



Mr. Ryan Howser,  
cc: Meggan Herington, and Joshua Palmer  
**Via e-mail and EDARP upload**

December 3, 2024

**Subject:** Eagle Rising SF2225 Plat Filing 1 Response Letter and EDARP Upload

Our responses to the EPC November 2024 Plat and related documents review comments have been uploaded EDARP.

The upload includes:

1. This letter with the attached EDARP Review Comment Tracker for SF2225,
2. Detention Maintenance Agreement (MS Word document), for the private road with attachments,
3. Eagle Rising Final Plat Filing No. 1 dated 11.21.2024,
4. Eagle Rising Filing No. 1 Legal Description (MS Word document), and
5. Stormwater Access Agreement.

The Review Comment Tracker demonstrates that we have responded to all County review comments and fulfilled all statutory and EPC Code requirements.

The Eagle Rising Filing No. 1 MS Word legal description is consistent with lot line adjustments between property owners CASAS LP #4 and IQ Investors LLC, so all the Filing No. 1 Lots are outside the 100-year water surface elevation as requested by EPC Engineering while maintaining 2½ acre minimum lots. The lots will be adjusted and recorded prior to filing the Plat.

Regarding the unjustified request for a new driveway permit for 10195 Kurie Road property, please consider that the EPC Engineering Criteria Manual (ECM), only requires a permit for an existing driveway that will be changed or there is a change in use. Furthermore, a Driveway Permit is a temporary instrument issued for only 90 days.

The ECM Section 5.4.2 Driveway Permit Required screenshot below is for driveways to be constructed, reconstructed, paved, altered or change in use, or for culvert work, and as noted above the ECM 5.4.7 screenshot below says a driveway permit will expire if a building permit is not obtained within 90 days.

The 10195 Kurie Road driveway has existed since the 1960s, (see screenshot of aerial photo / map herein). The existing driveway will not be modified, improved or the use changed. In 1997 the previous owner constructed a detached garage and in 2003 also constructed a house. RBD should have a driveway permit on file associated with the construction. If it is not available, the applicant should not be required to process another driveway permit just because EPC can't find one. No building new permit will be requested, and no new construction, paving, alteration or change of any kind or culvert work will take place on the 10195 Kurie Road driveway. Also, a new driveway permit if obtained expires in 90 days so it would be preposterous to even apply for one since no building permit will be requested.

After we evaluated ECM 5.4.2 and 5.4.7 and considering that no change to the existing driveway or no new construction, and no change in use to the principal residence or detached garage, common sense must prevail. Therefore, we do not believe that a new driveway permit for 10195 Kurie Road will be

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required nor will an application be submitted for the Eagle Rising Filing 1 Final Plat. We trust that you agree.

**Extract from Engineering Criteria Manual**  
5.4.2. Driveway Permit Required

Driveway Permits are required to construct, reconstruct, pave, alter, enlarge or change the use of any driveway intersecting a County road; install, re-install, replace, or move a culvert associated with a driveway intersecting a County road; or verify a driveway location is on a private road before issuing a building permit. Where a new driveway is to be constructed in conjunction with the construction of a new principal structure, the Driveway Permit shall be issued as a condition for obtaining a building permit. Where the use of a principal structure or property is proposed to change, a new Driveway Permit may be required prior to the use conversion.

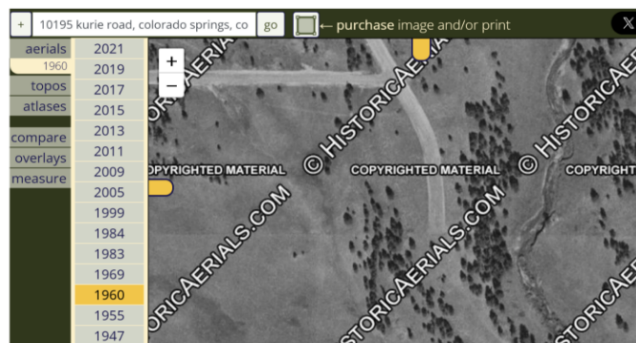
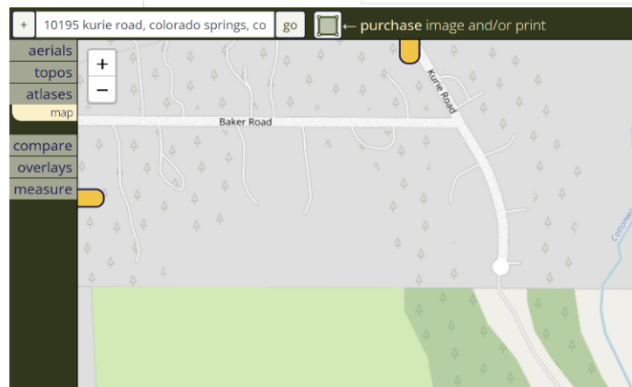
No person shall commence work on any driveway or culvert within a County right-of-way before the Driveway Permit has been issued.

**Extract from Engineering Criteria Manual**  
5.4.7. Driveway Permit Expiration

Every Driveway Permit issued by the ECM Administrator shall expire if a building permit is not obtained within 90-days, the work authorized by the permit is not substantially begun within one year from the date of the permit or if the construction of work authorized by the permit is suspended or abandoned for a period of one year at any time after the work is begun. Before work can begin or be resumed, the Driveway Permit shall be reissued by the ECM Administrator.

**10195 Kurie Road, Colorado Springs Map and 1960 Aerial**

Source Acknowledged: Historic Aerials by NETR Online



Our responses and updated documents constitute a complete applicant response to satisfy the requirements for Plat approval. We request that you expedite the review of these documents, and we formally request that the Eagle Rising SF2225 Plat Filing No. 1 be administratively approved by Meggan Herrington. If Ms. Herrington does not approve the Eagle Rising Final Plat Filing No. 1, by December 20, 2024, we request that this matter be referred to the EPC BoCC for their approval.

Respectfully submitted,

NEXT LEVEL DEVELOPMENT, INC.



Wayne M. Timura, P.E.  
Principal

EDARP Review Comments														
Eagle Rising Final Plat Filing No. 1 (Minor) SF2225														
Comment Number ID	Document Submitted	Agency	Attachments	Reviewer Name	Reviewer Date	Redline Document	Page	Reviewer Comment	Applicants Disposition	Applicant Response Date	Document	Page	Applicant Comment/Response	EI Paso County Response to Applicant 10/18/24 Comments
1	Final Plat Eagle Rising Filing No 1	PCD Engineering Division	Yes	Edward Schoenherr	11/6/2024 12:09	(Plat redlines)	1	Unresolved. Circled Note 16 "Driveways currently exist for 10195 Kurie Drive and 7495 Eagle Wing Drive. Individual Lot Owners are responsible for any necessary driveway culver construction and driveway grading	E - Answer provided	12/2/2024	Final Plat Eagle Rising Filing No 1	-	No response to applicant's previous response: "10195 Kurie Road driveway in existence since before 1960 prior to requirement for driveway permits. Evidenced by caboose and building permits for existing detached garage (1997) and existing house (2003)."  See historic aerial photos emailed to EPC staff on November 7, 2024 3:47PM Eagle Rising Final Plat SF2225: CGS and 10195 Kurie Driveway.  EPC Engineering's review did state code requirement. Follow up email exchange regarding code referenced by EPC Engineering Elizabeth Nijkamp 5.4.2 Drive Permit Requirements do not apply because there is no use change when a parcel becomes a lot. The existing established use of the driveway for the existing house, detached garage, and caboose does not change when a parcel becomes a lot.  See applicant letter submitted for this topic	
2	Final Plat Eagle Rising Filing No 1	PCD Engineering Division	Yes	Edward Schoenherr	11/6/2024 12:09	(Plat redlines)	1	Unresolved. Circled Note 21 "Lot 10 existing house at 10195 Kurie Rd., detached garage and driveway access to Kurie Road are allowed by EI Paso County and Eagle Rising Owners Association."	E - Answer provided	12/2/2024	Final Plat Eagle Rising Filing No 1	-	No response to applicant's previous response: "10195 Kurie Road driveway in existence since before 1960 prior to requirement for driveway permits. Evidenced by caboose and building permits for existing detached garage (1997) and existing house (2003)."  See historic aerial photos emailed to EPC staff on November 7, 2024 3:47PM Eagle Rising Final Plat SF2225: CGS and 10195 Kurie Driveway.  EPC Engineering's review did state code requirement. Follow up email exchange regarding code referenced by EPC Engineering Elizabeth Nijkamp 5.4.2 Drive Permit Requirements do not apply because there is no use change when a parcel becomes a lot. The existing established use of the driveway for the existing house, detached garage, and caboose does not change when a parcel becomes a lot.  See applicant letter submitted for this topic	
3	Final Plat Eagle Rising Filing No 1	PCD Engineering Division	Yes	Edward Schoenherr	11/6/2024 12:09	(Plat redlines)	1	Unresolved. Circled Note 28 "When four or more lots access Kurie Road, a turnaround is required to be constructed as shown on the Preliminary Plan"	E - Answer provided	12/2/2024	Final Plat Eagle Rising Filing No 1	1,2,3	Per BOCC Resolution No. 24-442, see updated Note 28 and dotted line on plat for potential ROW.	
4	Final Plat Eagle Rising Filing No 1	PCD Engineering Division	Yes	Edward Schoenherr	11/6/2024 12:09	(Plat redlines)	2	Unresolved. Circled Kurie Road ROW	E - Answer provided	12/2/2024	Final Plat Eagle Rising Filing No 1	1,2,3	Per BOCC Resolution No. 24-442, see updated Note 28 and dotted line on plat for potential ROW.	
5	Final Plat Eagle Rising Filing No 1	PCD Project Manager	Yes	Ryan Howser	11/6/2024 12:09	(Plat redlines)	2	Unresolved repeat comments from prior reviews. This note is not adequate per LDC Sec. 8.4.4.B which states that either public ROW is dedicated, or land for public ROW is preserved. You must depict the land for dedication for future ROW, per the discussion staff had with the applicant. Staff is now recommending a condition of approval to be added to the preliminary plan with the most recent extension request which would require land dedication at this stage.	E - Answer provided	12/2/2024	Final Plat Eagle Rising Filing No 1	1,2,3	Per BOCC Resolution No. 24-442, see updated Note 28 and dotted line on plat for potential ROW.	
6	Final Plat Eagle Rising Filing No 1	PCD Project Manager	Yes	Ryan Howser	11/6/2024 12:09	(Plat redlines)	1	Unresolved previous comment. Administrative final plat does not have BoCC certificate. Please replace with the following PCD Director signature certificate:	E - Answer provided	12/2/2024	Final Plat Eagle Rising Filing No 1	1	See updated signature block	
7	Final Plat Eagle Rising Filing No 1	PCD Project Manager	Yes	Ryan Howser	11/6/2024 12:09	(Plat redlines)	1	Unresolved. Please remove BoCC signature line, as it is not needed.	E - Answer provided	12/2/2024	Final Plat Eagle Rising Filing No 1	1	See updated signature block	
8	Final Plat Eagle Rising Filing No 1	PCD Project Manager	Yes	Ryan Howser	11/6/2024 12:09	(Plat redlines)	5	Per previous comment, the exclusive easement needs to be amended to allow Lot 7 to access the highlighted portion. As shown, Lot 7 has no access through its easement to Eagle Wing View.  Alternatively, this easement can be eliminated if Lot 7 can access Eagle Wing Vw through its flagpole stem.	E - Answer provided	12/2/2024	Final Plat Eagle Rising Filing No 1	5	dotted line removed from plat	
9	Final Plat Eagle Rising Filing No 1	Colorado Geological Survey	No	Amy Crandall	11/6/2024 10:05	EDARP Comment	-	See our comments on 10/2/2024 and the PCD Project Manager's comments on 10/3/2024. Statements from the final plat dated September 18, 2024, were deleted and should be included in the updated final plat dated October 17, 2024. Specifically,  "...A ground water monitoring program be conducted to determine if basements are feasible and/or if an underdrain system is required due to shallow groundwater," and  "If a monitoring program is not performed...no basements or inhabitable below grade areas are allowed."	E - Answer provided	12/2/2024	Final Plat Eagle Rising Filing No 1	-	Resolved per Ryan Howser email acceptance on November 7th, 2024 4:04pm RE: Eagle Rising Final Plat SF2225: CGS and 10195 Kurie Driveway	
10	Engineering Review	PCD Engineering Division	No	Edward Schoenherr	11/6/2024 11:59	EDARP Comment	-	Engineering Review 7  See previous redline comments on the Final Plat Drawings (uploaded by PCD)  These documents will also be required, with the final legal description, when available: - Legal description - Channel maintenance access easement agreement - to be provided when available from the County Attorney and finalized as a conditional of approval - Roadside grass buffer agreement  Note: A driveway access permit is required for 10195 Kurie for access to Kurie Rd.	E - Answer provided	12/2/2024	-	-	Final Plat Drawings v7 (uploaded by PCD) See comment responses #1 through #9  Channel maintenance access easement agreement to be finalized as a conditional of approval See uploaded Stormwater Access Agreement  Legal description on DMA roadside grass buffer to be finalized with plat prior to recording. See Final Plat Filing No 1 Legal Description Exhibit A and Tract A Legal Description as Exhibit B  A driveway access permit is required for 10195 Kurie for access to Kurie Rd. Disagree. See comment response #1 and #2	
11	Detention Maintenance Agreement	County Attorney - Development Review	Yes	Erika Keech	11/6/2024 14:48	EDARP Comment	-	Please see attached edits to DMA.  We are still working on the channel access easement.	E - Answer provided	12/2/2024	Channel Access Easement	-	See Final Plat Filing No 1 Legal Description Exhibit A and Tract A Legal Description as Exhibit B  Channel access easement agreement was not uploaded to EDARP by EPC staff. Channel access easement provided via email by Jeff Rice on November 12, 2024 14:01 See uploaded Stormwater Access Agreement	

Topic Legend	
1	Driveway Permit
2	Drainage Maintenance Agreement
3	Colorado Geologic Survey
4	BOCC Signature Block
5	Kurie Road ROW