

EL PASO **COUNTY**
COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Board of County Commissioners
Stan VanderWerf, Chair**

**FROM: Ryan Howser, Planner II
Daniel Torres, PE Engineer II
Craig Dossey, Executive Director**

**RE: Project File #: PUDSP-20-006
Project Name: Eagle Forest PUDSP
Parcel Nos.: 52080-00-071**

OWNER:	REPRESENTATIVE:
Eagle Forest Development, LLC 4920 Northpark Loop Colorado Springs, CO, 80918	Patten Associates, Inc. 4271 Horse Gulch Loop Colorado Springs, CO, 80924

Commissioner District: 1

Planning Commission Hearing Date:	7/15/2021
Board of County Commissioners Hearing Date	7/27/2021

EXECUTIVE SUMMARY

A request by Eagle Forest Development, LLC, for approval of a map amendment (rezoning) from PUD (Planned Unit Development) to PUD (Planned Unit Development) to update the PUD development standards and to develop nine (9) single-family residential lots within a 44.19-acre development area. In accordance with Section 4.2.6.E of the El Paso County Land Development Code (2019), PUD Development Plan May be Approved as a Preliminary Plan; the applicant is requesting the PUD development plan be approved as a preliminary plan with a finding of sufficiency for water quality, quantity, and dependability. Approval by the Board of County Commissioners of the preliminary plan with a finding of sufficiency for water quality,



quantity, and dependability authorizes the Planning and Community Development Department Director to administratively approve all subsequent final plat(s). The parcel is zoned PUD (Planned Unit Development) and is located on the north side of Shoup Road, approximately one-half (1/2) mile west of Herring Road and is within Section 8, Township 12 South, Range 65 West of the 6th P.M.

The Eagle Forest Estates PUD development plan and preliminary plan depicting nine (9) single-family residential lots were approved administratively on March 14, 2013 (PCD File Nos. PUD-12-007 and SP-12-004). A final plat depicting nine (9) single-family residential lots was approved by the Board of County Commissioners on April 2, 2013 (PCD File No. SF-12-010). The final plat was not recorded and has since expired, along with the revised preliminary plan. The applicant is requesting approval of the Eagle Forest PUDSP to amend the layout approved in 2012 and 2013 as well as the PUD development guidelines.

A. REQUEST/MODIFICATIONS/AUTHORIZATION

Request: Approval of a map amendment (rezoning) from PUD (Planned Unit Development) to PUD (Planned Unit Development) to update the PUD development standards and to develop nine (9) single-family residential lots within a 44.19-acre development area. In accordance with Section 4.2.6.E of the El Paso County Land Development Code (2019), PUD Development Plan May be Approved as a Preliminary Plan; the applicant is also requesting the PUD development plan be approved as a preliminary plan with a finding of sufficiency for water quality, quantity, and dependability.

Modification of Existing Land Development Code (LDC) or Engineering Criteria Manual (ECM) Standard:

For approval of a modification of a general development standard in the LDC or standard of the ECM, the BoCC shall find that the proposal provides for the general health, safety, and welfare of the citizens and at least one of the following benefits:

- Preservation of natural features;
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;
- Provision of a more efficient pedestrian system;
- Provision of additional open space;
- Provision of other public amenities not otherwise required by the Code; or
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.

1. The applicant is requesting a PUD modification of Section 2.3.8.A of the ECM to permit a cul-de-sac length of 2,542 feet for Eagle Forest Drive, which is 942 feet longer than the ECM standard.

Section 2.3.8.A of the ECM states: "Cul-de-sacs shall have a minimum radius of 45 feet and a maximum length of 750 feet for urban conditions and a minimum radius of 50 feet and a maximum length of 1,600 feet for rural conditions...A request for a deviation from the maximum length criteria will not be considered without an express written endorsement from the Fire District in which the proposed cul-de-sac is located."

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD modification because the Black Forest Fire Rescue Protection District has provided a letter of support for the proposed design that includes the agreed upon turnouts along the roadway.

2. The applicant requests a PUD modification of Section 2.3.3.F.3 of the ECM to allow a tangent length of 140 feet between broken back curves, which is 60 feet shorter than the ECM standard.

Section 2.3.3.F.3 of the ECM states: "For local roadways, a minimum tangent of 200 feet shall be used to separate all broken back curves."

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD modification because the reduced tangent length occurs less than 100 feet from the entry of the cul-de-sac where there is minimal traffic volume utilizing this segment of roadway and vehicles would be slowing down as they enter the terminus of the roadway. Additionally, the topography provides constraints that limit the options for horizontal alignment.

Staff recommends that the deviation requests associated with the PUD (Planned Unit Development) Modifications and deviations from the ECM as prepared are acceptable contingent upon the approval of the PUD Modifications by the Board of County Commissioners.

Authorization to Sign: PUD Development Plan and any other documents required to finalize the approval

B. PLANNING COMMISSION SUMMARY

Request Heard: As a Consent item at the July 15, 2021 hearing

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 7-0

Vote Rationale: N/A

Summary of Hearing: The July 15, 2021 PC draft minutes are attached.

Legal Notice: Published in the Shopper's Press on July 7, 2021.

C. APPROVAL CRITERIA

The Planning Commission and BOCC shall determine that the following criteria for approval outlined in Section 4.2.6, and Section 7.2.1 of the El Paso County Land Development Code (2019), have been met to approve a PUD zoning district:

- The proposed PUD district zoning advances the stated purposes set forth in this section.
- The application is in general conformity with the Master Plan;
- 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;
- 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;
- 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;
- The allowed uses, bulk requirements and landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community;
- Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;
- Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities;

- 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;
- 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 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;
- Any proposed exception or deviation from the requirements if the zoning resolution or the subdivision regulation is warranted by virtue of the design and amenities incorporated in the development plan and development guide; and
- The owner has authorized the application.

The applicant has requested the proposed PUD also be reviewed and considered as a preliminary plan. Compliance with the requirements identified in Chapter 7 and Chapter 8 of the El Paso County Land Development Code (2019) for a preliminary plan requires the Planning Commission and the BoCC shall find that the additional criteria for a preliminary plan have also been met.:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of this Code;
- The subdivision is in conformance with the subdivision design standards and any approved sketch plan;
- 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 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;
- 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)];

- 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;
- The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;
- 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;
- 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; (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; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (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;
- Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and
- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

D. LOCATION

North: RR-5 (Residential Rural)	Single-Family Residential
South: RR-5 (Residential Rural)	Single-Family Residential
East: RR-5 (Residential Rural)	Single-Family Residential
West: RR-5 (Residential Rural)	Single-Family Residential

E. BACKGROUND

The 44.19-acre subject property was zoned A-4 (Agricultural) on September 21, 1965, when zoning was first initiated for this area of unincorporated El Paso County (Resolution No. 434870). Due to changes in the nomenclature of the Code, the A-4 zoning district was renamed as the RR-5 (Residential Rural) zoning district. The Board of County Commissioners (BoCC) approved a rezoning from RR-5 to PUD (Planned Unit Development) on October 25, 2007 (PCD File No. PUD-05-001).

The Eagle Forest Estates Preliminary Plan was approved by the Board of County Commissioners (BoCC) on October 25, 2007 (PCD File No. SP-05-005), concurrent with the rezoning to PUD. The Eagle Forest Estates Preliminary Plan depicted nine (9) single-family residential lots. A revised PUD development plan and preliminary plan depicting nine (9) single-family residential lots were approved administratively by the Planning and Community Development Director on March 14, 2013 (PCD File Nos. PUD-12-007 and SP-12-004). The revision consisted of a minor modification to the alignment of the proposed Eagle Forest Drive. A final plat depicting nine (9) single-family residential lots was approved by the BoCC on April 2, 2013 (PCD File No. SF-12-010). The final plat was not recorded and has since expired, along with the revised preliminary plan.

There is an existing residence on the property which was constructed in 2012 and is expected to remain on Lot 1. The existing residence is expected to meet all of the setback requirements of the proposed PUD zoning.

At this time, the applicant is requesting approval of the Eagle Forest PUDSP to amend the layout approved in 2012 and 2013 as well as the PUD development guidelines. The revised PUD specifically prohibits the following uses:

1. Short term rentals (less than 30 days of consecutive rental) of any accessory living quarters;
2. Construction of any kind outside the building envelope except as authorized and permitted by the Pikes Peak Regional Building Department, El Paso County Planning and Community Development, and the EFACC (Eagle Forest Architectural Control Committee);
3. Outside storage of more than one (1) RV;
4. Outside storage of an RV or other vehicle, whether operable or not, on any area not intended for vehicle parking;
5. Outside storage of an RV or similar vehicle located between the front of the residence and the adjacent roadway;
6. Outside storage of ATVs, snowmobiles, trailers, boats, large commercial trucks, or heavy equipment, inoperable vehicles, lawn and garden equipment,

- or any other items that are unsightly that may be viewed from any interior roadway, home, lot or common area;
7. Any structure outside a designated building envelope;
 8. Marijuana clubs and marijuana grow facilities;
 9. Mobile or manufactured homes;
 10. Horse riding and horse facilities or other livestock as defined in EPC LDC Section 1.15; and
 11. Horse barns, corrals, and stables.

The PUD proposes an average density of one (1) dwelling unit per five (5) acres, which is consistent with other developments in the Black Forest area. The proposal includes preservation of an existing natural drainage way as a 2.39-acre no-build drainage easement contained within Lot 2 and a 5.4-acre open space tract. The open space tract (Tract A) is proposed to be owned and maintained by the Eagle Forest Homeowners' Association.

F. ANALYSIS

1. Land Development Code Analysis

This application meets the preliminary plan submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 as well as the Planned Unit Development (PUD) requirements outlined in Chapter 4 of the El Paso County Land Development Code (2019).

2. Zoning Compliance

The PUD Development Plan identifies allowed and permitted uses; use, density, and dimensional standards such as setbacks, maximum lot coverage, and maximum building height; and overall landscaping requirements. The PUD Development Plan is consistent with the proposed PUD development guidelines and with the submittal and processing requirements of the Land Development Code.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

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

Policy 10.2.2 – Carefully consider the availability of water and wastewater services prior to approving new development.

Policy 11.3.2 – When possible, safely design and incorporate drainage facilities as an aesthetic element with developments.

Policy 13.1.1 – Encourage a sufficient supply and choice of housing at varied price and rent levels through land development regulations.

The parcels in the immediate vicinity of the subject property are all zoned RR-5 (Residential Rural) and vary greatly in size, ranging from 40 acres to 1.8 acres. The minimum proposed lot size for the development is 3.084 acres and the maximum proposed lot size is 4.955 acres. The applicant is proposing to preserve the existing drainage way as a 5.4-acre open space tract. In addition to the open space tract, Lot 2 is proposed to contain a 2.39-acre drainage easement to preserve the natural features of the site and incorporate drainage facilities as an aesthetic element within the development. By utilizing cluster development and preserving 5.4 acres of open space, the overall density is proposed to be one (1) dwelling unit per five (5) acres, which is consistent with the allowed densities of the surrounding RR-5-zoned parcels as well as other developments in the Black Forest area.

The proposed use of the property is for single-family residential development, which is consistent with the uses of the surrounding properties. In an attempt to preserve the residential character and provide an aesthetic equivalent to surrounding properties in the Black Forest area, the PUD development plan provides a specific list of prohibited uses, as included above in the Background section. A complete list of permitted uses within the PUD is provided on the PUD development plan.

The applicant is seeking a finding of sufficiency with regards to water at the preliminary plan stage in order to ensure an adequate supply of water prior to development approval. Staff recommends that the proposed PUD development plan and preliminary plan are in general conformance with the Policy Plan.

4. Small Area Plan Analysis

The property is located within the Timbered Area of the Black Forest Preservation Plan (1987). Chapter III, Section 1 of the Plan identifies this area as “limited to low density residential or open space.” Relevant goals and policies are as follows:

Policy 1.1 – Retain the Black Forest Planning Area as primarily a rural-residential community with limited supporting commercial and industrial development.

Policy 1.6 – Allow “low impact uses” as defined in this Chapter in areas designated for rural residential uses wither through the Special use review process or as part of carefully defined planned unit developments. Variances for low impact uses should be used sparingly and in all cases approvals should not result in a deviation from the predominantly rural-residential character of these areas.

Goal 3.A – Promote a residential environment which perpetuates the rural-residential character of the Black Forest Planning Area.

Policy 3.1 – Continue the promotion of residential subdivisions with an overall average minimum lot area of 5 acres in the Timbered Area and other designated portions of the planning area. The minimum lot size for five-acre overall density areas should be at least 2 ½ acres in most instances.

Policy 3.2 – Give careful consideration to clustering alternatives in areas appropriate for subdivision as a means of preserving more open space, minimizing costs and environmental impacts and promoting aesthetic quality.

Policy 3.5 – Generally support residential development which compliments and enhances the area’s terrain, vegetation and natural resources.

The overall density of the proposed development is one (1) dwelling unit per five (5) acres, which is generally consistent with the policies of the Plan. The proposed lots meet the minimum lot size of 2.5 acres as outlined in Policy 3.1. The development promotes rural residential development and proposes to further limit non-residential uses beyond what is traditionally allowed in the RR-5 zoning district.

By preserving natural drainage features as no-build open space, the development is minimizing environmental impacts while promoting the aesthetic quality of the land through clustered development. In addition, the PUD development plan provides a specific list of prohibited uses, which is included above in the Background section and per the applicant are intended to maintain a visual quality that is aesthetically pleasant and supportive of the rural residential character of the area.

Staff recommends that the proposed PUD development plan and preliminary plan are in general conformance with the Black Forest Preservation Plan.

5. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

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

Goal 1.2 – Integrate water and land use planning.

Goal 3.1 – Promote cooperation among water providers to achieve increased efficiencies on infrastructure.

Policy 4.1.4 – Work collaboratively with water providers, stormwater management agencies, federal agencies, and State agencies to ensure drinking water sources are protected from contamination and meet or exceed established standards.

Policy 6.0.11 – Continue to limit urban level development to those areas served by centralized utilities.

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The proposed development will not be served by a central water system. The following has been included for informational purposes only as it pertains to water demands and supplies in Region 2 for central water providers:

The property is located within Planning Region 2 of the Plan, which is an area anticipated to experience growth by 2040. The Plan identifies the current demand for Region 2 to be 7,532 acre-feet per year (AFY) (Figure 5.1) with a current supply of 13,607 AFY (Figure 5.2). The projected demand in 2040 is at 11,713 AFY (Figure 5.1) with a projected supply of 20,516 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 is 13,254 AFY (Figure 5.1) with a projected supply of 20,756 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 7,502 AFY is anticipated for Region 2.

Water sufficiency has been analyzed with the review of the proposed preliminary plan. The augmentation decree for the property allows the subdivision to draw 9.9 acre-feet of water per year from the Dawson aquifer, which would result in the withdrawal of approximately 1.1 AFY per individual well for the nine (9) proposed lots. The applicant's water resources report indicates an annual allocation of approximately 10 acre-feet available in the Dawson aquifer over a 300-year period.

The applicant's water resources report and augmentation plan include measures for recharging renewable water resources in the Dawson aquifer. The applicant has shown a sufficient water supply for the required 300-year period. The State Engineer and the County Attorney's Office have recommended that the proposed preliminary plan has an adequate water supply in terms of quantity and dependability. Please see the Water section below for a summary of the water findings and recommendations for the proposed preliminary plan.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential.

The Master Plan for Mineral Extraction (1996) does not identify any potential deposits in the area of the subject parcels. A mineral rights certification was

prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

The El Paso County Parks Master Plan (2013) does not show any parks or trails within the vicinity of the project.

Please see the Transportation section below for information regarding the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the review of the PUD/preliminary plan application that would impede development.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential.

3. Floodplain

The property is not located within a defined floodplain as determined from review of the FEMA Flood Insurance Rate Map panel numbers 08041C0315G and 08041C0320G, dated December 7, 2018.

4. Drainage and Erosion

The property is located in the Kettle Creek (FOMO3000) drainage basin. The Kettle Creek drainage basin is a fee basin with associated drainage and bridge fees. Drainage and bridge fees will be required to be paid at the time of final plat recordation.

The site generally drains to the west and southwest with the majority of the stormwater runoff entering Burgess Creek which traverses the property from the east to southwest property line. Stormwater runoff will be conveyed via sheet flow, grass lined swales, and roadside ditches to a proposed full spectrum detention pond and two rain gardens that will mitigate developed runoff and provide the necessary permanent stormwater quality for the proposed development. The proposed stormwater facilities will be privately owned and maintained by the homeowners' association. Per the associated drainage report, the development of this project will not adversely affect the downstream properties.

A grading and erosion control plan that identifies construction best management practices (BMPs) to prevent sediment and debris from affecting adjoining properties and the public stormwater system will be required with the subsequent final plat application.

5. Transportation

The property is located along Shoup Road, east of Black Forest Road. Access to the development will be provided via the proposed public roadway, Eagle Forest Drive, which will intersect Shoup Road. Per the associated traffic study, the proposed roadway will result in an intersection that complies with the minimum intersection sight distance as well as the minimum intersection spacing indicated in the El Paso County Engineering Criteria Manual (2019).

The applicant has agreed to dedicate 20 feet of right-of-way along Shoup Road in accordance with the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP) with the subsequent final plat(s). The MTCP does not depict roadway improvement projects in the immediate vicinity of the site.

The site is subject to the El Paso County Road Impact Fee Program (Resolution 19-471), as amended.

H. SERVICES

1. Water

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State Engineer's Office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office has recommended a finding of sufficiency with regards to water quantity and dependability. El Paso County Public Health has made a favorable recommendation regarding water quality.

2. Sanitation

Individual onsite wastewater treatment systems are proposed to serve the residential lots.

3. Emergency Services

The property is within the Black Forest Fire Protection District. The District was sent a referral and did not provide a response. However, the District provided a commitment letter to provide fire protection services to the development.

4. Utilities

Electrical service is provided by Mountain View Electric Association, Inc., (MVEA) and natural gas service is provided by Black Hills Energy. MVEA and Black Hills Energy were both sent a referral; MVEA has no outstanding comments and Black Hills Energy did not provide a response.

5. Metropolitan Districts

The property is not located within the boundaries of a metropolitan district.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a map amendment (rezoning) or preliminary plan application. Fees in lieu of park land dedication will be due at the time of recording the final plat.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a map amendment (rezoning) or preliminary plan application. Fees in lieu of school land dedication will be due at the time of recording the final plat.

I. APPLICABLE RESOLUTIONS

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Disapproval Page 32

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 4.2.6, and Section 7.2.1 of the El Paso County Land Development Code (2019), staff recommends the following conditions and notations:

CONDITIONS

1. Development of the property shall be in accordance with this PUD development plan. Minor changes in the PUD development plan, including a reduction in residential density, may be approved administratively by the Director of the

Planning and Community Development Department consistent with the Land Development Code. Any substantial change will require submittal of a formal PUD development plan amendment application.

2. Approved land uses are those defined in the PUD development plan and development guide.
3. All owners of record must sign the PUD development plan.
4. The PUD development plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any final plats for hearing by the Planning Commission. The development guide shall be recorded in conjunction with the PUD development plan.
5. 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, the 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.
6. Applicable park, school, drainage, and bridge shall be paid to El Paso County Planning and Community Development at the time of final plat(s) recordation.
7. The subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
8. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

NOTATIONS

1. Subsequent final plat filings may be approved administratively by the Planning and Community Development Director.

2. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
3. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.
4. Preliminary plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.
5. 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.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified thirteen (13) adjoining property owners on June 29, 2021, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Development Plan / Preliminary Plan
State Engineers Letter
County Attorney's Letter
July 15, 2021 Planning Commission draft minutes
Planning Commission Resolution
Board of County Commissioners' Resolution

El Paso County Parcel Information

PARCEL	NAME
5208000071	EAGLE FOREST DEVELOPMENT LLC

File Name: PUDSP-20-006

Zone Map No. --

Date: June 29, 2021



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 18 (719) 520-6600



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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 ½ 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.

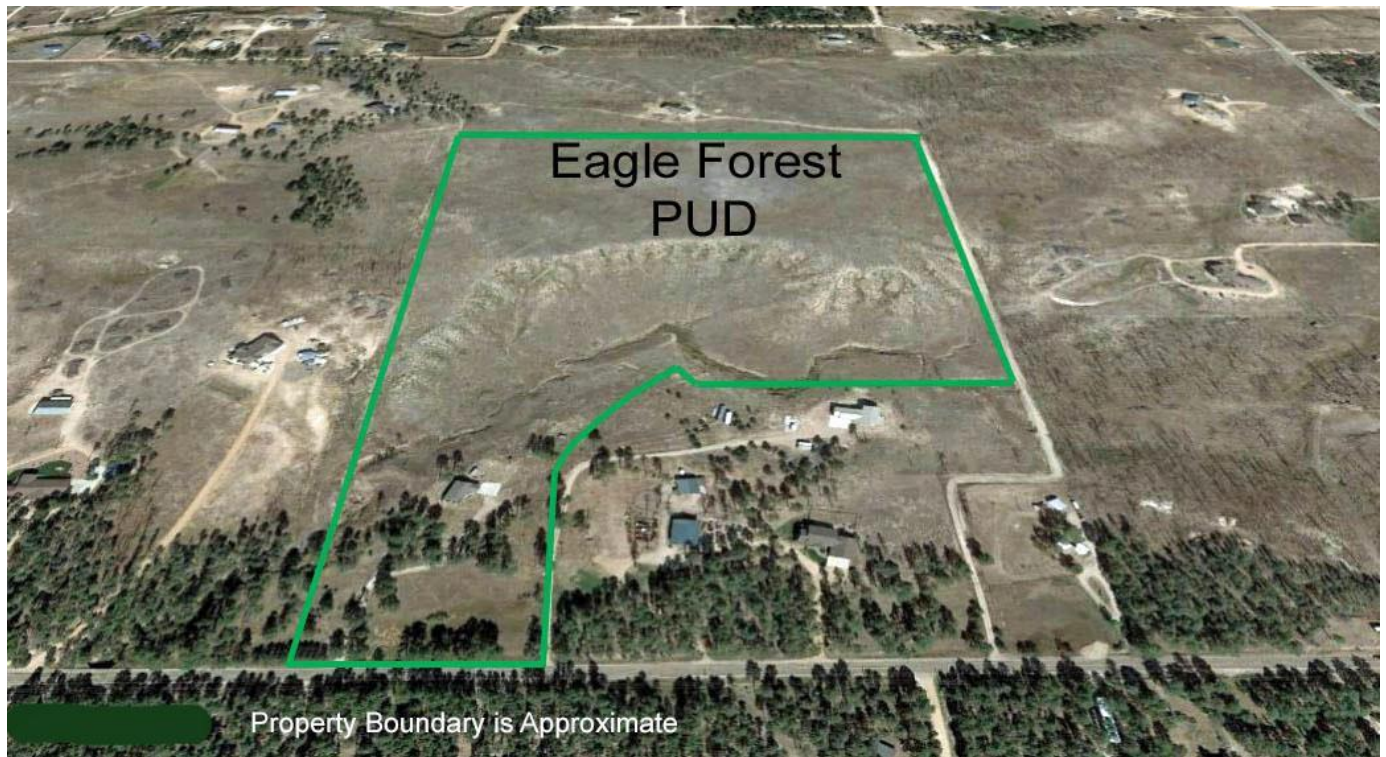
The applicant, Eagle Forest Development, LLC is requesting a PUDSP (PUD + Preliminary Plan) followed by an Administrative Final Plat.



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).

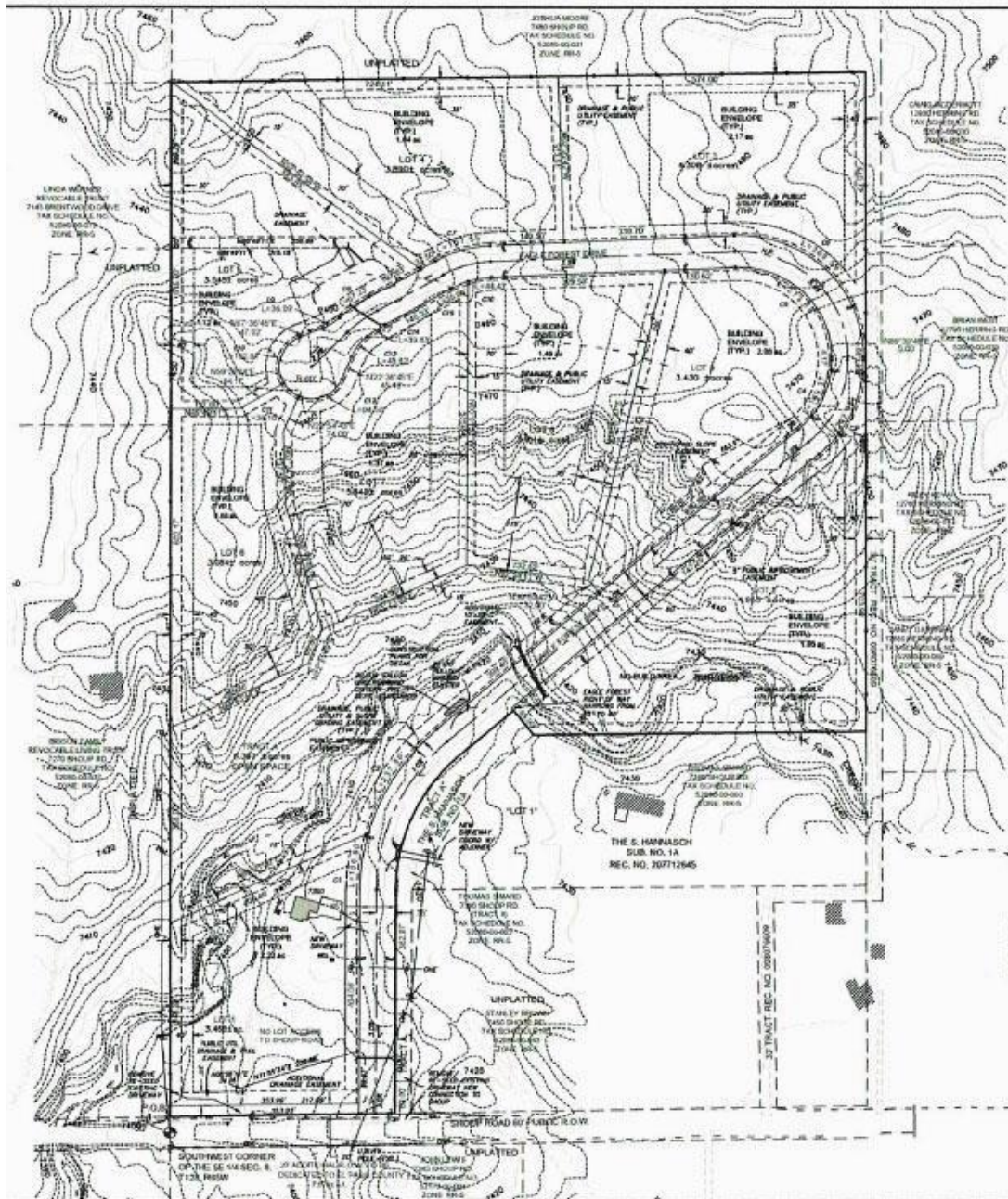
EFPUD will feature a 5.4 acre (12% of the PUD) Open Space Tract A that includes Burgess Creek and its adjacent banks. Burgess Creek will also go through the southern portion of Lot 2, outside the building envelope in a No-Build Area. No structures will be allowed to be constructed outside the Building 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*



GENERAL PROVISIONS:

- A STATEMENT ESTABLISHING THE PURPOSE AND INTENT OF THE PUD ZONING DISTRICT
- AUTHORITY

THIS PUD IS AUTHORIZED BY CHAPTER 4 OF THE EL PASO COUNTY LAND DEVELOPMENT CODE, ADOPTED PURSUANT TO THE COLORADO PLANNED UNIT DEVELOPMENT ACT OF 1972, AS AMENDED.

- APPLICABILITY

THE PROVISIONS OF THIS PUD SHALL RUN WITH THE LAND. THE LANDOWNERS, THEIR SUCCESSORS, HEIRS, OR ASSIGNS SHALL BE BOUND BY THIS DEVELOPMENT PLAN, AS AMENDED AND APPROVED BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR OR BOARD OF COUNTY COMMISSIONERS.

- ADOPTION

THE ADOPTION OF THIS DEVELOPMENT PLAN SHALL EVIDENCE THE FINDINGS AND DECISIONS OF THE EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS THAT THIS DEVELOPMENT PLAN FOR EAGLE FOREST PUD IS IN GENERAL CONFORMITY WITH THE EL PASO COUNTY MASTER PLAN, EL PASO COUNTY POLICY PLAN AND APPLICABLE SMALL AREA PLAN(S); IS AUTHORIZED UNDER THE PROVISION OF THE EL PASO COUNTY LAND DEVELOPMENT CODE; AND THAT THE EL PASO COUNTY LAND DEVELOPMENT CODE AND THIS DEVELOPMENT PLAN COMPLIES WITH THE COLORADO PLANNED UNIT DEVELOPMENT ACT OF 1972, AS AMENDED.

- RELATIONSHIP TO COUNTY REGULATIONS

THE PROVISIONS OF THIS DEVELOPMENT PLAN SHALL PREVAIL AND GOVERN THE DEVELOPMENT OF EAGLE FOREST PUD, PROVIDED, HOWEVER, THAT WHERE THE PROVISIONS OF THIS DEVELOPMENT PLAN DO NOT ADDRESS A PARTICULAR SUBJECT, THE RELEVANT PROVISIONS OF THE EL PASO COUNTY LAND DEVELOPMENT CODE, AS AMENDED AND IN EFFECT AT THE TIME OF THE PUD PLAN APPROVAL (OR OWNER ACKNOWLEDGE THE PUD CHANGES WITH THE CODE), OR ANY OTHER APPLICABLE RESOLUTIONS OR REGULATIONS OF EL PASO COUNTY, SHALL BE APPLICABLE.

- ENFORCEMENT

TO FURTHER THE MUTUAL INTEREST OF THE RESIDENTS, OCCUPANTS, AND OWNERS OF THE PUD AND OF THE PUBLIC IN THE PRESERVATION OF THE INTEGRITY OF THIS DEVELOPMENT PLAN, THE PROVISIONS OF THIS PLAN RELATING TO THE USE OF LAND AND THE LOCATION OF COMMON OPEN SPACE SHALL RUN IN FAVOR OF EL PASO COUNTY AND SHALL BE ENFORCEABLE AT LAW OR IN EQUITY BY THE COUNTY WITHOUT LIMITATION ON ANY POWER OR REGULATION OTHERWISE GRANTED BY LAW.

- CONFLICT

WHERE THERE IS MORE THAN ONE PROVISION WITHIN THE DEVELOPMENT PLAN THAT COVERS THE SAME SUBJECT MATTER, THE PROVISION WHICH IS MOST RESTRICTIVE OR IMPOSES HIGHER STANDARDS OR REQUIREMENTS SHALL GOVERN.

- MAXIMUM LEVEL OF DEVELOPMENT

THE TOTAL NUMBER OF DWELLINGS OR THE TOTAL COMMERCIAL, BUSINESS, OR INDUSTRIAL INTENSITY SHOWN ON THE DEVELOPMENT PLAN FOR DEVELOPMENT WITHIN THE SPECIFIED PLANNING AREAS IS THE MAXIMUM DEVELOPMENT REQUESTED FOR PLATTING OR CONSTRUCTION (PLUS ANY APPROVED DENSITY TRANSFERS). THE ACTUAL NUMBER OF DWELLINGS OR LEVEL OF DEVELOPMENT MAY BE LESS DUE TO SUBDIVISION OR SITE DEVELOPMENT PLAN REQUIREMENTS, LAND CARRYING CAPACITY, OR OTHER REQUIREMENTS OF THE BOARD OF COUNTY COMMISSIONERS.

- PROJECT TRACKING

AT THE TIME OF ANY FINAL PLAT APPLICATION, THE APPLICANT SHALL PROVIDE A SUMMARY OF THE DEVELOPMENT, TO DATE, TO DEVELOPMENT SERVICES DEPARTMENT, IN ORDER TO ASSURE MAXIMUM DEVELOPMENT LIMITS ARE NOT EXCEEDED.

GENERAL NOTES:

1. ALL STREETS SHALL BE CONSTRUCTED TO EL PASO COUNTY STANDARDS, DEDICATED TO EL PASO COUNTY FOR AND UPON ACCEPTANCE BY EL PASO COUNTY SHALL BE MAINTAINED BY EL PASO COUNTY DEPARTMENT OF TRANSPORTATION.
2. CONTOUR INTERVALS SHOWN ON PLAN ARE 2'.
3. PUBLIC UTILITY/DRAINAGE EASEMENTS ARE PROPOSED TO BE PROVIDED ON ALL LOTS AS FOLLOWS:
 - a. FRONT: TWENTY (20) FEET
 - b. SIDE: FIFTEEN (15) FEET
 - c. REAR: TWENTY (20) FEET
 - d. STREETS: FIVE (5) FEET EASEMENT
 - e. SUBDIVISION PERIMETER: TWENTY (20) FEET
4. BUILDING ENVELOPES HAVE BEEN ESTABLISHED FOR EACH LOT AS SHOWN ON SHEET 2 AND BUILDING SETBACKS FOUND IN DESIGN STANDARDS SECTION H(2).
5. MAXIMUM DENSITY ON THIS SITE SHALL BE LIMITED TO 9 LOTS.
6. WITHOUT REQUIRING A MAJOR OR MINOR PUD PLAN AMENDMENT, LIMITED REDESIGN FLEXIBILITY IS ALLOWED IN THE PLATTING STAGE, AND LOT LINES MAY BE MOVED UP TO 20 FEET FROM THE CURRENTLY SHOWN LOCATIONS. IN CASES WHERE THE LOT LINES ARE MOVED, IN ORDER TO MAINTAIN AN EQUIVALENT SIZE BUILDING AREA, THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR MAY AUTHORIZE SETBACK CHANGES AS INDICATED IN THE DESIGN STANDARDS.
7. LOT 1 WILL ACCESS EAGLE FOREST DRIVE UPON FINAL CONSTRUCTION OF THE ROADWAY. NO ACCESS TO SHOUP ROAD WILL BE ALLOWED.
8. THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THE PRELIMINARY PLAN FOR THIS SUBDIVISION AND ARE ON FILE AT THE COUNTY DEVELOPMENT SERVICES DEPARTMENT: TRAFFIC IMPACT STUDY; PRELIMINARY AND FINAL DRAINAGE REPORT; PRELIMINARY GROUND WATER INVESTIGATION; PERFORMANCE REPORT / SEWAGE DISPOSAL EVALUATION; PRELIMINARY GEOLOGY AND SURFACE SOILS EVALUATION; WILDFIRE HAZARD AND MITIGATION REPORT; NATURAL FEATURES REPORT AND PREBLE'S JUMPING MOUSE HABITAT ASSESSMENT.
9. THIS PROPERTY IS SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR EAGLE FOREST SUBDIVISION AS RECORDED AT RECEPTION NO. _____ OF THE RECORDS OF THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDER AND THE BYLAWS OF EAGLE FOREST HOME OWNERS ASSOCIATION RECORDED AT RECEPTION NO. _____ OF SAID EL PASO COUNTY RECORDS.
10. AT THE TIME OF APPROVAL OF THIS PROJECT, THIS PROPERTY IS LOCATED WITHIN THE BLACK FOREST FIRE/RESCUE PROTECTION DISTRICT, WHICH HAS ADOPTED A FIRE CODE REQUIRING RESIDENTIAL FIRE SPRINKLER REQUIREMENTS FOR COVERED STRUCTURES OVER 6000 SQUARE FEET IN SIZE, AND OTHER FIRE MITIGATION REQUIREMENTS DEPENDING UPON THE LEVEL OF FIRE RISK ASSOCIATED WITH THE PROPERTY AND STRUCTURES. THE OWNER OF ANY LOT SHOULD CONTACT THE FIRE DISTRICT TO DETERMINE THE EXACT DEVELOPMENT REQUIREMENTS RELATIVE TO THE ADOPTED FIRE CODE. 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.
11. SOIL AND GEOLOGY CONDITIONS: THE REPORT: PRELIMINARY GEOLOGY AND SURFACE SOILS EVALUATION BY JOHN HIMMELREICH & ASSOCIATES JANUARY 24, 2005 AND A REVIEW LETTER BY CORNELL ENGINEERING DATED JUNE 15, 2020 HAVE BEEN SUBMITTED AND REVIEWED BY EL PASO COUNTY AND COLORADO GEOLOGICAL SURVEY AND CAN BE FOUND IN FILE PUD SP206 AT THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT. THE HIMMELREICH REPORT NOTES THE FOLLOWING "POTENTIAL" GEOLOGIC HAZARDS AND THAT THESE ARE "RELATIVELY COMMON TO THE REGION AND ARE MITIGATED BY EMPLOYING PROPER PLANNING, INVESTIGATION, DESIGN AND CONSTRUCTION PRACTICES": 1) EROSION; 2) FLOODING (IN BURGESS CREEK DRAINAGE); 3) STABILITY OF CUT SLOPES; 4) SETTLEMENT OF THE SURFICIAL DEPOSITS, POSSIBLY EXPANSIVE BEDROCK; AND 5) PRESENCE OF CORROSIVE MINERALS. THE REPORT ALSO NOTES THAT "FOR INDIVIDUAL STRUCTURES, MITIGATION OF SUBSURFACE DRAINAGE PROBLEMS USUALLY TAKES THE FORM OF PERIMETER DRAINS AROUND FOUNDATIONS"; MITIGATION MEASURES, INCLUDING AND MAPPING CAN BE FOUND IN THE REPORT.

FOLLOWING REVIEW OF THE HIMMELREICH REPORT, THE COLORADO GEOLOGICAL SURVEY MADE THE FOLLOWING RECOMMENDATIONS:

1. SITE-SPECIFIC FOUNDATION INVESTIGATION AND TESTING SHOULD BE CONDUCTED FOR EACH BUILDING PRIOR TO BUILDING TO DETERMINE SUBSURFACE GEOLOGIC CHARACTERISTICS THAT MAY IMPACT FOUNDATION DESIGN (EXPANSIVE SOILS, SHALLOW GROUNDWATER, ETC.).
2. SITE-SPECIFIC SEPTIC INVESTIGATIONS, INCLUDING PERCOLATION TESTING, SHOULD BE DONE PRIOR TO BUILDING TO DETERMINE DESIGN PARAMETERS, AND WHETHER SPECIAL ENGINEERED SYSTEMS ARE NEEDED. SEPTIC LOCATIONS SHOULD REMAIN OUT OF DRAINAGE SWALES.
3. MINIMAL GROUND DISTURBANCE AND BEST MANAGEMENT PRACTICES DURING CONSTRUCTION SHOULD TAKE PLACE TO MINIMIZE EROSION. PROMPT RESEEDING SHOULD FOLLOW CONSTRUCTION TO RE-ESTABLISH GROUND COVER AND REDUCE NOXIOUS WEED GROWTH.
4. BUILDING SITES SHOULD BE LOCATED IN AREAS WHERE BUILDING AND SEPTIC FOOTPRINTS WILL NOT ENCROACH ON THE NATURAL DRAINAGE SWALES OR DRAINAGE EASEMENTS.

12. ONSITE WATER TREATMENT SYSTEMS (OWTS): THE REPORT: PERFORMANCE REPORT/SEWAGE DISPOSAL EVALUATION FOR EAGLE HEIGHTS SUBDIVISION BY FRONT RANGE GEOTECHNICAL, INC. JANUARY 24, 2005 AND A REVIEW LETTER BY CORNELL ENGINEERING DATED JUNE 15, 2020 HAVE BEEN SUBMITTED AND REVIEWED BY EL PASO COUNTY AND COLORADO GEOLOGICAL SURVEY. THE CORNELL ENGINEERING LETTER STATED: "THE ORIGINAL REPORT DOES NOT CONFORM TO CURRENT, SITE SPECIFIC OWTS EVALUATION GUIDELINES (PERCOLATION TESTS VERSUS PROFILE PITS). THEREFORE, SITE SPECIFIC INVESTIGATIONS AND DESIGNS (AS NECESSARY) WILL BE REQUIRED FOR EACH LOT PRIOR TO CONSTRUCTION OF EACH PROPOSED SINGLE-FAMILY RESIDENCE."

SITE DATA:

OWNER / APPLICANT: EAGLE FOREST DEVELOPMENT, LLC
4920 NORTH PARK LOOP
COLORADO SPRINGS, CO 80918
52080-00-071
44.2 ACRES
CURRENT AND PROPOSED ZONE: P.U.D.
CURRENT USE: ONE SINGLE FAMILY HOME
PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL
NUMBER OF LOTS: 9
TOTAL LOT AREA: 34.2 ACRES
GROSS DENSITY: 0.20 DU/AC
NET DENSITY: 0.26 DU/AC
AREA OF RIGHT OF WAY: 4.41 ACRES
OPEN SPACE - TRACT A: 5.4 ACRES
OPEN SPACE - RESIDENTIAL LOTS: 17.4 ACRES
OUTSIDE BUILDING ENVELOPES
NO-BUILD AREA: 7.79 ACRES BURGESS CREEK AND DESIGNATED DRAINAGE EASEMENTS

EAGLE FOREST SUBDIVISION PUD AND PRELIMINARY DEVELOPMENT PLAN

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 8,
TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M.
EL PASO COUNTY, COLORADO

- A. PROJECT DESCRIPTION:**
EAGLE FOREST PUD IS A 9 LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION WITH AN OPEN SPACE TRACT AND A TOTAL AREA OF 44.19 ACRES LOCATED IN BLACK FOREST.
- B. PERMITTED PRINCIPAL USES:**
 1. SINGLE FAMILY DWELLING
 2. ATTACHED GARAGE OF 1,200 SF MAXIMUM
 3. ALL USES SHALL PROVIDE SUFFICIENT OFF-STREET PARKING BASED ON EL PASO COUNTY LAND DEVELOPMENT CODE (EPC/LDC)
 4. THE USE OF ANY PROPERTY AS A CHILD CARE CENTER, FAMILY CARE HOME OR GROUP HOME SHALL BE SUBJECT TO THE REGULATIONS OF SECTION 5 OF THE EL PASO COUNTY LAND DEVELOPMENT CODE, AS MAY BE AMENDED IN THE FUTURE
 5. THE EXISTING STRUCTURES ON LOT 1: SINGLE FAMILY RESIDENCE AND ACCESSORY STRUCTURES EXISTING AS OF THE RECORDING OF THIS PUD
 6. OPEN SPACE
 7. ACCESSORY USES AS DEFINED WITHIN THIS PUD
- C. PROHIBITED USES:**
 1. SHORT-TERM RENTALS (LESS THAN 30 DAYS OF CONSECUTIVE RENTAL) OF ANY ACCESSORY LIVING QUARTERS
 2. CONSTRUCTION OF ANY KIND OUTSIDE THE BUILDING ENVELOPE EXCEPT AS AUTHORIZED AND PERMITTED BY THE PIKES PEAK REGIONAL BUILDING DEPARTMENT, EL PASO COUNTY DEVELOPMENT SERVICES AND THE EFACC
 3. OUTSIDE STORAGE OF MORE THAN 1 RV
 4. OUTSIDE STORAGE OF AN RV OR OTHER VEHICLE, WHETHER OPERABLE OR NOT, ON ANY AREA NOT INTENDED FOR VEHICULAR PARKING
 5. OUTSIDE STORAGE OF AN RV OR SIMILAR VEHICLE LOCATED BETWEEN THE FRONT OF THE RESIDENCE AND THE ADJACENT ROADWAY
 6. OUTSIDE STORAGE OF ATVS, SNOWMOBILES, TRAILERS, BOATS, LARGE COMMERCIAL TRUCKS OR HEAVY EQUIPMENT, INOPERABLE PASSENGER VEHICLES, LAWN AND GARDEN EQUIPMENT OR ANY OTHER ITEMS THAT ARE UNSIGHTLY THAT MAY BE VIEWED FROM ANY INTERIOR ROADWAY, HOME, LOT OR COMMON AREA
 7. ANY STRUCTURE OUTSIDE A DESIGNATED BUILDING ENVELOPE
 8. MARIJUANA CLUBS AND MARIJUANA GROW FACILITIES
 9. MOBILE OR MANUFACTURED HOMES
 10. HORSE RIDING AND HORSE FACILITIES OR OTHER LIVESTOCK AS DEFINED IN EPC/LDC SECTION 1.15
 11. HORSE BARN, CORRALS AND STABLES

- D. TEMPORARY USES:**
TEMPORARY USES SHALL BE SUBJECT TO THE REGULATIONS OF SECTION 5 OF THE EL PASO COUNTY LAND DEVELOPMENT CODE, AS MAY BE AMENDED IN THE FUTURE.
1. MODEL HOME/SUBDIVISION SALES OFFICE
 2. GARAGE/YARD SALES
 3. A REASONABLE NUMBER OF NEATLY KEPT, ENCLOSED TRAILERS MAY BE USED TEMPORARILY ONLY DURING CONSTRUCTION TO STORE EQUIPMENT, TOOLS, AND/OR BUILDING MATERIALS OR FOR A FIELD OFFICE.

- E. PERMITTED ACCESSORY USES:**
ACCESSORY USES SHALL BE SUBJECT TO THE REGULATIONS OF SECTION 5 OF THE EL PASO COUNTY LAND DEVELOPMENT CODE, AS MAY BE AMENDED IN THE FUTURE. ACCESSORY USES THAT REQUIRE A SITE PLAN OR A SITE DEVELOPMENT PLAN SHALL BE SUBMITTED TO EPC COMMUNITY DEVELOPMENT DEPARTMENT ALONG WITH DOCUMENTATION OF EFACC APPROVAL.
- ACCESSORY USES FOR RESIDENTIAL LOTS
1. ALLOWED ACCESSORY USES TO BE APPROVED BY THE EFHOA AND REVIEWED BY THE EFACC. SIZE AND LOCATION MAY BE FURTHER RESTRICTED BY THE EF COVENANTS
 2. ALL ACCESSORY USES TO BE LOCATED WITHIN DESIGNATED BUILDING ENVELOPE EXCEPT BY EFHOA APPROVAL
 3. DOMESTIC ANIMAL KEEPING OF UP TO 4 PETS EXCLUDING CHICKENS, PIGEONS OR BEE KEEPING. THE EPC/LDC HAS ADDITIONAL RESTRICTIONS REGARDING ANIMAL KEEPING THAT APPLY TO THIS PROPERTY
 4. RESIDENTIAL HOME OCCUPATION DEFINED AS AN ACCESSORY COMMERCIAL ACTIVITY OR BUSINESS SERVICE CONDUCTED ON THE SITE OF A DWELLING UNIT, ONLY BY RESIDENTS OF THE DWELLING UNIT, IN A MANNER CLEARLY INCIDENTAL TO THE RESIDENTIAL CHARACTER OF THE SITE AND SURROUNDING NEIGHBORHOOD. OUTSIDE STORAGE OF MATERIAL OR EQUIPMENT IN SUPPORT OF SAID HOME OCCUPATION IS PROHIBITED
 5. IRRIGATED LAWN AND/OR GARDEN OF NO MORE THAN 3,000 SQUARE FEET.

- F. ACCESSORY STRUCTURES:**
ACCESSORY STRUCTURES MUST COMPLY WITH THE DIMENSIONAL STANDARDS IN SECTION G OF THE GUIDELINES AND SHALL BE SUBJECT TO THE REGULATIONS RELATING TO ACCESSORY STRUCTURES OF SECTION 5 OF THE EL PASO COUNTY LAND DEVELOPMENT CODE, AS MAY BE AMENDED IN THE FUTURE. RESIDENTIAL ACCESSORY STRUCTURES ARE RESTRICTED TO THE FOLLOWING:
1. ACCESSORY BUILDINGS SHOULD NOT BE LOCATED CLOSER TO A ROAD THAN THE MAIN BUILDINGS UNLESS THERE IS A COMPELLING SITE SPECIFIC REASON AS DETERMINED BY THE EFACC
 2. DETACHED GARAGE OF 2,000 SF MAXIMUM WITH A BUILDING HEIGHT NOT TO EXCEED HEIGHT OF PRIMARY RESIDENCE
 3. ONE STORAGE SHED PER RESIDENTIAL LOT OF NO MORE THAN 1,000 SF
 4. GAZEBO
 5. DECK (ATTACHED OR DETACHED, COVERED OR UNCOVERED)
 6. SWIMMING POOL, HOT TUB, TENNIS COURT, OR SIMILAR PRIVATE RECREATION FACILITIES
 7. FENCE, WALL OR HEDGE
 8. SMALL SATELLITE DISHES
 9. ACCESSORY LIVING QUARTERS AS AN ACCESSORY BUILDING/SECONDARY STRUCTURE
 10. SOLAR ENERGY SYSTEMS

- G. SIGNS:**
SIGNS ARE ALSO REGULATED BY THE EPC/LDC AND SECTION 22 OF THE EF COVENANTS.
- PERMITTED SIGNS:
1. ENTRYWAY DEVELOPMENT IDENTIFICATION SIGNS
 2. ADDRESS SIGNS ON RESIDENCES LIMITED TO 6 SQUARE FEET
 3. INDIVIDUAL TEMPORARY SALES SIGNS WHICH WILL NOT EXCEED 6 SQUARE FEET (NO EXTERIOR ADVERTISING OR GRAPHICS ALLOWED)

- H. FENCE STANDARDS:**
FENCING SHALL BE SUBJECT TO SECTION 22 OF THE COVENANTS, THE EPC/LDC AND DESIGN CRITERIA ESTABLISHED BY THE ARCHITECTURAL CONTROL COMMITTEE. THE FOLLOWING ADDITIONAL FENCING GUIDELINES ALSO APPLY:
1. FENCING SHOWN ON THE DEVELOPMENT PLAN TO BE BUILT BY THE DEVELOPER IS ALLOWED
 2. PRIVACY FENCING SHALL BE ALLOWED UP TO BUT NOT TO EXCEED AN ENCLOSED AREA OF TWELVE THOUSAND (12,000) SQUARE FEET. PRIVACY FENCING SHALL NOT PROTRUDE BEYOND THE BUILDING ENVELOPE. ALLOWED PRIVACY FENCING MATERIALS WILL BE CEDAR OR REDWOOD IN NATURAL WOOD COLOR WITH PICKETS UP TO EIGHT FEET IN HEIGHT AND SIX INCHES IN WIDTH. PAINTING OF PRIVACY FENCING WILL NOT BE ALLOWED, ALTHOUGH CLEAR-COAT OR PIGMENTED STAINING FOR WEATHER-PROTECTION IS ENCOURAGED. FENCING OVER 7 FT TALL REQUIRES A BUILDING PERMIT
 3. TEMPORARY FENCING ASSOCIATED WITH CONSTRUCTION AND/OR EROSION CONTROL IS ALLOWED
 4. FENCES AND WALLS SHALL NOT BE ESTABLISHED WHERE THEY WOULD IMPEDE THE DRAINAGE ESTABLISHED BY AN APPROVED DRAINAGE PLAN OR WITHIN AN EASEMENT IN A MANNER SO THAT THE USE OF THE EASEMENT IS UNNECESSARILY IMPEDED
 5. PERIMETER FENCING ALONG PROPERTY LINES IS ALLOWED ONLY AS SPECIFICALLY APPROVED BY EFACC
 6. NO CHAIN LINK OR SIMILAR HEAVY MESH FENCING WILL BE ALLOWED IN EAGLE FOREST SUBDIVISION
 7. DOG RUNS SHALL BE ALLOWED UP TO BUT NOT TO EXCEED AN ENCLOSED AREA OF 400 SQUARE FEET, AND A MAXIMUM OF SIX FEET IN HEIGHT. DOG RUNS SHALL BE CONSTRUCTED WITH THE SAME MATERIALS AS ENTRY ACCENT OR PERIMETER FENCING WITH THE ADDITION OF WIRE SCREEN AND WILL NOT BE PERMITTED AT THE STREET SIDE OF HOMES.

- I. DIMENSIONAL STANDARDS:**
1. **MAXIMUM BUILDING HEIGHT:** 35 FEET AS DEFINED IN SECTION 1.15 OF THE EL PASO COUNTY LAND DEVELOPMENT CODE
 2. **SETBACKS**
EACH LOT HAS SPECIFIC SETBACKS AS INDICATED BELOW AND/OR ON THE PUD DEVELOPMENT PLAN. LOT LINES MAY BE MOVED UP TO 20 FEET FROM THE CURRENTLY SHOWN LOCATIONS. IN CASES WHERE THE LOT LINES ARE MOVED, IN ORDER TO MAINTAIN AN EQUIVALENT SIZE BUILDING AREA, THE EPC PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT (EPC/CDD), DIRECTOR MAY AUTHORIZE SETBACK CHANGES WITHIN THE MINIMUMS ESTABLISHED BELOW. THE FOLLOWING SHALL BE MINIMUM SETBACKS UNLESS THE BUILDING ENVELOPES SHOWN ON THE FINAL PLAT ARE MORE RESTRICTIVE:
 - FRONT: 25 FEET
 - SIDE: 25 FEET
 - REAR: 35 FEETVARIANCES FROM THE SETBACKS DELINEATED BY THE BUILDING ENVELOPES SHOWN ON THE PUD AND PRELIMINARY PLAN SHALL BE APPROVED BY THE EFACC. FOLLOWING EFACC APPROVAL, APPLICANT SHALL SUBMIT DOCUMENTATION OF SUCH APPROVAL TO THE EPC/CDD FOR VERIFICATION SO THAT RESIDENTIAL SITE PLANS AND/OR BUILDING PERMITS MAY BE APPROVED. VARIANCE REQUESTS THAT PROPOSE SETBACKS LESS THAN THOSE LISTED ABOVE SHALL BE APPROVED BY THE EFACC. FOLLOWING EFACC APPROVAL, APPLICANT MAY SUBMIT DOCUMENTATION OF SUCH APPROVAL ALONG WITH A REQUEST FOR ADMINISTRATIVE RELIEF (UP TO 20% REDUCTION IN SETBACKS) WHICH MAY BE APPROVED ADMINISTRATIVELY BY THE EPC/CDD DIRECTOR OR A FOR A VARIANCE WHICH, IF A HARSHIP IS DEMONSTRATED, MAY BE APPROVED BY THE EPC BOARD OF ADJUSTMENT.

TRACT TABLE

TRACT	SIZE	USE	OWNERSHIP	MAINTENANCE
A	5.4 ac.	OPEN SPACE / DRAINAGE	EAGLE FOREST HOA	EAGLE FOREST HOA

- J. MINIMUM LOT WIDTH**
EACH RESIDENTIAL LOT SHALL HAVE A MINIMUM WIDTH OF 200 FEET IN AT LEAST ONE PORTION OF THE LOT.

- J. LOT SIZES:**
THE PUD DEVELOPMENT PLAN AND THE FINAL PLAT ESTABLISH THE LOT SIZES. NO SUBDIVISION OF ANY LOT WILL BE PERMITTED IF SUCH SUBDIVISION RESULTS IN THE CREATION OF ADDITIONAL BUILDING LOTS. EACH RESIDENTIAL LOT SHALL HAVE A MINIMUM LOT AREA OF 3 ACRES.

- K. OPEN SPACE TRACT A:**
ALLOWED USES:
1. UNDERGROUND FIRE PROTECTION CISTERN
 2. EMERGENCY VEHICLE PULL-OFF
 3. OTHER RECREATIONAL FACILITIES AS APPROVED BY THE EFACC

OWNERSHIP/USAGE/MAINTENANCE/ACCESS:

1. USAGE SHALL BE LIMITED TO THE DECLARANT, OWNERS, RESIDENTS, GUESTS AND INVITEES OF EFPU AND THE OWNER OF LOT 1 HANNASCH SUB UNLESS THE EFHOA DEFAULTS ON THE TRANSFERRING DEED OF TRUST
2. OWNERSHIP TO BE TRANSFERRED BY DEED OF TRUST TO EAGLE FOREST HOMEOWNERS ASSOCIATION (EFHOA) AT TIME OF FINAL PLATT RECORDATION
3. MAINTENANCE WILL BE THE RESPONSIBILITY OF THE EFHOA
4. ACCESS LIMITED TO EMERGENCY AND MAINTENANCE VEHICLES

- L. STREETS:**
EAGLE FOREST DRIVE WILL PROVIDE ACCESS TO ALL LOTS IN EFPU AND WILL BE A PAVED PUBLIC STREET DESIGNED TO EPC RURAL LOCAL RESIDENTIAL STANDARDS. EAGLE FOREST DRIVE WILL HAVE A 60' ROW WITH 24' ASPHALT WIDTH AND 2' SHOULDERS. PUBLIC IMPROVEMENT EASEMENTS WITH 5' WIDTH WILL BE LOCATED ON EACH SIDE OF THE ROAD. MAINTENANCE OF EAGLE FOREST DRIVE WILL BE PROVIDED BY EL PASO COUNTY.

- M. ARCHITECTURAL CONTROL COMMITTEE REVIEW/COVENANTS:**
ALL IMPROVEMENTS WITHIN EFPU SHALL BE SUBJECT TO THE DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS AND CHARGES FOR EAGLE FOREST SUBDIVISION, INCLUDING THE ARCHITECTURAL CONTROL COMMITTEE REGULATIONS.

PROPERTY DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 8, N00°10'49"W - 1982.45 FEET. THE DIRECTION IS BASED ON THE LAND SURVEY PLAT BY UNITED PLANNING AND ENGINEERING, DATED NOVEMBER 23, 2004, DEPOSIT NUMBER 20490192 AND THE LINE IS MONUMENTED BY A 2-1/2" DIAMETER ALUMINUM CAP LS #11624 ON THE SOUTH AND A REBAR AND CAP LS 25629 ON THE NORTH.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 8:
THENCE N00°10'49"W ON THE WEST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF SHOUP ROAD AND THE POINT OF BEGINNING OF THE TRACT DESCRIBED HEREIN; THENCE CONTINUE N00°10'49"W ON THE WEST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 1952.45 FEET;
THENCE N89°03'26"W A DISTANCE OF 1298.11 FEET;
THENCE S00°20'14"E A DISTANCE OF 1244.75 FEET TO THE NORTHEAST CORNER OF LOT 1, THE S. HANNASCH SUBDIVISION NO. 1A, AS SHOWN ON THE SUBDIVISION PLAT THEREOF RECORDED UNDER RECEPTION NO. 207712645 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;
THENCE S89°22'23"W ON THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 622.03 FEET TO THE MOST EASTERLY CORNER OF LOT 1A OF SAID S. HANNASCH SUBDIVISION NO. 1A;
THE FOLLOWING FOUR (4) COURSES ARE ALONG THE NORTHERLY AND WESTERLY BOUNDARY OF SAID TRACT;
1.) THENCE N39°59'42"W A DISTANCE OF 60.00 FEET;
2.) THENCE S 50°00'18"W A DISTANCE OF 132.81 FEET TO A POINT OF CURVE;
3.) THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 330.00 FEET, THROUGH A CENTRAL ANGLE OF 50°0'00" AN ARC DISTANCE OF 287.98 FEET TO A POINT OF TANGENT;
4.) THENCE S00°00'18"W A DISTANCE OF 362.97 FEET TO THE SOUTHWEST CORNER OF SAID TRACT;
THENCE CONTINUE S00°00'18"W A DISTANCE OF 60.00 FEET TO A POINT ON THE AFORESAID NORTHERLY RIGHT OF WAY LINE OF SHOUP ROAD;
THENCE S89°01'22"W ON SAID NORTHERLY RIGHT OF WAY LINE A DISTANCE OF 418.94 FEET TO THE POINT OF BEGINNING.

THE DESCRIBED TRACT CONTAINS 44.193 ACRES, MORE OR LESS.

OWNER:

EAGLE FOREST DEVELOPMENT, LLC HAS EXECUTED THIS INSTRUMENT THIS ____ DAY OF _____ 2021.

EAGLE FOREST DEVELOPMENT, LLC

NOTARIAL:

STATE OF COLORADO) SS
COUNTY OF EL PASO)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____ 2021 BY
EAGLE FOREST DEVELOPMENT, LLC

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

OWNERSHIP CERTIFICATION:

I/WE _____ A (ONE OF THE FOLLOWING: TITLE COMPANY, TITLE ATTORNEY, ATTORNEY AT LAW) DULY QUALIFIED, INSURED, OR LICENSED BY THE STATE OF COLORADO, DO HEREBY CERTIFY THAT I/WE HAVE EXAMINED THE TITLE OF ALL LANDS DEPICTED AND DESCRIBED HEREON AND THAT TITLE TO SUCH LAND IS FEE SIMPLE BY _____ AT THE TIME OF THIS APPLICATION. NOTARIZED SIGNATURE

NOTARIAL:

STATE OF COLORADO) SS
COUNTY OF EL PASO)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____ 2021 BY _____

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

COUNTY APPROVALS:

THIS PRELIMINARY / PUD DEVELOPMENT PLAN HAS BEEN REVIEWED AND FOUND TO BE COMPLETE AND IN ACCORDANCE WITH THE (BOARD RESOLUTION OR MOTION # AND DATE) APPROVING THE PUD AND ALL APPLICABLE EL PASO COUNTY REGULATIONS.

BOARD OF COUNTY COMMISSIONERS DATE PLANNING DIRECTOR DATE

RECORDING:

STATE OF COLORADO) SS
COUNTY OF EL PASO)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT MY OFFICE AT ____ O'CLOCK ____ M., THIS ____ DAY OF _____ 2021, AND IS DULY RECORDED AT RECEPTION NO. _____ OF THE RECORDS OF EL PASO COUNTY, COLORADO.

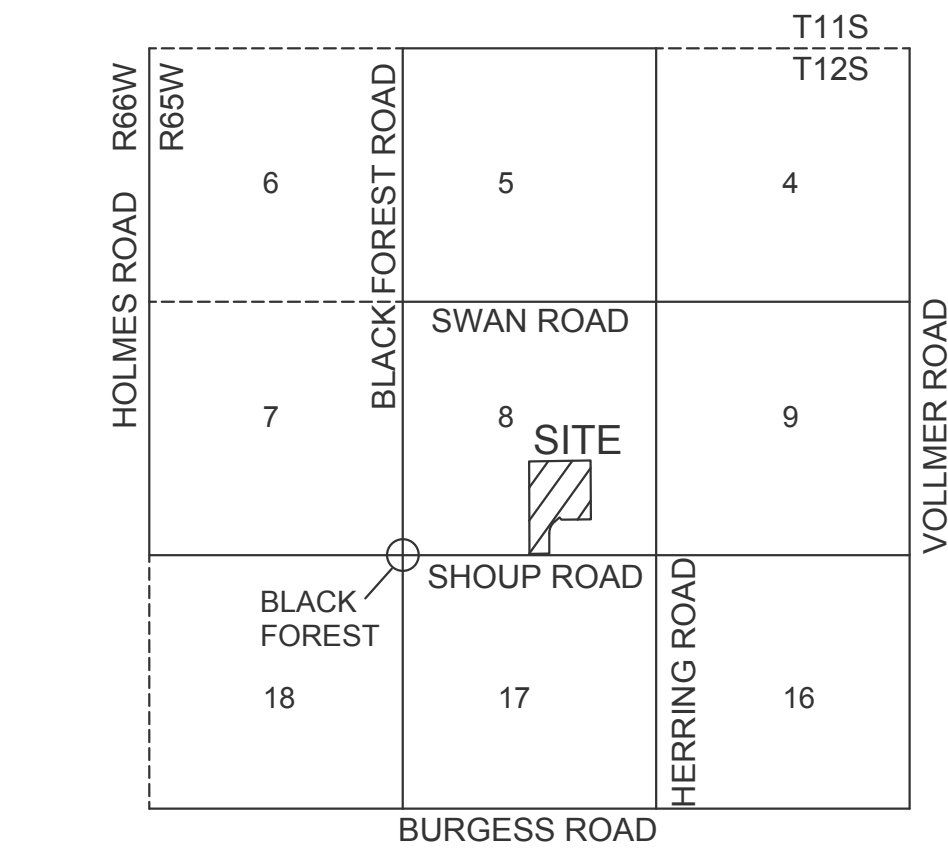
CHUCK BROERMAN

BY:

COUNTY CLERK AND RECORDER

FEE: _____

SURCHARGE: _____



VICINITY MAP
NTS

REVISIONS:
COUNTY COMMENTS 4-1-21

LWA LAND SURVEYING, INC.
953 E. FILLMORE STREET
COLORADO SPRINGS, CO 80907
TELEPHONE (719) 636-5179 FAX (719) 636-5199

DWG: EAGLE FOREST PUD

SCALE: VARIES
DATE: 11/21/21
PROJECT NO.: 11065

SHEET 1 OF 4

EAGLE FOREST SUBDIVISION
PUD/PRELIM DEV. PLAN
EAGLE FOREST DEVELOPMENT, LLC
EL PASO COUNTY, CO

"NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON."

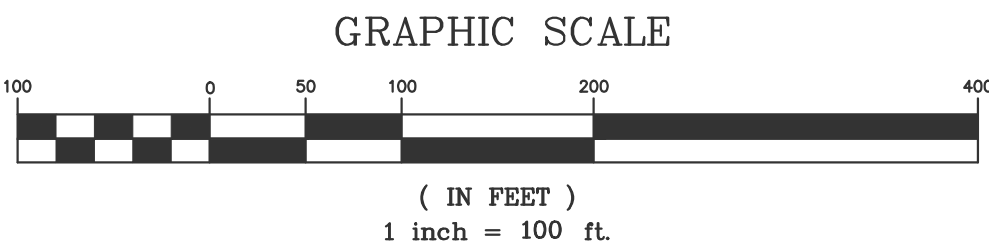
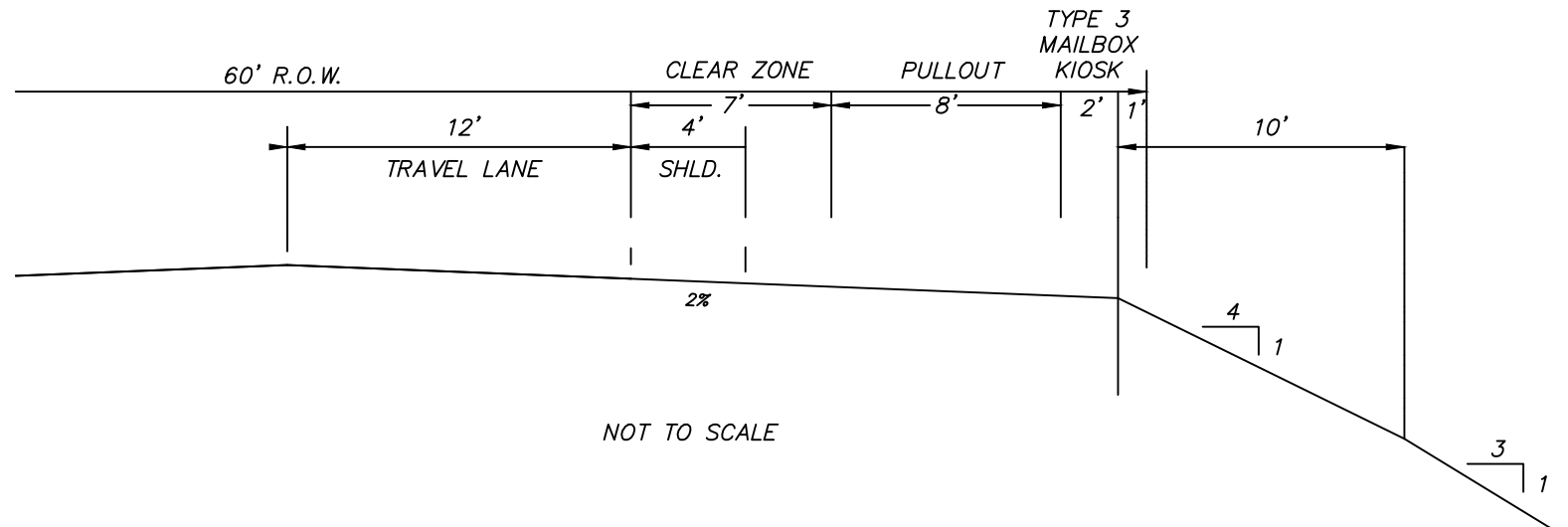
EAGLE FOREST SUBDIVISION
PUD AND PRELIMINARY DEVELOPMENT PLAN

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 8,
TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M.
EL PASO COUNTY, COLORADO



CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	$\Delta=15^{\circ}30'24''$	395.00	106.90	N07°45'30"E	106.58
C2	$\Delta=34^{\circ}29'36''$	395.00	237.80	N32°45'30"E	234.22
C3	$\Delta=50^{\circ}20'32''$	230.00	202.09	N24°50'02"E	195.65
C4	$\Delta=50^{\circ}20'32''$	170.00	149.37	N24°50'02"E	144.61
C5	$\Delta=92^{\circ}04'11''$	170.00	273.18	N46°22'19"W	244.72
C6	$\Delta=92^{\circ}04'11''$	230.00	369.59	N46°22'19"W	331.09
C7	$\Delta=26^{\circ}47'29''$	230.00	107.55	N74°11'51"E	106.57
C8	$\Delta=13^{\circ}45'24''$	280.00	67.23	N53°55'24"E	67.07
C9	$\Delta=20^{\circ}34'03''$	100.55	36.09	N57°19'43"E	35.90
C10	$\Delta=98^{\circ}16'20''$	60.00	102.91	N18°28'35"E	90.75
C11	$\Delta=36^{\circ}25'41''$	60.00	38.15	N48°52'26"W	37.51
C12	$\Delta=90^{\circ}17'59''$	60.00	94.56	N67°45'44"E	85.07
C13	$\Delta=27^{\circ}49'03''$	100.55	48.82	N36°31'16"E	48.34
C14	$\Delta=10^{\circ}22'19''$	220.00	39.63	N55°38'57"E	39.77
C15	$\Delta=11^{\circ}49'02''$	170.00	35.06	N66°42'37"E	35.00
C16	$\Delta=14^{\circ}58'27''$	170.00	44.43	N80°06'22"E	44.30

MAILBOX PAD PULL-OFF AREA DETAIL

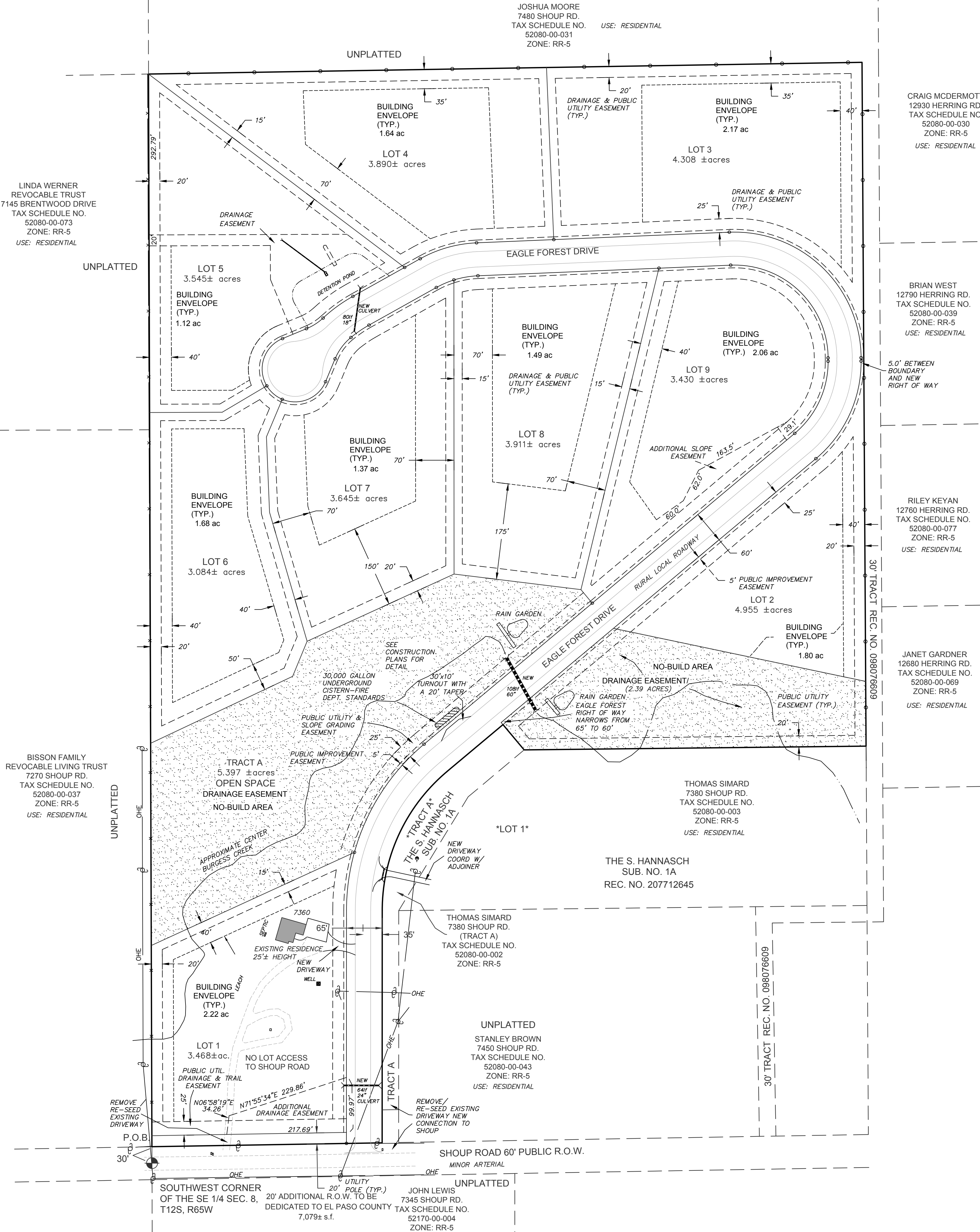


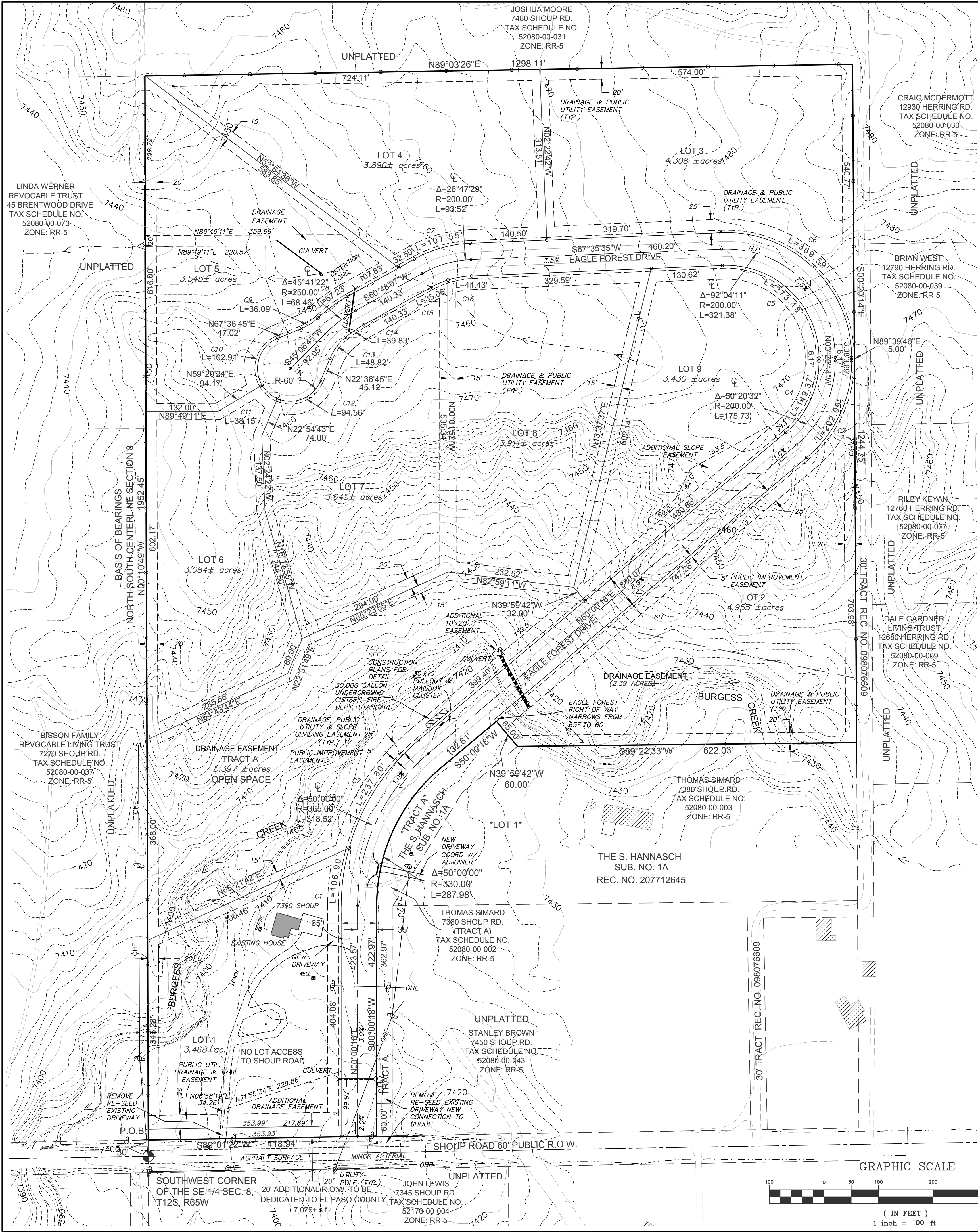
LWA LAND SURVEYING, INC.
953 E. FILLMORE STREET
COLORADO SPRINGS, CO 80907
TELEPHONE (719) 636-5179 FAX (719) 636-5199

DWG: EAGLE FOREST PUD
SCALE: 1"=100'
DATE: 1/21/21
PROJECT NO. 11065
SHEET 2 OF 4

EAGLE FOREST SUBDIVISION
PUD/PRELIM DEV. PLAN
EAGLE FOREST DEVELOPMENT, LLC
EL PASO COUNTY, CO

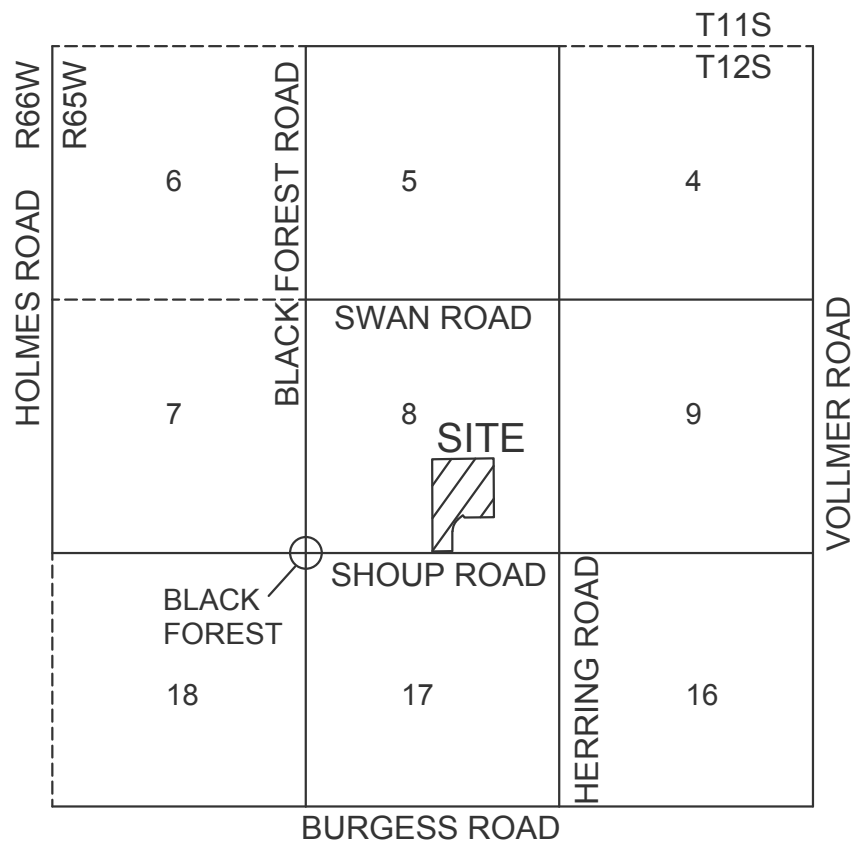
REVISIONS:
COUNTY COMMENTS 4-1-21
COUNTY COMMENTS 5-13-21





EAGLE FOREST SUBDIVISION PUD AND PRELIMINARY DEVELOPMENT PLAN

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 8,
TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M.
EL PASO COUNTY, COLORADO



PROPERTY DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 8, N00°10'49"W - 1982.45 FEET. THE DIRECTION IS BASED ON THE LAND SURVEY PLAT BY UNITED PLANNING AND ENGINEERING, DATED NOVEMBER 23, 2004, DEPOSIT NUMBER 204900192 AND THE LINE IS MONUMENTED BY A 2-1/2" DIAMETER ALUMINUM CAP LS #11624 ON THE SOUTH AND A REBAR AND CAP LS 25629 ON THE NORTH.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 8;
THENCE N00°10'49"W ON THE WEST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF SHOUP ROAD AND THE POINT OF BEGINNING OF THE TRACT DESCRIBED HEREIN; THENCE CONTINUE N00°10'49"W ON THE WEST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 1952.45 FEET;
THENCE N89°03'26"E A DISTANCE OF 1298.11 FEET;
THENCE S00°20'14"E A DISTANCE OF 1244.75 FEET TO THE NORTHEAST CORNER OF LOT 1, THE S. HANNASCH SUBDIVISION NO. 1A, AS SHOWN ON THE SUBDIVISION PLAT THEREOF RECORDED UNDER RECEPTION NO. 207712645 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER;
THENCE S89°22'23"W ON THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 622.03 FEET TO THE MOST EASTERLY CORNER OF TRACT A OF SAID S. HANNASCH SUBDIVISION NO. 1A;
THE FOLLOWING FOUR (4) COURSES ARE ALONG THE NORTHERLY AND WESTERLY BOUNDARY OF SAID TRACT:
1.) THENCE N39°59'42"W A DISTANCE OF 60.00 FEET;
2.) THENCE S 50°00'18"W A DISTANCE OF 132.81 FEET TO A POINT OF CURVE;
3.) THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 330.00 FEET, THROUGH A CENTRAL ANGLE OF 50°00'00" AN ARC DISTANCE OF 287.98 FEET TO A POINT OF TANGENT;
4.) THENCE S00°00'18"W A DISTANCE OF 362.97 FEET TO THE SOUTHWEST CORNER OF SAID TRACT;
THENCE CONTINUE S00°00'18"W A DISTANCE OF 60.00 FEET TO A POINT ON THE AFORESAID NORTHERLY RIGHT OF WAY LINE OF SHOUP ROAD;
THENCE S89°01'22"W ON SAID NORTHERLY RIGHT OF WAY LINE A DISTANCE OF 418.94 FEET TO THE POINT OF BEGINNING.

THE DESCRIBED TRACT CONTAINS 44.193 ACRES, MORE OR LESS.

UTILITIES:

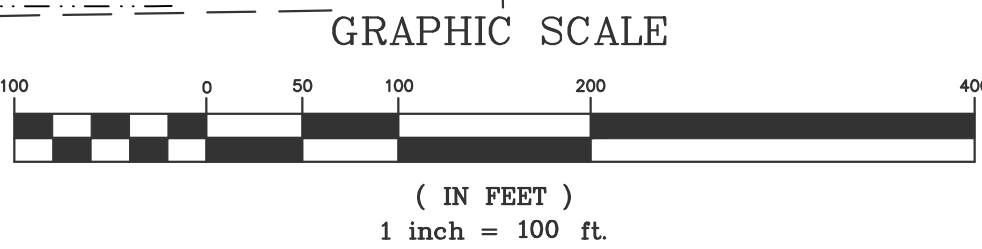
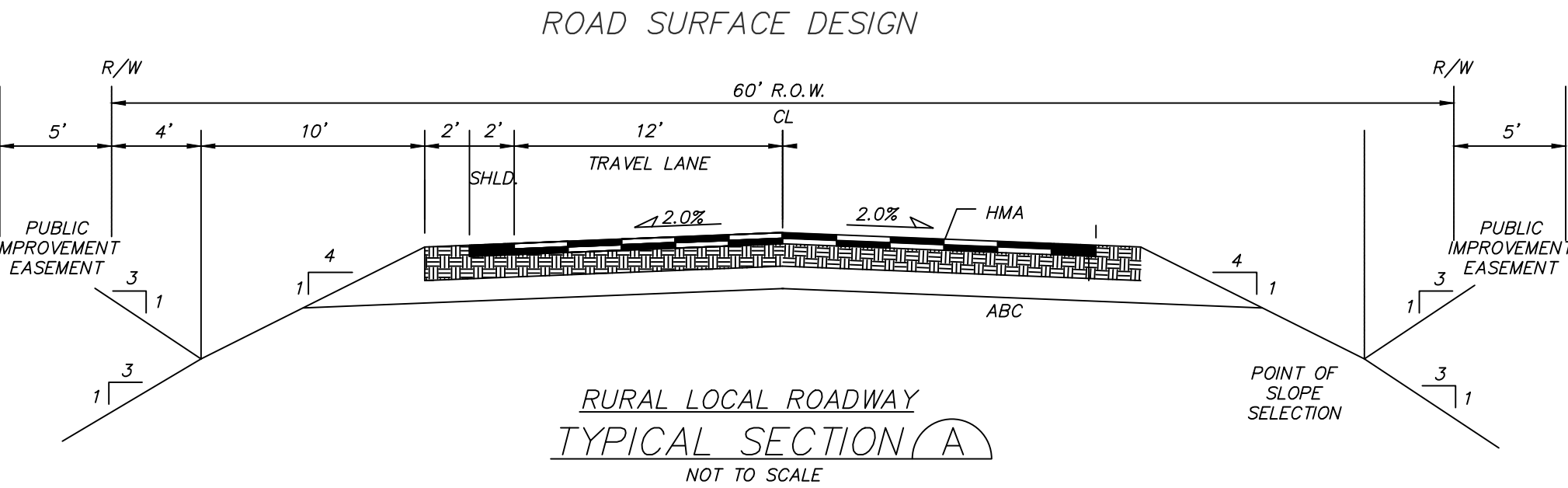
WASTEWATER:
SEWAGE TREATMENT IS THE RESPONSIBILITY OF EACH INDIVIDUAL PROPERTY OWNER. THE EL PASO COUNTY DEPARTMENT OF HEALTH AND ENVIRONMENT MUST APPROVE EACH SYSTEM. SITE SPECIFIC INVESTIGATIONS AND DESIGNS (AS NECESSARY) BY A COLORADO LICENSED ENGINEER WILL BE REQUIRED FOR EACH LOT PRIOR TO CONSTRUCTION OF EACH PROPOSED SINGLE-FAMILY RESIDENCE. THESE SYSTEMS MAY COST MORE TO DESIGN, INSTALL AND MAINTAIN.

NATURAL GAS WILL BE PROVIDED BY BLACK HILLS ENERGY

ELECTRIC WILL BE PROVIDED BY MOUNTAIN VIEW ELECTRIC ASSOCIATION

THE PETITIONER ACKNOWLEDGES THAT FEES WILL BE PAID IN LIEU OF A LAND DONATION.

A SECOND FIRE DEPARTMENT TURN OUT WILL BE PROVIDED PER THE REQUEST OF THE BLACK FOREST FIRE RESCUE PROTECTION DISTRICT TO MEET THE CURRENT CODE NFPA 1141 SEC. 5.2.17.3 AND THE REQUIREMENTS OF THE EL PASO COUNTY LAND DEVELOPMENT CODE AND WILL BE INCLUDED ON THE SUBDIVISION CONSTRUCTION DRAWINGS.



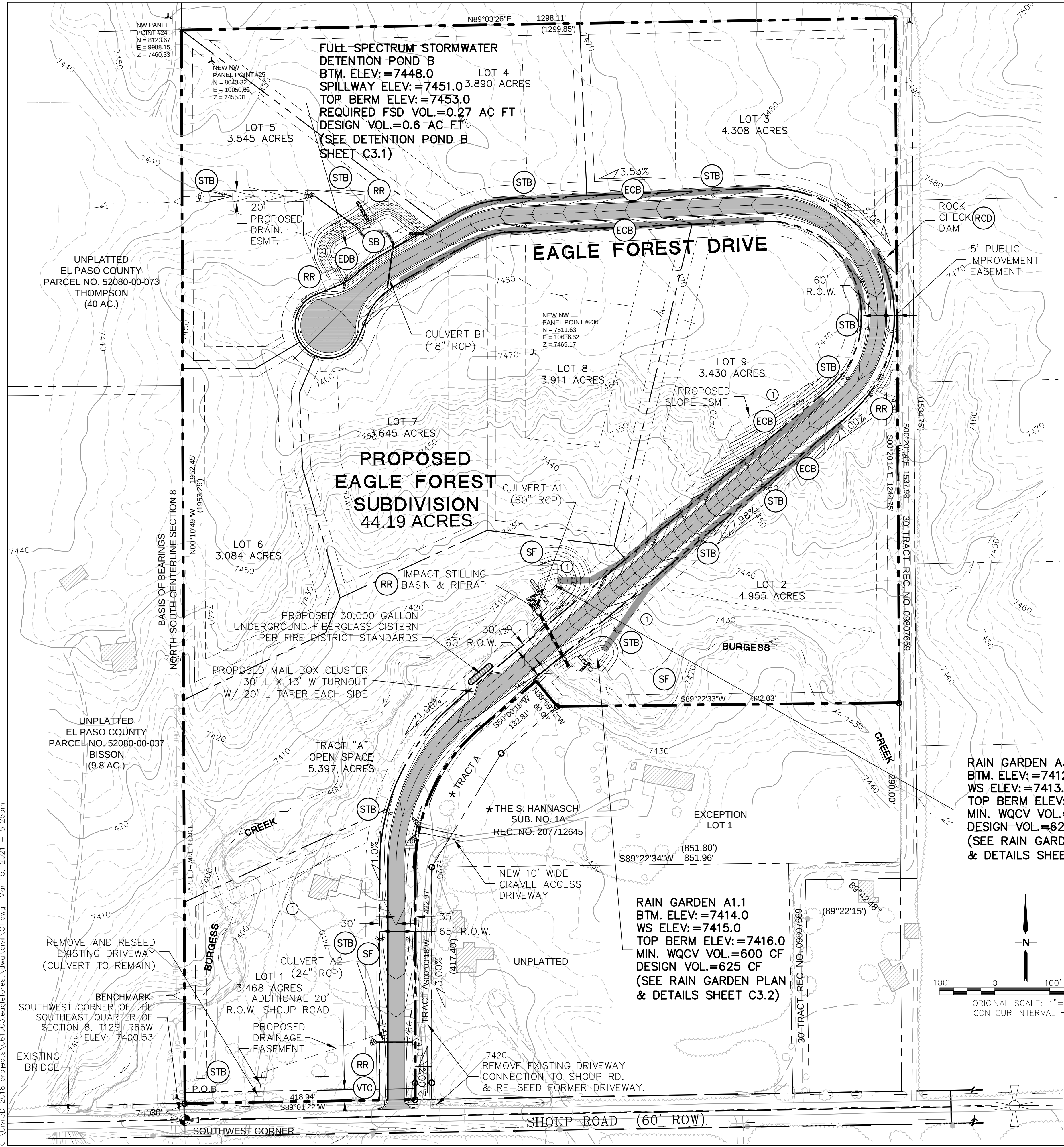
"NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON."

LWA LAND SURVEYING, INC.
953 E. FILLMORE STREET
COLORADO SPRINGS, CO 80907
TELEPHONE (719) 636-5179 FAX (719) 636-5199

DWG: EAGLE FOREST PUD
SCALE: VARIES
DATE: 12/21/21
PROJECT NO. 11065

SHEET 3 OF 4

EAGLE FOREST SUBDIVISION
PUD/PRELIM DEV. PLAN
EAGLE FOREST DEVELOPMENT, LLC
EL PASO COUNTY, CO



GENERAL DRAINAGE NOTES:

- 1. INDIVIDUAL BUILDERS SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM STRUCTURES AND ACCOUNT FOR POTENTIAL CROSS-LOT DRAINAGE IMPACTS WITHIN EACH LOT.
- 2. BUILDERS AND PROPERTY OWNERS SHALL IMPLEMENT & MAINTAIN EROSION CONTROL BEST MANAGEMENT PRACTICES FOR PROTECTION OF DOWNSTREAM PROPERTIES AND FACILITIES INCLUDING PROTECTION OF EXISTING GRASS BUFFER STRIPS ALONG THE DOWNSTREAM PROPERTY BOUNDARIES.

ESTIMATED EARTHWORK QUANTITY:

UNCLASSIFIED EXCAVATION (TOTAL CUT) = 13,633 CY
* EMBANKMENT FILL = 9,011 CY
NET (CUT) = 4,622 CY
*(ASSUMES 15% COMPACTION FACTOR)

NOTE: THIS ESTIMATE IS PROVIDED FOR INFORMATION ONLY, REPRESENTING THE CALCULATED BULK EARTHWORK VOLUME NOT INCLUDING ANY ADJUSTMENTS FOR PAVEMENT DEPTHS. CONTRACTOR SHALL MAKE HIS OWN DETERMINATION OF EARTHWORK QUANTITIES AS BASIS FOR BID PRICING AND NOTIFY ENGINEER OF ANY DISCREPANCIES.

DRIVEWAY CULVERT TABLE		
LOT NO.	SIZE (DIA.)	MIN. SLOPE
1	18"	1.0%
2	18"	1.0%
3	18"	1.0%
4	18"	1.0%
5	18"	1.0%
6	18"	1.0%
7	18"	1.0%
8	18"	1.0%
9	18"	1.0%

KEYED NOTES:

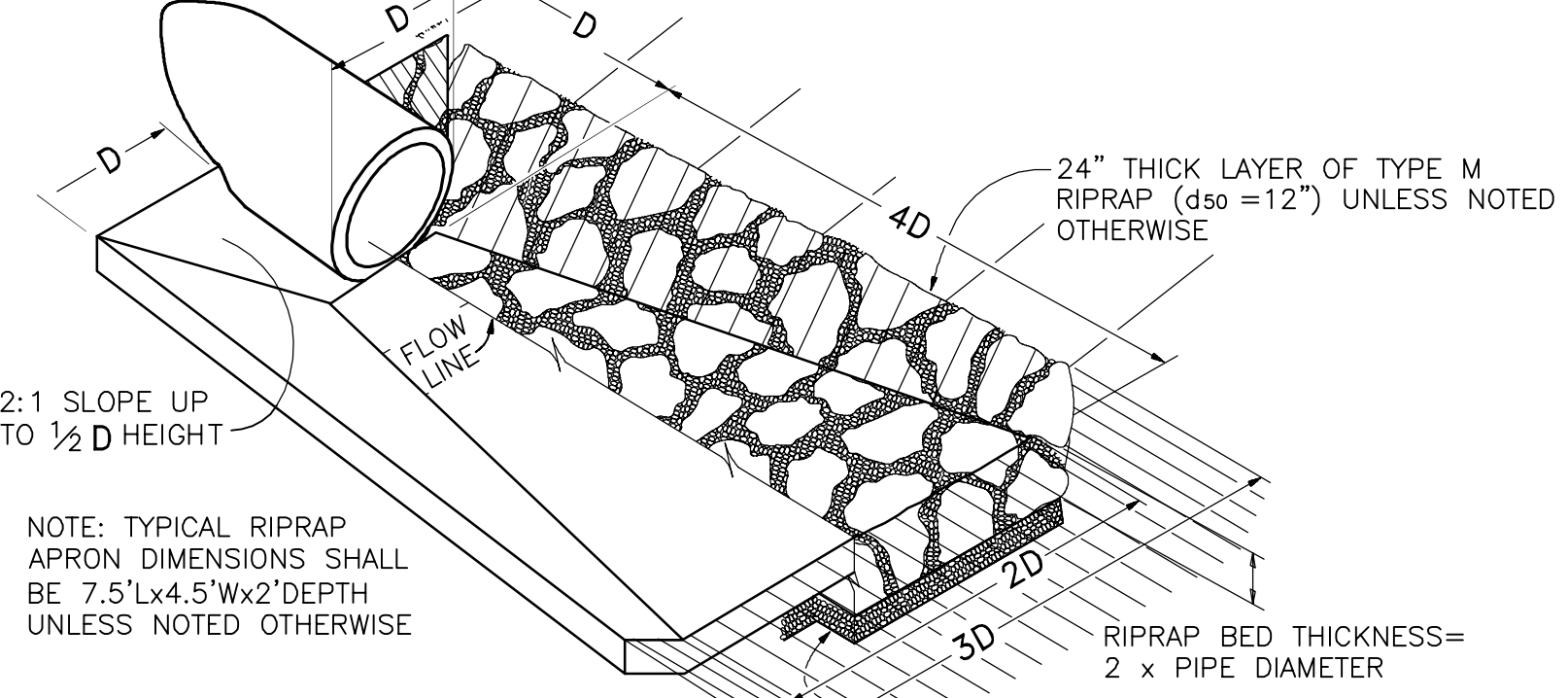
- ① CONTRACTOR MAY WASTE EXCESS CUT MATERIAL OR BORROW SUITABLE FILL MATERIAL FROM THIS AREA. MATCH INTO EXISTING GRADES WITH 3:1 MAX CUT AND FILL SLOPES AND MAINTAIN POSITIVE DRAINAGE IN ALL AREAS.

BMP PHASING

- INITIAL BMP'S
- INSTALL VTC
 - INSTALL SILT FENCE
- INTERIM BMP'S
- STRAW BALE CHECK DAMS
- FINAL BMP'S
- RIPRAP APRONS
 - SEEDING

EROSION CONTROL:

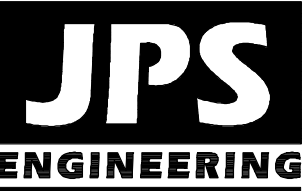
- FILING LIMITS
- EXISTING CONTOUR
- PROPOSED CULVERT
- FLOW DIRECTION ARROW
- FLOWLINE
- RIPRAP (RR)
- SILT FENCE (SF)
- VEHICLE TRACKING PAD (VTC)
- STRAW BALE CHECK DAM (STB)
- SEDIMENT BASIN (SB)
- EXTENDED DETENTION BASIN (EDB)
- EROSION CONTROL BLANKET DITCH LINING (ECB) (NAG C350 OR EQUAL)



TYPICAL RIPRAP APRON/ CULVERT OUTLET PAVING

NOT TO SCALE

EAGLE FOREST SUBDIVISION



19 E. Willamette Ave.
Colorado Springs, CO 80903
PH: 719-477-9429
FAX: 719-471-0766
www.jpsengr.com

GRADING & EROSION CONTROL PLAN

HORZ. SCALE: 1"=100'	DRAWN: MSP
VERT. SCALE: N/A	DESIGNED: JPS
SURVEYED: LWA	CHECKED: JPS
CREATED: 3/17/12	LAST MODIFIED: 3/15/21
PROJECT NO: 061003	MODIFIED BY: MSP
SHEET:	

C1



October 7, 2020

Lindsay Darden
El Paso County Development Services Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910

RE: Eagle Forest – PUD & Preliminary Plan
SE1/4 of Sec. 8, Twp. 12S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 23287

To Whom It May Concern,

We have received the submittal to subdivide a 44.4 +/- acre parcel into 9 lots and a tract of open space; the proposed lots range in size between 3.0 and 4.9 acres and the proposed open space is 5.4 +/- acres. According to this office's records, a previous development known as Eagle Forest Estates was proposed for this property and this office provided comments regarding the water supply on November 21, 2012. The comments provided herein shall supersede those previous comments. The proposed supply of water for this development is to be served by individual on-lot wells and wastewater is to be served by individual septic systems.

Water Supply Demand

According to the revised Water Supply Information Summary included with the submittal, the estimated water requirements include 2.7 acre-feet per year for household use in 9 single-family dwellings (0.3 acre-foot per year per dwelling), 4.7 acre-feet per year for irrigation and 1 acre-foot per year for stock watering, for a total estimated water requirement of 8.4 acre-feet per year.

It should be noted that standard water use rates, as found in the *Guide to Colorado Well Permits, Water Rights, and Water Administration*, are 0.3 acre-foot per year for each ordinary household, 0.05 acre-foot per year for four large domestic animals, and 0.05 acre-foot per year for each 1,000 square feet of lawn and garden irrigation.

Source of Water Supply

The anticipated source of water is to be provided by nine on-lot wells which will produce from the Dawson aquifer and will operate pursuant to the augmentation plan decreed in consolidated case nos. 2004CW119 (Division 2) and 2004CW336 (Division 1). The water underlying this property was adjudicated and the applicant is the owner of the Dawson, Denver, Arapahoe, and Laramie Fox-Hills aquifers.



According to the decree referenced above, the following amounts of water shown in Table 1, below, were determined to be available underlying the 44.4 ± acre tract of land owned by the applicant.

Table 1 – Denver Basin Ground Water Rights

Aquifer	Tributary Status	Volume (AF)	Annual Allocation 100 Year (AF/Year)	Annual Allocation 300 Year (AF/Year)
Dawson	NNT	2,970	29.7	9.9
Denver	NNT 4%	2,910	29.1	9.7
Arapahoe	NT	1,920	19.2	6.4
Laramie-Fox Hills	NT	1,270	12.7	4.2

The plan for augmentation decreed in consolidated case nos. 2004CW119 (Division 2) and 2004CW336 (Division 1) allows for diversion of 9.9 acre-feet per year for the uses proposed in the subdivision referral.

This office has record of two existing wells located on the property. Well permit nos. 168590-A and 168591 are exempt wells permitted pursuant C.R.S. 37-62-602. The referral documents indicate that the applicant intends to use one or both of these existing wells as part of the water supply to the proposed subdivision. **This will require that the applicant apply for, and obtain new well permits issued pursuant to Section 37-90-137(4) C.R.S.**

The proposed source of water for this subdivision is a bedrock aquifer in the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which this source will be a physically and economically viable source of water. According to 37-90-137(4)(b)(I), C.R.S., "Permits issued pursuant to this subsection (4) shall allow withdrawals on the basis of an aquifer life of one hundred years." Based on this allocation approach, the annual amounts of water decreed is equal to one percent of the total amount available as determined by Rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Therefore, the water may be withdrawn in those amounts for a maximum of 100 years.

In the El Paso County Land Development Code, effective November, 1986, Chapter 5, Section 49.5, (D), (2) states:

"-Finding of Sufficient Quantity – The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of three hundred (300) years."

The State Engineer's Office does not have evidence regarding the length of time for which this source will "meet the average annual demand of the proposed subdivision." However, treating El Paso County's requirement as an allocation approach based on three hundred years, the annual estimated demand, for the entire subdivision, is potentially 9.9 acre-feet as allowed by the augmentation plan. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

State Engineer's Office Opinion

Based on the above, it is our opinion, pursuant to CRS 30-28-136(1)(h)(I), that the anticipated water supply can be provided without causing material injury to decreed water rights so long as

the applicant obtains well permits issued pursuant to C.R.S. 37-90-137(4) and the plan for augmentation noted herein, for all wells in the subdivision and operates the wells in accordance with the terms and conditions of any future well permits.

Our opinion that the water supply is **adequate** is based on our determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions.

Our opinion that the water supply can be **provided without causing injury** is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory **allocation** approach, for the proposed uses is greater than the annual amount of water required to supply the demands of the proposed subdivision.

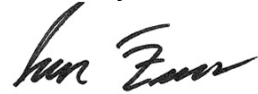
Our opinion is qualified by the following:

The Division 2 Water Court has retained jurisdiction over the final amount of water available pursuant to the above-referenced decrees, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifers, and identified in consolidated case nos. 2004CW119 (Division 2) and 2004CW336 (Division 1), was calculated based on estimated current aquifer conditions. For planning purposes, the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 300 years used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply. Furthermore, that applicant will need to apply for, and obtain a new well permits issued pursuant to Section 37-90-137(4) C.R.S.

Should you or the applicant have questions regarding any of the above, please contact me at this office.

Sincerely,



Ivan Franco, P.E.
Water Resource Engineer

cc: Bill Tyner, Division 2 Engineer
Doug Hollister, District 10 Water Commissioner

EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

Diana K. May, County Attorney

Assistant County Attorneys

Lori L. Seago
Lisa A. Kirkman
Steven A. Klaffky
Mary Ritchie
Bryan E. Schmid
Nathan J. Whitney
Michael J. Desmond
Christopher M. Strider
Terry A. Sample

June 8, 2021

PUDSP-20-6 Eagle Forest Subdivision
PUD/Preliminary Plan

Reviewed by: Lori L. Seago, Senior Assistant County Attorney
Edi Anderson, Paralegal, ACP

FINDINGS AND CONCLUSIONS:

1. This is a PUD/preliminary plan proposal by Eagle Forest Development, LLC ("Applicant") to subdivide 44.2 +/- acres of land located at 7360 Shoup Road into 9 single-family residential lots and open space (the "Property"). The Property is zoned PUD. This PUD project was initially proposed by a previous applicant and approved in 2007, but the project was put on hold due to financial issues related to a recession.

2. The Applicant has provided for the source of water to derive from individual on-lot wells from the not nontributary Dawson aquifer for the 9 lots pursuant to Colorado Water Court Consolidated Case Nos. 04CW336 (Division 1) and 04CW119 (Division 2), which was approved by the Court on November 2, 2005 ("Decree and Augmentation Plan") and issued to Edward A. Edwards. The Applicant estimates its annual water needs to serve household use for 9 single-family residences at 2.7 acre feet annually, outside irrigation at 4.7 acre-feet annually, and stock watering at 1.0 acre feet annually, for a total annual water demand of 8.4 acre-feet.¹ The Applicant must provide a supply of 8.4 acre-feet of water per year and 2,520 acre-feet total (8.4 acre-feet/yr. x 300 years) to meet the County's 300 year water supply requirement.

3. In a letter dated October 7, 2020, the State Engineer's Office reviewed the water demand and supply for this proposed subdivision of 44.2 +/- acres subdivided into 9 lots and a tract for open space. The State Engineer identified the water

¹ Note: Previous submittals of this project included a clubhouse with a water demand of 1.5 acre-feet/year. The present submittal omits the clubhouse from the project, which results in a water demand of 8.4 acre-feet/year instead of 9.9 acre-feet/year.



requirements as cited in the Water Supply Information Summary ("WSIS") as 2.7 acre-feet for household use (0.3 acre-feet per year per dwelling), irrigation in the amount of 4.7 acre-feet and stock watering of 1.0 acre-feet for a total of 8.4 acre-feet/year/subdivision. The State Engineer indicated the source of water is individual on-lot wells from the not nontributary Dawson aquifer operated pursuant to the Decree and Augmentation Plan. The Augmentation Plan permits Applicant to withdraw up to 9.9 acre-feet annually from the Dawson aquifer for a period of 300 years. The State Engineer identified the following Denver Basin groundwater rights underlying Applicant's property:

Aquifer	Tributary Status	Volume (A/F)	Annual Allocation 100 Year (AF/Year)	Annual Allocation 300 Year (AF/Year)
Dawson	NNT	2,970	29.7	9.9
Denver	NNT 4%	2,910	29.1	9.7
Arapahoe	NT	1,920	19.2	6.4
Laramie-Fox Hills	NT	1,270	12.7	4.2

The State Engineer noted there are 2 existing wells located on the property (Permit Nos. 168590-A and 168591) which are exempt wells pursuant to C.R.S. § 37-62-602. The Applicant intends to use one or both of the existing wells; therefore, the State Engineer directed the Applicant to apply for and obtain new well permits pursuant to C.R.S. § 30-90-137(4).

The State Engineer provided the opinion that "pursuant to CRS 30-28-136(1)(h)(l), that the anticipated water supply can be provided without causing material injury to decreed water rights so long as the applicant obtains well permits issued pursuant to C.R.S. 37-90-137(4) and the plan for augmentation noted herein, for all wells in the subdivision and operates the wells in accordance with the terms and conditions of any future well permits." And further, it is the opinion of the State Engineer that the "water supply is adequate is based on our determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions."

4. The Applicant provided a Water Resources Report dated January 21, 2005 from Curtis Wells & Co. which provided an overview of the water rights on the Property. The Applicant also provided report from Porzak Browning & Bushong, LLP, dated October 25, 2011, which included information related to the water rights chain of title, the history of the project, information regarding the well permits, and water uses on the Property. The report notes that the water rights were decreed to Edward A. Edwards in Colorado Water Court Consolidated Case Nos. 2004CW119 and 2004CW336. The Property, including the water rights, were subject to a foreclosure by Mr. Edwards pursuant to a release of Deed of Trust on December 7, 2007, recorded at Reception No. 207156125 in the records of the El Paso County Clerk and Recorder. The Deed of Trust included "all water, water rights and ditch rights (including stock in

utilities with ditch or irrigation rights)". A Confirmation Deed from the El Paso County Public Trustee to First National Bank of Colorado was issued on November 23, 2010, recorded at Reception No. 210119052. The Confirmation Deed included "all water, water rights and ditch rights" On November 1, 2011, Eagle Forest Development, LLC, purchased the property, including water rights, from First National Bank via Quitclaim Deed recorded at Reception No. 211107763.

5. Colorado Water Court Consolidated Case Nos. 04CW119 (Division 1) and 04CW336 (Division 2). The Colorado Water Court adjudicated water in the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers in the Decree and Augmentation Plan dated November 2, 2005. The water rights adjudicated are highlighted in paragraph 3 above as described by the State Engineer's Office. The allowed uses permitted from the Dawson aquifer water underlying the property were identified as domestic, commercial, irrigation, stock watering, recreational, fish and wildlife, fire protection, and any other beneficial purpose. The plan for augmentation requires an individual well on each property to serve each of the 9 single-family residences, as well as outdoor irrigation, stock watering, and a clubhouse.² The average annual amounts of groundwater that may be withdrawn from the Dawson aquifer are 9.9 acre-feet/year for a period of 300 years.

6. Replacement of Depletions During Pumping. The Decree and Augmentation Plan require non-evaporative septic system return flows for replacement of depletions during the pumping period. The Court found that the return flows at the Property will accrue to the Monument Creek stream system and will serve as an adequate augmentation source.

7. Replacement of Post-Pumping Depletions. Pursuant to the Decree and Augmentation Plan, replacement of post-pumping depletions shall be made by water supplied from the Arapahoe and Laramie-Fox Hills aquifers. The reserved amounts required are based on a water demand of 9.9 acre-feet/year³ for 300 years as follows:

Arapahoe aquifer	1725 acre-feet
Laramie-Fox Hills aquifer	1245 acre-feet (total amount minus 2% relinquishment)
Total	2970 acre-feet

(2970 is equal to the entire amount pumped over the projected 300-year period).

8. Analysis: The Decree and Augmentation Plan provides a water supply of 2,970 acre-feet of water in the Dawson aquifer or 9.9 acre-feet annually for 300 years. The annual demand for this PUD/preliminary plan is 8.4 acre-feet/year. Therefore, there appears to be a sufficient supply to meet the needs of this subdivision and the County's 300-year water supply rule.

² A clubhouse is no longer planned for this project.

³ Actual water demand is 8.4 acre-feet/year so amounts to be reserved should be prorated accordingly.

9. The water quality requirements of Section 8.4.7.B.10 of the Land Development Code must be satisfied.

10. Therefore, based upon the State Engineer's finding that the proposed water supply is adequate and will not cause material injury, the decreed water rights and plan for augmentation in Colorado Water Court Consolidated Case Nos. 04CW119 and 04CW336, on the analysis above, and on the conditions listed below, the County Attorney's Office recommends a finding of **sufficiency** as to quantity and dependability. The El Paso County Public Health Department will need to provide an opinion as to quality.

Conditions of Compliance:

A. Applicant and its successors and assigns shall comply with all requirements of Colorado Water Court Consolidated Case Nos. 04CW119 and 04CW336, specifically, that water use shall not exceed 9.9 acre-feet annually for the 9-lot subdivision; and that all stream depletions will be replaced with non-evaporative septic system return flows for a period of 300 years, pursuant to the Court's augmentation plan.

B. The County requires that when there is an augmentation plan, Applicant must create a homeowners' association ("HOA"). Applicant shall create restrictive covenants upon and running with the property which shall advise and obligate future lot owners of this subdivision and their successors and assigns regarding all applicable requirements of Colorado Water Court Consolidated Case Nos. 04CW119 and 04CW336, as well as their obligations to comply with the plan for augmentation, including, but not limited to, ensuring that return flows by the use of non-evaporative septic systems are made to the stream systems, and that such return flows shall only be used to replace depletions and shall not be separately sold, traded, or assigned in whole or in part for any other purpose. The Covenants more specifically shall require that each lot served by a Dawson aquifer well have an occupied single-family dwelling that is generating return flows from a non-evaporative septic system before any irrigation or animal watering is allowed from the wells. In addition, the Covenants shall advise future lot owners of this subdivision and their successors and assigns of their obligations regarding costs of operating the plan for augmentation, which will include pumping of the Dawson wells in a manner to replace depletions during pumping and the cost of drilling Arapahoe and/or Laramie-Fox Hills aquifer wells in the future to replace post-pumping depletions. Such Covenants shall also address responsibility for any metering and data collecting that may be required regarding water withdrawals from wells pursuant to the plan for augmentation, and shall protect the viability of the water supply by placing limitations in the Covenants as to amendments and termination as applied to said water supply.

The covenants shall address the following:

- 1) Identify the water rights associated with the property. The Covenants shall reserve 2,520 acre-feet of Dawson aquifer water to satisfy El Paso County's 300-year water supply requirement for the 9 lots of the Eagle Forest Subdivision.
- 2) Require evaporative septic systems and reserve return flows from the same. The Covenants shall require each lot owner to use non-evaporative septic systems to ensure that return flows from such systems are made to the stream system to replace actual depletions during pumping, shall reserve said return flows to replace depletions during pumping, and shall state that said return flows shall not be separately sold, traded or used for any other purpose. The Covenants more specifically shall require that each lot served by a Dawson aquifer well have an occupied single-family dwelling that is generating return flows from a non-evaporative septic system before any irrigation or animal watering is allowed from the well. The Covenants shall also include the following or similar language to ensure that such return flows shall only be used for replacement purposes: "Return flows shall only be used for replacement purposes, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose."
- 3) The following or similar language shall be included in the Covenants to address future conveyances of the lots subsequent to the initial conveyance made by Applicant/Declarant: "The water rights referenced herein shall be explicitly conveyed; however, if a successor lot owner fails to so explicitly convey the water rights, such water rights shall be intended to be conveyed pursuant to the appurtenance clause in any deed conveying said lot, whether or not the plan for augmentation in Colorado Water Court Consolidated Case Nos. 04CW119 and 04CW336 and the water rights therein are specifically referenced in such deed. The water rights so conveyed shall be appurtenant to the lot with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title."
- 4) The Covenants shall advise future lot owners of this subdivision and their successors and assigns of their responsibility for any metering and data-collecting that may be required regarding water withdrawals from the existing Dawson aquifer well and future wells to be constructed in the Arapahoe and/or Laramie-Fox Hills aquifers.
- 5) The Covenants shall address amendments using the following or similar language:

"Notwithstanding any provisions herein to the contrary, no changes, amendments, alterations, or deletions to these Covenants may be made which would alter, impair, or in any manner compromise the water supply for the Eagle Forest Subdivision pursuant to the plan for augmentation in Colorado Water Court Consolidated Case Nos. 04CW119 and 04CW336. Further, written approval of the proposed amendments must first be obtained from the El Paso County Planning and Community Development Department, and as may be appropriate, by the Board of County Commissioners, after review by the County Attorney's Office. Any amendments must be approved pursuant to the Colorado Water Court approving such amendment, with prior notice to the El Paso County Planning and Community Development Department for an opportunity for the County to participate in any such adjudication."

6) The Covenants shall address termination using the following or similar language:

"These Covenants shall not terminate unless the requirements of the plan for augmentation in Colorado Water Court Consolidated Case Nos. 04CW119 and 04CW336 are also terminated by order of the Water Court, and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County."

C. Applicant or its successors and assigns shall reserve in the Covenants and in any deeds of the Property the decreed amount of at least 0.933 acre-feet per lot annually and shall reserve a total decreed amount of at least 8.4 acre-feet annually of Dawson aquifer water for the 9-lot subdivision for 300 years for a total of 2,520 acre-feet. 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. Applicant shall convey by recorded warranty deed these reserved Dawson aquifer water rights to the individual lot owners. Applicant shall provide copies of said Covenants or other such reservation and conveyance instruments that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney's Office prior to recording the minor subdivision plat.

Any and all conveyance instruments shall recite as follows:

For the water rights and return flows conveyed for the primary supply (Dawson aquifer): "These water rights conveyed, and the return flows therefrom, are intended to provide a 300-year supply, and replacement during pumping, for each of the 9 lots of the Eagle Forest Subdivision. The water rights so conveyed, and the return flows therefrom, shall be appurtenant to each of the respective lots with which they are conveyed, shall not be separated from the transfer of title to

the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title."

D. Applicant or its successors and assigns shall reserve in the Covenants and/or in any deeds of the Property the proportional amount of 1,725 acre-feet of water in the Arapahoe aquifer and 1,2455 acre-feet of water from the Laramie-Fox Hills aquifer for use in the augmentation plan to replace post-pumping depletions, subject to proration as noted in footnote 3. Pursuant to the Decree and Augmentation Plan, Applicant shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for augmentation supply. Applicant shall convey by recorded warranty deed these reserved Arapahoe and Laramie-Fox Hills aquifer water rights to the HOA or to the individual lot owners (with appropriate deed restrictions) for use in the augmentation plan. Applicant shall provide copies of such reservation and conveyance instruments that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney's Office prior to recording the minor subdivision plat.

E. Applicant or its successors and assigns shall at the time of lot sales, convey by warranty deed to individual lot owners sufficient water rights in the Dawson aquifer pursuant to Colorado Water Court Consolidated Case Nos. 04CW119 and 04CW336 underlying the respective lots to satisfy El Paso County's 300-year water supply requirement. Dawson aquifer requirements for each lot are as follows: 280 acre-feet for each lot (0.933 acre-feet/year x 300 yrs.). Said conveyance instruments shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for the primary supply and replacement during pumping for the respective lots. Applicant shall provide form deeds for such conveyances that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney's Office prior to recording the minor subdivision plat.

F. Applicant or its successors and assigns shall submit Declaration of Covenants, Conditions, and Restrictions 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 be approved by the Planning and Community Development Department and the County Attorney's Office prior to recording the final plat. Said Declaration shall cross-reference Colorado Water Court Consolidated Case Nos. 04CW119 and 04CW336 and shall identify the obligations of the individual lot owners thereunder.

G. Applicant or its successors and assigns shall record all applicable documents, including but not limited to, the decree in Colorado Water Court Consolidated Case Nos. 04CW119 and 04CW336, and agreements, assignments, and

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.

H. As noted by the State Engineer's Office, the Applicant must obtain new well permits for well permit nos. 168590-A and 168591 already existing on the property. All well permits must be obtained pursuant to C.R.S. § 37-90-137(4).

I. Prior to recording the final plat, Applicant shall upload to eDARP a current Water Resources Report that meets the requirements of Section 8.4.7 (B) of the Land Development Code. Applicant shall also upload to eDARP a corrected Letter of Intent which reflects the water demand of 8.4 acre-feet instead of 9.9 acre-feet as currently indicated.

J. 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:

"Water in the Denver Basin aquifers is allocated based on a 100-year aquifer life; however, for El Paso County planning purposes, water in the Denver Basin aquifers is evaluated based on a 300-year aquifer life. Applicants and all future owners in the subdivision should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than either the 100 years or 300 years used for allocation indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply."

cc: Ryan Howser, Planner II

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting
Thursday, July 15, 2021
El Paso County Planning and Community Development Department
200 S. Cascade Ave – Centennial Hall Hearing Room
Colorado Springs, Colorado

REGULAR HEARING
1:00 p.m.

PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, JOAN LUCIA-TREESE, SARAH BRITTAIN JACK, TIM TROWBRIDGE, ERIC MORAES, AND JAY CARLSON

PRESENT VIA ELECTRONIC MEANS AND VOTING: NONE

PRESENT AND NOT VOTING: BRANDY MERRIAM

ABSENT: GRACE BLEA- NUNEZ AND BECKY FULLER

STAFF PRESENT: CRAIG DOSSEY, NINA RUIZ, RYAN HOWSER, JOHN GREEN, GILBERT LAFORCE, DANIEL TORRES, LUPE PACKMAN, JEFF RICE, ELENA KREBS, ELIZABETH NIJKAMP (VIA REMOTE ACCESS) AND EL PASO COUNTY ATTORNEYS MARY RITCHIE AND LORI SEAGO

OTHERS SPEAKING AT THE HEARING: ANDREA BARLOW, WILLIAM PARISH, JIM BEYERS, JASON ALWINE, LORI KING, DANNY MIENTKA, BROOKE TEAL, GLEN BUTTS, ROBIN SMITH, JAMES CHLEAN, ELIZABETH CULLER, CHIEF WRIGHT, JEFF DAZ, FELICIA GRILLO, AND BEAU WORTHINGTON

Report Items

1. A. Report Items -- Planning and Community Development Department – Mr. Dossey -- The following information was discussed:

- a) The next scheduled Planning Commission meeting is for Thursday, August 5, 2021 at 1:00 p.m.**

- b) **Mr. Dossey** gave an update of the Planning Commission agenda items and action taken by the Board of County Commissioners since the last Planning Commission meeting.

B. Public Input on Items Not Listed on the Agenda – NONE

2. Annual Meeting and Election of Officers

The Sunshine Law was presented at the first of the year and therefore did not need to be reviewed at this time.

Ms. Lucia-Treese nominated **Mr. Risley** as Planning Commission Chair seconded by **Ms. Brittain Jack**. **Mr. Risley** accepted the nomination. **Ms. Lucia-Treese** made a motion to close nominations. Motion passed unanimously to close nominations. Motion passed 6-0 to appoint **Mr. Risley** as Planning Commission Chair. **Ms. Lucia-Treese** nominated **Mr. Bailey** as Vice Chair seconded by **Mr. Carlson**. **Mr. Bailey** accepted the nomination. **Ms. Lucia-Treese** made a motion to close nomination. Motion passed to close nominations. The motion passed 6-0 for **Mr. Bailey** as Vice Chair.

CONSENT ITEMS

3. A. Approval of the Minutes – June 17, 2021

The minutes were unanimously approved as presented. (7-0)

B. SF-21-014

HOWSER

**VACATION AND REPLAT
CLOVERLEAF FILING NO.1**

A request by PT Cloverleaf, LLC, for approval of a vacation and replat of three parcels, collectively representing a portion of one platted (1) tract, into three (3) single-family residential lots. The three parcels total 1.5-acres and are zoned RS-20000 (Residential Suburban) and are located north of Leggings Way, east of Bowstring Road, approximately 0.34 miles northeast of the Higby Road and Jackson Creek Parkway intersection and within Section 23, Township 11, and Range 67 West of the 6th P.M. (Parcel No. 71231-02-047, 71231-02-048, and 71231-02-050) (Commissioner District No. 1)

PC ACTION: TROWBRIDGE MOVED/LUCIA-TREESE SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 3B, SF-21-014, FOR A VACATION AND REPLAT FOR CLOVERLEAF FILING NO. 1 UTILIZING RESOLUTION PAGE NO. 19, CITING, 21-039, WITH THIRTEEN (13) CONDITIONS AND THREE (3) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (7-0).

C. MS-21-001

GREEN

**MINOR SUBDIVISION
D. JOHNSON SUBDIVISION**

A request by Delroy and Janet Johnson for approval of a minor subdivision to create four (4) single-family residential lots. The 28.62 acre property is zoned RR-5 (Residential Rural) and is located on the west side of Highway 83 approximately one half (1/2) mile north of the intersection of Highway 83 and Old North Gate Road and is within Section 34, Township 11, and Range 66 West of the 6th P.M. (Parcel No. 61000-00-157) (Commissioner District No. 1)

PC ACTION: BAILEY MOVED/TROWBRIDGE SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 3C, MS-21-001, FOR A MINOR SUBDIVISION FOR D. JOHNSON SUBDIVISION, UTILIZING RESOLUTION PAGE NO. 19, CITING, 21-038, WITH THIRTEEN (13) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (7-0).

D. PUDSP-20-005

PARSONS

**PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN
FALCON MEADOWS AT BENT GREASS**

A request by Better Land, LLC, and Challenger Communities, LLC, for approval of a map amendment (rezoning) from a site-specific PUD (Planned Unit Development) to a site specific PUD (Planned Unit Development) and approval of a preliminary plan for 267 single-family residential lots. The seven (7) parcels, totaling 67.01 acres, are located along the northwest side of Bent Grass Meadows Drive, approximately 0.7 miles east of the intersection of Meridian Road and Bent Grass Meadows Drive and are within Section 1, Township 13 South, Range 65, West of the 6th P.M. (Parcel Nos. 53010-00-019, 53012-01-061, 53012-01-062, 53012-01-063, 53012-04-005, 53010-00-023, and 53012-04-006) (Commissioner District No. 2)

Item PUDSP-20-005 was requested to be pulled from the Consent calendar and heard as a Regular item with an abbreviated presentation. It was heard after all the Consent items.

Ms. Parsons gave an abbreviated presentation of the project, she also read the criteria of approval into the record.

Mr. Carlson – My main concern is trying to understand what was of record and what we're amending. Were there density changes? What was the change?

Ms. Parsons – Referring to the PUD from 2006 (Ms. Parsons full report is part of the public record) You are basically modifying the lot layout, the street pattern and incorporating the development of lots. The regional trail corridor will be brought up from south to north and to the west and recommending approval of a large open space tract be located at the northern property line. You are also approving a greater buffer of 50 feet and then the detention instead of having the setback on the rear of the lots, you would be modifying that to have a buffer plus the detention tract. On the western portion of the property, instead of having the 35-foot setback in the rear of the lots, you would be proposing to create a 35 open space tract, then a wall and then the single family lots.

Mr. Carlson – On the northern lots, I believe you said there was a 100-foot setback? **Ms. Parsons** – It was 50 foot. Now we have a large open space between the two developments.

Mr. Risley – I assume the applicant is aware of the proposed modifications? **Ms. Parsons** – We have reviewed them in detail with the applicant.

Mr. Bailey – Can you tell us the purpose of the maintenance access road in the open space tract alongside the wall?

Ms. Parsons – In the case for some reason that the metropolitan district wasn't maintaining that, the county needs the legal and physical access to maintain it. Ultimately, the responsibility will fall with the Bent Grass Metropolitan District. That is fairly standard on all the detention ponds. We need to have legal and physical access.

Mr. Bailey- My question, is that because the whole northern boundary is the channel, that's the reason for the access, it's not just to get down to the detention pond. It seems like access to that will be much quicker from Bent Grass Meadow Drive but there is a need for that maintenance access road along the northern boundary? **Ms. Parsons** – It serves two-fold. There is a 25-foot trail corridor easement that will potentially parallel that access road and that will be determined at the final plat. **Mr. Bailey** – Ok, that does clarify.

Mr. Trowbridge –Why are we being asked to let them build most of the development for the CLOMR (Conditional Letter of Map Revision) in the revised condition 8D?

Mr. Rice – The reasoning for that CLOMR is because if it is needed it would most likely be for offsite improvement which would be involved with other

property owners. **Mr. Trowbridge** – So its not a drainage issue? **Mr. Rice**- We don't anticipate issues on their site, there could be, but we just don't know. Downstream is where we anticipate where there will need to be a CLOMR. Also, to clarify on the west side of the property that maintenance road will also be used to maintain a drainage swell.

Mr. Risley – What would trigger condition 10? A traffic impact study? **Ms. Parsons** – It would be based on that traffic impact studies that would be submitted with the final plat and other developments in the area. **Mr. Rice** – Basically once a number of trips tries making a left turn there, it becomes a queuing issue or a safety issue, so our criteria requires left turns after certain peak number of trips have been meant to make it safer. **Mr. Risley**- So it is implied it would be triggered by a traffic impact study through the Land Development Code. **Mr. Rice** – Right and the assumption is based on the development it would generate that number of trips. **Mr. Risley** - I just wanted to make sure we aren't creating a grey area. **Mr. Rice** – With each final plat we would get an updated traffic study that counts that traffic that is going through there.

Ms. Barlow – I want to emphasize that the previously approved site specific PUD and Preliminary Plan did not include the area to the south and east of Bent Grass Meadows Drive and that the under original PUD plan the allowed density was 8 to 12 units per acre. That was always intended to be a much higher density in that area.

William Parish – My main concern is having motorized vehicles on that maintenance road. It's important that there are no vehicle signs posted. I am asking to have that fence moved all the way down, about 90 to 110 yards. I am the only lot that has the fence going halfway down my property.

Jim Beyers – To respond about the comment on the wall. We tentatively identified a spot where that would terminate. We intend to build the wall.

Mr. Risley – My understanding is that an agreement between a developer and an adjacent landowner would be imbedded at the final plat stage.

Ms. Parsons - In a nutshell with the existing filing that this particular developer constructed and is still constructing, there was agreement at the final plat that the masonry wall would be extended. The staff did have concerns with the masonry wall being extended across the drainage way. That particular portion of the drainage way is what we are now platting with this plat. I think what the resident is asking for is that the applicant go ahead of time and continue the wall that was agreed upon sooner than what this particular filing is moving.

Mr. Parish – I just want to clarify. I am not asking them to go to the water way, just close to it

Ms. Parsons - Staff is reviewing final construction drawings with the final plat submittal. For obvious reasons we would want to allow the improvements of the channel and detention before we place something that would interfere with the construction. That is why staff didn't have a concern with the installation of the wall at this time.

Mr. Risley – We are hearing the Preliminary Plan today and that it really doesn't apply to the approval criteria but acknowledging that there is an ongoing discussion.

Mr. Moraes – I don't know if we can prevent private vehicles being on there versus the county vehicles going out there. **Ms. Parsons** – The vehicle that would on there would just be the maintenance vehicle. If someone were to trespass on this private property that would be up to the Sheriff's department to enforce that, not the Planning and Community Development Department.

PC ACTION: CARLSON MOVED/LUCIA-TREESE SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 3D, PUDSP-20-005 FOR A PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN FOR FALCON MEADOWS AT BENT GRASS, UTILIZING RESOLUTION PAGE NO. 31, CITING, 21-036, WITH ELEVEN (11) CONDITIONS AND FIVE (5) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (7-0).

E. PUDSP-20-006

HOWSER

**PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN
EAGLE FOREST**

A request by Eagle Forest Development, LLC, for approval of a map amendment (rezoning) from PUD (Planned Unit Development) to PUD (Planned Unit Development) and approval of a preliminary plan for nine (9) single-family residential lots. The 44.19-acre property is located on the north side of Shoup Road, approximately one-half (1/2) mile west of Herring Road and within Section 8, Township 12 South, Range 65 West of the 6th P.M. (Parcel No. 52080-00-071) (Commissioner District No. 1)

PC ACTION: TROWBRIDGE MOVED/BRITTAIN JACK SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 3E, PUDSP-20-006 FOR A PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN FOR

EAGLE FOREST, UTILIZING RESOLUTION PAGE NO. 31, CITING, 21-037, WITH EIGHT (8) CONDITIONS AND FIVE (5) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (7-0).

Regular Items
4. VA-21-001

GREEN

VARIANCE OF USE
BLACK FOREST MEADOWS

A request by Deborah and Edward Ritchy for approval of a variance of use to allow a business event center. The 20-acre parcel is zoned RR-5 (Rural Residential) and is located approximately one-quarter (1/4) of a mile north of the Goshawk Road and Hodgen Road intersection along the west side of Goshawk Road and is within Section 23, Township 11 South, Range 65 West of the 6th P.M. (Parcel No. 51230-00-017) (Commissioner District No. 1)

Mr. Green gave a brief overview of the project and asked **Ms. Ritchie** to go over the review criteria for a variance of use. He then gave his full presentation.

Note for the record: The Planning Commission took a brief break after Mr. Green's presentation in order to allow the Board of County Commissioners to come back into the hearing room and adjourn their hearing that was held earlier in the day.

Mr. Trowbridge – How many events do you anticipate holding per week, per month?

Ms. Ritchy – We are planning on seasonal events so, June through September possibly October, maybe twenty events per year with one event per weekend.

IN FAVOR: NONE

IN OPPOSITION: NONE

DISCUSSION:

Mr. Risley – Having grown up in Black Forest I am always interested in projects that are sensitive to the contextual surrounding of the forest but are also ways of creating economic activity in Black Forest as well. In my opinion, it looks like a well-balanced project and I wish you the best.

PC ACTION: TROWBRIDGE MOVED/LUCIA-TREESE SECONDED FOR RECOMMENDED APPROVAL OF REGULAR ITEM NUMBER 4, VA-21-001 FOR A VARIANCE OF USE FOR BLACK FOREST MEADOWS, UTILIZING RESOLUTION PAGE NO. 51, CITING, 21-041, WITH TWO (2) CONDITIONS AND THREE (3) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED (7-0).

5. P-20-009

GREEN

**MAP AMENDMENT (REZONE)
ROCK CREEK MESA**

A request by Colorado Springs Equities, LLC, Golden Eagle Ranch LLC, and New Direction IRA INC, for approval of a map amendment (rezoning) of 37.26-acres from F-5 (Forest) to RS-5000 (Residential Suburban). The six (6) parcels included in the request are located west of the intersection of Colorado Highway 115 and Pawnee Road, approximately one-half (1/2) mile south of the City of Colorado Springs incorporated boundary and are within Sections 30 and 31, Township 15 South, Range 66 West of the 6th P.M. (Parcel Nos. 65303-00-017, 65303-00-022, 65304-00-009, 65304-01-001, 65312-00-007, 75000-00-236) (Commissioner District No. 3)

Note for the record: **Mr. Carlson** recused himself from hearing this item due to a professional relationship with the applicant. Quorum is still in place with six voting members.

Mr. Green gave a brief overview of the project and asked **Ms. Ritchie** to go over the review criteria for a map amendment (rezone). He then introduced the applicants' representative **Mr. Jason Alwine** give their presentation.

Mr. Mientka – In my mind this application represents solid planning. We are across the street from Fort Carson, our largest employer, we are in an environment where housing is at a critical shortage. So, when we look at this particular piece of real estate, we ask how it can best benefit the community and make sense within its surroundings. This application doesn't come without a history. The majority of the land I have owned since 1995 so I have been a neighbor in the community, and I understand there are concerns and anxiety with change and I welcome their concerns. The reality is that this is a balanced zoning application. This property could have been developed in 1995, but there isn't any water available, there is an existing water district, but it hasn't been able to issue taps. Coincidentally I owe about 16 acres north of this property that is within the City of Colorado Springs limits. From that effort we looked at the opportunity to serve this property. When you run the economics on the utility extensions it's about density. We would love

to have 400 or 600 units in order to make economic sense of utility extensions. We tried to balance out an amount of density that is compatible with a highly dense mobile home park and others' that have larger lots. In order for us to get the utilities to serve Rock Creek Mesa, we needed to get a couple things, the density and the Springs utilities to serve out of boundary. There isn't going to be thousands of homes. We bring more than just housing for Fort Carson and housing for Department of Corrections. Right now, Fort Carson is short 4300 units for housing and we have a responsibility collectively where possible to protect the base. Housing is a strong motivator for this approval. We have a fire district that is capable, but they lack a dependable supply of water. This proposal gets us a step closer to providing southwest 115 fire protection. Eliminating the water treatment facility is going to be good for everybody up there. We satisfy that from the mobile home perspective. As you hear from folks that are opposed to this that don't want growth and I understand. I bring them stable property values. Let me help you with fire protection.

Mr. Green provided a brief history of the project area. His full presentation is on the public record. **Mr. Green** also noted that since the application was submitted prior to the Master Plan being adopted it was judged against the southwest highway 115 comprehensive plan.

Mr. Trowbridge - Can you tell me how this plan complies with 6.1.2 which discourages small discontinuous land development projects?

Mr. Green – In staff's review of this item and looking at what the existing development of the area that would be how it was reviewed what would be discontinuous or not. That it's not a standalone leapfrog development that it would be around existing development in the area, specifically approximately 273 dwelling units, including the mobile home park.

Daniel Torres provided his engineering findings on behalf of **PCD**.

IN FAVOR:

Lori King – We moved into the area about six years ago and we bought a working well at that time and within six months of us living here, the well went dry and we had well technicians come out and they said it's a common issue in this area. We have water delivered. At that point we went to the rock creek water district and they told us they would not be able to take on new customers due to low water as well. We have called every water district in and out of town and they are all saying they can't. We are concerned about a large fire. We just wanted to speak up and ask for the critical resource of water.

IN OPPOSITION:

Brooke Teal – I'm a resident of the mobile home park and my main concern is egress in case of a wildfire. Although additional water is important, it means

nothing if there is a fire coming down and we have no way out. It's not a matter of if, it's a matter of when it burns. Adding a hundred or so homes on that park with only one way out. Our fire department is mostly volunteer.

Glen Butts - I'm curious how Piute inward is still just one road. He talked about bringing in water, no sewer, we haven't had a septic system, I'm just curious about natural gas, we are all on propane. Is that something that's going to come in too? We did truck water during the drought; we're not hauling now. It's only happened a few times in many years that I know of. Development is inevitable. My biggest complain is that we all had to comply to the F-5 building.

Robin Smith – I'm directly above the planned development. I'm happy to see they've added plans on things like having a playground. I do believe it is a good location, the other one is too small with limited access. One of the things I've been worried about with having kids running around, with them taking out the only playground we had because when kids don't have something to do they become destructive. I want to make sure we keep our kids safe. The only thing is that they don't own that land yet. Currently our roads going up and down are very small. We have no sidewalks, so people currently walk in the road. We need more infrastructure before we add more residents.

James Chlean – I'm completely opposed because it's going to completely change our neighborhood. The population density is going to increase so much that is going to create a lot of problems, we don't have road or sidewalks. I do understand the fire concerns. I believe our area is a wildlife corridor. It will completely change the character of our area. I think building would be reasonable if it was kept the same way. Adding more people will increase traffic, crime and add more stress on our first responders. I don't believe it's just grass land that they are going to develop, two of the parcels are F5 for a reason, animals need those areas. I just would hate to see our neighborhood change from the country environment to this dense suburbia

Elizabeth Culler – My only concern is the density. The density is based off the mobile home park but that is only a portion of the neighborhood. I would recommend basing the density off the current single-family homes.

Chief Wright – I'm the fire chief for the south west highway 115 district. I'm here to tell you what I would have to deal with if this is approved. This will require significant upgrade to infrastructure. We are a very small fire district. The 80926- zip code is in a high fire situation. Adding 211 all of a sudden would be a major impact. If this development goes through, we will have no room for expansion. We currently have five feet on all sides. Our response comes from the station that is ten miles south of this location. The fire district wouldn't see any tax revenue for 18 to 24 months after the houses are sold. In talking to the developer, which was a pretty short conversation, the only thing they wanted to tell us was the water that

they are bringing. That water is great except we already have 300,000 gallons sitting up the road. Fire is 5% of what we do. We mostly do medical and traffic accidents. 70% come from that trailer park which is higher density just like you are proposing.

Ms. Brittain Jack – Are you speaking on behalf of the fire district or personal?

Chief Wright - On behalf of the fire district. We're not for or against this. We're just telling you our reality.

Mr. Risley – The staff report indicates your district had been sent a referral copy for the proposal and that there were no comments received. **Chief Wright** – I did send in comments.

Jeff Daz – I've been living in Rock Creek Mesa for 25 years. The water issue has only happened once. My biggest concern is the wildfires. There is only one way in and one way out. The proposed building is right next to the park entrance. It will be dangerous with the proposed stop light at 115 and Pawnee with the truck traffic. The roadways are very narrow and can't support the traffic.

Felicia Grillo – We are a small community and the issue here is water. RS-5000 does not fit into Rock Creek Mesa. Most of the properties are not on 10,000 square foot lots, everyone is on large acreage. The mobile home park is on 42 acres. They are talking about spot zoning, which is illegal. I have pictures to show why there shouldn't be a stoplight on Pawnee. Ms. Gillo's pictures are on the public record. The terrain of the mesa is not just grass. The forestry department does have a letter in requesting the applicant to mitigate all the high fire vegetation prior to building. We believe it should have been RR-.05. This will benefit the developer and not our community.

Beau Worthington – There is an over whelming concern for the unique nature of the area that will be lost and the overwhelming density. We're taking land zoned for agricultural uses to the and converting to the highest density that is allowed by the planning department. Our clients aren't opposed to ever developing this area. They are opposed to the 5000 square foot lots that ignore the historical trends. There are 20 homes in the area that have between 4 acres and 25 acres. Historical trend is to move away from high density development. The applicant is proposing to have half the lot size than which they were originally for. Rock Creek Mesa is not a place for high density, it would lose the rural characteristics of the area. The lots are much bigger outside of the mobile home park. In summation the plan as proposed should be denied by this board for all the reasons you have heard this afternoon.

Ms. Ruiz – I did want to clear the record on the comments by the fire district. We did take a look into EDARP and we did send a request through EDARP. They didn

not provide comments through EDARP. The chief will send them via email and will be included for the BoCC. I did want to remind everyone that the request is for a rezone today. Topics have been brought up about potential roadway alignment and it would be inappropriate to discuss those items at the rezone stage.

Mr. Bailey – I would like to hear the staff's perspective about the spot zoning comment.

REBUTTAL:

Ms. Ruiz – This is a unique portion of the county. We have F5 surrounding the property but if you look at the actual lot sizes, they are actually much smaller than 5000 square feet. We also have the RM30 area, which is our most dense residential zone district and we also have the mobile home park. We wouldn't consider this spot zoning because we have non-conforming lots and non-conforming lot sizes within this area. We have high densities within the RM30 with the area and we also have high density mobile home park within the area. As John pointed out, immediately north, the city would permit urban type of development and dense development as well. So, we would not consider this as spot zoning for these reasons. **Mr. Bailey** – Thank you. I didn't either but I just wanted to make sure we were able to address that for the record. **Ms. Ruiz** – We have a lot of these areas in the county because lots were created and some development occurred prior to there being zoning and typically when we implanted zoning we would just do a blanket zoning and not pay attention to the land uses or lot sizes, so this is an example of that.

DISCUSSION:

Mr. Moraes – At least twice you went back to the mobile home density and your development in these areas. What is the density outside of the mobile home that five of the properties abut?

Mr. Alwine – We do have various lot sizes, 10,000 to 30,000. It will range anywhere from quarter acre size up 60,000 plus. Anywhere from four units per acre to less than a unit per acre. **Mr. Moraes** – Density of 5.4 and proposed 4.3 but you skip over everything in the middle (referring to the vicinity map). **Mr. Alwine** – Correct, part of that is because we have 300 dwelling units per acre, so its going to skew the numbers. We have a church facility that is almost an acre and half that doesn't allow density. There are multiple parcels that are vacant. From a zoning standpoint we feel we fit in the transitional use, buffering the higher density mobile home park to the existing 20,000-foot homes.

Mr. Trowbridge – I like the idea that the applicant is bringing in utilities. I know the water is an issue up there and if they were proposing to bring this in and making it available to everyone, which is kind of hinted at, seems to be a good thing. Although we are not talking about traffic access, I am sensitive to evacuation in case of fire. I do have that concern with increasing the density up there. I also don't

like the fact it is a half a dozen different parcels scattered up there all over the place. If we were talking about the most eastern lots, I probably wouldn't have a problem. There are too many pros and cons for me to have a clear picture. I don't believe the RS-5000 is compatible

Ms. Lucia-Treese – I share **Mr. Trowbridge's** comments. I do not believe the RS-5000 is compatible with the existing zoning. Going from F5 to RS-5000 I just don't see where there is any compatibility.

Mr. Bailey – The overall context is a large area with significant density in the mobile home park and a very similar sized area of the larger lots the 10,000 and higher, originally zoned lots in the middle. To me the RS-5000 density for the parcels that we are looking at today are compatible. What we have is a transitional area that already has a critical mass of a population. There is certainly demand for housing in that area. We have a property owner who has come up with a way to get water to that area to support that level of density, I think is very consistent with the small area plan. The master plan that looks forward almost specifically addresses and tells us to do stuff like this where we can because the demand for housing in Colorado Springs is not going to decline. The demand is not the same as it was, it is significantly greater today and the places we have that can grow are places like this. This is the kind of thing we have to do in this county. People that have had the benefit of vacant land next to them are going to have to accept the fact that people want to live in close proximity to them. What was rural 30 years ago is not so rural anymore. I don't see any reason we should not rezone this land and approve this application.

Ms. Brittain Jack – I echo that. This is exactly what we have been looking at and what we've done in the eastern part of the county and in black forest, so I don't see the difference. It's across the street from Fort Carson and we need more density and we need more housing in this community because its growing and its going to continue to grow.

Mr. Moraes – I look at the zoning of RS-5000 up north of Pawnee Road and I think that's a decent transition from a dense mobile home park to the 5,000 foot lots and now you hit Pawnee Road and there's that man made break right there and now you actually have development south of Pawnee Road. I look at the development on the south side. Where the minimum lot size is 5,000 square feet but I understand the current lot sizes are about 10,000. I can understand RS-5000 on the south side. The southeast corner I can understand because it abuts the RM30 and along the highway. I can't really make a case for the two larger lots. The far east side we have lots that are larger than an acre surrounding them and on the west side you have lots larger than an acre surrounding them. Now I have to look at the whole agenda item together and if approving all six of these development areas to RS-5000, I am not in support of that.

Mr. Risley – I think this is a fascinating project. I see the benefit of infilling and developing land that was difficult in the past to develop. This is no longer a rural area. In my mind I would rather see land like this developed than true forest land. I certainly understand the concerns of the neighbors and I think that is a situation where the devil will be in the details. We are looking at rezoning and when I look at the approval criteria, I think there is compelling support for a rezone of this nature. To **Mr. Moraes'** comments with having six different parcels the right approach. I think the applicant could have come in with a PUD and it would have created more density in a lot more different ways, so I think because of this approach there is some sensitivity to that aspect as well.

Ms. Ritchie - If a motion to approve fails, the item is deemed denied. If a motion denied fails, a motion to approve must pass in order to approve the item.

PC ACTION: BRITTAIN JACK MOVED/BAILEY SECONDED FOR RECOMMENDED APPROVAL OF REGULAR ITEM NUMBER 5, P-20-009 FOR A MAP AMENDMENT (REZONE) FOR ROCK CREEK MESA, UTILIZING RESOLUTION PAGE NO. 27, CITING, 21-040, WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THE ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS DENIED (3-3). THE ITEM WILL GO TO THE BOCC. LUCIA-TREESE, TROWBRIDGE AND MR. MORAES WERE THE NAY VOTES DUE TO DENSITY AND COMPATIBILITY.

NOTE: For information regarding the Agenda item the Planning Commission is considering, call the Planning and Community Development Department for information (719-520-6300). Visit our Web site at www.elpasoco.com to view the agenda and other information about El Paso County. Results of the action taken by the Planning Commission will be published following the meeting. (The name to the right of the title indicates the Project Manager/ Planner processing the request.)

MAP AMENDMENT (REZONING) – PLANNED UNIT DEVELOPMENT (PUD)
(RECOMMEND APPROVAL)

Commissioner Trowbridge moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. PUDSP-20-006

Eagle Forest

WHEREAS, Eagle Forest Development, LLC, did file an application with the El Paso County Planning and Community Development Department to amend the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference to the PUD (Planned Unit Development) zoning district; and

WHEREAS, a public hearing was held by this Commission on July 15, 2021; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication, and public notice was provided as required by law for the hearing before the Planning Commission of El Paso County.
3. The hearing before the Planning Commission was extensive and complete, all pertinent facts, matters, and issues were submitted and reviewed, and all interested persons were heard at that hearing.
4. That all exhibits were received into evidence; and
5. The proposed PUD (Planned Unit Development) District zoning is in general conformity with the Master Plan for El Paso County, Colorado.
6. The proposed PUD District zoning advances the stated purposes set forth in Chapter 4, Section 4.2.6, of the El Paso County Land Development Code.

7. There has been a substantial change in the character of the area since the land was last zoned.
8. The proposed development is in compliance with the requirements of the Land Development 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.
9. 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.
10. 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.
11. 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.
12. The areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project.
13. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities.
14. 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.
15. 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.
16. 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.
17. 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.
18. The owner has authorized the application.

19. The subdivision is in conformance with the subdivision design standards and any approved sketch plan.
20. Sufficiency: 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 the Land Development Code.
21. 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 the Land Development Code.
22. 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.W. §30-28-133(6)(c)].
23. Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and the Engineering Criteria Manual are provided by the design.
24. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
25. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
26. 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 of the El Paso County Subdivision Regulations.
27. For the above-stated and other reasons, the proposed zoning is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends approval of the application to amend the EL Paso County Zoning Map to rezone property to the PUD (Planned Unit Development) zoning district.

BE IT FURTHER RESOLVED that the Planning Commission recommends approval of the PUD Development Plan as a preliminary plan.

BE IT FURTHER RESOLVED that the Planning Commission recommends the following conditions, notations, and modifications be placed upon this approval:

CONDITIONS

1. Development of the property shall be in accordance with this PUD development plan. Minor changes in the PUD development plan, including a reduction in residential density, may be approved administratively by the Director of the Planning and Community Development Department consistent with the Land Development Code. Any substantial change will require submittal of a formal PUD development plan amendment application.
2. Approved land uses are those defined in the PUD development plan and development guide.
3. All owners of record must sign the PUD development plan.
4. The PUD development plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any final plats for hearing by the Planning Commission. The development guide shall be recorded in conjunction with the PUD development plan.
5. The developers 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 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.
6. Applicable park, drainage, bridge, and traffic fee shall be paid to El Paso County Planning and Community Development at the time of final plat(s) recordation.
7. The subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
8. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

NOTATIONS

1. Subsequent Final Plat Filings may be approved administratively by the Planning and Community Development Director pursuant to Section 7.2.1.3.D of the Land Development Code.
2. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
3. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.
4. Preliminary plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.
5. 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.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

Commissioner Brittain Jack seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Commissioner Brittain Jack	aye
Commissioner Risley	aye
Commissioner Bailey	aye
Commissioner Moraes	aye
Commissioner Lucia-Treese	aye
Commissioner Carlson	aye
Commissioner Trowbridge	aye

The Resolution was adopted by a vote of 7 to 0 by the El Paso County Planning Commission, State of Colorado.

DATED: July 15, 2021

Brian Risley, Chair

EXHIBIT A

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6th PM, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 8, N00°10'49"W – 1982.45 FEET THE DIRECTION IS BASED ON THE LAND SURVEY PLAT BY UNITED PLANNING AND ENGINEERING, DATED NOVEMBER 23, 2004. DEPOSIT NUMBER 204900192 AND

THE LINE IS MONUMENTED BY A 2-1/2" DIAMETER ALUMINUM CAP LS #11624 ON THE SOUTH AND A REBAR AND CAP LS 25629 ON THE NORTH.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 8; THENCE N00°10'49"W ON THE WEST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF SHOUP ROAD AND THE POINT OF BEGINNING OF THE TRACT DESCRIBED HEREIN; THENCE CONTINUE N00°10'49"W ON THE WEST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 1952.45 FEET; THENCE N89°03'26"E A DISTANCE OF 1298.11 FEET THENCE S00°20'14"E A DISTANCE OF 1244.75 FEET TO THE NORTHEAST CORNER OF LOT 1, THE S. HANNASCH SUBDIVISION NO. 1A, AS SHOWN ON THE SUBDIVISION PLAT THEREOF RECORDED UNDER RECEPTION NO. 207712645 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER; THENCE S89°22'23"W ON THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 622.03 FEET TO THE MOST EASTERLY CORNER OF TRACT A OF SAID S. HANNASCH SUBDIVISION NO. 1A; THE FOLLOWING FOUR (4) COURSES ARE ALONG THE NORTHERLY AND WESTERLY BOUNDARY OF SAID TRACT;

- 1) THENCE N39°59'42"W A DISTANCE OF 60.00 FEET;
- 2) THENCE S 50°00'18"W A DISTANCE OF 132.81 FEET TO A POINT OF CURVE;
- 3) THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 330.00 FEET, THROUGH A CENTRAL ANGLE OF 50°00'00" AN ARC DISTANCE OF 287.98 FEET TO A POINT OF TANGENT;
- 4) THENCE S00°00'18"W A DISTANCE OF 362.97 FEET TO THE SOUTHWEST CORNER OF SAID TRACT;

THENCE CONTINUE S00°00' 18"W A DISTANCE OF 60.00 FEET TO A POINT ON THE AFORESAID NORTHERLY RIGHT OF WAY LINE OF SHOUP ROAD; THENCE S89°01'22"W ON SAID NORTHERLY RIGHT OF WAY LINE A DISTANCE OF 418.94 FEET TO THE POINT OF BEGINNING.

THE DESCRIBED TRACT CONTAINS 44.193 ACRES, MORE OR LESS.

RESOLUTION NO. 21-

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF
COLORADO

APPROVAL OF THE EAGLE FOREST MAP AMENDMENT (REZONING) AND
PUD DEVELOPMENT PLAN (PUDSP-20-006)

WHEREAS Eagle Forest Development, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference from the conceptual PUD (Planned Unit Development) zoning district to the site-specific PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development plan; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on July 15, 2021, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application and supporting PUD Development Plan; and

WHEREAS, a public hearing was held by this Board on July 27, 2021; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Board of County Commissioners.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and Board of County Commissioners of El Paso County.
3. That the hearings before the Planning Commission and Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.

4. The proposed PUD (Planned Unit Development) District zoning is in general conformity with the Master Plan for El Paso County, Colorado.
5. The proposed PUD District zoning advances the stated purposes set forth in Chapter 4, Section 4.2.6, of the Land Development Code.
6. The proposed development is in compliance with the requirements of the Land Development 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.
7. 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.
8. 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.
9. 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.
10. The areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project.
11. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities.
12. 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.
13. 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.

14. 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.
15. 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.
16. The owner has authorized the application.
17. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner, which would interfere with the present or future extraction of such deposit by an extractor.
18. The subdivision is in conformance with the subdivision design standards and any approved Sketch Plan.
19. Sufficiency: 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 the Land Development Code.
20. 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 the Land Development Code.
21. 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.W. §30-28-133(6)(c)].
22. Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and the Engineering Criteria Manual are provided by the design.
23. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
24. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
25. 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 of the El Paso County Subdivision Regulations.

26. For the above-stated and other reasons, the proposed zoning is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

27. For the above-stated and other reasons, the proposed zoning is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the application to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the conceptual PUD (Planned Unit Development) zoning district to the site-specific PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development Plan.

BE IT FURTHER RESOLVED that the Board of County Commissioners hereby approves the PUD Development Plan as a preliminary plan.

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

CONDITIONS

1. Development of the property shall be in accordance with this PUD development plan. Minor changes in the PUD development plan, including a reduction in residential density, may be approved administratively by the Director of the Planning and Community Development Department consistent with the Land Development Code. Any substantial change will require submittal of a formal PUD development plan amendment application.
2. Approved land uses are those defined in the PUD development plan and development guide.
3. All owners of record must sign the PUD development plan.
4. The PUD development plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any final plats for hearing by the Planning Commission. The development guide shall be recorded in conjunction with the PUD development plan.

5. The developers 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 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.
6. Applicable park, school, drainage, and bridge shall be paid to El Paso County Planning and Community Development at the time of final plat(s) recordation.
7. The subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
8. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

NOTATIONS

1. Subsequent final plat filings may be approved administratively by the Planning and Community Development Director.
2. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

3. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.
4. Preliminary plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.
5. 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.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 27th day of July, 2021, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6th PM, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 8, N00°10'49"W – 1982.45 FEET THE DIRECTION IS BASED ON THE LAND SURVEY PLAT BY UNITED PLANNING AND ENGINEERING, DATED NOVEMBER 23, 2004. DEPOSIT NUMBER 204900192 AND THE LINE IS MONUMENTED BY A 2-1/2" DIAMETER ALUMINUM CAP LS #11624 ON THE SOUTH AND A REBAR AND CAP LS 25629 ON THE NORTH.

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 8; THENCE N00°10'49"W ON THE WEST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF SHOUP ROAD AND THE POINT OF BEGINNING OF THE TRACT DESCRIBED HEREIN; THENCE CONTINUE N00°10'49"W ON THE WEST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 1952.45 FEET; THENCE N89°03'26"E A DISTANCE OF 1298.11 FEET THENCE S00°20'14"E A DISTANCE OF 1244.75 FEET TO THE NORTHEAST CORNER OF LOT 1, THE S. HANNASCH SUBDIVISION NO. 1A, AS SHOWN ON THE SUBDIVISION PLAT THEREOF RECORDED UNDER RECEPTION NO. 207712645 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER; THENCE S89°22'23"W ON THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 622.03 FEET TO THE MOST EASTERLY CORNER OF TRACT A OF SAID S. HANNASCH SUBDIVISION NO. 1A;

THE FOLLOWING FOUR (4) COURSES ARE ALONG THE NORTHERLY AND WESTERLY BOUNDARY OF SAID TRACT;

- 1) THENCE N39°59'42"W A DISTANCE OF 60.00 FEET;
- 2) THENCE S 50°00'18"W A DISTANCE OF 132.81 FEET TO A POINT OF CURVE;
- 3) THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 330.00 FEET, THROUGH A CENTRAL ANGLE OF 50°00'00" AN ARC DISTANCE OF 287.98 FEET TO A POINT OF TANGENT;
- 4) THENCE S00°00'18"W A DISTANCE OF 362.97 FEET TO THE SOUTHWEST CORNER OF SAID TRACT;

THENCE CONTINUE S00°00' 18"W A DISTANCE OF 60.00 FEET TO
A POINT ON THE AFORESAID NORTHERLY RIGHT OF WAY LINE
OF SHOUP ROAD;

THENCE S89°01'22"W ON SAID NORTHERLY RIGHT OF WAY LINE A
DISTANCE OF 418.94 FEET TO THE POINT OF BEGINNING.

THE DESCRIBED TRACT CONTAINS 44.193 ACRES, MORE OR
LESS.