



**RESOLUTION NO. 23-64**

**BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EL PASO, STATE OF COLORADO**

**APPROVAL OF A PRELIMINARY PLAN RECONSIDERATION FOR  
EAGLEVIEW (SP-21-006)**

WHEREAS, the El Paso County Board of County Commissioners did previously approve the Preliminary Plan for the Eagleview Estates Subdivision on February 14, 2008; and

WHEREAS, the El Paso County Board of County Commissioners did previously adopt Resolution No. 11-146, A Resolution Extending the Expiration Period of Previously Approved Preliminary Plans and/or Final Plats (hereafter known as the Extension Resolution), which granted an extension to the time to record and/or implement all sketch plans, preliminary plans, and final plats approved from January 2, 2006, through and including April 28, 2009; and

WHEREAS, the Board of County Commissioners did previously adopt subsequent amendments to Resolution No. 11-146, extending the time to record and/or implement all sketch plans, preliminary plans, and final plats approved from January 2, 2006, through and including April 28, 2009, until December 31, 2017; and

WHEREAS, PT Eagleview, LLC did file an application with the El Paso County Planning and Community Development Department for the approval of a reconsideration of a preliminary plan for the Eagleview Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on February 21, 2023; 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 Board of County Commissioners during the hearing, this Board finds as follows:

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

4. That all exhibits were received into evidence.
5. That the proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. That the subdivision is in conformance with the subdivision design standards and any approved sketch plan.
7. That the subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. That 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.
9. That 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.
10. That 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)].
11. That 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.
12. That 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.
13. That 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 the Land Development Code and the Engineering Criteria Manual.
14. That 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 encouraging 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 therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.

15. That necessary services, including police and fire protection, recreation, utilities, open space, and transportation system are or will be available to serve the proposed subdivision.
16. That the subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
17. That the proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
18. That for the above-stated and other reasons, the proposed subdivision 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 Board of County Commissioners of El Paso County, Colorado, hereby approves the reconsideration of preliminary plan application for the Eagleview Subdivision;

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

**CONDITIONS**

1. All conditions of approval associated with approval of the Eagleview Estates Subdivision preliminary plan (PCD File No. SP-06-021) shall remain in effect except as modified herein or as otherwise required in order to comply with current subdivision development criteria.
2. Applicable park, school, drainage, bridge, and road impact fees shall be paid at current 2023 rates to El Paso County Planning and Community Development at the time of final plat(s) recordation.
3. Prior to Building Permit approval by the Development Services Department, payment shall be made to the 501 (c) (3) "Falcon Community Builders for Classrooms" or School District # 49 and proof of such payment shall be provided to the Development Services Department.
4. 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.**

- 5. A completed U.S. Army Corps of Engineers permit should be provided to the El Paso County Planning Department prior to project commencement if ground-disturbing activities would occur in wetland areas. Alternatively, a letter from a qualified wetland scientist indicating why such a permit is not required for this project would be acceptable.**
- 6. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.**
- 7. A driveway access permit will be required from the El Paso County Development Services Department for any access to a county maintained roadway.**
- 8. Prior to Building Permit approval by the Planning and Community Development Department, an emergency access road meeting Engineering Criteria Manual requirements shall be constructed from Acequia Court to Paint Brush Hills Filing Number 14 and Keynes Drive. This emergency access road shall be a recorded easement until such time Raygor Road is connected to the new Stapleton Drive to the south by others.**
- 9. Fair and equitable participation in the construction of improvements to both Raygor and Burgess Road, proportional to the development's traffic impact, shall be provided as determined at the Final Plat stage and as indicated in a construction surety estimate (estimate of guaranteed funds). As an alternative to the actual construction of improvements, subject to approval by the Board of County Commissioners, the estimated cost for such proportional improvements may be escrowed for the use of the County or other entity to construct the specified improvements to Raygor and Burgess Road.**
- 10. Applicant shall work with County Parks Department regarding easements, grade control, and wetland management for the placement of a regional trail connection prior to Final Plat approval.**
- 11. Applicant shall construct public roads and drainage improvements as part of an approved subdivision improvement agreement.**

#### **NOTATIONS**

- 1. Subsequent Final Plat Filings may be approved administratively by the Planning and Community Development Director.**
- 2. 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.**

3. 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.

DONE THIS 21st day of February 2023, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

By: \_\_\_\_\_

County Clerk & Recorder



By: \_\_\_\_\_

*Cami Brown*

Chair

**EXHIBIT A**

**A PORTION OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF SECTION 26, AS ACCEPTED AND USED IN THE PLATS OF MFY FARM SUBDIVISION AND PAINT BRUSH HILLS FILING NO. 3, RECORDED IN PLAT BOOK T-3 AT PAGE 93 AND IN PLAT BOOK U-3 AT PAGE 79, RESPECTIVELY, OF THE RECORDS OF SAID EL PASO COUNTY; THENCE S00°02'11"E, ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF SECTION 26, A DISTANCE OF 2587.22 FEET TO THE CENTER QUARTER CORNER OF SAID SECTION 26; THENCE N89°28'49"W, A DISTANCE OF 978.75 FEET TO THE NORTHEAST CORNER OF LOT 30 OF STAPLETON ESTATES FILING NO. 1, AS RECORDED IN PLAT BOOK R-3 AT PAGE 76 OF THE RECORDS OF SAID EL PASO COUNTY; THENCE N89°31'16"W, ALONG THE BOUNDARY LINE OF SAID STAPLETON ESTATES FILING NO. 1, A DISTANCE OF 1063.31 FEET TO THE NORTHWEST CORNER OF LOT 8 OF SAID**

**STAPLETON ESTATES FILING NO. 1; THENCE N00°26'14"W ALONG THE EAST LINE OF SAID STAPLETON ESTATES FILING NO. 1, A DISTANCE OF 2561.60 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 26; THENCE N89°46'46"E, ALONG SAID NORTH LINE AND ALONG THE SOUTHERLY BOUNDARY LINE OF SAID MFY FARM SUBDIVISION, A DISTANCE OF 2059.89 FEET TO THE POINT OF BEGINNING.**

**SAID TRACT CONTAINS 121.20 ACRES OF LAND, MORE OR LESS.**