

EAGLEVIEW SUBDIVISION PRELIMINARY PLAN

LETTER OF INTENT

DECEMBER 2021, *REVISED OCTOBER 2022*

OWNER:

PT EAGLEVIEW LLC,
1864 WOODMOOR DR, STE 100,
MONUMENT, COLORADO 80132

APPLICANT:

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SITE DETAILS:

TSN: 5226000001; 5226000002

ADDRESS: ARROYA LN

ACREAGE: 121.21 ACRES

CURRENT ZONING: RR-2.5

CURRENT USE: VACANT

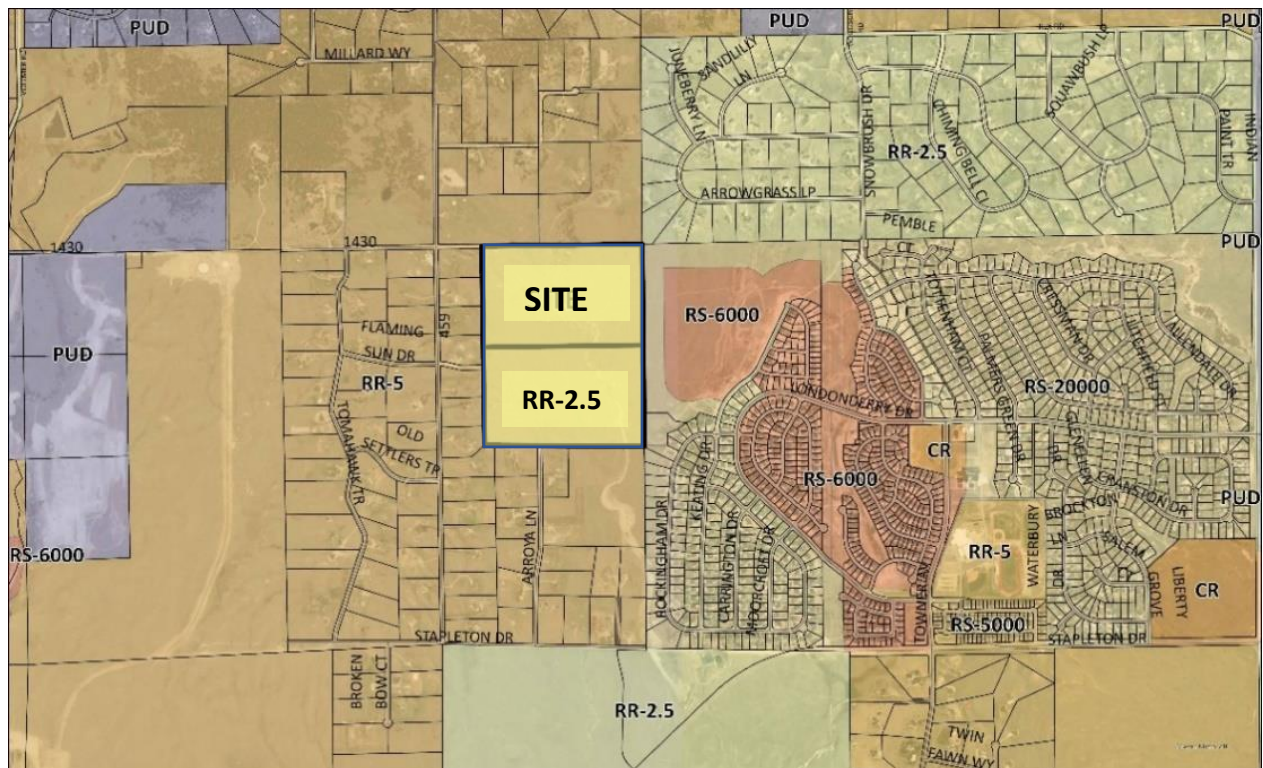
PCD FILE #: SP-2106

REQUEST

N.E.S. Inc. on behalf of PT Eagleview LLC requests approval of a reconsideration of a Preliminary Plan for Eagleview Subdivision. This Preliminary Plan was approved in 2007 and has since expired. The proposed plan is largely the same, with one modified street intersection at South Arroya Lane and Flaming Sun Drive.

LOCATION

The 121.21-acre project site lies southeast of the intersection of Raygor Road and Arroya Lane in northeast El Paso County. The site is surrounded by residential development, including RR-5 to the west and north, vacant land zoned RS-6000 due east, and RR-2.5 to the south. The Paintbrush Hills Subdivision is to the southeast. The assessor's site shows this site as RR-5. This information is incorrect. The correct zoning is shown below.



PROJECT DESCRIPTION & CONTEXT

On February 14, 2008, the Board of County Commissioners approved a rezone from RR-5 to RR-2.5 (Resolution No. 08-77). A concurrent application for the Eagleview Subdivision Preliminary Plan (SP-06-021) to include 38 single-family residential lots on the 121.21-acre site was also approved. This plan has since expired. This submittal is proposing to reinstate a Preliminary Plan. Minor changes have been made to the street configuration to establish better continuity on the site and avoid street naming issues. Street name changes are being deferred to the final plat.

There are 38 proposed lots with an average lot size of 2.95 acres. The minimum lot size is 2.5 acres. Buildings will not exceed 30 feet in height.

ACCESS AND CIRCULATION: Access to the site is proposed by three existing intersections at Raygor Road/Arroya Lane, Raygor Road/Flaming Sun Drive, and Stapleton Drive/Arroya Lane. There are three deviations included in this submittal, which are outlined on page 5 of this letter of intent. A Traffic Impact Study, provided by LSC Transportation Consultants, is included in this submittal.

COMPATIBILITY/TRANSITIONS: The site is surrounded by residential development, or vacant land zoned for residential. Immediately to the north are single family lots zoned RR-5. To the east is Paintbrush Hills Filing 14 zoned RS-6000 RS-20000, adjacent to the Paint Brush Hills subdivision (RS-20000). To the south and west of the site are single family RR-5 lots. The proposed single-family attached residential use at 0.31 du/ac adequately fits in with surrounding land uses. This provides a transition from RR-5 to the west and north and the R-6000 to the east.

AIR QUALITY: The proposed residential use will not negatively impact air quality. The proposed development is located within a developing area with convenient access to Stapleton Drive, Meridian Road, and Highway 24, providing shorter travel time to employment and commercial facilities.

WATER: Water will be provided by individual site wells. The proposed residential development is not a source of water pollution. Individual wells are the responsibility of the property owner, and a well permit must be obtained from the State Water Engineer. Well water will come from the Dawson aquifer per the water rights conferred by Court Case number 746-BD. A Water Resources Report, prepared by JDS Hydro, is included in this submittal. The property has adequate water supply to meet the needs of the subdivision. Applicant is seeking a finding of water sufficiency with the Preliminary Plan.

WASTEWATER: The site is suitable for individual on-site wastewater treatment systems (OWTS). Contamination of surface and subsurface water resources should not occur provided the OWTS sites are evaluated and installed according to El Paso County and State Guidelines and properly maintained. Certified engineer designed OWTS are required where this is shallow bedrock and groundwater. OWTS shall not be located within 25-feet of drainage areas. A Wastewater Disposal Report, provided by JDS Hydro, is included in this submittal.

FLOODPLAINS: A review of El Paso County FEMA FIRM panels indicates no portions of the project area are within a FEMA flood risk area. Thus, the floor risk is deemed by FEMA as 'minimal.'

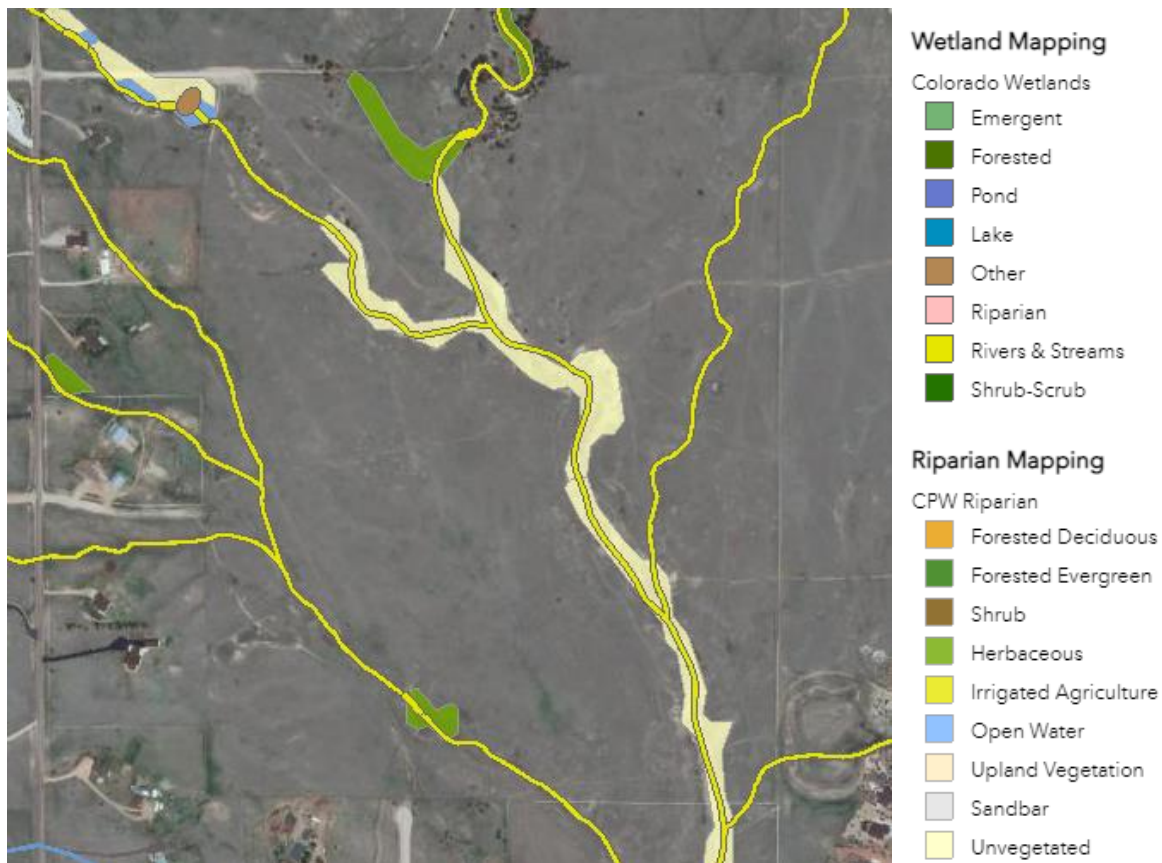
GEOLOGIC & SOIL HAZARDS: The Soils and Geology Report for the proposed residential development, prepared by Entech Engineers, is included in this submittal. Geologic hazards encountered at the site include seasonally shallow groundwater, drainage areas, artificial fill, expansive soils, and potentially unstable slopes along the main drainage areas. The geologic conditions of the site are common and mitigation can be accomplished by implementing common engineering and construction practices. None of these conditions are anticipated to preclude the proposed development (Soils, Geology and Geologic Hazard Study, prepared by Entech Engineering Inc. November 2021). There are various drainage

easements that are designated as no-build areas. Lots with drainage easements include lots 4-6, 9-32, 34-38.

VEGETATION & WILDLIFE: The area is within the Foothill Grasslands ecoregion, composed of a mixture of tall and mid-grasses and isolated pine trees. Much of the site seems to have been lightly disturbed by cattle grazing in the past. No globally-sensitive vegetation communities are present on site. There are several noxious weeds on site. A Noxious Weed Management Plan was prepared by Bristlecone Ecology and is included in this submittal. The site provides a moderate quality habitat for some grassland and riparian wildlife, and while development would inevitably affect some potential habitat for wildlife, expected impact is relatively low.

USE OF, OR CHANGES IN PREEXISTING WATERFORMS, WATERCOURSES OR BODIES OF WATER:

The Natural Features and Wetlands Report, prepared by Bristlecone Ecology, is included in this submittal. The report details that the main stem of the tributary to Black Squirrel Creek is mapped as an intermittent stream running north to south near the center of the project area. Site reconnaissance revealed that many of the aquatic resources depicted in NWI/NHD data are not present on site. The USACE has determined that there are no jurisdictional wetlands onsite.



DISTRICTS SERVING THE PROPERTY:

The following districts will serve the property:

- Water will be provided by individual wells.
- Wastewater will be on individual septic systems.
- Mountain View Electric Association will provide electric service. A will serve letter is provided with this application.
- Black Hills Energy will provide natural gas service. A will serve letter is provided with this application.
- Falcon Fire Protection District will provide fire protection and emergency services. A will serve letter is provided with this application.
- Falcon School District 49 will serve the property.
- A new Metropolitan District will be formed to serve this development.

PROPOSED WAIVERS: ~~A Waiver of 8.4.3(C)(2)(e) of the Land Development Code is requested. Chapter 8.4.3(C)(2)(e) of the LDC states requires lots to have access from a public road. Lots 12, 32, and 37 do not have direct access from a public road and will be accessed via a shared access easement over the adjacent lot (lots 11, 32, and 36). The requested waiver will help to protect existing topography and natural features by avoiding unnecessary extension of public roads. The applicant is prepared to review with the fire department or respond to fire concerns as needed in future submittals.~~

The above waiver is being withdrawn, as lot layout has been revised to allow all lots to have direct access to a public road.

PROPOSED DEVIATIONS: Three deviation requests are included in this submittal.

~~Deviation 1 – The Engineering Criteria Manual (ECM) states that a right turn lane is required for access within a peak hour that exceeds 50 vehicles per hour. This threshold is expected to be exceeded but there are significant constraints to constructing an eastbound right turn. There are significant slopes, a utility pole and boxes, and limited ROW along Burgess. Once Raygor is connected to the south, the right turn volumes are projected to fall below the threshold. Deviation is being withdrawn.~~

Deviation 2 – A deviation from ECM standard section 2.3.8.A Roadway Terminations – Cul-de-Sacs, requiring that rural Cul-de-Sacs/non-through-roads shall have a maximum length of 1,600 feet.

Deviation 2 requests four non-through streets that exceed 1,600 feet. This deviation is only needed until the Raygor connection south to Stapleton is established or another road connection is made. A gated emergency access is proposed from the Acequia Court cul-de-sac across adjacent Lot 11 of Paintbrush Hills Filing 14. This temporary emergency access has been vetted with the Fire District and a written endorsement from the Fire Chief is provided with the deviation request.

Deviation 3 – A deviation from the ECM standards sections 2.2.4.A.5. Roadway Functional Classifications and Urban/Rural Designations – Rural Minor Collector (including Figure 2-7 Typical Rural Minor Collector Cross Section), and 2.3.2 Design Standards by Functional Classification – Table 2-5: Roadway Design Standards for Rural Collectors and Locals, Criteria for a Rural Minor Collector Roadway – Design ADT. The current Raygor Road ROW and cross section do not meet the ECM standard for a rural minor collector; therefore, a deviation is required. This request details that Raygor Road ROW and cross section do not meet the ECM standard for a minor collector, and a deviation is requested. The proposed alternative is to provide an 18-percent fair share of the cost to upgrade Raygor Road to a 28-foot-wide paved standard including two-foot paved outside shoulders plus two-foot gravel shoulders. Instead of paying an escrow for the 18 percent of the cost of this improvement, the applicant proposes to complete the improvement on the north end of Raygor between Pine Park Trail and Burgess. This is the segment with the highest volume and this construction of a portion in lieu of escrow would put the improved road in-place for the highest volume portion rather than having the funds sit in escrow.

Deviation 4 – A deviation from the ECM standards 2.3.4.A.1: Vertical Alignment- Crest Vertical Curves, and Table 2-12 Stopping Sight Distance and K value by roadway design speed. The crest vertical curve on Burgess Road at the Burgess Road/Raygor intersection does not meet the requirements for stopping sight distance and K value by roadway design speed, which is 50 mph (posted 45 mph). Burgess is an existing roadway and this is an existing deficiency. This deficiency is related to east/west through traffic rather than traffic turning to/from Raygor Road. This project will not add straight through traffic at this intersection and the applicant/owner should not be held responsible for correcting an existing deficiency, and should not be held liable for any safety problem that exists or may develop in the future due to this existing deficiency.

RELATIONSHIP TO THE ADOPTED COUNTY MASTER PLANS:

The Master Plan for the County comprises the recently adopted El Paso County Master Plan, the Water Master Plan, the 2040 Major Transportation Corridor Plan, and the Parks Master Plan.

YOUR EPC MASTER PLAN

The project site is denoted as a Suburban Residential placetype within a priority development area in the County Master Plan. This placetype consists of predominantly single family detached residential areas, and is supportive of single-family attached, multifamily residential, commercial retail, parks, and open space. Aligning with the Preliminary Plan, this placetype deviates from the traditional grid pattern of streets, containing a more curvilinear pattern. The Suburban Residential placetype suggest a density of up to 5 du/ac and the Preliminary Plan proposes single-family detached residential development at a density of 0.31 du/ac. This is consistent with the suburban density placetype objectives.

In the Areas of Change chapter of the County Master Plan, the Preliminary Plan area is identified as a “New development” area. New Development Areas will be significantly transformed as new development takes place. These areas are often on undeveloped or agricultural areas, and are expected to be complimentary to adjacent development. This site provides a consistent transition from the higher density subdivision to the east, and the larger, more rural development to the north, west, and south.

In the Key Area Influences chapter, this site is also designated as a potential area for annexation. This is indicative of the sites' location adjacent to an urbanizing part of the County. However, the Applicant has chosen not to annex into the City and to pursue a rural residential development within the County, consistent with the previously approved Preliminary Plan.

While the site is adjacent to a forested area, is not considered a forested area. Parts of the County near forested areas must critically ensure development does not negatively impact the natural environment. The development proposed will not negatively impact Black Forest. It provides a transition between the natural environment and the higher density residential in Paint Brush Hills to the east. This transitional density also supports Core Principle 2, Housing & Communities, which seeks to "preserve and develop neighborhoods with a mix of housing types", as well as Goal 2.2 to "preserve the character of rural and environmentally sensitive areas."

The Preliminary Plan is also consistent with Core Principle 1, Land Use and Development, which seeks to "manage growth to ensure a variety of compatible land uses that preserve all character areas of the county," in addition to goal 1.1, "ensure compatibility with established character and infrastructure capacity." The proposed minimum 2.5 acre lots will provide a transition from the 5-acre lots to the west and south of the site and the Paint Brush Hills suburban subdivision to the east.

WATER MASTER PLAN

The project is located within region 3, the Falcon area. This growth area is projected to experience significant growth by 2040. By 2060, the AF per year is expected to nearly double in region 3. Region 3 has sufficient supply and existing infrastructure in the area to serve this development. By 2060, a 14% increase in supply is needed.

A Water Resources Report, prepared by JDS Hydro, is included in this submittal. The report indicates an anticipated 0.47 acre-feet of water per year for each lot. The current water rights and augmentation plan in place are adequate to meet the estimated overall demand of 17.90 AF/year for thirty-eight (38) lots. Further discussion of water quantity sufficiency and dependability of supply are included in the Water Resources Report.

Per El Paso County criteria, the 300-year supply of water for the subject property appears to be more than adequate for full buildout, which would include both the 2040 and 2060 scenarios.

The proposed residential development satisfies the following policies of the County Policy Plan and the Water Master Plan.

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

Goal 4.2 – Support the efficient use of water supplies.

Policy 4.3.6 – Encourage well monitoring throughout the County, with an emphasis on the Denver Basin aquifer fringe areas.

Policy 4.1.2 – Encourage more systematic monitoring and reporting of water quality in individual wells.

Goal 6.0 – Require adequate water availability for proposed development.

2040 MAJOR TRANSPORTATION CORRIDOR PLAN (MTCP)

The 2040 Functional Classification map shows adjacent roads Briargate and Meridian as principal arterials. Burgess Road is a minor arterial, and Woodmen Road is an expressway.

The 2040 Improvements map identified the most proximate roadway improvement to the site is the Briargate proposed new roadway connection, with county road capacity improvements to Stapleton Drive. The 2060 corridor preservation plan depicts that Briargate Pkwy will become a principal arterial. Burgess Road is expected to be improved between 2040 and 2060. There are no planned improvements to the immediate streets accessing the site in the MTCP.

EL PASO COUNTY PARKS MASTER PLAN

The Parks Master Plan does not identify any proposed parks or candidate open space on this site or in the vicinity. The site is 4 miles from the Pineries Open Space and 7 miles from Black Forest Regional Park. It is in close proximity to various trailheads as well. There is a proposed county trail going through the site on the El Paso County Master Plan, however, this trail is being diverted through The Ranch and Sterling Ranch developments, as the current location necessitates going through multiple 5-acre lots to the south.

PROJECT JUSTIFICATION

The Eagleview Estate Preliminary Plan addressed the Preliminary Plan Review Criteria in Chapter 7.2.1.D.C of the LDC as follows:

1. THE PROPOSED SUBDIVISION IS IN GENERAL CONFORMANCE WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE MASTER PLAN;

The development is consistent with the intent of the El Paso County Master Plan as outlined above.

2. THE SUBDIVISION IS CONSISTENT WITH THE PURPOSES OF THIS CODE;

The proposed development meets all the County Code Preliminary Plan requirements.

3. THE SUBDIVISION IS IN CONFORMANCE WITH THE SUBDIVISION DESIGN STANDARDS AND ANY APPROVED SKETCH PLAN;

There is no approved Sketch Plan for this property. The proposed subdivision is in conformance with the subdivision design standards other than the requested waivers, which are discussed in more detail below. The subdivision design standards set out in Chapter 8 of the Land Development Code are met, including but not limited to:

- Adequate provision for traffic, drainage, open space, recreation and parks;

- Provision of properly designed roads to provide for safe and convenient vehicular circulation and identification of required road improvements;
- Adequate provision for water, sewer and other utilities;
- Ensuring that structures will harmonize with the physical characteristics of the site;
- Ensuring that land is divided into lots that are of adequate size and configuration for the purpose for which they are intended to be used; and
- Protecting the natural resources, considering the natural vegetation.

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 (THIS FINDING MAY NOT BE DEFERRED TO FINAL PLAT IF THE APPLICANT INTENDS TO SEEK ADMINISTRATIVE FINAL PLAT APPROVAL);

Water is provided by individual site wells operated through a state approved water replacement plan. Region 3 has sufficient supply and existing infrastructure in the area to serve this development. By 2060, a 14% increase in supply is needed. Discussions of water quantity sufficiency and dependability of supply for this project are included in the submitted Water Resources Report, prepared by JDS Hydro. The report indicates an anticipated 0.47 acre-feet of water per year for each lot. The current water rights and augmentation plan in place are adequate to meet the estimated overall demand of 17.90 AF/year for thirty-eight (38) lots.

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;

The proposed sewage disposal is individual on-site septic systems. These systems comply with all state and local laws and regulations.

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)];

The Soils and Geology report, provided by Entech Engineering, which outlines all soil and topographical conditions, is included in this submittal. The report determined the site to be suitable for the proposed developed and achievable by avoidance or proper mitigation through standard construction methods. No geographic hazards are anticipated to preclude the proposed development.

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;

A preliminary drainage report, provided by Kimley Horn is included in this submittal. The report outlines the site design for the 5-year and 100-year storm drainage system. The site runoff and

storm drain facilities will not adversely affect the downstream and surrounding developments. One sub-regional detention pond is proposed and will capture and control a portion of the onsite and upstream offsite flows.

Drainage facilities identified in the DBPS shall be constructed to El Paso County standards, and are to be owned and maintained by the County upon acceptance.

8. 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;

The location and design of public improvements such as the public rights-of-way adequately services the residents of the subdivision.

9. 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 lots that do not have direct access to a public street will be accessed by a shared/common access easement, in order to preserve topography and natural features. Street names have been approved by El Paso–Teller County 911 Authority.

10. 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;

The subdivision incorporates the characteristics of a suburban residential placetype. The layout provides a transition from the high density residential to the east and the rural, large lot residential to the west and north. The project supports infill to a currently vacant property, that is detailed as a priority development area in the Master Plan. The layout is mindful of the environmentally sensitive streams on site, displayed on the Preliminary Plan as drainage easements. The proposed subdivision will not negatively impact any levels of county services or place a strain on its facilities.

11. NECESSARY SERVICES, INCLUDING POLICE AND FIRE PROTECTION, RECREATION, UTILITIES, OPEN SPACE AND TRANSPORTATION SYSTEM, ARE OR WILL BE AVAILABLE TO SERVE THE PROPOSED SUBDIVISION;

Necessary services are outlined above and adequately serve the proposed subdivision. Letters of commitment from these entities have been received and included in the application.

12. THE SUBDIVISION PROVIDES EVIDENCE TO SHOW THAT THE PROPOSED METHODS FOR FIRE PROTECTION COMPLY WITH CHAPTER 6 OF THIS CODE; AND

A fire commitment letter is included in this submittal, providing evidence of proper methods for fire protection.

This area falls under the Falcon Fire Protection district. The 133-square-mile fire district extends from Peyton Highway on the east to County Line Road on the north to Black Forest Road on the west and one mile north of Colorado Highway 94 on the south. The district serves more than 23,400 citizens and protects almost 10,000 structures. Ninety-four percent of the structures within the district are residential and 6 percent are commercial buildings. The Falcon Fire Protection district actively maintains 4 stations and has adequate facilities and resources to serve this development.

As agreed with Falcon Fire Protection District, the proposed residential lots will be served by the existing Woodland Hills fire hydrant located at the southeast corner of Arroya Lane and Stapleton Drive.

An emergency access easement is proposed over adjacent Lot 11 of Paintbrush Hills Filing 14, connecting to the Acequia Court Cul-de-Sac to Keynes Drive. This will serve as the secondary point of access until Raygor Road is extended to Stapleton Drive, or another road connection is made.

13. THE PROPOSED SUBDIVISION MEETS OTHER APPLICABLE SECTIONS OF CHAPTER 6 AND 8 OF THIS CODE.

The subdivision meets all applicable sections of the code.