

LETTER OF INTENT  
EAGLE RISING FILING NO. 1, FINAL PLAT APPLICATION

July 1, 2022

**PARCEL NUMBER:** 52290 00 034

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## **SITE INFORMATION**

The proposed Eagle Rising Filing 1 subdivision is located within portions of the E1/2 of Section 29, Township 12 South, Range 65 West of the 6<sup>th</sup> P.M., El Paso County, Colorado. In general, the proposed subdivision is located south of the Park Forest Estates Filing 2 subdivision and east of the Eagle Wing Estates subdivision.

The property totals 35.3 acres and is currently zoned RR-2.5 with a County approved Preliminary Plan for the entire Eagle Rising Subdivision (PCD File No. SP205). Vehicular (driveway) access to Lot 8 will be from the existing Kurie Road turnaround. Vehicular access to all other lots will be from Eagle Wing Drive, a public ROW, via a private gravel surfaced interior roadway owned and maintained by the Property Owners Association, designed and constructed to County codes, regulations and standards.

Eagle Rising Filing No. 1 is the first of planned multiple Eagle Rising Filings.

## **DEVELOPMENT REQUEST**

The applicant is requesting Final Plat approval for the Eagle Rising Filing No. 1 subdivision facilitating:

- 8 single family residential lots at a minimum lot size of 2.5 acres on 28.30 acres comprising 80% of the subdivision.
- A 5.16 ac tract to be held for future development comprising 15% of the subdivision.
- 0.52 ac public right-of-way comprising 1% of the subdivision.
- 1.31 ac private roadway right-of-way comprising 4% of the subdivision.

The average lot size is 3.53 acres, the gross density is 1 lot per 4.41 acres and the net density is 1 lot per 3.53 acres

## **JUSTIFICATION FOR REQUEST**

This application is consistent with the goals and objectives of the El Paso County Master Plan (see Master Plan Consistency below), the approve RR-2.5 property zoning and the approved Eagle Rising Preliminary Plan (SP205).

## **EXISTING AND PROPOSED IMPROVEMENTS**

Existing improvements within this parcel include two single family residential homes, 1 large metal barn, ponds, interior gravel roadways, a central water distribution system, natural gas and electrical service systems.

Proposed improvements within this Filing include: 8 single family residential lots, improved gravel surfaced privately owned interior roadways, an asphalt surfaced County owned cul-de-

sac head at the public terminus of Eagle Wing Drive, drainage improvements and public utility improvements.

Water service, including fire hydrants, will be provided by Park Forest Water District's central water system. Wastewater treatment will be via individual onsite septic systems.

Filing No. 1 is located within the service areas of Mountain View Electric Association, Blackhills Energy Corporation, Qwest Telephone, Black Forest Fire Protection District and the Academy No. 20 School District.

**COUNTY MASTER PLAN CONSISTENCY**

In approving a Final Plat application, the El Paso County Land Development Code requires that the BoCC shall find that the proposed subdivision is, amongst other issues, in general conformance with the goals, objectives and policies of the El Paso County Master Plan.

The El Paso County Master Plan utilizes a system of "Key Areas and Place Types" aligning with approved "Land Uses" to evaluate Master Plan land use consistency.

Key Areas – The north one half of the Eagle Rising Filing No. 1 subdivision is designated as "Potential Areas for Annexation" while the south one half is not included within any of the 10 Key Area designations. The "Potential Areas for Annexation" Key Area designation simply puts the County and developer on notice that certain "Land Uses and Placetypes may be more appropriately developed within the City rather than the County primarily due to infrastructure considerations. The Suburban Residential Placetype and the proposed land use (2.5 acre single family residential lot size) allow for development within the County.

Areas of Change – The north one half of the Eagle Rising Filing No. 1 subdivision is designated "New Development" while the south one half is designated "Minimal Change: Undeveloped". The "New Development" areas allows for development that significantly transforms existing undeveloped areas. The proposed Suburban Residential Placetype with 2.5 acre lot single family detached residential land uses will retain significant open space and natural features without significantly transforming the existing undeveloped nature of the property. The "Minimal Change: Undeveloped" area of Filing 1 will be limited in scale so as to not alter the essential character of the surrounding communities. Regardless of Area of Change designation, Filing 1 is an "in-fill" subdivision compatible with existing residential uses and consistent with both New Development and Minimal Change: Undeveloped designations.

Filing 1 is located within the Suburban Residential Placetype in its entirety. The Suburban Residential Place Type's primary land use is single family detached residential with lot sizes less than 2.5 acres per lot up to 5 units per acre. Filing 1 is single family detached residential with minimum lot sizes of 2.5 acres. This Placetype allows for parks / open space supporting land uses. Filing 1's primary and supporting land uses are consistent with the Suburban Residential Placetype.

Filing 1 is located within a Suburban Residential / Priority Development Area. This Priority Area encourages development within areas which efficiently utilize and extend existing infrastructure, conserve water resources and strengthen established neighborhoods.

The property's zoning and Preliminary Plan were approved by the County prior to approval of the current County Master Plan. As discussed in *Master Plan Chapter 14 Implementation* –

*Land Use Applications and Master Plan Consistency* - previous Filing 1 approvals, including; Preliminary Plan (SP205), also establish Master Plan consistency related to the land use goals and objectives as well as a good portion of the Master Plans technical subdivision goals and objectives.

## RELEVANT MASTER PLAN GOALS AND OBJECTIVES

LAND USE – CORE PRINCIPLE: manage growth to ensure a variety of compatible land uses that preserve all character areas of the County.

- GOAL LU-1: *Ensure compatibility with established character and infrastructure capacity.* Eagle Rising Filing 1's proposed single family residential land use and proposed lot size are compatible with the surrounding residential communities. The Park Forest's existing central water system and the surrounding communities electric service, natural gas service, parks and recreation, schools and roadways have been designed and constructed to facilitate Filing 1.
- GOAL LU-3: *Encourage a range of development types to support a variety of land uses.* The surrounding community currently facilitates a mix of multifamily, commercial, small lot residential and large lot residential communities. Eagle Rising Filing No. 1 brings to that mix additional large lot (2.5 ac minimum) residential.
  - *Objective LU3-1: Development should be consistent with the allowable land uses set forth in the placetypes and second to their built form guidelines.* The Eagle Rising Filing No. 1 subdivision is located with a Suburban Residential Placetype supporting the proposed uses and densities.
  - *Objective LU3-3: The Suburban Residential placetype should be characterized by predominantly residential areas with mostly single family detached housing.* The Eagle Rising Filing No. 1 subdivision proposes single family detached residential uses and housing.

HOUSING AND COMMUNITIES – CORE PRINCIPLE: Preserve and develop neighborhoods with a mix of housing types.

- GOAL HC-1: Promote development of a mix of housing types in identified areas.
  - *Objective HC1-4: In Suburban Residential areas, cluster development should be encouraged to increase density while also preserving open space...* The Eagle Rising Preliminary Plan (SP205) provides for a significant amount of open space protecting important natural features including ponds and wetlands.
  - *Objective HC1-5: Focus detached housing development in Large-Lot Residential and Suburban Residential areas given the increasing infrastructure and environmental constraints associated with such development to help maintain the established character of rural communities.* The Eagle Rising Filing No. 1 Subdivision is located within a Suburban Residential area and proposes detached housing.

## CRITERIA FOR APPROVAL

Other Master Plan technical subdivision goals and objects and Code compliance requirements are discussed in further detail below and are intended to evidence this application's further consistency with the Master Plan as well as the technical requirements of the Land Development Code.

- *The subdivision is in substantial conformance with the approved Preliminary Plan; The Filing 1 Final Plat accurately reflects the previously approved Preliminary Plan Reinstatement (SP205 approved, 02/12/2020) and amended PUD Development Plans (PUD-18-007 Aug 1, 2019).*
- *The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents and other supporting materials; Compliance with subdivision design standards, regulations and requirements is documented and ensured through the various State and County departmental and agency review responses.*
- *A sufficient water supply has been acquired in terms of quantity, quality and dependability complying with all State and County water supply standards; Water treatment, storage and distribution will be provided via a central water system operated by the Park Forest Water District. See Park Forest Water District Service Commitment Letter.*
- *A sewage disposal system has been established complying with all State and County sewage disposal system standards; Waste water will be treatment by individual onsite septic systems permitted, constructed and operated in accordance with County and State Health Department regulations.*
- *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; All areas containing soil hazards or requiring special precautions, including areas of excess of 30% slope, have been identified and mitigation recommendations have been proposed. See Entech Engineering Soils and Geologic Hazards Report.*
- *Adequate drainage improvements complying with State law and the requirements of this Code and the ECM are provided by the design; See MVE, Inc. Final Drainage Plan and Report.*
- *Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easements, acceptable to the County in compliance with this Code and the ECM; All proposed lots have direct physical and legal vehicular access onto dedicated public rights-of-way and/or privately owned and maintained roadways.*
- *Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision; Filing 1 police will be provided by the El Paso County Sheriff's Office. Fire protection will be provided by the Black Forest Protection District. A transportation network be constructed to provide safe and adequate vehicular access to and from the Filing 1 lots. Water services will be provided by the Park Forest Water District. Electric service will be provided by Mountain View Electric Association and natural gas service will be provided by Black Hills Energy. Recreational opportunities have been/will be provided via the open space trails, ponds and active recreation facilities.*

- *The subdivision provides evidence to show that the proposed methods of fire protection comply with Chapter 6 of the Land Development Code;* Because the Eagle Rising Filing No. 1 community's central water system includes fire hydrants and large quantities of stored (pond) fire suppression water, the developers of the Eagle Rising community work closely with the Black Forest Fire Protection District to provide fire suppression infrastructure for the Eagle Rising community and surrounding subdivisions.
- *Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8.* Off-site impacts generated by the development of Filing No. 1 are primarily related to traffic impacts including off-site roadway and intersection capacities and improvements required to mitigate any identified capacity deficiencies (see LSC's Traffic Memorandum).
- *Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated.* Construction of all required Filing No. 1 public improvements will be the responsibility of the developer in accordance with County approved (1) construction documents and specifications, (2) estimate of guaranteed funds and (3) subdivision improvements agreement and guaranteed by a County approved letter of credit.
- *The proposed subdivision meets other applicable sections of Chapter 6 and 8 of the Land Development Code;* Chapter 6 of the LDC deals with general development standards while Chapter 8 deals with subdivision design, improvements and dedication standards. Compliance with these standards is evidenced and ensured by the various State and County departmental and agency review responses.
- *The extraction of any known commercial mining deposit shall not be impeded by this subdivision;* A review of the El Paso County Master Plan for Mineral Extraction and the Entech Engineering, Soils and Geologic Hazards Report indicates no known commercial mining deposits on the site.

## **SUPPLEMENTAL INFORMATION**

The developer proposes to pay fees in lieu of land dedication for school dedication and park dedication requirements.

The developer will be responsible for constructing all required subdivision improvements at his sole expense. Installation of the required improvements will be guaranteed by a letter of credit acceptable to the El Paso County Board of County Commissioners.

All lots within this subdivision are subject to transportation impact fees in accordance with the El Paso County Road Impact Fee Program, as amended, at the time of building permit application. The road impact fees will be paid on a per lot basis by each individual residential building contractors at the time of building permit application.

No waivers to the El Paso County Land Development Code or deviations to the El Paso County Engineering Criteria Manual are proposed within this application.