the curve radius on the upper curve for which a deviation for the was approved in 2013. Also, the length of the cul-de-sac exceeds the ECM standard - a request for deviation for this is being made with this application.

9. The proposed subdivision has established an 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;

The clustering design of the site and building envelope layout which locates 7 of the 9 lots in the upper plateau area (least environmentally sensitive area) allows for the preservation of extensive areas of open space including meadow areas, Burgess Creek and forested areas near the entryway.

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;

EFPUD’s site plan is consistent with all applicable County and Sub-area plans. Please see Section V (1) above. The low density land use results in minimal additional traffic to Shoup Road and nearby roads. The 25’ trail easement along Shoup Road, as requested by County Parks Department, allows for future bike and pedestrian traffic. EFPUD is essentially an infill development so services will be provided cost effectively as they are existing in the surrounding area.

3. incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses;



The adjacent land uses are similar to the ones proposed within EFPUD – single family residential, eliminating the need for large buffers or transitional areas. Nevertheless, EFPUD’s site design incorporates large areas outside Building Envelopes (essentially open space) on the perimeter of the site, providing buffers to adjacent parcels. Please note that where the road is in close proximity to the adjacent property to the east there is still a 23’ buffer from the edge of pavement to the adjacent property boundary.

4. incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and

The Burgess Creek corridor is the only environmentally sensitive area on the site, and it is protected by the provision of Tract A Open Space and the No-Build Area on Lot 2. The creek is an ephemeral creek running east/west in the center of the property and is dry most of the year and generally only runs during storm events. There is no 100 year floodplain on the site. Because Burgess Creek is ephemeral, there are no associated jurisdictional wetlands. There are no known wildlife corridors. Tetra Tech performed Preble’s Mouse Assessments on the site in 2005 and 2013. And found no suitable habitat on the site or upstream of the site.

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 service of County services and facilities;

EFPUD will not negatively impact service levels of County services or facilities. All necessary utility commitments have been obtained. The site lies within the Black Forest Fire/Rescue Protection District (BFFRPD). BFFRPD requested a 30’x10’ pull-off and a 30,000 gallon cistern which have been incorporated into the plan. BFFRPD has provided a Commitment to Serve Letter and a Fire Protection Report. The traffic report demonstrates that the additional traffic generated by EFPUD is well within the capacity of existing roads with acceptable LOS levels. Water and wastewater are to be provided as discussed above.

10. Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;

Please see response to 9 (5) above.

11. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and

Please refer to the Fire Protection Report included with the submittal.

12. The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

EFPUD meets the applicable sections of these parts of the Code, subject to the requested Deviation Request for cul-de-sac length as mentioned above.

C. El Paso County Policy Plan

Eagle Forest PUD is consistent with the following goals and policies of the County Policy Plan. Applicant responses are shown in italics following the list of goals and policies.

Goal 6.1 a Encourage patterns of growth and development which complement the regions' unique natural environments and which reinforce community character.



Goal 6.2 Protect and Enhance Existing and Developing Neighborhoods.

Goal 6.4 Develop and maintain rural residential areas in a manner which protects their integrity, addresses the carrying capacity of the natural environment and provides for an adequate level of non-urban facilities and services

Policy 6.1.2 Discourage the location of small discontinuous land development projects where these might not develop the critical land area and density necessary to be effectively provided with services or remain viable in the face of competing land uses.

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.

Policy 6.1.6 Direct development toward areas where the necessary urban-level supporting facilities and services are available or will be developed concurrently.

Policy 6.1.7 Encourage infill development which complements existing uses, is consistent with Small Area and other adopted plans.

Policy 6.1.8 Encourage incorporating buffers or transitions between areas of varying use or density where possible.

Policy 6.1.10 Ensure that new development will not create a disproportionately high demand on public services and facilities by virtue of its location, design or timing.

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.

Policy 6.1.14 Support development which complements the unique environmental conditions and established land use character of each sub-area of the County.

Policy 6.2.2 Promote the unique identity of neighborhoods through the use of focal points, parks, trails and open spaces, preservation of significant natural features, compatible location and design of mixed uses, and promotion of pedestrian and other non-motorized means of travel

Policy 6.2.2 Promote the unique identity of neighborhoods through the use of focal points, parks, trails and open spaces, preservation of significant natural features, compatible location and design of mixed uses, and promotion of pedestrian and other non-motorized means of travel

Policy 6.2.10 Utilize buffer zones to provide mutually compatible transitions between neighborhoods and adjoining development with differing uses or densities.

Policy 6.2.11 Encourage compatible physical character, density and scale in existing neighborhoods.

Applicant response: EFPUD is consistent with the goals and policies above as indicated by the following:

As previously determined by prior approvals of EPC, the site and general location are suitable for single family larger lot development. EFPUD fits in well with the neighborhood. The entire surrounding area is zoned RR-5, with a variety of lot sizes from 1.8 acres to 40 acres. Most of the



adjacent lots between 4.5 and 10 acres. With the inclusion of the open space, EFPUD lot sizes average almost 5 acres. This is the same density approved by EPC in the 2013 Amended PUD Development Plan.

The unique feature of the site is Burgess Creek which has been incorporated into the design through a large open space tract and an open space located on Lot 2. EFPUD's site plan clusters most lots in the least environmentally sensitive area. Lots 3 through 9 are located on the upper plateau on an open meadow (formerly a forested area burned in the 2013 Black Forest Fire). These lots are double loaded off Eagle Forest Drive. Lot 2 is located to the east of Eagle Forest Drive on a mild slope as the road climbs to the upper plateau. A No-Build Area south of the Building Envelope on Lot 2 is open space for Burgess Creek. Lot 1 is located west of the subdivision entry in the only treed area of the site. The clustering design of the lot and building envelope layout allows for the preservation of extensive areas of open space and protects the natural features including Burgess Creek and adjacent banks.

D. *EFPUD's Development Guidelines, Standards and Dimensional Standards are similar to those of the RR-5 Zone District. The entire surrounding area is zoned RR-5, making it compatible with the type of development in the surrounding neighborhood.*

E. El Paso County Water Master Plan

Eagle Forest PUD is consistent with the following goals and policies of the El Paso County Water Master Plan. Applicant responses are shown in italics following the list of goals and policies.

Goal 6.0 – Require adequate water availability for proposed development.

Policy 6.0.1 – Continue to require documentation of the adequacy or sufficiency of water, as appropriate, for proposed development.

Policy 6.0.2 – Encourage developments to incorporate water efficiency principles.

Policy 6.0.3 – Encourage water and wastewater infrastructure projects to be sited and designed in a manner which promotes compatibility with adjoining uses, and provides reasonable mitigation of any adverse visibility and other environmental impacts.

Policy 6.0.4 – Encourage development that incentivizes and incorporates water efficient landscaping principles.

Policy 6.0.7 – Encourage the submission of a water supply plan documenting an adequate supply of water to serve a proposed development at the earliest stage of the development process as allowed under state law.

Policy 6.0.10 – Encourage land use proposals to expressly declare water source(s), quality, quantity, and sustainability in terms of years and number of single-family equivalents.

Applicant response: EFPUD is consistent with the goals and policies above. EPC determined the water supply was adequate when they approved the PUD in 2007. Water will be supplied by individual on-lot wells. There are two existing wells on site. The development will create a demand of approximately 9.9 acre feet annually. The 2007 Ground Water Investigation by Curtis Well & Co. found:

“From this investigation I conclude that 1) a sufficient supply of ground water is contained in the Dawson aquifer beneath the property to meet the 300-year water needs of this planned development, 2) the quality of the ground water in this



aquifer should be adequate for domestic purposes and 3) an augmentation plan to use the Dawson ground water will be required prior to final platting of the project.”

The State Engineer’s Office wrote a letter in November 2012 stating: ...based upon the conditions that “well permits are obtained pursuant to the decree granted in” the applicable water court cases “and the terms and conditions of the well permits and said decree are followed, the proposed water supply can be provided without causing injury to decreed water rights and is expected to be physically adequate.” The well permits referred to have been obtained.

VI. EAGLE FOREST PUD REPORTS

The reports and studies below have been submitted as part of this application.

- *Preliminary Geology and Surface Soils Evaluation* by John Himmelreich & Associates and reviewed by Cornell Engineering – letter from Cornell Engineering submitted.
- *Preliminary Ground Water Investigation* by Wm. Curtis Wells & Co.
- *Performance Report/Sewage Disposal Evaluation* by Front Range Geotechnical, Inc. and reviewed by Cornell Engineering – letter from Cornell Engineering submitted.
- *Preble’s Meadow Jumping Mouse Habitat Assessment* by Tetra Tech
- *Traffic Impact Study* by LSC Transportation Consultants Inc.
- *Preliminary and Final Drainage Report* by JPS Engineering
- *Wildfire Hazard and Mitigation Report*
- *Natural Features Report*

