

EL PASO COUNTY



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PLANNING & COMMUNITY DEVELOPMENT

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

FROM: Kari Parsons, Senior Planner
Daniel Torres, PE, Engineer III
Kevin Mastin, Interim Executive Director

RE: Project File #: PUDSP-21-007
Project Name: Haven Valley PUD and Preliminary Plan
Parcel Nos.: 65122-00-011 and 65122-00-001

OWNERS:	REPRESENTATIVE:
MIDCO Investments LLC. PO Box 60069 Colorado Springs, CO 80960	N.E.S., Inc. 619 North Cascade Avenue, Suite 200 Colorado Springs, CO, 80903
Fountain Mutual Metro District PO Box 1976 Colorado Springs, CO. 80901	

Commissioner District: 4

Planning Commission Hearing Date:	12/1/2022
Board of County Commissioners Hearing Date	12/20/2022

EXECUTIVE SUMMARY

A request by MIDCO Investments LLC and Fountain Mutual Metro District, for approval of a map amendment (rezoning) from a site-specific PUD (Planned Unit Development) (Patriot Village) to a site-specific PUD (Planned Unit Development) and approval of a

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preliminary plan for 98 single-family residential lots. The parcels, totaling 11.77 acres, are located south of the intersection of Cable Lane and Alturas Drive and are within Section 12, Township 15 South, Range 66, West of the 6th P.M. The Parcels are also within the CAD-O (Commercial Airport District Overlay).

In accordance with Section 4.2.6.E of the El Paso County Land Development Code (2021), A PUD Development Plan May be Approved as a Preliminary Plan, the applicants are also requesting the PUD development plan be approved as a preliminary plan with a finding of water sufficiency for water quality, dependability, and quantity. 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 applicants are also requesting approval to perform pre-subdivision site grading to include construction of roadways.

A. REQUEST/MODIFICATIONS/AUTHORIZATION

Request: Approval of a map amendment (rezoning) from a site-specific PUD (Planned Unit Development) to a site-specific PUD (Planned Unit Development) to develop a mix of 98 single-family detached and attached residential lots and five (5) tracts within a 11.77-acre development area. In accordance with Section 4.2.6.E of the El Paso County Land Development Code (2021), a PUD Development Plan may be approved as a Preliminary Plan, the applicants are also requesting the PUD Development Plan be approved as a Preliminary Plan. Additionally, the applicants are requesting approval to perform pre-subdivision site grading.

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.



The applicant requests the following modification(s) of the Land Development Code:

1. The applicants are requesting a PUD modification to Sections 8.4.4.C. and 8.4.4.E.3 of the Code to allow for private roads that are proposed to be built to public road standards.

- Section 8.4.4.C, *Public Roads Required*, of the Code states:
“Divisions of land, lots and tracts shall be served by public roads.”
- Section 8.4.4.E.3, *Private Road Allowances*, of the Code states:
“Generally, private roads shall be constructed and maintained to ECM standards except as may be otherwise determined in the waiver. Private road waivers may include design standards for the following:
 - Right-of-way width where suitable alternative provisions are made for pedestrian walkways and utilities;
 - Design speed where it is unlikely the road will be needed for use by the general public;
 - Standard section thickness minimums and pavement type where suitable and perpetual maintenance provisions are made;
 - Maximum and minimum block lengths;
 - Maximum grade.”

PCD Executive Director Recommendation:

The PCD Executive Director recommends approval of the requested PUD modifications. Per the proposed PUD/preliminary plan, adequate lot accessibility can be provided via the proposed private roadways. The applicants have depicted a sidewalk design and layout that accommodates pedestrians throughout the proposed PUD/preliminary plan and allows for connections to the adjacent existing sidewalks and a proposed pocket park.

According to the applicant’s PUD/preliminary plan, private roads are being proposed to provide more flexibility in the design, provide more open space, and provide better pedestrian connectivity. The private roads are mostly proposed to be built to County standards and are proposed to be maintained and owned by the Homeowner’s Association (HOA).

The applicant requests the following deviations from the Engineering Criteria Manual:

1. The applicant is requesting deviation of Section 2.3.7.F of the ECM to allow for a reduced curb return radius of 15 feet at the local/local roadway intersections.



The ECM identifies in Table 2-31 a minimum curb radius of 20 feet at local/local roadway intersections.

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD Modification. The private roadway network is comprised of primarily local low volume roadways which along with the smaller radii result in traffic calming and slower traffic speeds in the neighborhood. Additionally, the roadways will be privately owned and maintained and there are no objections from the Security Fire Protection District.

Authorization to Sign: PUD Development Plan and any other documents required to finalize the approval. Approval by the Board 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) consistent with the preliminary plan as well as the associated Subdivision Improvements Agreements, License and Detention Pond Maintenance Agreements and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. PLANNING COMMISSION SUMMARY

Request Heard: As a Regular Item at the December 1st, 2022, PC Hearing.

Recommendation: Approval with recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 8 - 0

Vote Rationale: N/A

Summary of Hearing: The Planning Commission draft minutes are attached.

Legal Notice: Advertised in *The Shopper's Press* on November 23rd, 2022.

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 (2021) have been met to approve a PUD zoning district and preliminary plan:

- 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 applicants have also requested the proposed PUD be reviewed and considered as a preliminary plan. The requirements identified in Chapter 7 and Chapter 8 of the El Paso County Land Development Code (2021) for a preliminary plan requires the



Planning Commission and the BoCC find that the following additional criteria for approval of 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: RS-5000 (Residential Suburban)	Religious Institution
South: RS-6000 (Residential Suburban)	Single-family residential
East: RS-6000 (Residential Suburban)	Single-family residential
West: A-5 (Agricultural)	Religious Institution / Solar garden

E. BACKGROUND

A site-specific Patriot Village PUD (PCD File No. PUD 06-003) was approved by the Board of County Commissioners on November 9, 2006. The 11.76-acre Patriot Village PUD development included 98 single-family attached lots with a minimum lot size of 2,975 square feet, 1.95-acres of open-space, and 1.92-acres of private roadway, for a density of 8.33 dwelling units per acre. Specific architectural standards were depicted on the Patriot Village PUD Development Plan. The subsequent preliminary and final plat were approved by the Board of County Commissioners on July 11, 2007. The preliminary plan and final plat are now expired.

The proposed site-specific Haven Valley PUD development includes a combination of attached and detached single-family lots with a minimum lot size of 2,900 square feet, 1.68-acres of open-space, 2.52 acres of private roadway, and 0.4 acres of dedicated public right-of-way. The proposed density is also 8.33 dwelling units per acre.

If the Haven Valley PUD Development Plan and Preliminary Plan are approved, and a finding of water sufficiency for water quality, quantity, and dependability is made by the Board of County Commissioners, then it is anticipated that the applicants will request administrative approval by the Planning and Community Development Department Executive Director of all subsequent final plats.



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 (2021).

Section 4.2.6.F.8 of the Land Development Code requires a minimum of ten (10) percent of the overall residential PUD be set aside as open space area. The PUD area is 11.77 acres in size, which would require a total of 1.1 acres (47,916 square feet) of open space area. The applicants are providing 1.7 acres (14 percent) of designated open space tracts which include: drainage, utilities, associated easements, trails, and landscaping. It should be noted that the applicants are providing 26,136 square feet of useable open space within the development where 25 percent (11,761 square feet) of the overall open space is required. The proposed plan depicts a 15-foot buffer and cedar fence on the south and east boundaries adjacent to existing detached single-family lots. The plan also depicts a pocket park in the northeast corner of the development.



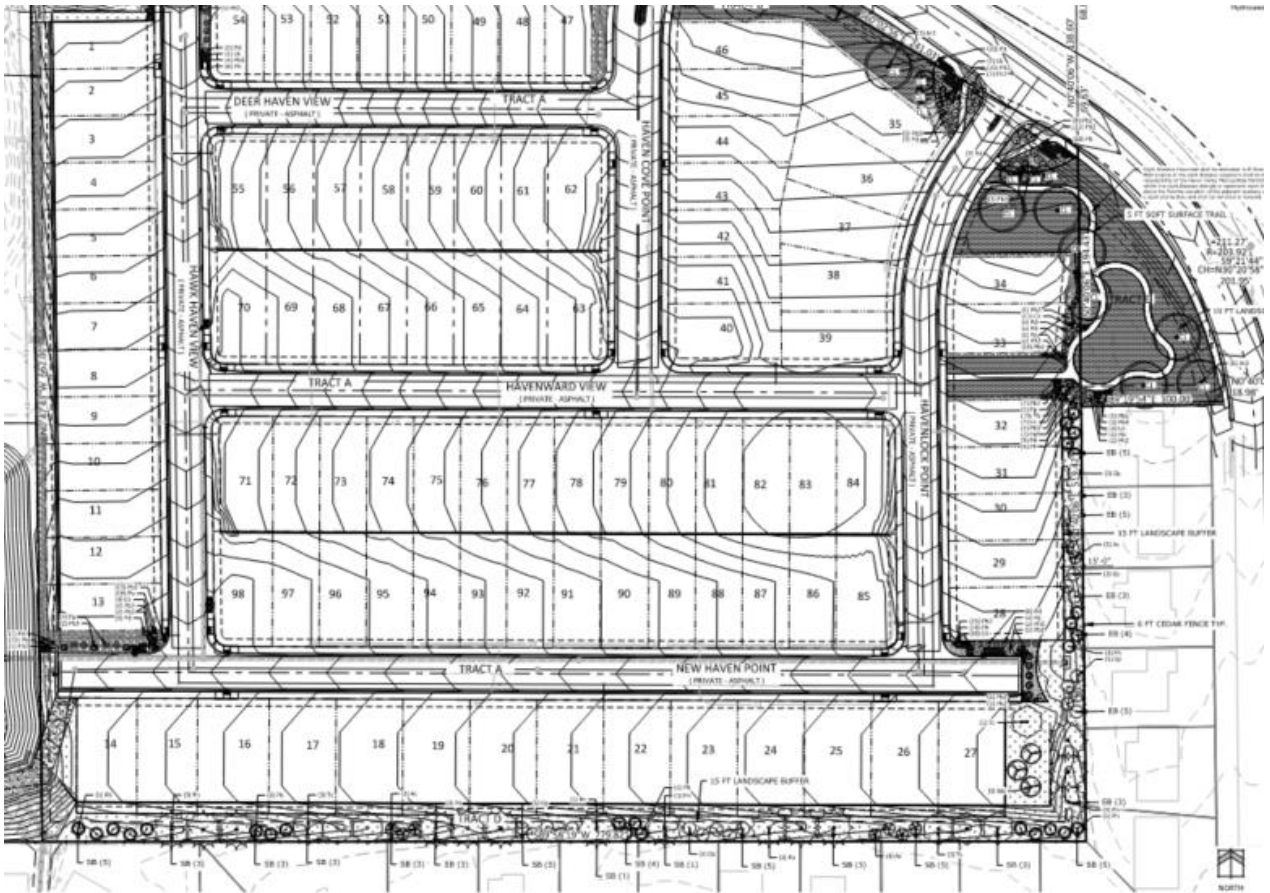


Figure F.1: Landscape Plan

The property is also within the CAD-O (Commercial Airport Overlay District) zoning overlay (see attached map). The CAD-O was adopted by the Board of County Commissioners pursuant to C.R.S §30-28-113 et seq. and 41-4-101 et seq. The purpose of the CAD-O district is to ensure compliance with the Federal Aviation Administration, to ensure free and unobstructed passage of all aircraft through and over airspace, and to acknowledge that private property owners have a property interest in usable airspace above the surface of their property. A referral was sent to the Colorado Springs Airport Advisory Commission (CSAAC) for review and comment. The CSAAC provided comment on November 9, 2022, that they did not have concerns with the uses allowed within the proposed PUD and requested an aviation easement at the time of plat recordation (see attached comments from the CSAAC). Section 4.3.1 CAD-O, Commercial Airport Overlay District of the Land Development Code requires an Airport Activity Notice and Disclosure to be recorded against the title of the property at the time of the final plat but does not require provision of an aviation easement. More specifically, Section 4.3.1 of the Code states:

“The following are required prior to approval of any rezoning or subdivision plat:

- The request shall be referred to Airport Advisory Commission for review and comment.
- Airport Activity Notice and Disclosure shall be required to be recorded against the title of the property as a condition of approval.”

The applicant has agreed to the requested avigation easement in addition to recording an Airport Activity Notice and Disclosure against the title of the property at the time of subsequent final plat recordation(s).

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 and Preliminary Plan are consistent with the proposed PUD development guidelines and with the submittal and processing requirements of the Land Development Code.

G. MASTER PLAN ANALYSIS

1. Your El Paso Master Plan

a. Placetype: Suburban Residential

Placetype Character

“Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally supports accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern.

Although primarily a residential area, this placetype includes limited retail and service uses, typically located at major intersections or along perimeter streets. Utilities, such as water and wastewater services are consolidated and shared by clusters of developments, dependent on the subdivision or area of the County.

Some County suburban areas may be difficult to distinguish from suburban development within city limits. Examples of the Suburban Residential placetype in El Paso County are Security, Widefield, Woodmen Hills, and similar areas in Falcon.”



Recommended Land Uses:

Primary

- Single-Family Detached Residential with lots sizes smaller than 2.5 acres per lot, up to 5 units per acre

Supporting

- Single-family Attached
- Multifamily Residential
- Parks/Open Space
- Commercial Retail
- Commercial Service
- Institutional



Figure G.1: Placetype Map

Analysis:

The property is located within the Suburban Residential placetype. The Suburban Residential placetype comprises the County's traditional residential neighborhoods with supporting commercial uses at key intersections. Relevant goals and objectives are as follows:

Goal 1.3 - Encourage a range of development types to support a variety of land uses.

Goal 2.1 - Promote development of a mix of housing types in identified areas.

Goal LU3 – Encourage a range of development types to support a variety of land uses.

Objective LU3-1 – Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.

Objective HC4-1 – Denser housing development should occur in Suburban Residential, Urban Residential, Rural Center, and Regional Center placetypes.

Objective TM1-4 – Encourage sidewalks and other multimodal facilities in all new development in placetypes, as appropriate, and upgrade existing infrastructure to these types of facilities when maintenance is needed.

The PUD and preliminary plan depict a minimum lot size as 2,900 square feet, which is anticipated to provide attainable housing to meet the needs of County residents. The applicant's provided pedestrian connectivity throughout the development with sidewalks which will connect to the pocket park within the development.

b. Area of Change Designation: Transition

Transition areas are fully developed parts of the County that may completely or significantly change in character. In these areas, redevelopment is expected to be intense enough to transition the existing development setting to an entirely new type of development. For example, a failing strip of commercial development could be redeveloped with light industrial or office uses that result in a transition to an employment hub or business park. Another example of such a transition would be if a blighted suburban neighborhood were to experience redevelopment with significant amounts of multifamily housing or commercial development of a larger scale in line with a commercial center.





Figure G.2: Area of Change Map

Analysis:

The proposed rezone is located in an area which is expected to significantly change in character due to the built out urban development surrounding the subject property. A relevant priority is as follows:

Core Principle – Preserve and develop neighborhoods with a mix of housing types.

Goal HC3 – Locate attainable housing that provides convenient access to goods, services, and employment.

Objective HC3-1 – Emphasize redevelopment of smaller enclaves to denser urban residential uses such as multifamily and single-family attached dwelling units where compatible and appropriate in the context of the existing neighborhood, which may also require parcel consolidation if existing businesses leave.

Objective HC1-6 – Single-family attached housing such as townhomes, rowhomes, and multi-unit apartment homes should be used to create seamless transitions between low-intensity and high-intensity neighborhoods as well as nonresidential uses.

Staff recommends that the layout and design of the PUD development plan and preliminary plan is consistent with the policies pertaining specifically to the concept of integrating new compatible land uses in terms of density to include a mix of housing types, both attached and detached single-family residential uses, and access to nearby non-residential services.



3. 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.

Policy 6.4.1.3 – Support efforts by water providers to obtain renewable water supplies through collaborative efforts and regionalization.

Policy 6.4.1.4 – Promote long-term planning by water providers for sustainable water supplies serving new development.

The subject property is located within Region 7, Fountain Area, which is expected to have the largest growth demand in the County by 2060. Specifically, the Plan states:

“Areas projected to develop by 2040 are located south of Fountain (City) on the north and south sides of Link Road. Areas northwest of Fountain along the east and west sides of Marksheffel Road are also expected to grow by then, as well as the area south of Fountain on the west side of I-25.”

Region 7 has a current centralized water supply of 15,376-acre feet per year and a current demand of 10,141-acre feet per year. The 2040 water supply is projected to be 25,241-acre feet per year and the projected demand is 15,846-acre feet. The 2060 water supply is projected to be 27,840-acre feet per year, whereas the demand is anticipated to be 26,959-acre feet per year; therefore, there is projected to be a surplus supply of water for central water providers in this region of the County.



The Security Water and Sanitation District has provided a water and wastewater commitment letter to serve the development. The applicants' water resource report indicates the District has an ample supply of water to serve this development and future developments within the District. The report also identified that the District has a renewable water supply. Please see the Water section below for a summary of the water findings and recommendations for the proposed development in regard to water quality, quantity, and dependability.

4. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. El Paso County Community Services Department, Environmental Division, was sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies undocumented fill (sand and gravel) which is anticipated to have little resource value in the area of the subject parcels. A mineral rights certification was prepared by the applicants indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

The El Paso County 2016 Major Transportation Corridors Plan Update (MTCP) (2016) is discussed below in Transportation section of this report.

H. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the review of the combined PUD and preliminary plan application that would impede development. The Colorado Geological Survey (CGS), provided the following comments on the PUD and preliminary plan:

“The site does not contain steep slopes or mapped floodplains, nor is it exposed to any geologic hazards that preclude the proposed development. As noted on p. 4 of CTL’s report (Geologic Hazard Evaluation and Preliminary Geotechnical Investigation (CTL Thompson, Inc. (CTL), Revised April 5, 2021), “Conditions we identified that may pose hazards or constraints to development include existing undocumented fill.” Also, “We believe these conditions can be mitigated with engineering design and construction methods commonly employed in this area.” CGS agrees with CTL (p. 5) that “Undocumented fill should be removed and reworked or replaced” and “Design-level geotechnical studies should be undertaken to confirm the presence of fill and depths of fill and to provide recommendations for reworking.” CTL’s characterization of the geologic hazards and constraints associated with the site is valid. Provided CTL’s recommendations are



adhered to, and design-level geotechnical studies are performed, CGS has no objection to approval of the proposed residential use and density.”

2. Floodplain

As indicated on FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0763G, the property is not located within a 100-year regulatory floodplain.

3. Drainage and Erosion

The subdivision is located within the Security (FOFO2900) drainage basin. The Security drainage basin is a fee basin with associated drainage fees. Drainage fees will be required to be paid at the time of final plat recordation.

The site historically drains to the southwest between two existing houses into the knuckle at the intersection of Pecos Drive and Widefield Drive and then south down Widefield Drive. Developed stormwater runoff will be conveyed via overland flow across lots and within curb and gutter to a proposed private storm sewer system. The storm sewer system will then convey the flows to a proposed full spectrum detention pond 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 and is to be located in an existing off-site drainage easement. Per the associated preliminary drainage report the proposed pond will “fulfill on-site detention needs as well as providing detention for upstream properties, since there is a lack of detention facilities upstream which has caused chronic flooding issues”. Released flows from the pond will be piped between two residences in an existing drainage easement and down Widefield Drive to a proposed bubbler where flow will continue in historic patterns to the south.

Per the associated preliminary drainage report the development will not negatively impact the downstream facilities and will improve the downstream conditions by lessening the flows where there are currently flooding issues.

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 to be submitted with the final plat application.

4. Transportation

The property is located southwest of the intersection of Bradley Road and Alturas Drive. Primary access to the development will be provided via the proposed private local roadway, Haven Cove Point, that will intersect Cable Lane and align with



Alturas Drive. An additional private road access is proposed to the east that will also intersect Cable Lane. All internal roadways are proposed to be privately owned and maintained.

Per the associated traffic study, no mitigation measures are necessary to Bradley Road or Alturas Drive to accommodate the trip generation from this subdivision. Additionally, it is identified that the proposed access locations will function within the acceptable traffic engineering parameters and the transportation facilities will be adequate and available to serve the proposed development.

The El Paso County 2016 Major Transportation Corridors Plan Update (MTCP) does not depict roadway improvements in the immediate vicinity of the site. The development will be subject to the El Paso County Road Impact Fee program (Resolution 19-471), as amended.

I. SERVICES

1. Water

Security Water and Sanitation District provides water service and has committed to serve the development.

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 made a favorable recommendation of a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health has made a favorable recommendation regarding water quality.

2. Sanitation

Wastewater service is provided by Security Water and Sanitation District. The District has provided a wastewater commitment letter demonstrating the District has adequate capacity to serve the development.

3. Emergency Services

The property is within the Security Fire Protection District. The District provided a commitment letter and approval of the PUD and preliminary plan design.



4. Utilities

Colorado Springs Utilities (CSU) will provide electrical and natural gas services to the property.

5. Metropolitan Districts

A portion of the property is owned and within Fountain Mutual District. The applicants have stated that the District will be responsible for maintaining the pocket park on the eastside of the development. Traffic impact fees associated with the District shall be paid in accordance with Resolution 19-471.

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.

The El Paso County Community Services Department, Parks Division, has provided the following comments which will be incorporated into the anticipated final plat(s) recommended conditions of approval:

“As no trail easement or park land dedications are required for this application, staff recommends regional and urban park fees in lieu of land dedication for regional or urban park purposes. The Park Advisory Board recommends that the Planning Commission and the Board of County Commissioners include the following conditions when considering and/or approving the Haven Valley Final Planned Unit Development: require fees in lieu of land dedication for regional park purposes in the amount of \$45,080, and urban park fees in the amount of \$28,420.”

7. Schools

The subject property is located within the boundaries of Widefield School District No. 3. The applicants are required to pay fees in lieu of land dedication to benefit, Widefield School District No. 3 at the time of final plat recordation.

J. APPLICABLE RESOLUTIONS

See Attached.

K. STATUS OF MAJOR ISSUES

There are no major outstanding issues.



L. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission 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 (2021), 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, drainage, bridge, and traffic fees shall be paid to El Paso County Planning and Community Development at the time of final plat(s) recordation.
7. The developer shall obtain approval of the necessary pre-subdivision site grading construction documents prior to scheduling a preconstruction meeting with the Planning and Community Development Department Inspections staff.
8. The development will be subject to the El Paso County Road Impact Fee program (Resolution 19-471), as amended.



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.

M. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 58 adjoining property owners on November 14, 2022, 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
Health Department Letter
CSAAC Comments
Opposition
Signed PC Resolution
Draft PC 12/1/2022 Minutes
Draft BOCC Resolution



El Paso County Parcel Information

File Name:

Date:

PARCEL

NAME

ADDRESS



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



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HAVEN VALLEY PUD/PRELIMINARY PLAN

LETTER OF INTENT

AUGUST 2021, REVISED NOVEMBER 2022

APPLICANT	OWNERS		CONSULTANT:
MIDCO Investments LLC. PO Box 60069 Colorado Springs, CO 80960	MIDCO Investments LLC. PO Box 60069 Colorado Springs, CO 80960	Fountain Mutual Metro District PO Box 1976 Colorado Springs, CO. 80901	N.E.S. Inc. 619 North Cascade Ave. Colorado Springs, CO 80903

REQUEST

N.E.S. Inc. on behalf of Richmond American Homes requests approval of the following applications:

1. A PUD/Preliminary Plan for Haven Valley, consisting of 98 attached or detached residential lots under the existing PUD zoning.
2. PUD Modification from LDC Chapter 8.4.4.(E).(2). & (3) requesting private roads within the Haven Valley development and not meeting County Standards.
3. Finding of water sufficiency with the Preliminary Plan and subsequent Final Plat to be approved administratively.

SUPPORTING DOCUMENTS

The following reports are submitted in support of this PUD Preliminary Plan and are referenced in this Letter of Intent:

- Traffic Impact Study prepared by Aldridge Transportation Consultants, LLC.
 - Geologic Hazard Evaluation and Due Diligence Geotechnical Investigation prepared by CTL Thompson, Inc.
 - Water Resources Report prepared by Drexel Barrell & Company
 - Wastewater Disposal Report prepared by Drexel Barrell & Company
 - Drainage Report prepared by Drexel Barrell & Company
 - Natural Features Report prepared by N.E.S. Inc
-

SITE LOCATION AND DESCRIPTION

The Haven Valley PUD is located south of Bradley Road, at the intersection of Alturas Drive and Cable Lane. This site is bounded by existing residential development to the south and east and churches to the north and west. The northeast boundary of the site abuts Cable Lane. The surrounding properties include:

- **North:** Calvary Fellowship Fountain Valley and Pikes Peak Christian Church
- **East:** Pheasant Ranch Run and Windmill Creek residential subdivisions
- **South:** Pheasant Ranch Run residential subdivision.
- **West:** Good Shephard United Methodist Church and Elm Grove Village Townhomes (northwest)



PROJECT DESCRIPTION

Previous Approvals

In January 2007 a PUD zoning was recorded for the property to allow for 98 attached residential units. This was followed by a Preliminary Plan and Final Plat (Resolution No. 07-275), which were approved the Board of County Commissioners on July 11, 2007. This project was referred to as 'Patriot Village'. A two-year extension was approved by the BOCC to record the Final Plat for Patriot Village (Resolution No. 10-261). The BOCC approved an additional two-year extension in 2014 to record the Final Plat (Resolution 14-456). The Final Plat was not recorded.

The majority of the property, approximately 11.44-acres, is zoned PUD CAD-O (Planned Unit Development with Commercial Airport District Overlay). In addition, an approximately 0.329-acres in the northeast corner is part of the adjacent Fountain Mutual Metropolitan District (FMMD) property. This portion of land is bisected by Hunters Run and will be incorporated as part of this project. This area is zoned RS-6000 CAD-O (Residential Suburban).

Site layout

Haven Valley will consist of 98 attached or detached residential lots and associated infrastructure on approximately 11.76-acres. The proposed layout is virtually identical to the layout of the previously approved Preliminary Plan for the single-family attached product in terms of lot configuration and private street layout. The principal difference is that the original plan was for single family attached residential lots (two lots sharing one common boundary), while the current plan proposes a single-family attached or detached product. The lot size on the approved plan ranges from 2,530 sf to 3,960 sf, with the larger 3,960 sf lots along the southern boundary to provide a transition to the 6,000 sf lots in the adjacent to the Pheasant Ranch Run single-family subdivision. The lot size on the current plan ranges from 2,989 sf to 4,307 sf, with the larger 4,307 sf lots along the southern boundary. The change in the type of residential product and the larger lots proposed by the current plans for Haven Valley provide and improved compatibility and transition to the 6,000 sf lots in the adjacent to the Pheasant Ranch Run single-family subdivision.

To provide an adequate buffer to the adjacent single family residential to the southeast and south, Haven Valley provides a 15-foot buffer with a 6-foot cedar fence and one tree per fifteen linear feet of frontage requirements, which is consistent with the LDC landscape buffer requirements. In addition, the evergreen requirement has been exceeded in order to provide sufficient year-round buffering, which will protect residential privacy of the adjacent single-family neighborhood.

Along the north and west boundary of the property are two existing churches. The Haven Valley development proposes a 7-foot landscape strip and a 6-foot cedar fence along the north and west boundary. This is considered sufficient to visually screen the adjacent uses and activities and protect residential privacy of the proposed single family residential on site.

Access and Traffic

The project site is located south of the intersection of Cable Lane and Alturas Drive. Two full movement access points onto Cable Lane are proposed. The roads within the development will be private, which is consistent with the previously approved Preliminary Plan and Final Plat. A PUD Modification is requested for the use of private roads and a PUD Modification is requested for the requirement that private roads be constructed and maintained to County standards. Justification for these requests is provided below. Each entry point of Cable Lane will have a median separated entrance to improve safety of vehicular access to and from the development and to create an attractive entrance to the Haven Valley community.

A Traffic Impact Study was prepared by Aldridge Transportation Consultants, LLC dated August 4, 2021. The conclusion of the Study is that the transportation facilities in place are adequate to serve the proposed development. No signalization is needed, nor the expansion of existing roadways in the area that will accommodate this development.

Open Space and Trails

Sidewalks are provided throughout this development and will be constructed along Cable Lane where it abuts this development. There is a gravel trail system (part of the Fountain Mutual Trail) near the Site as part of the larger FMMD property to the southeast. The FMMD property consists of a park area and a trail system that connects to the south along Bradley Road and the channel. Park fees in lieu of land dedication will be due at the time of final plat recordation. The open space required in a PUD is 10%, which equates to 1.1 acres of this 11.44-acre site. In addition, no less than 25% of the gross land area of open space should be contiguous and usable, which equates to 0.27 acres of the 1.1 acres required. The project provides 1.68 acres (14.2%) of total open space in Tracts B, C, and D. Tracts C and D include 0.57 acres of contiguous and useable open space, which is 52% of the 1.1 acres of open space.

Drainage

A Preliminary Drainage Report prepared by Drexel Barrell Company is submitted with this PUD/Preliminary Plan. The report identifies existing drainage flows to the southwest where it drains overland between two houses to Pecos Drive, then south on Widefield Drive. The report proposes a full-spectrum detention pond to be constructed in an existing off-site drainage easement adjacent to the west side of the site. This detention pond will fulfill on-site detention needs as well as providing detention for upstream properties, which will address current drainage issues for adjacent two properties. The proposed detention facility is nearly three times the size of a facility necessary to detain runoff from the project site alone. The Report proposes a private drainage detention easement and maintenance of the pond by the Homeowners Association.

Utilities

Water: The Water Resources and Wastewater Report prepared by Drexel Barrell Company dated March 2021, indicates that based on the proposed 98 residential lots, with 0.67 acres of irrigated common space and 0.98 acres of xeriscaped common space, the calculations of water demand quantities are:

- Residential: $(0.5 \text{ AC-FT/YR/household}) \times (98 \text{ households}) = 49 \text{ AC-FT/YR}$
- Irrigated Common Space: $(1.9 \text{ AC-FT/YR/Acre}) \times (1.65 \text{ acres}) = 3.16 \text{ AC-FT/YR}$
- Project Total: 52.16 AC-FT/YR

The projected water consumption is based upon industry standards as well as methodology used by other utility providers in the area.

A commitment letter from the Security Water and Sanitation District to provide water service to the Haven Valley development is included with this submittal. According to the District, the residential water demand for the project is estimated to be a maximum of 49 annual acre feet of diversions based on 98 single-family equivalents (sfe). The District estimated demand for common landscape irrigation is 3.16 annual acre feet of diversions. The total water demand for this property is estimated to be 52.16 annual acre feet of diversions. A copy of the Security Water and Sanitation District's 2019 Water Quality Report has been provided with the Water Resources Report.

Wastewater: The Wastewater Report confirms that the sanitary sewer lines are sized to carry the peak wastewater discharge for this proposed development. Proposed sanitary lines for the project will include onsite 8" mains that are proposed to connect to the existing manhole to the southwest of the project site. An existing 8" main then leaves the manhole and flows to the south. A Preliminary Utility Plan has been provided for proposed wastewater system layout.

A commitment letter from the Security Water and Sanitation District to provide wastewater service to the Haven Valley development is included with this submittal. The District noted that wastewater collection and treatment requirements for this property are estimated to be a maximum of 7.06 million gallons per year or 19,342 gallons per day based on 98 sfe. The District commits to sufficient wastewater capacity to serve the development.

Gas and Electric: The Site is located outside of the City of Colorado Springs city limits, however, is located within the Colorado Springs Utilities' electric and gas service territory. Natural Gas and Electric services will be provided by Colorado Springs Utilities and a 'Will Serve' letter is included with this submittal.

Natural Features

Topography

The site is relatively flat, vacant and undeveloped. The Site general slopes to the southwest with a slope of approximately 5-6%. Several trenches have been dug perpendicular to the slope for use as irrigation

ditches. The site had been previously disturbed, and there were structures located at the northeast corner of the site. Aerial photos indicate the structures were demolished between 2006 and 2011.

Vegetation and Noxious Weeds

The Site consists of primarily grasses and native weeds with some scattered deciduous and coniferous trees. Noxious weeds are present on the site in several areas but generally in limited quantities. Noxious weeds are defined as those non-native plants that aggressively invade and are detrimental to native vegetation communities and ecosystems. Weed control prior to and during construction shall take place to eliminate weeds and to prevent introducing new weeds. Following construction, the Haven Valley Home Owners Association will be responsible for weed control in the open and commons areas. Individual homeowners will be responsible for weed control on their lots.

Floodplain and Wetlands

This is no mapped floodplain on this property per FEMA Firm Map Number 08041CO763G, effective 12/7/2018. There are no wetlands on the Site.

Wildlife

The site is surrounded by urban development and has been previously disturbed and thus does not provide ideal habitat for wildlife species. Impact of development on potential wildlife habitat will be negligible and there are no known protected species on the site. A 'Nest Survey' was conducted by Tetra Tech in 2007, as a result of the Colorado Division of Wildlife's previous concerns regarding the removal of trees associated with the project. In summary, it was determined that there was no evidence of nesting at the site.

Soils and Geology

The Geologic Hazard Evaluation and Due Diligence Geotechnical Investigation prepared by CTL Thompson indicates that no geologic hazards were identified that would preclude development of the project. The report identifies suspect quality fill and recommends that this be removed and replaced with compacted fill. Groundwater was evident in some borings but not at a level that would be a concern for crawl space construction.

Wildfire Hazard Mitigation

Wildfire hazard for the site was evaluated using the Colorado State Forest Service's online Wildfire Risk Assessment Portal. The Site is mapped as "Lowest" wildfire risk and is rated "Low" to "Very Low" in terms of burn probability based on the available fuels at the site. The nearest fire response in the Security Fire Protection District is Station 3, which is less than a ¼ of a mile away. Development of the site would result in a reduction of the available fuels for wildfires, while simultaneously increasing the values and assets present on the site. As such, the wildfire risk index for the project is expected to stay close to the same as a result of development. No specific fire mitigation plans or other actions are necessary.

PROJECT JUSTIFICATION

PUD Zoning Approval Criteria

Chapter 4.2.6.D of the LDC allows the combination of a preliminary plan with a PUD development plan, provided all review and approval standards for both the PUD development plan and preliminary plan are met. The PUD/Preliminary Plan for Haven Valley is consistent with the PUD zoning approval criteria set forth in Chapter 4.2.6.D of the LDC as follows:

1. The proposed PUD District zoning advances the stated purposes set forth in this Section;

The Haven Valley PUD will advance the following purposes of the PUD District designation:

- *To permit adjustment to changing public and private needs and to foster the ability to provide development patterns which are more compatible with and effective in meeting such needs;*

The proposed smaller lot residential development is meeting a need and demand for more attainable housing product.

- *To improve the design, character and quality of new development with flexibility by varying lot size, building heights, setback controls and other site development requirements;*

The Haven Valley PUD includes smaller lots that require more design flexibility than afforded by standard zoning districts.

- *To encourage innovations in residential, commercial, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings including mixed use and traditional neighborhood design and by the conservation and more efficient use of open space ancillary to said buildings;*

The growing demands of the local population are for smaller homes that are more affordable and have less maintenance. The Haven Valley PUD provides the flexibility to provide a housing product that meets this demand.

- *To provide housing of all types and designs to be located in proximity to employment and activity centers such as shopping, recreational, and community centers, healthcare facilities, and public transit;*

There are several employment and shopping centers in close proximity to the site, as well as churches and schools that provide community facilities. There is a gravel trail system near the site as part of the larger FMMD property to the southeast. The FMMD property consists of a park area and a trail system that connects to the south along Bradly Road and the channel.

2. The application is in general conformity with the Master Plan;

The relevant County Plans for Haven Valley development are the County Policy Plan, the 2040 Major Transportation Corridor, the County Parks Master Plan, and the Water Master Plan. The property is located in the 'Proposed Fountain Valley' small plan area; however, no plan is available for review. The proposed residential development is in a location contiguous to existing residential subdivisions.

The proposed project is consistent with the policies of the County Plan that encourage infill development that complements and transitions to existing uses. The County Plan encourages a variety of housing options that allows for a balance of mutually supported land uses in a more urban area of the County. The following County Policies are relevant to this project:

- **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.**

The change in the type of residential product and the larger lots proposed by the current plans for Haven Valley provide and improved compatibility and transition to the 6,000 sf lots in the adjacent to the Pheasant Ranch Run single-family subdivision

- **Policy 6.1.7: Encourage infill development which complements existing uses, is consistent with Small Area and other adopted plans.**

Haven Valley is infill development. The single family lots compliment the adjacent existing single family and church land uses.

- **Policy 6.1.8: Encourage incorporating buffers or transitions between areas of varying use or density where possible.**

The larger 3,960 sf lots along the southern boundary to provide a transition to the 6,000 sf lots in the adjacent to the Pheasant Ranch Run single-family subdivision. Along the east and south boundary adjacent to the single family residential, Haven Valley provides one (1) tree per fifteen (15) linear feet of frontage requirements. In addition, the evergreen requirement has been exceeded in order to provide sufficient year-round buffering.

- **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.**

The proposed subdivision of residential lots is consistent with the County Master Plan and provides a transition between the surrounding single-family lots to the south and east and the townhome and institutional developments to north and west.

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

The different lot sizes in Haven Valley will provide different price points and diversity the choice of housing in the area.

- **Policy 13.1.2: Support the provision of land use availability to meet the housing needs of county residents.**

The growing demands of the local population are for smaller homes that are more affordable and have less maintenance. The Haven Valley PUD provides the flexibility to provide a housing product that meets this demand.

Water Master Plan

- *Goal 1.1 – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*
- *Goal 3.1 – Promote cooperation among water providers to achieve increased efficiencies on infrastructure.*
- *Goal 3.2 – Promote cooperation among water providers to achieve increased efficiencies on treatment.*
- *Goal 3.7 – Encourage the interconnection of infrastructure owned by water providers and projects that will have access to more than one water source, both to foster conjunctive use and to better accommodate water supply emergencies.*
- *Goal 5.1 – Identify the potential water supply gap at projected full development build-out (2060).*
- *Goal 5.4 – Promote the long-term use of renewable water.*
- *Goal 5.5 – Identify any water supply issues early on in the land development process.*
- *Goal 6.0 – Require adequate water availability for proposed development.*
- *Policy 6.0.8 – Encourage development patterns and higher density, mixed use developments in appropriate locations that propose to incorporate meaningful water conservation measures.*
- *Policy 6.0.11 – Continue to limit urban level development to those areas served by centralized utilities.*

The project is located within Region 7, Fountain area. The El Paso County Water Master Plan (WMP) specifically states: “Region 7 could experience the largest demand growth in the County by 2060. Areas projected to develop by 2040 are located south of Fountain on the north and south sides of Link Road. Areas northwest of Fountain along the east and west sides of Marksheffel Road are also expected to grow by then, as well as the area south of Fountain on the west side of I-25. Directly west of Fountain, areas north and south of Squirrel Creek Road are expected to grow by 2060. One large development is expected south of Fountain by 2060, along the west side of I-25. “

As noted in the WMP, Region 7 has a current water supply of 15,376-acre feet per year and a current demand of 10,141-acre feet per year. The 2040 water supply is projected to be 2,241-acre feet per year and the project demand is 52.16-acre feet per year.

3. 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 stated purpose of the Code is to preserve and improve the public health, safety and general welfare of the citizens and businesses of El Paso County. The proposed subdivision of residential lots is consistent with the County Master Plan and provides a transition between the surrounding single-family lots to the south and east and the townhome and institutional developments to north and west.

4. 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 residential lots provide a transition between the existing single-family residential lots to the south and east and the existing churches and townhome development to the north and west. The lot size on the approved plan ranges from 2,530 sf to 3,960 sf, with the larger 3,960 sf lots along the southern boundary to provide a transition to the 6,000 sf lots in the adjacent to the Pheasant Ranch Run single-family subdivision. The lot size on the current plan ranges from 2,989 sf to 4,307 sf, with the larger 4,307 sf lots along the southern boundary. The change in the type of residential product and the larger lots proposed by the current plans for Haven Valley provide and improved compatibility and transition to the 6,000 sf lots in the adjacent to the Pheasant Ranch Run single-family subdivision.

5. 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 existing property line has a mismatched series of existing fences. The Developer will install a new six-foot "good neighbor" opaque fence along the property boundary of the Site. In addition to the replacing the existing fencing, landscaping will be provided to enhance buffering between the site and residential neighborhoods on the south and east boundary.

6. 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;

The proposed single-family residential uses and the associated bulk of the proposed residences is similar in nature to the surrounding single-family residential to the south and east. The proposed residential provides a transition between the existing single-family residential lots to the south and east and the existing churches and townhome development to the north and west.

The Land Development Code indicates in Chapter 6.2.2 that one of the purposes of the landscape requirements is “to screen and buffer lower intensity uses from higher intensity uses and protect residential privacy”. To provide an adequate buffer to the adjacent single family residential to the southeast and south, Haven Valley provides a 15-foot buffer with a 6-foot cedar fence and one tree per fifteen linear feet of frontage requirements, which is consistent with the LDC landscape buffer requirements. In addition, the evergreen requirement has been exceeded in order to provide sufficient year-round buffering, which will protect residential privacy of the adjacent single-family neighborhood.

Along the north and west boundary of the property are two existing churches. While a buffer is usually required between residential and non-residential uses, per the LDC, a buffer is only required on the proposed residential side of the project when use to use compatibility is a concern. Given the low intensity of the adjacent church uses, a buffer is not considered necessary. The Haven Valley development proposes a 7-foot landscape strip and a 6-foot cedar fence along the north and west boundary. This is considered sufficient to visually screen the adjacent uses and activities and protect residential privacy of the proposed single family residential on site. The approved PUD from 2007 for the site did not propose any landscape buffering between the churches and the site.

7. Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;

The property has been disturbed previously and there are no unique or significant historical, cultural, recreational, aesthetic or natural features to be preserved

8. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide a reasonable walking and biking opportunities;

Sidewalks are provided throughout this development and will be constructed along Cable Lane where it abuts this development. There is a gravel trail system near the Site as part of the larger FMMD property to the southeast. The FMMD property consists of a park area and a trail system that connects to the south along Bradley Road and the channel. Park fees in lieu of land dedication will be due at the time of final plat recordation.

- 9. 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 Traffic Impact Study demonstrates that the development will not materially impact existing levels of service on surrounding roads. All required utilities are available to the development and the required will serve letters are provided. The proposed project will not negatively impact the levels of service of County services and facilities.

- 10. 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 development includes areas of open space and sidewalk connectivity through the development to external sidewalks and trail systems.

- 11. 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.

- 12. 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**

PUD modifications are requested of the Land Development Code requirements to allow the use of private roads (8.4.4.E.2) and to allow this private road design to differ from County standards (8.4.4.E.3), with an associated deviation from the minimum curb radius at local road intersections. The justification for these is set out below. The proposed PUD modifications allow for a more efficient layout that minimizes grading, thereby achieving the identified benefits in Chapter 4.2.6.F.2.h by providing a more livable environment, more accessible open space and a more efficient pedestrian system within the development.

- 13. The owner has authorized the application.**

Yes.

PUD Preliminary Plan

The Preliminary Plan is consistent with the approval criteria 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 above analysis.

2. The subdivision is consistent with the purposes of this Code;

See above analysis.

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 one requested deviation and PUD Modifications, 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, and open space;
- 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

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;

The Water Resources and Wastewater Report prepared by Drexel Barrell Company dated March 2021, indicates that based on the proposed 98 residential lots, with 0.67 acres of irrigated common space and 0.98 acres of xeriscaped common space, the calculations of water demand quantities are:

- Residential: $(0.5 \text{ AC-FT/YR/household}) \times (98 \text{ households}) = 49 \text{ AC-FT/YR}$
- Irrigated Common Space: $(1.9 \text{ AC-FT/YR/Acre}) \times (1.65 \text{ acres}) = 3.16 \text{ AC-FT/YR}$
- Project Total: 52.16 AC-FT/YR

A commitment letter from the Security Water and Sanitation District to provide water service to the Haven Valley development is included with this submittal. According to the District, the residential water demand for the project is estimated to be a maximum of 49 annual acre feet of diversions

based on 98 single-family equivalents (sfe). The District estimated demand for common landscape irrigation is 3.16 annual acre feet of diversions. The total water demand for this property is estimated to be 52.16 annual acre feet of diversions. A copy of the Security Water and Sanitation District's 2019 Water Quality Report has been provided with the Water Resources Report.

- 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 Wastewater Report shows that the proposed wastewater discharge is within the acceptance criteria of the Security Water and Sanitation District. A commitment letter from the District to provide wastewater service to the Haven Valley Subdivision is included with this submittal.

- 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 Geologic Hazard Evaluation and Due Diligence Geotechnical Investigation prepared by CTL Thompson indicates that no geologic hazards were identified that would preclude development of the project. The report identifies suspect quality fill and recommends that this be removed and replaced with compacted fill. Groundwater was evident in some borings but not at a level that would be a concern for crawl space construction.

- 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;**

These matters are addressed in the Preliminary Drainage Report prepared by Drexel Barrell and Company dated February 2022. The report identifies existing drainage flows to the southwest where it drains overland between two houses to Pecos Drive, then south on Widefield Drive. The report proposes a full-spectrum detention pond to be constructed in an existing off-site drainage easement adjacent to the west side of the site.

- 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;**

Two full movement access points onto Cable Lane are provided for this development. PUD Modifications from Section 8.4.4.E.2 and Section 8.4.4.E.3 of the LDC are being requested as the streets are proposed to be private and will be maintained by the Haven Valley Homeowners Association.

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;

Open space tracts have been provided with this development (Tracts B, C and D). Sidewalks will be constructed throughout this development and will connect to the nearby gravel trail system. The open space tracts will be owned and maintained by the Haven Valley Homeowners Association. Park land fees or a Park Lands Agreement will be due at the time of final plat recordation.

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;

Sidewalks will be constructed along the streets within the development and sidewalks will be constructed along the portion of Cable Lane that abuts the property. Trails will be provided in the open space tracts throughout the development, which will connect to internal sidewalks and the open space areas surrounding the project.

The Traffic Impact Study demonstrates that the development will not materially impact existing levels of service on surrounding roads. There is no public or mass transit in the area. Other services for the development are 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;

The residential lots provide a transition with the existing single family residential lots to the south and the townhome development to the northwest. The lot size on the approved plan ranges from 2,530 sf to 3,960 sf, with the larger 3,960 sf lots along the southern boundary to provide a transition to the 6,000 sf lots in the adjacent to the Pheasant Ranch Run single-family subdivision. The lot size on the current plan ranges from 2,989 sf to 4,307 sf, with the larger 4,307 sf lots along the southern boundary. The change in the type of residential product and the larger lots proposed by the current plans for Haven Valley provide and improved compatibility and transition to the 6,000 sf lots in the adjacent to the Pheasant Ranch Run single-family subdivision.

The existing property line has a mismatched series of existing fences. The Developer will install a new six-foot "good neighbor" opaque fence along the property boundary of the Site. In addition to the replacing the existing fencing, landscaping will be provided to enhance buffering between the site and residential neighborhoods on the south and east boundary.

To provide an adequate buffer to the adjacent single family residential to the southeast and south, Haven Valley provides a 15-foot buffer with a 6-foot cedar fence and one tree per fifteen linear feet of frontage requirements, which is consistent with the LDC landscape buffer requirements. In addition, the evergreen requirement has been exceeded in order to provide sufficient year-round buffering, which will protect residential privacy of the adjacent single-family neighborhood.

Along the north and west boundary of the property are two existing churches. While a buffer is usually required between residential and non-residential uses, per the LDC, a buffer is only required on the proposed residential side of the project when use to use compatibility is a concern. Given the low intensity of the adjacent church uses, a buffer is not considered necessary. The Haven Valley development proposes a 7-foot landscape strip and a 6-foot cedar fence along the north and west boundary. This is considered sufficient to visually screen the adjacent uses and activities and protect residential privacy of the proposed single family residential on site.

The Haven Valley Homeowners Association will own and will be responsible for the maintenance of the common open space areas and landscaping and the 6' opaque perimeter fencing.

4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and

The Site has been previously disturbed and thus does not provide ideal habitat for a variety of wildlife species. Impact of development on potential wildlife habitat will be negligible. Noxious weeds will be controlled through the development of the site and management of the open spaces/buffers.

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 Traffic Impact Study demonstrates that the development will not materially impact existing levels of service on surrounding roads. All required utilities are available to the development and the required will serve letters are provided. The proposed project will not negatively impact the levels of service of County services and facilities.

10. Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;

Colorado Springs Utilities will provide electric and natural gas services as stated in the Will Serve letter included in this submittal. Security Water and Sanitation District will provide water and wastewater service. Security Fire Protection District will provide fire protection services and Fire Station 3 is less than ¼ mile northwest of the site. The County Sheriff will provide police protection.

The Fountain Mutual Metropolitan Districts property to the southeast of the Site provides access to gravel trails system that provides pedestrian connection to the surrounding area.

11. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and

The Security Fire Protection District has adequate capacity to provide fire protection to the proposed subdivision. A Fire Protection Report and a Will Serve letter are included with this submittal.

12. The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

The proposed subdivision meets the applicable sections of the Code, subject to the requested waivers below, for which justification is provided.

PUD MODIFICATIONS

PUD Modifications: PUD modifications are requested of the Land Development Code requirements to allow the use of private roads (8.4.4.E.2) and to allow this private road design to differ from County standards (8.4.4.E.3). The justification for the PUD modification is set out below.

	LDC/ECM Section	Category	Standard	Modification	Justification
1	LDC Chapter 8.4.4(E)(2)	Private Roads	Use of private roads shall be limited	Private roads proposed to serve only this subdivision	Private road design provides more flexibility for the development to accommodate the higher density infill development and create a more compact community design that allows for more open space and internal sidewalk connectivity. The private roads will be owned and maintained by the Homeowners Associations. ADA requirements are still being met and the smaller radii result in traffic calming and slower traffic speeds in the neighborhood. Private roads and modified pedestrian ramp designs were approved with the previously recorded PUD Plan, Preliminary Plan and Final Plat for Patriot Village.
2	ECM Table 2-31	Minimum Curb Return Radius	Minimum 20 ft for local/local intersection	Minimum 15 ft radii for all private intersections within the project site	

The streets within this development will be private with sidewalks, curb and gutter in accordance with local street standards per the Engineering Criteria Manual. The street section is modified to measure 39 feet from back of sidewalk to back of sidewalk.

Chapter 4.2.6.F.2.h of the Land Development Code (LDC) allows for a PUD modification of a general development standard in the LDC or criteria of the Engineering Criteria Manual (ECM). The proposed PUD modifications allow for a more efficient layout that minimizes grading, thereby achieving the identified benefits in Chapter 4.2.6.F.2.h by providing a more livable environment, more accessible open space and a more efficient pedestrian system within the development. The private roads will be owned and maintained by the Homeowners Associations. ADA requirements are still being met and the smaller radii result in traffic calming and slower traffic speeds in the neighborhood. Private roads and modified pedestrian ramp designs were approved with the previously recorded PUD Plan, Preliminary Plan and Final Plat for Patriot Village.

Due to the narrower cross-section proposed for the private road, a deviation is also requested for the minimum curb return radius at a local road/local road intersection. The justification for these is set out below:

Section of ECM from which Deviation is Sought: 2.3.7.F

Specific Criteria from which a Deviation is Sought: 2.3.7.F Table 2-31 Minimum Curb Return Radius and Intersection (Urban Roads) –minimum 20' radius for a local/local intersection.

Proposed Nature and Extent of Deviation: A 15' curb return radius is requested.

ECM Section 5.8.7: Criteria for Approval:

- **The deviation will achieve the intended result with a comparable or superior design and quality of improvement;**

The proposed private street section with smaller curb return radii will help with the small lot size constraints and will improve the lots for each individual homeowner. ADA requirements are still being met and the smaller radii result in traffic calming and slower traffic speeds in the neighborhood.

- **The deviation will not adversely affect safety or operations;**

No impact to safety or operations is anticipated by this design. ADA requirements are still being met and the smaller radii result in traffic calming and slower traffic speeds in the neighborhood.

- **The deviation will not adversely affect maintenance and its associated cost; and**

This deviation will not adversely affect maintenance or its associated cost since the roads are to be privately maintained.

- **The deviation will not adversely affect aesthetic appearance.**

Aesthetic appearance will not be affected by this variance.

- **The deviation meets the design intent and purpose of the ECM standards.**

The proposed private street section will still meet the intent and purpose of the ECM standards, by providing all other standard roadway design elements.

- **The deviation meets the control measure requirements of Part I.E.3 and Part I.E.4 of the County's MS4 permit, as applicable.**

The site is subject to a Stormwater Management Plan, which meets Part I.E.3 and Part I.E.4 of the County's MS4 Permit.

P:\Richmond American Homes\Haven Valley\Admin\Submittals\6th Submittal\Haven Valley_Letter of Intent 11.08.2022.docx

GENERAL PROVISIONS

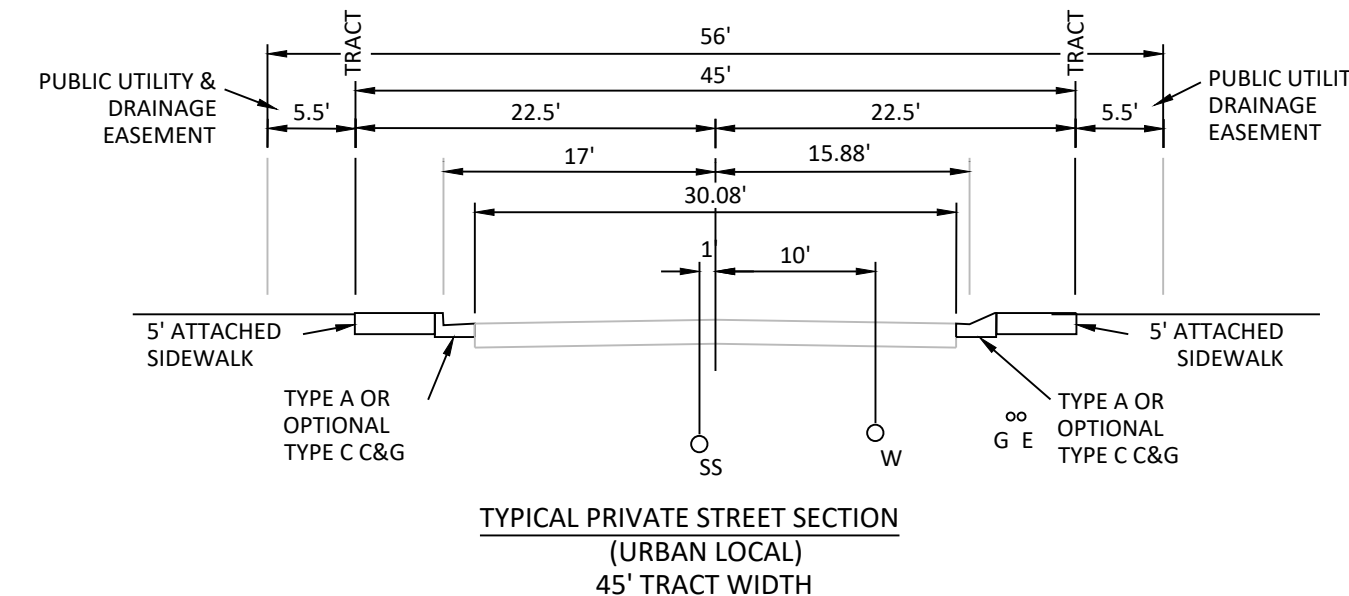
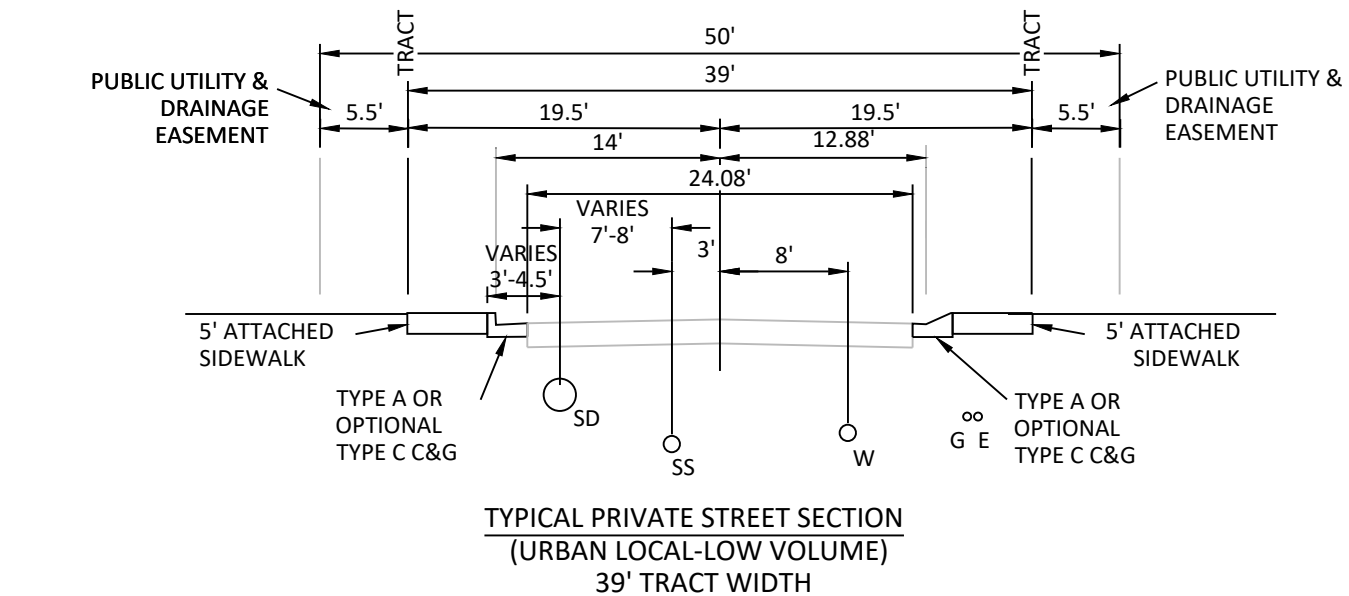
- A. Authority. This PUD is authorized by Chapter 4 of the El Paso County Land Development Code...
B. Applicability. The provisions of this PUD shall run with the land...
C. Adoption. The adoption of this development plan shall evidence the findings and decisions of the El Paso County Board of County Commissioners...

DEVELOPMENT GUIDELINES

A. Project Description: Haven Valley is a planned residential community on 11.7678 acres of land located south west of the intersection of Alturas Dr. and Cable Ln. The project is planned as a single family detached and attached community with a range of lot sizes and contiguous common open space throughout.

Table with columns: USES, NOTES, PRINCIPAL USES. Rows include: DWELLINGS - SINGLE FAMILY DETACHED & ATTACHED, RECREATION AMENITIES, FAMILY CARE HOME, UTILITIES, DETENTION PONDS, ANIMAL KEEPING, RESIDENTIAL HOME OCCUPATION, SOLAR ENERGY SYSTEMS, MAILBOXES, BED & BREAKFAST HOME, STORAGE SHEDS LESS THAN 200 SF, MODEL HOME / SUBDIVISION SALES OFFICE, CONSTRUCTION EQUIPMENT STORAGE AND FIELD OFFICE, YARD OR GARAGE SALES, SPECIAL USES, ACCESSORY STRUCTURES, NOTES.

- B. Signs. Signs shall be permitted to identify entries to the Haven Valley community...
C. Development Standards. 1. Maximum building height: thirty (30) feet...
D. Streets. Streets within the Haven Valley subdivision provide general vehicular circulation throughout the development...
E. Access Limitation: There shall be no direct vehicular access to Alturas Drive or Cable Lane from any lot or tract...
F. Sight Distance Triangles: No landscaping may obstruct sight distance triangles or pedestrian facilities per Engineering Criteria Manual Reference 2.3.6.G.2 & 2.5.2.A, respectively...



HAVEN VALLEY

A PORTION OF THE NORTHWEST CORNER OF SECTION 12, TOWNSHIP 15 SOUTH, RANGE 66 WEST OF THE 6TH P.M. OF EL PASO COUNTY, COLORADO PUD DEVELOPMENT/PRELIMINARY PLAN

GENERAL NOTES

- 1. See Landscape Plan sheets 6-7 of this set for proposed buffering and screening from surrounding properties...
2. Facilities and common area landscape will be maintained by the Haven Valley Homeowners Association...
3. This site is not within a designated F.E.M.A. floodplain as determined by the flood insurance rate map...
4. No basements will be permitted in the Haven Valley PUD SP...
5. Geologic Hazard Note: The following lots have been found to be impacted by geologic hazards...
6. The parties responsible for this plan have familiarized themselves with all current accessibility criteria and specifications...
7. The following reports have been submitted in association with the Preliminary Plan for this subdivision and are on file at the County Planning and Community Development Department...
8. Mailboxes shall be installed in accordance with all El Paso County and United States Postal Service regulations...
9. The following utility providers will serve the Haven Valley PUD: Water: Security Water and Sanitation Districts; Wastewater: Security Water and Sanitation Districts; Gas: Colorado Gas; Electric: Colorado Springs Utilities...
10. NOTICE OF POTENTIAL AIRCRAFT OVERFLIGHT AND NOISE IMPACT ASSOCIATED WITH AIRPORT: This serves as notice of potential aircraft overflight and noise impacts on this property due to its close proximity to an airport...
11. Fire Lane markings to be coordinated with Security Fire Protection District (SFPD)...
12. All sidewalks to be 5 foot wide and concrete.

LEGAL DESCRIPTION FOR HAVEN VALLEY

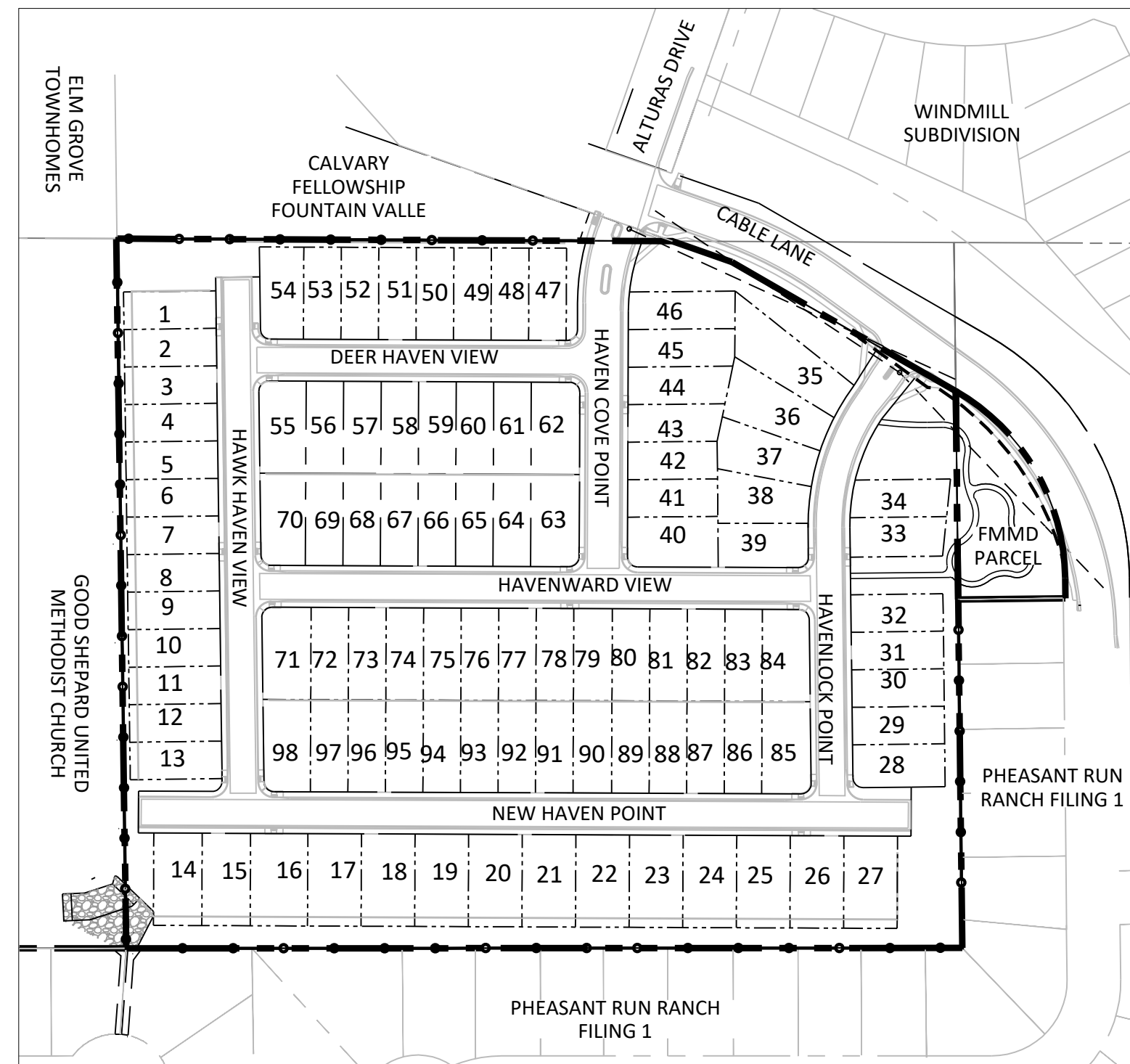
THE NORTH HALF OF THE NW 1/4 OF THE NW 1/4 OF SECTION 12, TOWNSHIP 15 SOUTH, RANGE 66 WEST OF THE 6TH P.M., EXCEPT THAT PORTION CONVEYED IN A WARRANTY DEED RECORDED NOVEMBER 25, 1959 IN BOOK 1779 AT PAGE 409 OF THE CLERK AND RECORDERS OFFICE OF THE COUNTY OF EL PASO, STATE OF COLORADO AND EXCEPT THAT PORTION LYING WITHIN THE EXISTING RIGHT OF WAY OF FORMER BRADLEY ROAD, NOW DESIGNATED AS CABLE LANE, COUNTY OF EL PASO, STATE OF COLORADO. THE ABOVE-DESCRIBED PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 12 AND CONSIDERING THE NORTH LINE OF THE NW 1/4 OF THE NW 1/4 OF SECTION 12 TO BEAR S89°44'12"E, 1058.43 FEET, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO, SAID LINE MONUMENTED AT THE WESTERLY TERMINUS BY A FOUND 2.5" ALUMINUM PIPE WITH A 3.25" ALUMINUM CAP STAMPED "TIGES R66W 2.1 11.12.1995 RMLS NO. 19625" AND AT THE EASTERLY TERMINUS BY A FOUND #4 REBAR WITH A 1" YELLOW PLASTIC CAP STAMPED "WKC & ASSOC PLS 14611"; THENCE ALONG SAID NORTH LINE, S89°44'12"E, 539.85 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG THE NORTH LINE OF SAID NW 1/4 OF THE NW 1/4, S89°44'12"E, 518.88 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF CABLE LANE; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: 1) S70°41'33"E, 58.84 FEET; 2) S60°02'56"E, 241.03 FEET TO THE WEST LINE OF SAID NW 1/4 OF THE NW 1/4;

THENCE ALONG SAID WEST LINE AND ALONG THE EAST LINE OF "PHEASANT RUN RANCH FILING NO. 1", THE PLAT THEREOF RECORDED IN PLAT BOOK X3 AT PAGE 18 OF THE RECORDS OF THE COUNTY OF EL PASO, STATE OF COLORADO, S00°40'06"E, 519.42 FEET TO THE NORTH LINE OF SAID PHEASANT RUN RANCH FILING NO. 1 AND THE NORTHEAST CORNER OF LOT 37 OF PHEASANT RUN RANCH FILING NO. 1; THENCE ALONG SAID NORTH LINE OF PHEASANT RUN RANCH FILING NO. 1 AND ALONG THE NORTH LINE OF THE "SUBDIVISION OF TRACT NO. 1 REFINING OF THE SECURITY, COLORADO ADDITION NO. 4 EL PASO COUNTY, COLORADO", THE PLAT THEREOF RECORDED IN PLAT BOOK 2 AT PAGE 76 OF THE RECORDS OF THE COUNTY OF EL PASO, STATE OF COLORADO, S89°58'19"W, 779.82 FEET TO THE EAST LINE OF THAT TRACT OF LAND AS DESCRIBED IN BOOK 1779 AT PAGE 409 OF THE RECORDS OF THE COUNTY OF EL PASO, STATE OF COLORADO; THENCE ALONG SAID NORTH LINE, S89°44'12"E, 652.00 FEET TO THE TRUE POINT OF BEGINNING. THE ABOVE-DESCRIBED TRACT OF LAND CONTAINS 11.438 ACRES OR 498,237 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION FOR FOUNTAIN MUTUAL METROPOLITAN DISTRICT PARCEL

A PARCEL OF LAND BEING A PORTION OF THAT TRACT OF LAND AS DESCRIBED IN THAT DOCUMENT RECORDED UNDER RECEPTION NO. 201078268 OF THE CLERK AND RECORDERS OFFICE OF THE COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 12 AND CONSIDERING THE NORTH LINE OF THE NW 1/4 OF THE NW 1/4 OF SECTION 12 TO BEAR S89°44'12"E, 1058.43 FEET, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO, SAID LINE MONUMENTED AT THE WESTERLY TERMINUS BY A FOUND 2.5" ALUMINUM PIPE WITH A 3.25" ALUMINUM CAP STAMPED "TIGES R66W 2.1 11.12.1995 RMLS NO. 19625" AND AT THE EASTERLY TERMINUS BY A FOUND #4 REBAR WITH A 1" YELLOW PLASTIC CAP STAMPED "WKC & ASSOC PLS 14611"; THENCE ALONG SAID NORTH LINE, S89°44'12"E, 1058.43 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF CABLE LANE; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: 1) S70°41'33"E, 58.84 FEET; 2) S60°02'56"E, 241.03 FEET TO THE WEST LINE OF SAID NW 1/4 OF THE NW 1/4 AND THE TRUE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF CABLE LANE AS DESCRIBED IN THAT DOCUMENT RECORDED UNDER RECEPTION NO. 202228876 OF SAID CLERK AND RECORDERS OFFICE OF THE COUNTY OF EL PASO; THENCE ALONG SAID WEST LINE S00°40'06"E, 194.43 FEET TO THE NORTHWEST CORNER OF "PHEASANT RUN RANCH FILING NO. 1", THE PLAT THEREOF RECORDED IN PLAT BOOK X3 AT PAGE 18 OF THE RECORDS OF THE CLERK AND RECORDERS OFFICE OF THE COUNTY OF EL PASO; THENCE ALONG THE NORTH LINE OF SAID PHEASANT RUN RANCH FILING NO. 1, N89°19'54"E, 100.00 FEET TO WEST RIGHT-OF-WAY LINE OF CABLE LANE AS DESCRIBED IN SAID DOCUMENT RECORDED UNDER RECEPTION NO. 202228876; THENCE NORTHWESTERLY ALONG SAID WEST RIGHT-OF-WAY AND SOUTHERLY RIGHT-OF-WAY LINE OF CABLE LANE THE FOLLOWING TWO (2) COURSES: 1. N00°40'06"W, 18.98 FEET TO A POINT OF CURVE TO THE LEFT; 2. 211.27 FEET ALONG THE ARC OF SAID CURVE TO THE TRUE POINT OF BEGINNING, SAID ARC HAVING A RADIUS OF 203.92 FEET, A CENTRAL ANGLE OF 59°21'44", AND BEING SUBTENDED BY A CHORD THAT BEARS N30°29'58"W, 201.95 FEET.

THE ABOVE-DESCRIBED TRACT OF LAND CONTAINS 0.3298 ACRES OR 14,323 SQUARE FEET, MORE OR LESS.



OVERALL MAP

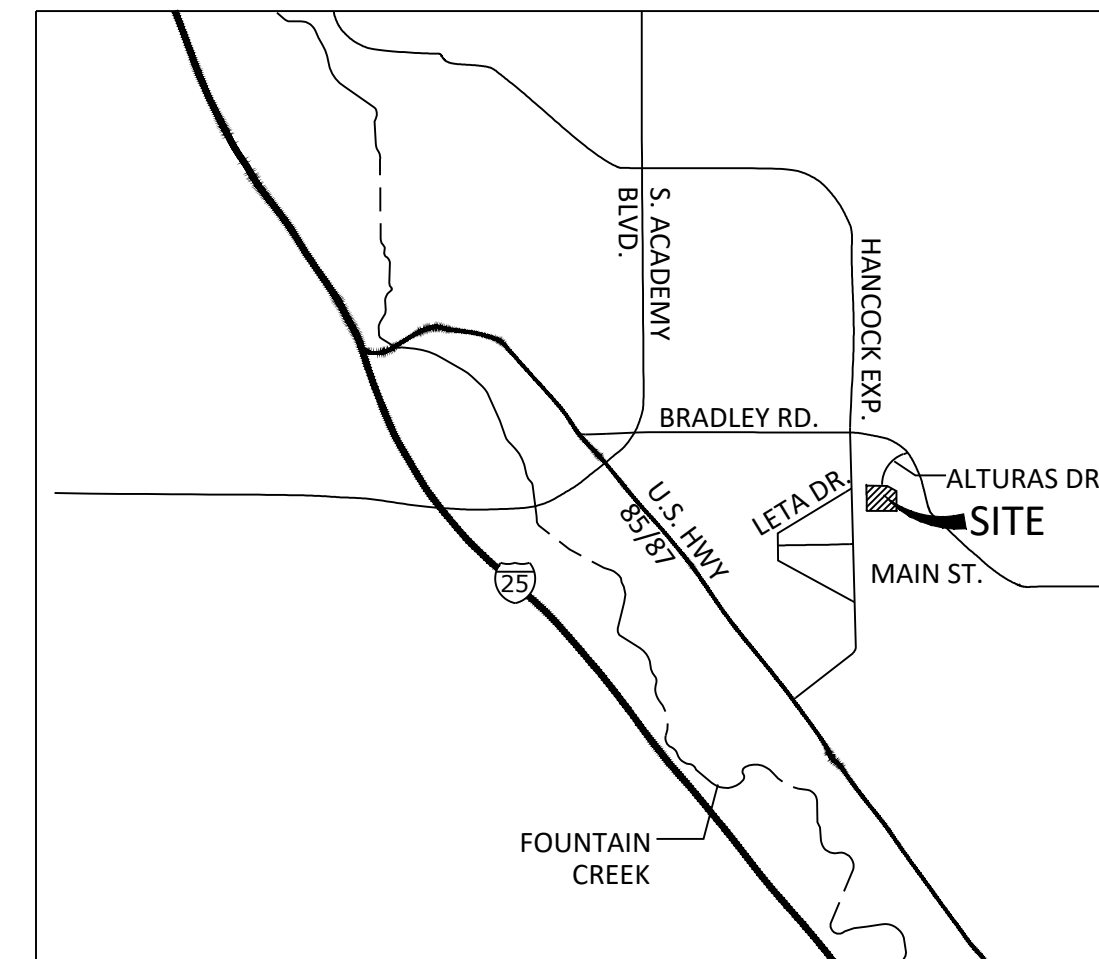
Ownership Certification form for MIDCO Investments LLC, including fields for Landowner's Signature, Notarized signature, and OR Name of Attorney and registration number.

Ownership Certification form for Fountain Mutual Metropolitan District, including fields for Landowner's Signature, Notarized signature, and OR Name of Attorney and registration number.

County Certification form stating the PUD Preliminary Plan has been reviewed and found to be complete and in accordance with the regulations, including fields for President, Board of County Commissioners and Chair, Planning & Community Development Department.

Clerk and Recorder Certification form for El Paso County, including a declaration of filing and recording details, and fields for El Paso County Clerk and Recorder.

VICINITY MAP



SITE DATA

Table with columns: Tax ID Numbers, Total Area, Development Schedule, Current Zoning, Current Use, Proposed Use, Average Lot Size, Minimum Lot Size, Minimum Lot Width, Gross Density, Net Density, Total Tract Area, Maximum Building Height, Lot Setbacks (Detached/Attached), Landscape Setbacks, Landscape Buffers, Open Space.

Lot Setbacks (Detached): Front: 18 FT, Side: 5 FT, Rear: 7 FT

Lot Setbacks (Attached): Front: 18 FT, Common Side: 0 FT, Side: 5 FT, Rear: 7 FT

Landscape Setbacks: Cable Lane Urban Local: 10 FT

Landscape Buffers: South Buffer: 15 FT, East Buffer: 15 FT

Open Space: Required: 1.1 AC (10%), Usable: 0.27 AC (25% of 1.1 AC Required), Provided: 1.7 AC (14%) Tracts B & C & D, Usable: 0.6 AC of Tracts C & E

PUD MODIFICATIONS

Table with columns: LDC/ECM Section, Category, Standard, Modification, Justification. Rows 1 and 2 detailing modifications to private roads and minimum curb return radius.

LAND USE DATA TABLE

Table with columns: LAND USE, NET DENSITY, UNITS, ACRES, % OF LAND. Rows for Single Family, Road Tract, Open Space Tracts, Future Row.

*USABLE OPEN SPACE: 0.57 AC (34%)

PROJECT TEAM

Table listing project team members: OWNER / APPLICANT: MIDCO Investments LLC; OWNER: Fountain Mutual Metropolitan District; CONSULTANT: N.E.S. Inc.

SHEET INDEX

Table listing sheet contents: Sheet 1 of 7: Cover Sheet; Sheet 2 of 7: Tract Map, Adjacent Ownership & Lot Typical; Sheet 3 of 7: PUD Preliminary Site Plan; Sheet 4 of 7: Preliminary Grading Plan; Sheet 5 of 7: Preliminary Utilities & Facilities Plan; Sheet 6 of 7: Landscape Notes & Details; Sheet 7 of 7: Alternative Landscape Plan.



N.E.S. Inc. 619 N. Cascade Avenue, Suite 200 Colorado Springs, CO 80903

Tel. 719.471.0073 Fax 719.471.0267

www.nescolorado.com

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HAVEN VALLEY

PUD DEVELOPMENT / PRELIMINARY PLAN

ALTURAS DRIVE & CABLE LANE

ENTITLEMENT

Table with columns: DATE, BY, DESCRIPTION. Rows showing approval dates and signatures for the project.

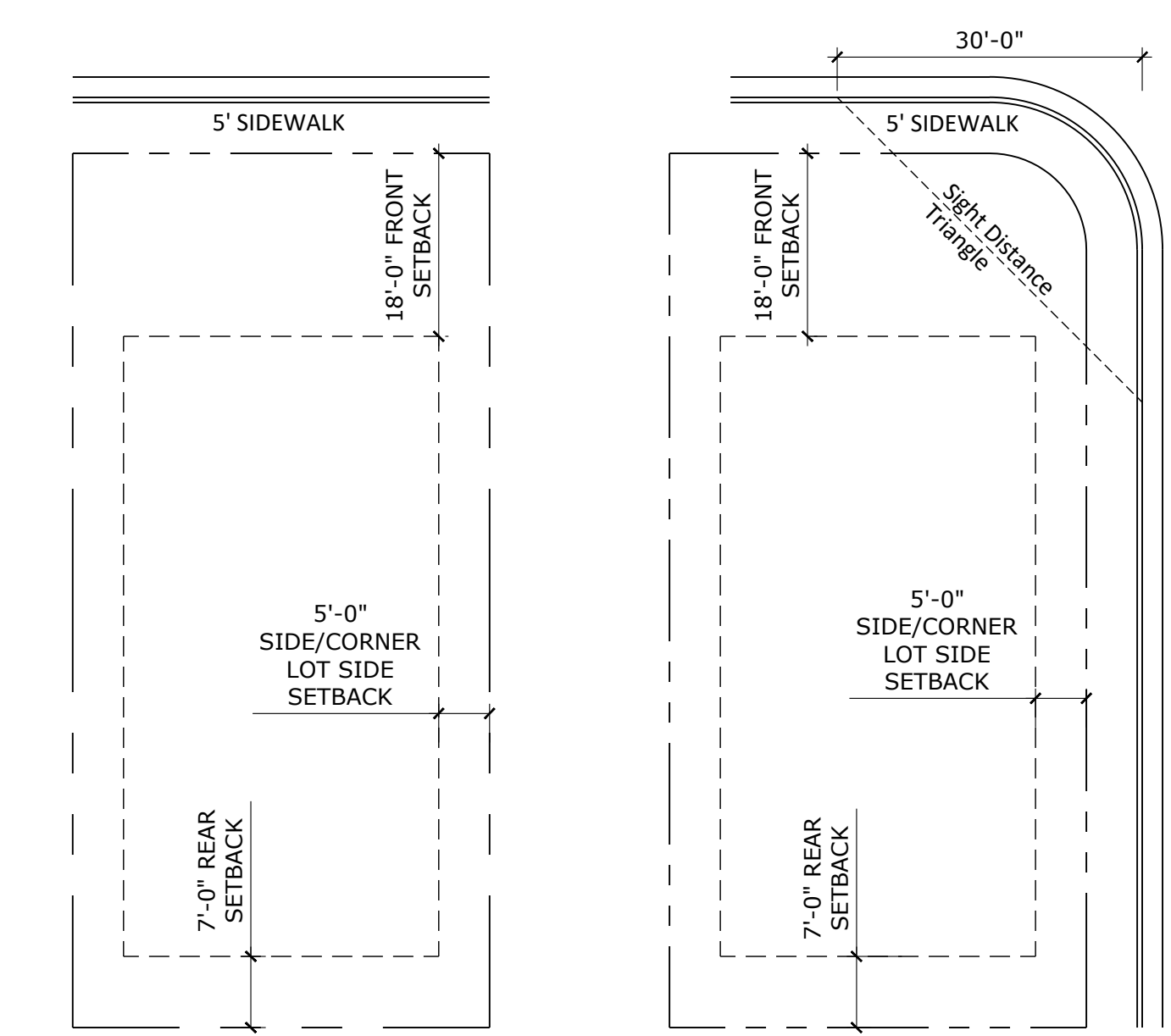
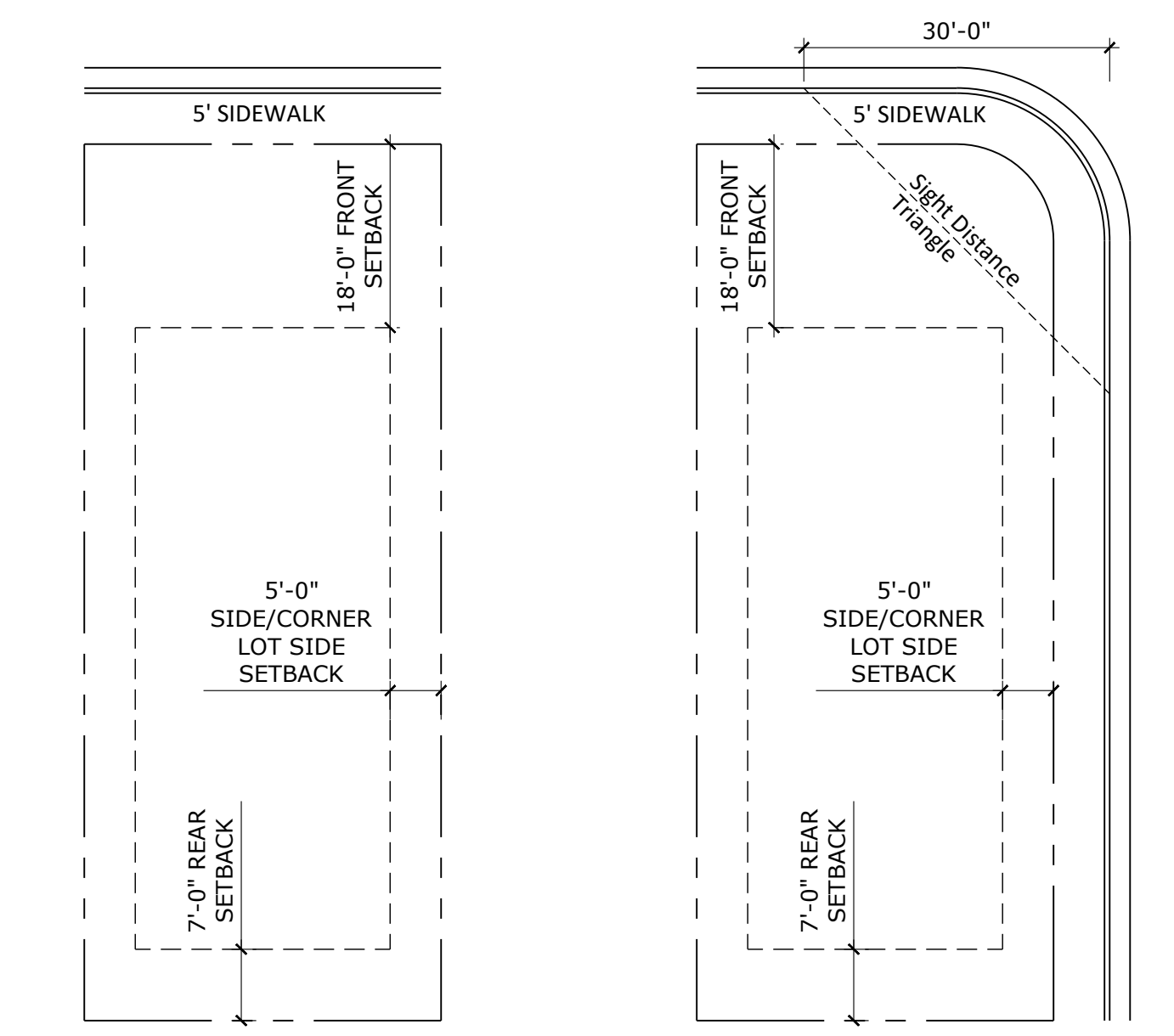
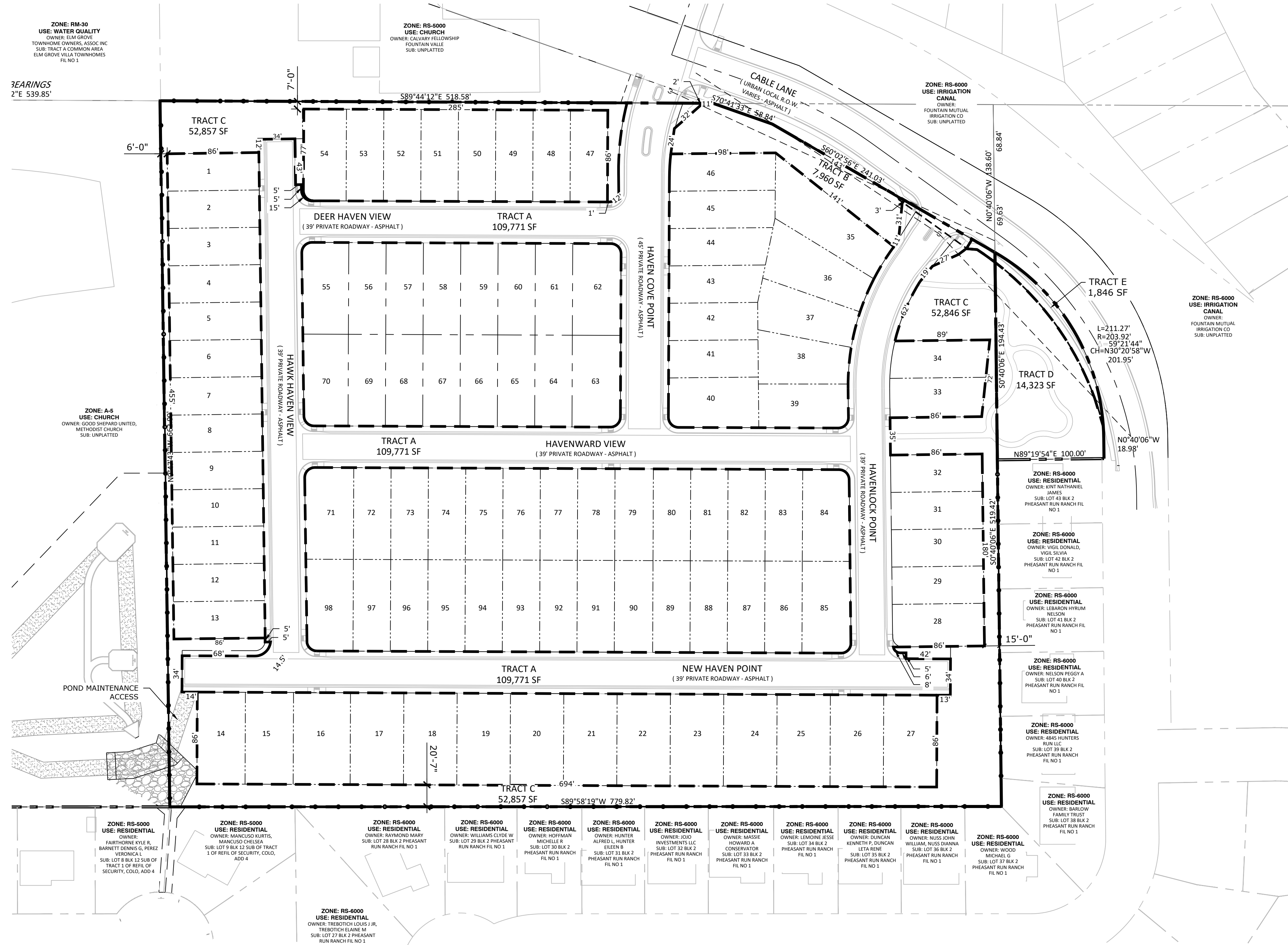
COVER SHEET

HAVEN VALLEY

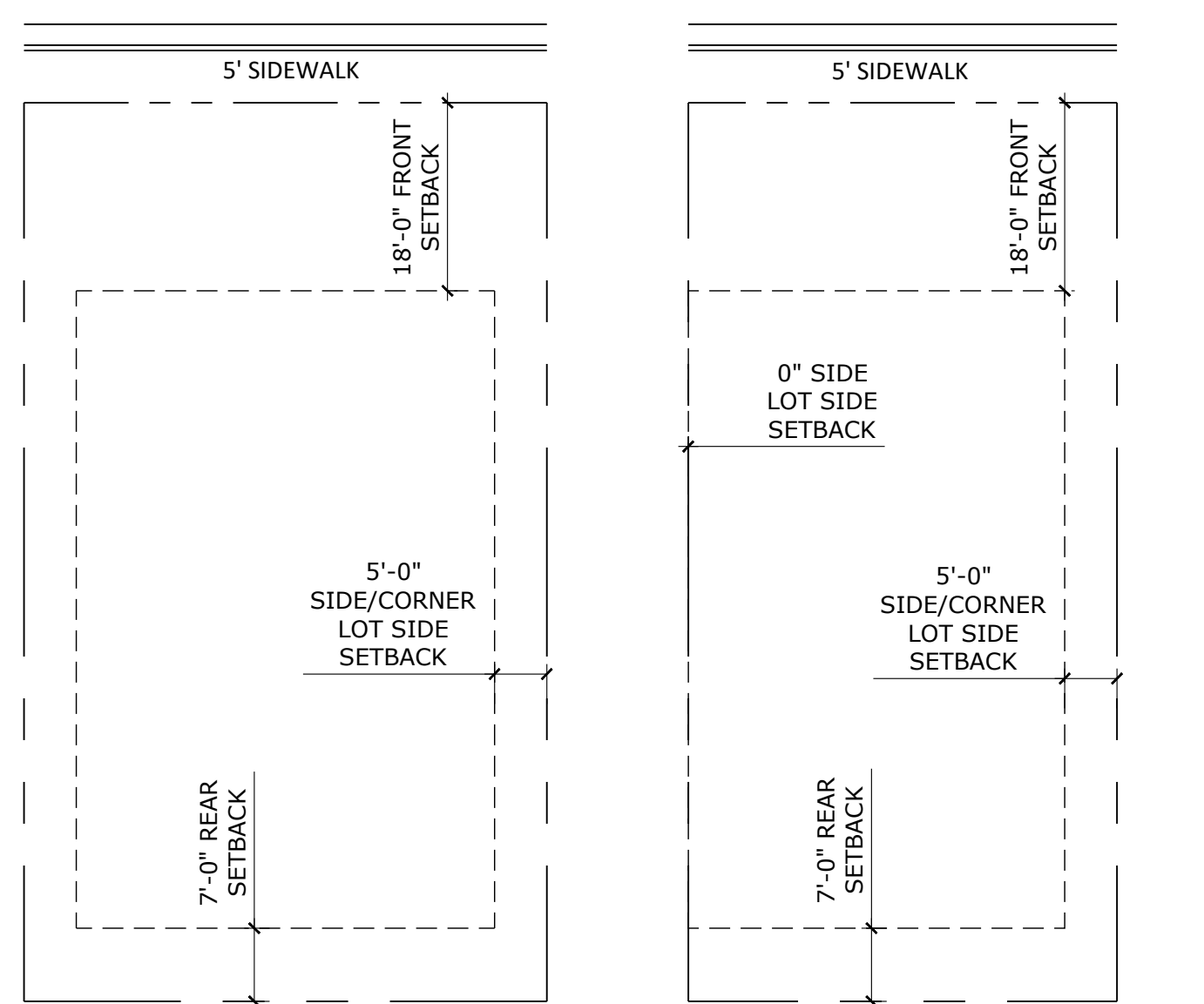
A PORTION OF THE NORTHWEST CORNER OF SECTION 12, TOWNSHIP 15 SOUTH, RANGE 66 WEST OF THE 6TH P.M. OF EL PASO COUNTY, COLORADO

PUD DEVELOPMENT/PRELIMINARY PLAN

LOT TYPICALS



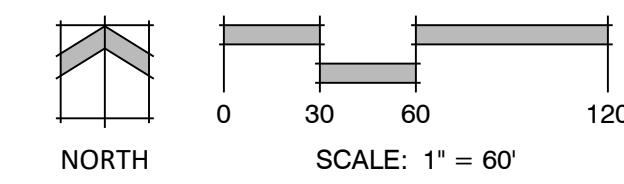
EXAMPLE SINGLE FAMILY ATTACHED LOT TYPICAL



TRACT MAP & ADJACENT PROPERTY OWNERS

TRACT TABLE

NAME	SIZE (SF)	SIZE (AC)	USE	OWNERSHIP	MAINTENANCE
Tract A	109,771	2.52	Private Roads	HOA	HOA
Tract B	7,960	0.18	Open Space, Landscape Setback and Buffer, Public Improvement Easement, Public and Private Utilities	HOA	HOA
Tract C	52,661	1.21	Open Space, Trail, Landscape Setback and Buffer, Public Improvement Easement, Drainage, Public and Private Utilities	HOA	HOA
Tract D	12,673	0.29	Open Space, Trail & Landscape Setback	HOA & Fountain Mutual Metropolitan District	HOA
Tract E	1,846	0.04	Future ROW	El Paso County	El Paso County
Total Area	184,911	4.24			



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HAVEN VALLEY

PUD DEVELOPMENT / PRELIMINARY PLAN
ALTURAS DRIVE & CABLE LANE

DATE: 11.09.2022
PROJECT MGR: A. BARLOW
PREPARED BY: J. SMITH

ENTITLEMENT

DATE:	BY:	DESCRIPTION:
08.19.2021	B. I.	PER COUNTY COMMENTS
02.07.2022	B. I.	PER COUNTY COMMENTS
04.08.2022	B. I.	PER COUNTY COMMENTS
10.05.2022	J. S.	PER COUNTY COMMENTS
11.09.2022	J. S.	PER COUNTY COMMENTS

TRACT MAP, LOT TYPICALS & ADJACENT PROPERTY OWNERS

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HAVEN VALLEY

A PORTION OF THE NORTHWEST CORNER OF SECTION 12, TOWNSHIP 15 SOUTH, RANGE 66 WEST OF THE 6TH P.M. OF
EL PASO COUNTY, COLORADO
PUD DEVELOPMENT/PRELIMINARY PLAN



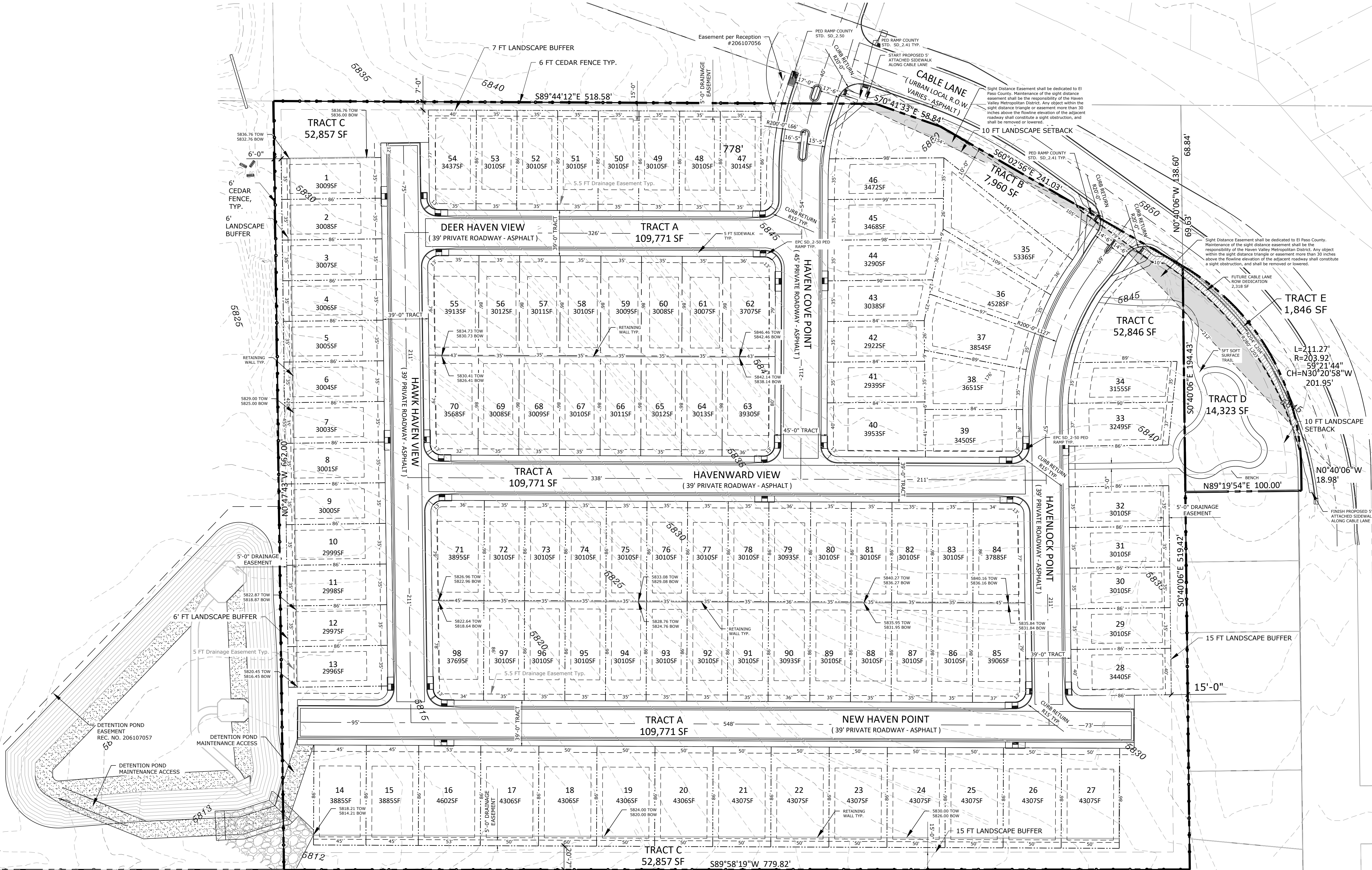
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PLANNER / LANDSCAPE ARCHITECT

IN ASSOCIATION WITH

PROJECT INFO

STAMP

ISSUE INFO

ISSUE / REVISION

SHEET TITLE

PLAN FILE # SHEET NUMBER

HAVEN VALLEY

PUD DEVELOPMENT /
PRELIMINARY PLAN
ALTURAS DRIVE &
CABLE LANE

DATE: 11.09.2022
PROJECT MGR: A. BARLOW
PREPARED BY: J. SMITH

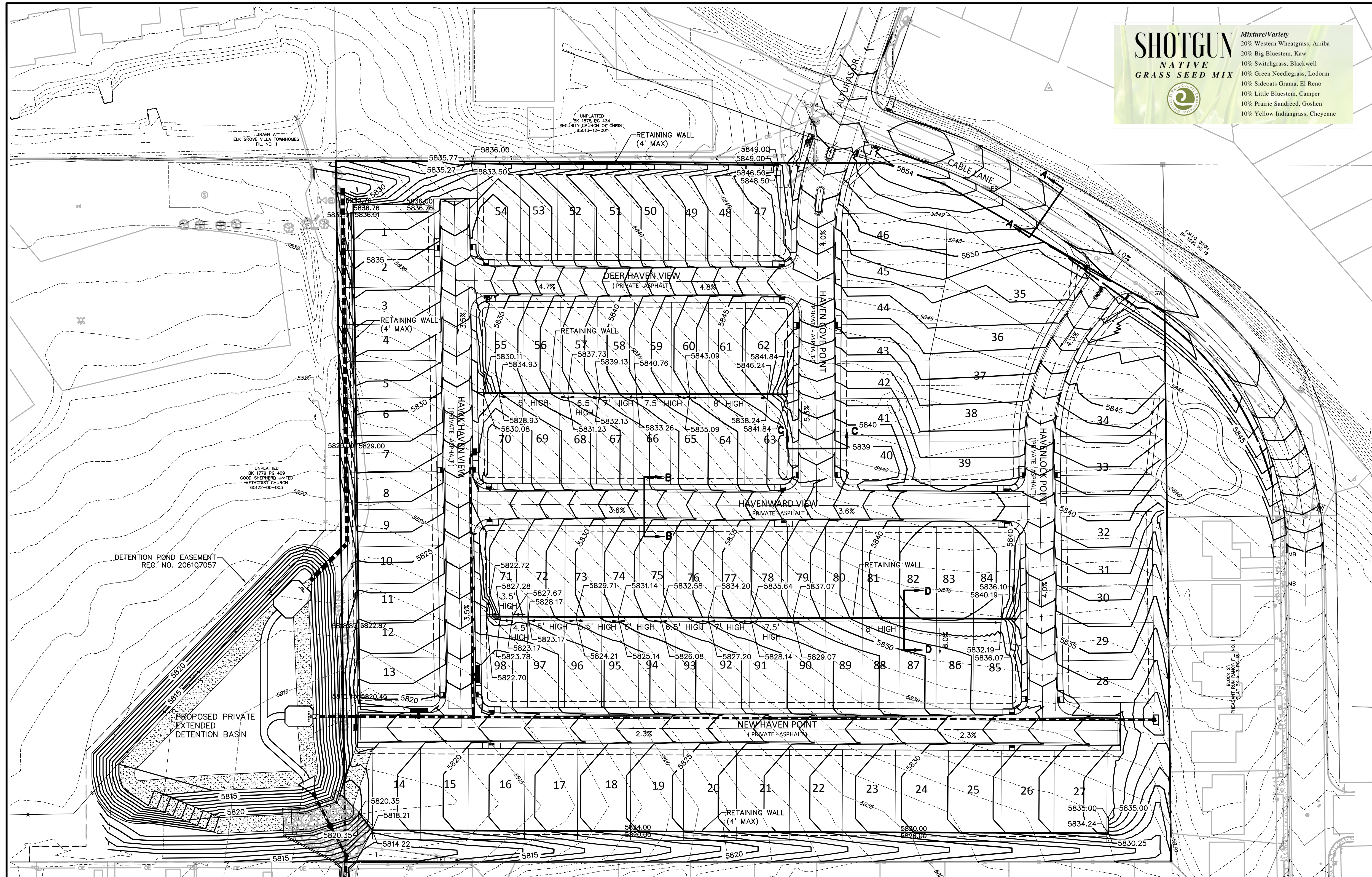
ENTITLEMENT

DATE:	BY:	DESCRIPTION:
08.19.2021	B. I.	PER COUNTY COMMENTS
02.07.2022	B. I.	PER COUNTY COMMENTS
04.08.2022	B. I.	PER COUNTY COMMENTS
10.05.2022	J. S.	PER COUNTY COMMENTS
11.09.2022	J. S.	PER COUNTY COMMENTS

PUD PRELIMINARY SITE PLAN

3 OF 7

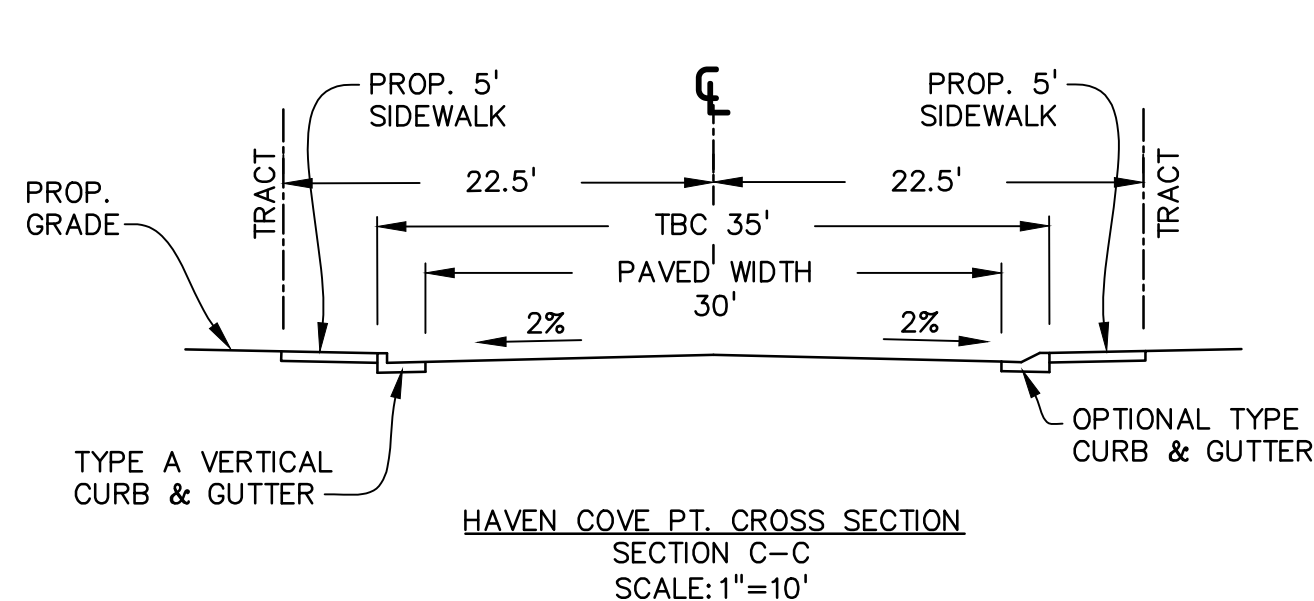
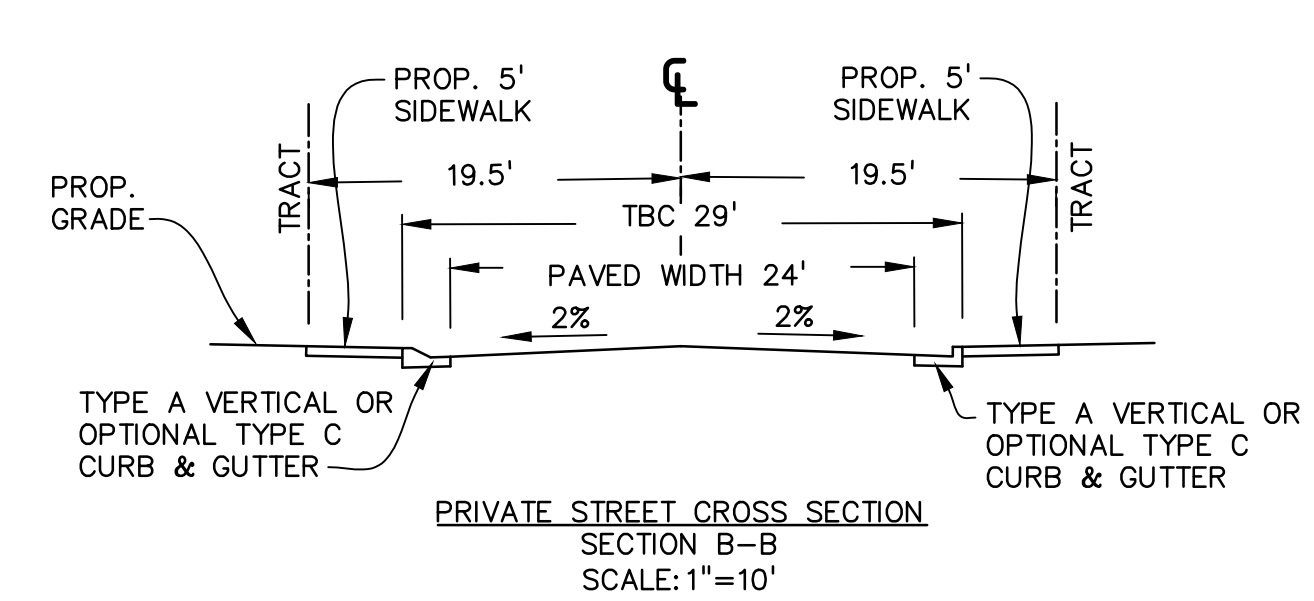
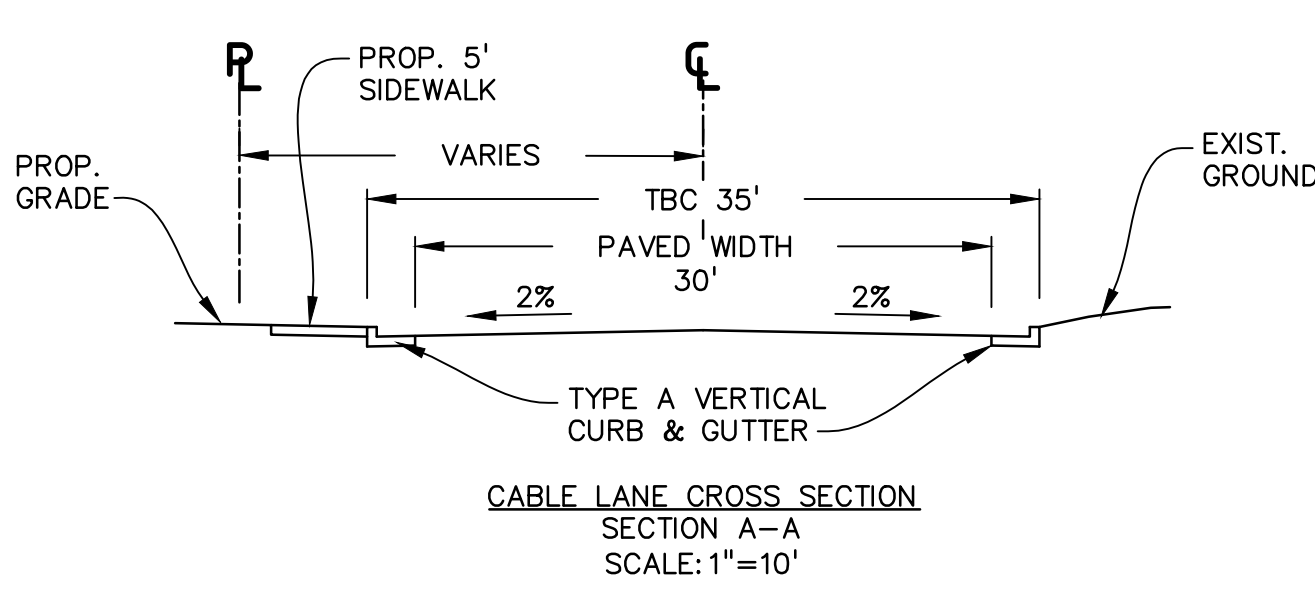
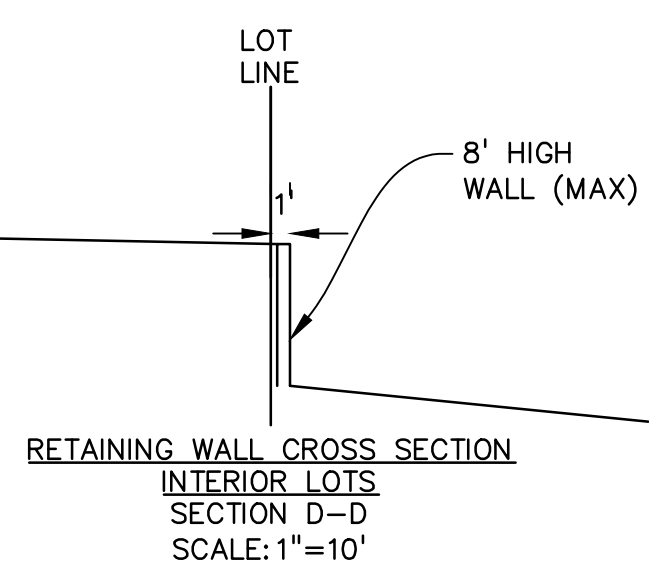
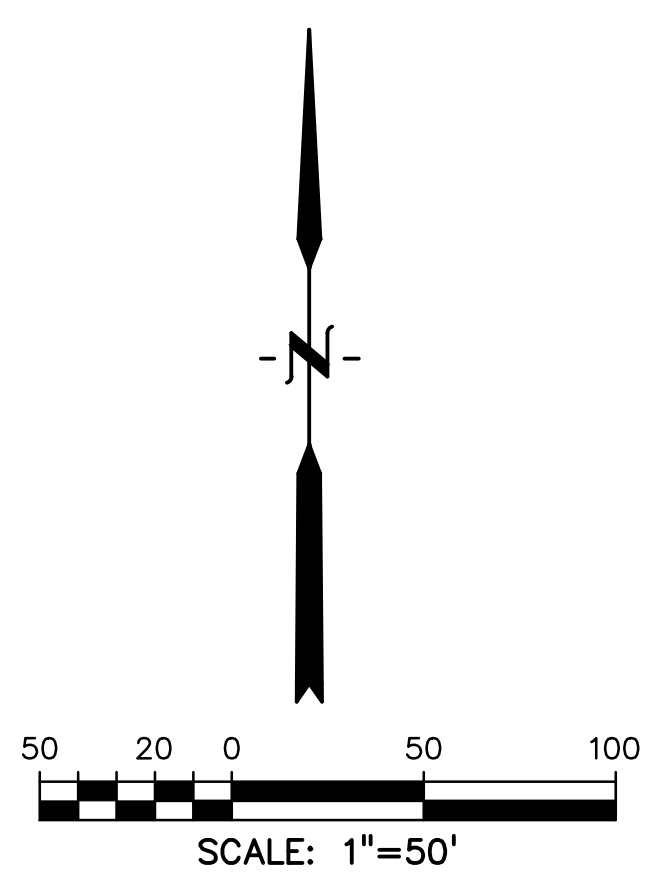
PUDSP217



SHOTGUN NATIVE GRASS SEED MIX

Mixture/Variety
 20% Western Wheatgrass, Arriba
 20% Big Bluestem, Blackwell
 10% Switchgrass, Blackwell
 10% Green Needlegrass, Lodrom
 10% Sidecoats Grama, El Reno
 10% Little Bluestem, Camper
 10% Prairie Sandreed, Goshen
 10% Yellow Indiangrass, Cheyenne

- LEGEND**
- STORM DRAIN
 - CURB FLOWLINE
 - R.O.W.
 - EXIST. FENCE
 - EXIST. STORM SEWER
 - EXIST. MINOR CONTOUR
 - EXIST. MAJOR CONTOUR
 - PROP. MINOR CONTOUR
 - PROP. MAJOR CONTOUR



PREPARED BY:

DREXEL, BARRELL & CO.
 Engineers • Surveyors
 3 SOUTH 7TH STREET
 COLORADO SPGS, COLORADO 80905
 CONTACT: TIM D. MCCONNELL, P.E.
 (719)260-0887
 BOULDER • COLORADO SPRINGS • GREELEY

CLIENT:

RICHMOND AMERICAN HOMES
 4350 S. MONACO ST.
 DENVER, CO 80237
 CONTACT: MATTHEW JENKINS
 (720) 977-3686

PUD DEVELOPMENT/PRELIMINARY PLAN FOR:

HAVEN VALLEY

(LETA DR.) BRADLEY RD/ALTURAS DR.
 SECURITY, EL PASO COUNTY, COLORADO

ISSUE	DATE
INITIAL ISSUE	4/29/21
LATEST ISSUE	11/9/22
DESIGNED BY:	TDM
DRAWN BY:	GES
CHECKED BY:	TDM
FILE NAME:	21085-03GP01

PREPARED UNDER MY DIRECT SUPERVISION FOR AND ON BEHALF OF DREXEL, BARRELL & CO.
 DRAWING SCALE:
 HORIZONTAL: 1" = 50'
 VERTICAL: N/A

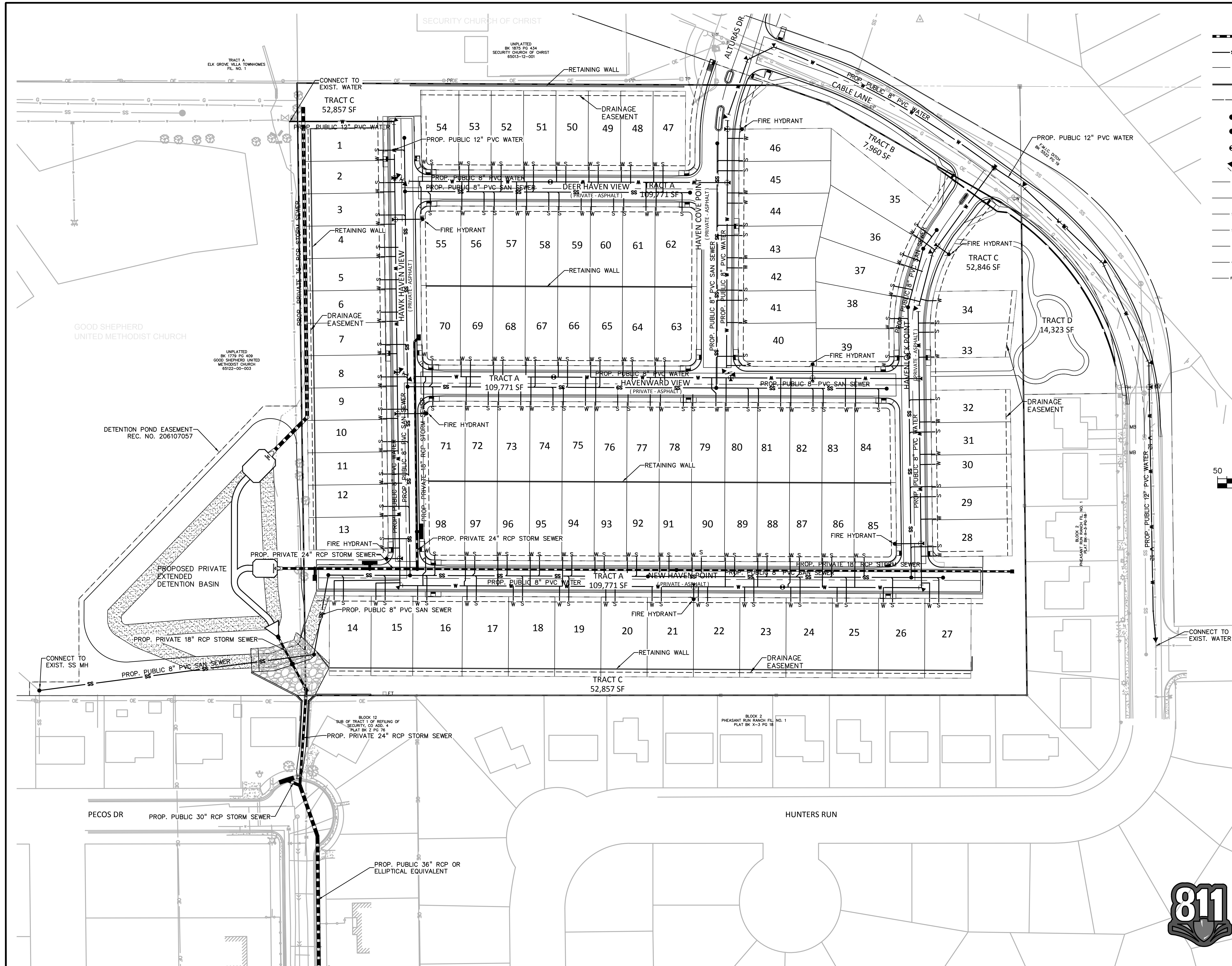
PRELIMINARY GRADING PLAN

PROJECT NO. 21085-03CSCV
 DRAWING NO.

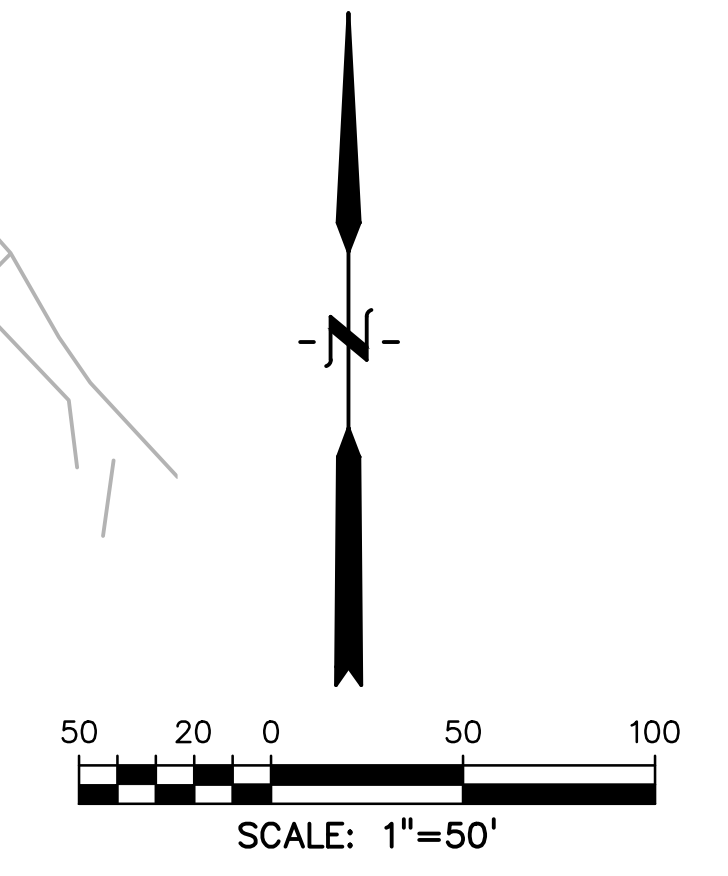
GP01

SHEET: 4 OF 7

811 Know what's below. Call before you dig.
 CALL 3-BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.



- LEGEND**
- STORM DRAIN
 - SANITARY SEWER
 - WATERLINE
 - CURB FLOWLINE
 - R.O.W.
 - FIRE HYDRANT
 - MANHOLE
 - WATER VALVE
 - WATER BEND
 - EXIST. WATER MAIN
 - EXIST. FENCE
 - EXIST. STORM SEWER
 - EXIST. SANITARY SEWER
 - EXIST. ELECTRIC
 - EXIST. OVERHEAD ELECTRIC
 - EXIST. FIBER OPTIC



PREPARED BY:



CLIENT:



PUD DEVELOPMENT/PRELIMINARY PLAN FOR:

HAVEN VALLEY

(LETA DR.) BRADLEY RD/ALTURAS DR.
SECURITY, EL PASO COUNTY, COLORADO

ISSUE	DATE
INITIAL ISSUE	4/29/21
LATEST ISSUE	11/9/22
DESIGNED BY:	TDM
DRAWN BY:	SNB
CHECKED BY:	TDM
FILE NAME:	21085-03UT01

PREPARED UNDER MY DIRECT SUPERVISION FOR AND ON BEHALF OF DREXEL, BARRELL & CO.
DRAWING SCALE:
HORIZONTAL: 1" = 50'
VERTICAL: N/A

**PRELIMINARY
UTILITY &
FACILITIES PLAN**

PROJECT NO. 21085-03CSCV
DRAWING NO.

UT01

SHEET: 5 OF 7



HAVEN VALLEY

A PORTION OF THE NORTHWEST CORNER OF SECTION 12, TOWNSHIP 15 SOUTH, RANGE 66 WEST OF THE 6TH P.M. OF EL PASO COUNTY, COLORADO PUD DEVELOPMENT/PRELIMINARY PLAN

LANDSCAPE NOTES

- ALL PRESERVATION AREAS CONTAINING VEGETATION DESIGNATED TO BE PRESERVED, SHALL BE FENCED OFF DURING CONSTRUCTION TO MINIMIZE DISTURBANCE IN THESE AREAS. ALL FENCING SHALL BE INSTALLED AROUND PRESERVED VEGETATION PRIOR TO ANY GRADING ON THE PROPERTY. A 4-FOOT, ORANGE, CONSTRUCTION SAFETY FENCE SHALL BE USED IN THIS APPLICATION.
- SOIL AMENDMENT - INCORPORATE 3 CUBIC YARDS/1000 SF AREA OF "PREMIUM 3 ORGANIC COMPOST", OR APPROVED EQUAL, ON BLUEGRASS TURF AREAS. INCORPORATE 2 CUBIC YARDS/1000 SF AREA OF ORGANIC COMPOST (DECOMPOSED MANURE) TO ALL NATIVE SEED AREAS. TILL INTO TOP 8" OF SOIL. FOR PLANTING PIT AMENDMENTS, SEE LANDSCAPE DETAILS. FERTILIZER REQUIREMENTS BELOW.
RECOMMENDED SOIL AMENDMENT:
TRI-MIX III as supplied by C&C Sand
-To be applied as backfill in planting pits
- CONTRACTOR TO APPLY EROSION CONTROL BLANKET TO ALL SEED AREAS WITH GREATER THAN 3:1 SLOPES.
- FOR ALL SEED AREAS REFER TO SEED MIXES SPECIFIED ON THIS SHEET.
- ALL NATIVE SEED AREAS SHALL HAVE A TEMPORARY ABOVE-GROUND SPRAY IRRIGATION SYSTEM UTILIZED UNTIL SEED IS ESTABLISHED, AND ALL TREES AND SHRUBS WITHIN NATIVE SEED AREAS SHALL HAVE A PERMANENT DRIP IRRIGATION SYSTEM.
- A FULLY AUTOMATED SPRINKLER IRRIGATION SYSTEM WILL DRIP IRRIGATE ALL TREE, SHRUB, AND GROUND COVER PLANTINGS, AND SPRAY ALL TALL FESCUE SOD AND LOW ALTERNATIVE TURF AREAS. AN IRRIGATION PLAN WILL BE PREPARED AT A LATER DATE AND WILL INCLUDE AN IRRIGATION SCHEDULE THAT NOTES APPLICATION RATES BASED ON TURF TYPE, RATES FOR NEWLY INSTALLED PLANTS VS. ESTABLISHED PLANTS, AND GENERAL RECOMMENDATIONS REGARDING SEASONAL ADJUSTMENTS.
- SOD TO BE TALL FESCUE BLEND.
- NO SOD SHALL BE PLANTED ON SLOPES IN EXCESS OF 6:1 GRADIENT.
- CONTRACTOR TO UTILIZE STOCKPILED TOPSOIL FROM GRADING OPERATION AS AVAILABLE. TILL INTO TOP 6" OF SOIL.
- FOR GRADES REFER TO CIVIL ENGINEERING DRAWINGS.
- NO TREES AND NO PLANTS OVER 2 FEET TALL SHALL BE INSTALLED WITHIN 5 FEET OF ANY FIRE HYDRANTS.
- ALL PLANTS TO RECEIVE 3 INCH DEPTH OF GORILLA HAIR SHREDDED CEDAR WOOD MULCH UNLESS OTHERWISE SPECIFIED. FOLLOW PLANTING DETAILS FOR MULCH RING DIMENSIONS WITHIN ROCK, SOD, OR SEED AREAS.
- COBBLE: 2-3" CRIPPLE CREEK ORE, AT 3-4" DEPTH, AT ALL INTERSECTION CORNERS BETWEEN HANDICAP RAMPS. INSTALL GEOTEXTILE FABRIC UNDER ALL COBBLE AREAS.
- ROCK: 3/4" CIMARRON GRANITE, AT 3-4" DEPTH. INSTALL GEOTEXTILE FABRIC UNDER ALL ROCK AREAS.
- ALL SHRUB BEDS TO BE ENCLOSED BY SOLID STEEL EDGING, AS A SEPARATOR FROM SOD, SEED, AND ALTERNATIVE TURF. SEPARATION BETWEEN SOD AND SEED, AND BETWEEN ALTERNATIVE TURF AND SEED SHALL BE A MOWED STRIP, WITHOUT STEEL EDGING.
- SE: SOLID STEEL EDGING TO BE: "DURAEDGE" (1/8" THICK x 4" WIDE) STEEL LANDSCAPE EDGING, DARK GREEN COLOR, WITH ROLLED EDGE AND STEEL STAKES. USE SOLID STEEL EDGING EXCEPT WHERE NOTED ON THE PLANS.
- ALL PLANTS NOT LABELED AS FULFILLING A COUNTY LANDSCAPE REQUIREMENT ARE "EXTRA" PER COUNTY STANDARDS, AND WILL BE INSTALLED AT THE OWNER'S DISCRETION.
- ANY FIELD CHANGES OR DEVIATIONS TO THESE PLANS WITHOUT PRIOR COUNTY APPROVAL OF AN AMENDED SITE DEVELOPMENT PLAN MAY RESULT IN A DELAY OF FINAL APPROVAL AND ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
- THESE PLANS ARE FOR COUNTY APPROVALS ONLY AND ARE NOT TO BE UTILIZED FOR CONSTRUCTION.
- ALL TREES TO BE STAKED FOR A MINIMUM OF 18 MONTHS. REMOVE STAKING MATERIALS ONCE TREE IS ESTABLISHED, WHICH MAY DEPEND ON TREE SPECIES, MATURITY AND SITE CONDITIONS.
- ANY OBJECT WITHIN THE SIGHT TRIANGLE OR EASEMENT MORE THAN 30 INCHES ABOVE THE FLOWLINE ELEVATION OF THE ADJACENT ROADWAY SHALL CONSTITUTE A SIGHT OBSTRUCTION, AND SHALL BE REMOVED OR LOWERED. THE OBJECTS MAY INCLUDE BUT ARE NOT LIMITED TO BERMS, BUILDINGS, PARKED VEHICLES ON PRIVATE PROPERTY, CUT SLOPES, HEDGES, TREES, BUSHES, UTILITY CABINETS OR TALL CROPS. TREES MAY BE PERMITTED AT THE DISCRETION OF THE ECM ADMINISTRATOR IF PRUNED TO AT LEAST 8 FEET ABOVE THE FLOWLINE ELEVATION OF THE ADJACENT ROADWAY.

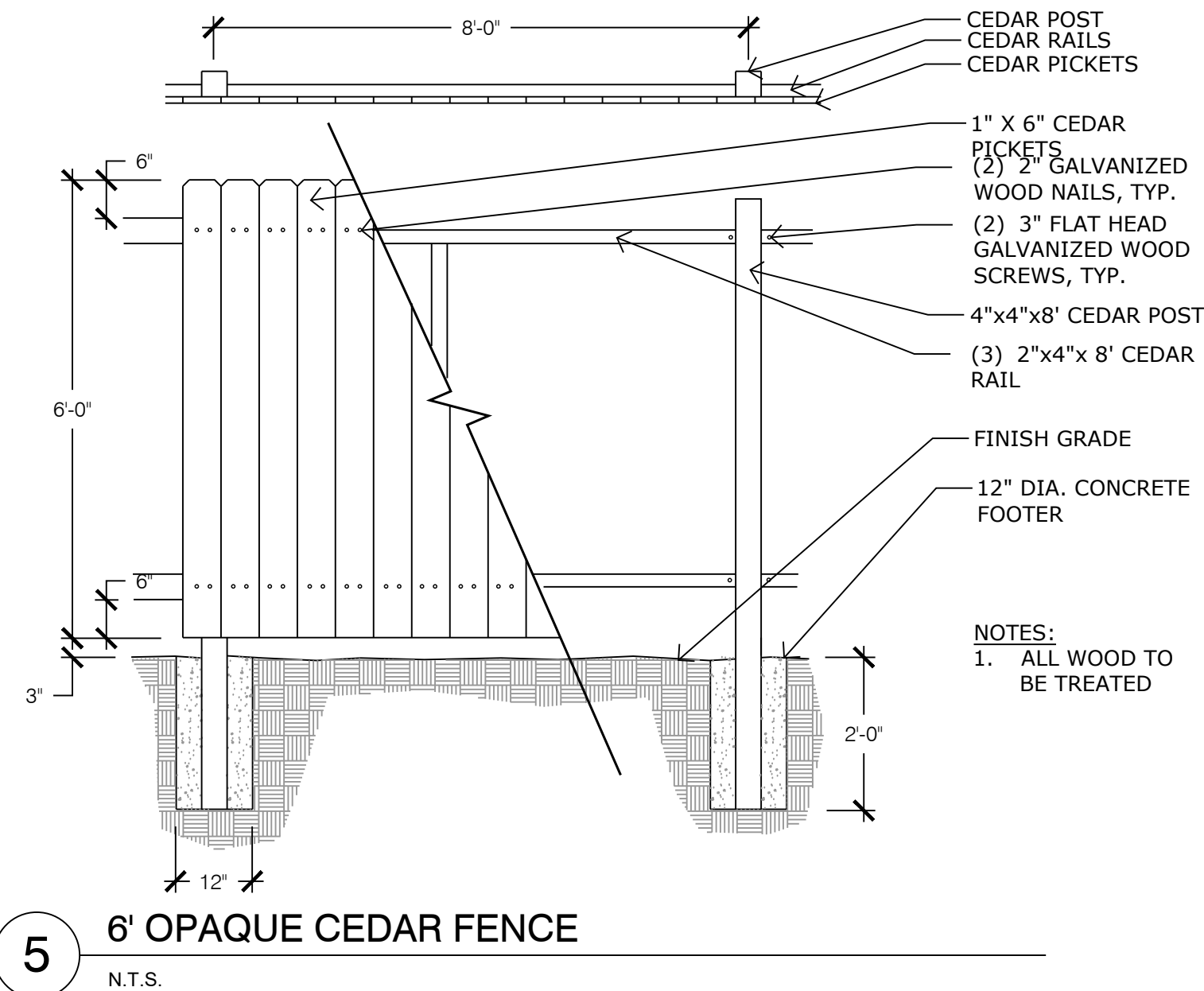
RECOMMENDED SOIL AMENDMENT:
TRI-MIX III as supplied by C&C Sand
-To be applied as backfill in planting pits

GROUND COVER SCHEDULE

- ROCK MULCH**
3/4" Cimarron Granite 3-4" Min. Depth
- COBBLE**
2-3" Cripple Creek Ore 3-4" Min. Depth
- NATIVE SEED**
El Paso County Conservation District
Shotgun Mix
Big Bluestem 20%
Blue Gramma 10%
Needlegrass Green 10%
Western Wheatgrass 20%
Sideoats Gramma 10%
Switchgrass 10%
Sandreed Prairie 10%
Indiangrass Yellow 10%
- TURF**
Kentucky Bluegrass Sod

PLANT SCHEDULE

DECIDUOUS TREES	CODE	QTY	BOTANICAL / COMMON NAME	HEIGHT	WIDTH	SIZE	COND
Ar2	9	Acer rubrum / Red Maple	40'	35'	2" Cal.	B&B	
Ms	12	Malus x 'Spring Snow' / Spring Snow Crabapple	25'	15'	1.5" Cal.	B&B	
Qc	21	Quercus robur x alba 'Crimschmidt' TM / Crimson Spire Oak	40'	10'	2" Cal.	B&B	
Tc	7	Tilia cordata / Littleleaf Linden	40'	25'	2" Cal.	B&B	
EVERGREEN TREES	CODE	QTY	BOTANICAL / COMMON NAME	HEIGHT	WIDTH	SIZE	COND
Ac	12	Abies concolor 'Candicans' / Candicans White Fir	25'	10'	6" HT	B&B	
Ph	26	Picea pungens 'Hoopsii' / Hoopsii Blue Spruce	20'	10'	6" HT	B&B	
Pn	14	Pinus nigra / Austrian Black Pine	50'	30'	6" HT	B&B	
SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	HEIGHT	WIDTH	SIZE	COND
Pg	13	Picea pungens 'Globosa' / Dwarf Globe Blue Spruce	3'	3'	#5 CONT	CONT	
Pb3	29	Pinus mugo 'Big Tuna' / Mountain Pine	6'	5'	#5 CONT	CONT	
Ph2	29	Pinus sylvestris 'Hillside Creeper' / Hillside Creeper Scotch Pine	1'	6'	#5 CONT	CONT	
Pd	45	Potentilla fruticosa 'Gold Drop' / Gold Drop Bush Cinquefoil	4'	4'	#5 CONT	CONT	
GRASSES	CODE	QTY	BOTANICAL / COMMON NAME	HEIGHT	WIDTH	SIZE	COND
Ck	68	Calamagrostis x acutiflora 'Karl Foerster' / Karl Foerster Feather Reed Grass	4'	3'	#1 CONT	CONT	
Pb	172	Pennisetum alopecuroides 'Little Bunny' / Little Bunny Fountain Grass	1'	1.5'	#1 CONT	CONT	
PERENNIALS	CODE	QTY	BOTANICAL / COMMON NAME	HEIGHT	WIDTH	SIZE	COND
Pb2	119	Phlox subulata 'Blue' / Blue Creeping Phlox	1'	2'-3'	#1 CONT	CONT	



LANDSCAPE REQUIREMENTS

Landscape Setbacks

See Code Section 6.2.2.B.1

Street Name or Zone Boundary	Street Classification	Width (in Ft.) Req./Prov.	Linear Footage	Tree/Feet Required	No. of Trees Req./Prov.
CABLE LANE	NON-ARTERIAL	10' / 10'	538	1 / 30'	18 / 18

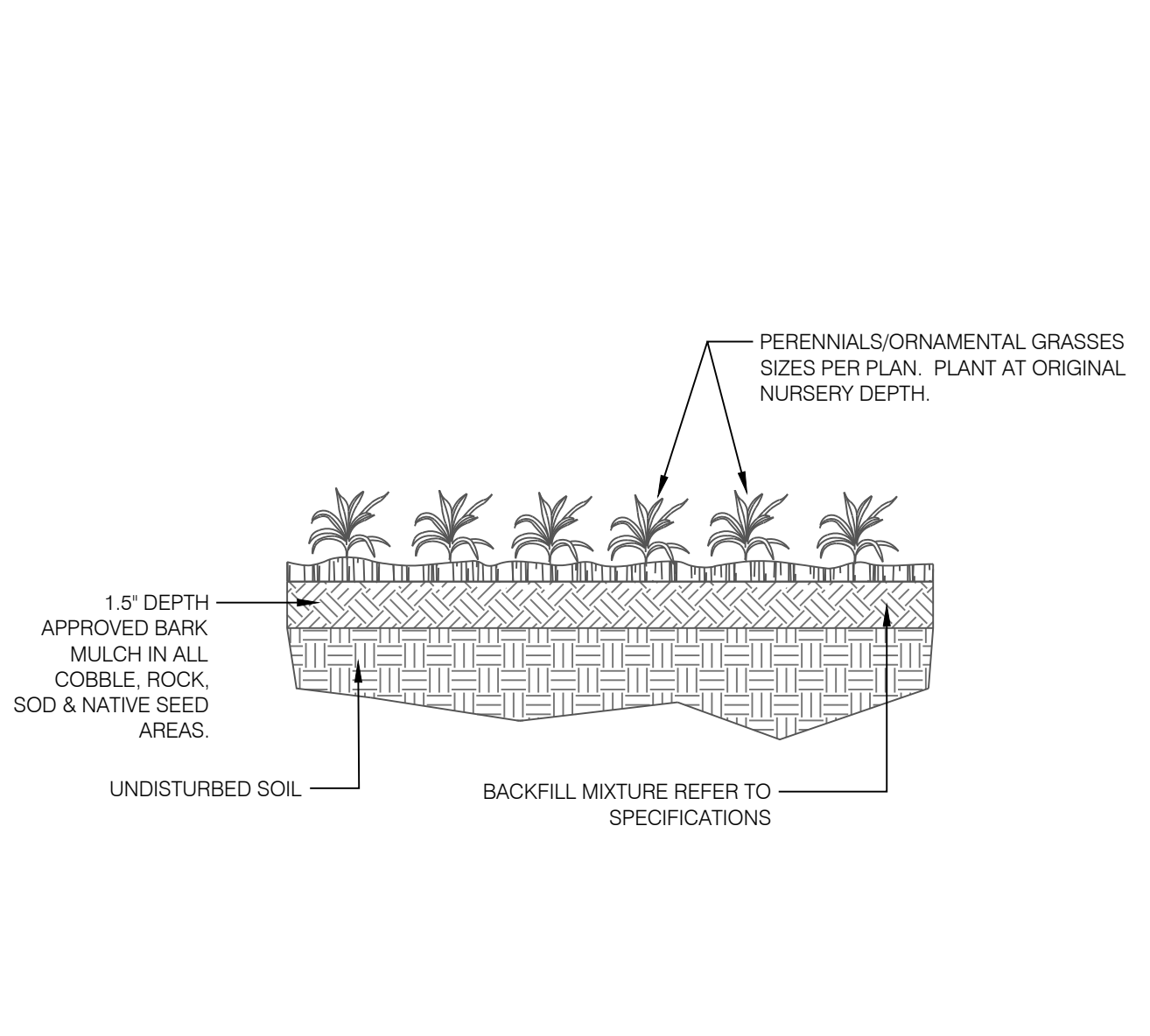
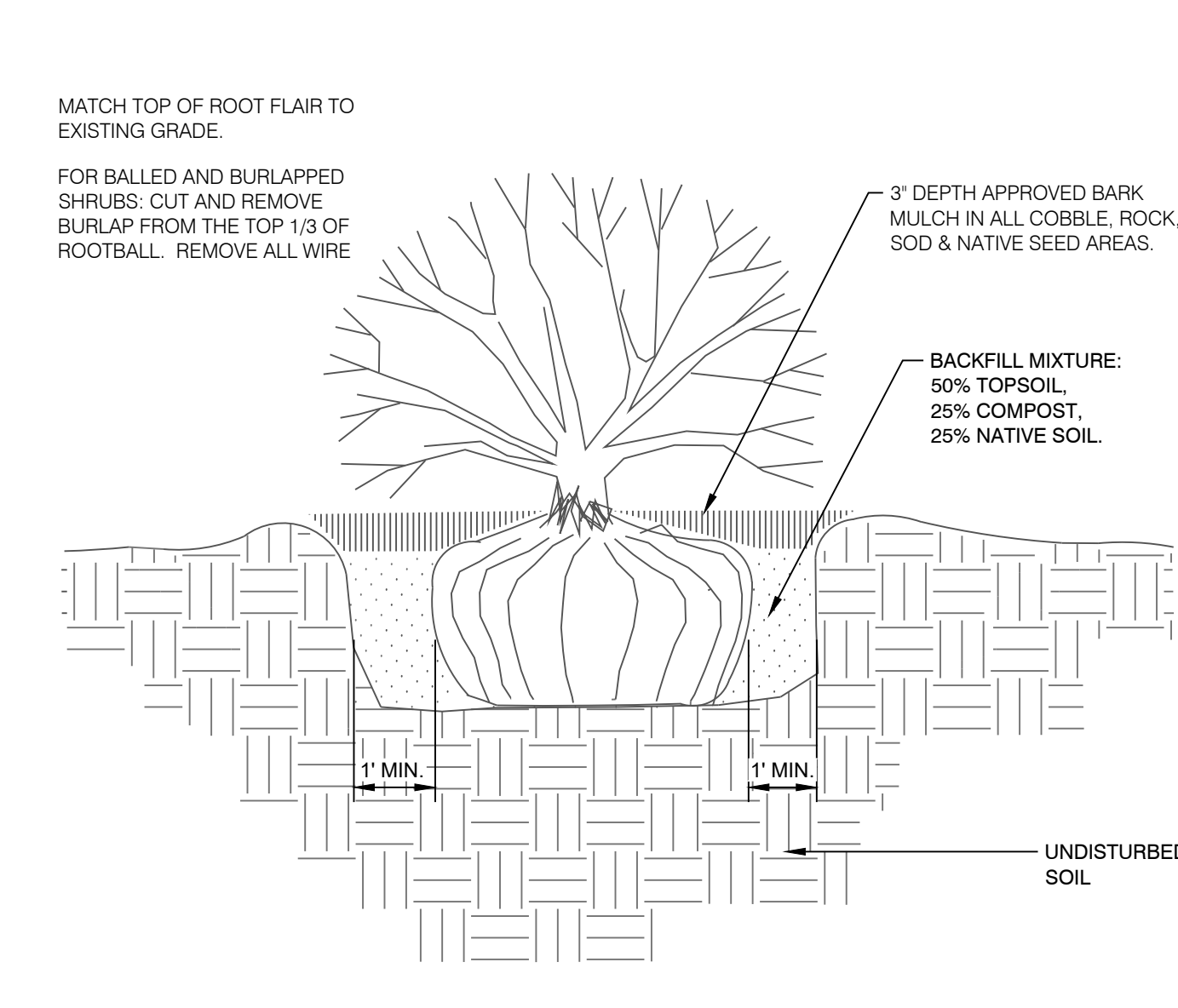
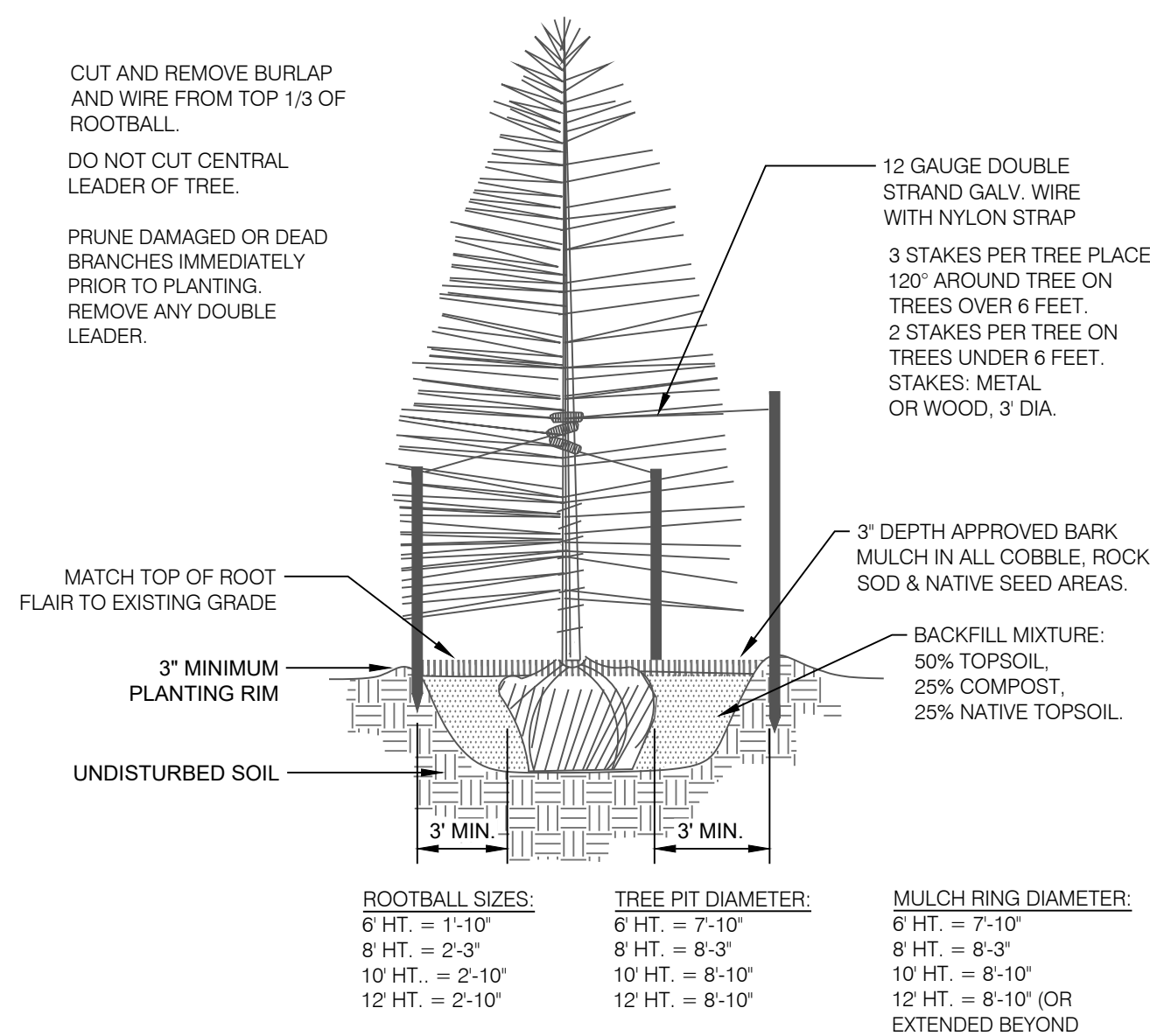
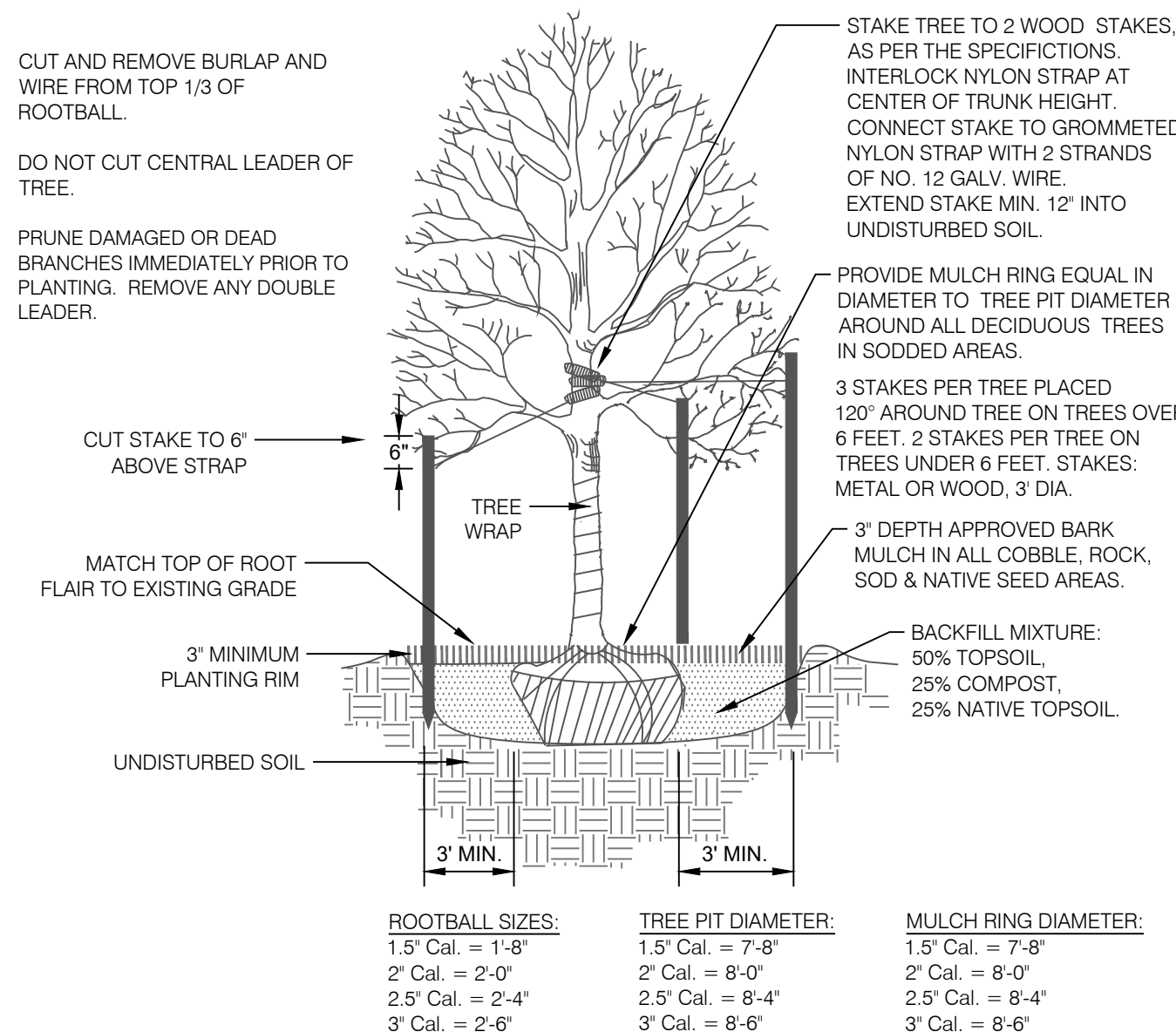
Shrub Substitutes Required / Provided	Ornamental Grass Sub. Required / Provided	Setback Plant Abbr. Denoted on Plan	Percent Ground Plane Veg. Req. / Provided
0 / 0	0 / 0	CL	75% / 75%

Landscape Buffer & Screens

See Code Section 6.2.2.D.1

Street Name or Property Line	Width (in Ft.) Req. / Prov.	Linear Footage	Buffer Trees (1/15') Required / Provided	Evergreen Trees Req. (33%) / Prov.
South	15' / 15'	780	52 / 52	18 / 36
East	15' / 15'	423	28 / 28	10 / 17

Length of 6' Opaque Structure Req./Prov.	Buffer Tree Abbr. Denoted on Plan	Percent Ground Plane Veg. Req. / Prov.
780' / 780'	SB	75% / 100%
423' / 423'	EB	75% / 100%



N.E.S. Inc.
619 N. Cascade Avenue, Suite 200
Colorado Springs, CO 80903

Tel. 719.471.0073
Fax 719.471.0267

www.nescolorado.com

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HAVEN VALLEY

PUD DEVELOPMENT / PRELIMINARY PLAN ALTURAS DRIVE & CABLE LANE

DATE: 11.09.2022
PROJECT MGR: A. BARLOW
PREPARED BY: J. SMITH

ENTITLEMENT

DATE:	BY:	DESCRIPTION:
08.19.2021	B.I.	PER COUNTY COMMENTS
02.07.2022	T.H.	PER COUNTY COMMENTS
10.05.2022	J.S.	PER COUNTY COMMENTS

LANDSCAPE NOTES & DETAILS

6 OF 7

PUDSP217

HAVEN VALLEY

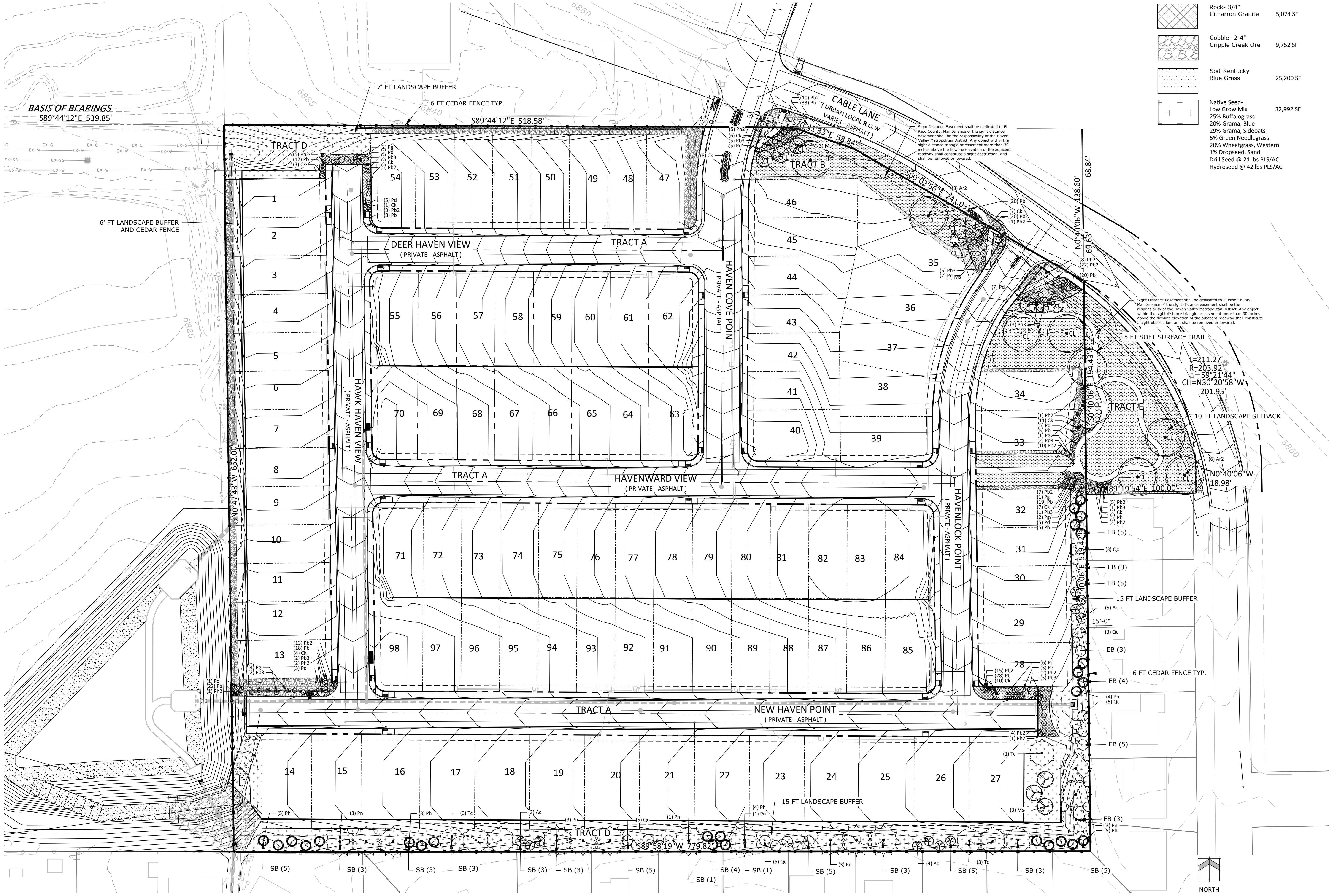
A PORTION OF THE NORTHWEST CORNER OF SECTION 12, TOWNSHIP 15 SOUTH, RANGE 66 WEST OF THE 6TH P.M. OF
EL PASO COUNTY, COLORADO
PUD DEVELOPMENT/PRELIMINARY PLAN



N.E.S. Inc.
619 N. Cascade Avenue, Suite 200
Colorado Springs, CO 80903
Tel. 719.471.0073
Fax 719.471.0267
www.nescolorado.com
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HATCH LEGEND

	Rock- 3/4" Cimarron Granite	5,074 SF
	Cobble- 2-4" Cripple Creek Ore	9,752 SF
	Sod-Kentucky Blue Grass	25,200 SF
	Native Seed-Low Grow Mix 25% Buffalograss 20% Grama, Blue 29% Grama, Sideoats 5% Green Needlegrass 20% Wheatgrass, Western 1% Dropseed, Sand Drill Seed @ 21 lbs PLS/AC Hydroseed @ 42 lbs PLS/AC	32,992 SF



HAVEN VALLEY

PUD DEVELOPMENT /
PRELIMINARY PLAN
ALTURAS DRIVE &
CABLE LANE

DATE: 11.09.2022
PROJECT MGR: A. BARLOW
PREPARED BY: J. SMITH

ENTITLEMENT

DATE:	BY:	DESCRIPTION:
08.19.2021	B.I.	PER COUNTY COMMENTS
02.07.2022	T.H.	PER COUNTY COMMENTS
10.05.2022	J.S.	PER COUNTY COMMENTS

ALTERNATIVE LANDSCAPE PLAN

7 OF 7
PUDSP217

P:\Richmond American Homes\Haven Valley\Drawings\Planning\Final\land\Haven Valley_LS.dwg [Landscape Plan-7] 11/9/2022 1:55:32 PM jsmith



June 3, 2021

El Paso County Development Services Department
 2880 International Circle, Suite 110
 Colorado Springs, CO 80910-3127

RE: Haven Valley Subdivision
 Preliminary Plat
 NW ¼ NW ¼, Sec. 12, Twp. 15S, Rng. 66W, 6th P.M.
 Water Division 2, Water District 10
 CDWR Assigned Subdivision No. 27708

To Whom It May Concern;

We have received a referral concerning the above-referenced proposal to divide a 11.43 +/- acre tract of land into 98 single-family lot. The proposed supply of water and wastewater disposal is to be served by the Security Water and Sanitation District (“District”).

Water Supply Demand

The Water Supply Information Summary, Form No. GWS-76 included with the submittal provide an estimated demand of 52.16 acre-feet/year as shown in the table, below.

Use	Amount	Water Use Rate	Demand (acre-feet/year)
Household	98 units	0.5 AF/yr per home	49.00
Irrigation	1.65 acres	0.04 AF/yr per 1,000 square-feet	3.16
Total			52.16

Of the irrigated common space, 0.98 acres of the 1.65 acres will be xeriscapped.

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

Source of Water Supply

The proposed source of water is to be served by Security Water and Sanitation District. A letter dated March 19, 2021 from the District confirmed a commitment of 52.16 acre-feet for the proposed subdivision.

According to this office’s records and the Water Information Summary Sheet, it appears that the District has adequate water resources to serve the estimated demand of 52.16 acre-feet/year for the proposed development.



Additional Comments

The application materials indicate that the project will collect storm flows in a detention pond. The applicant should be aware that, unless the structure can meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR’s *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The applicant is encouraged to use *Colorado Stormwater Detention and Infiltration Facility Notification Portal*, located at <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>, to meet the notification requirements.

State Engineer’s Office Opinion

Pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply for Haven Valley Subdivision is adequate and can be provided without causing injury to decreed water rights.

Should you or the Applicant have questions concerning any of the above, please feel free to contact me directly.

Sincerely,



Kate Fuller, P.E.
Water Resource Engineer

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



OFFICE OF THE COUNTY ATTORNEY
CIVIL DIVISION

Diana K. May, County Attorney

Assistant County Attorneys

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

February 28, 2022

PUDSP-21-7 Haven Valley PUDSP
PUD Preliminary Plan

Reviewed by: Lori L. Seago, Senior Assistant County Attorney
April Willie, Paralegal

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal by Richmond American Homes (“Applicant”), for a PUD preliminary plan of 98 residential lots on 11.76 acres of land (the “Property”). Approximately 11.4 acres of the Property is zoned PUD CAD-O (Planned Unit Development Commercial Airport Overlay District) and .3298 acres of the Property is zoned RS-6000 CAD-O (Residential Suburban Commercial Airport Overlay District).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary (“WSIS”), the annual subdivision demand is 49 acre-feet for the 98 lots (0.5 acre-feet/year) for household use, plus 3.16 acre-feet for irrigated, xeriscaped common space, for a total of 52.16 acre-feet/year for the subdivision. Based on these figures, the Applicant must be able to provide a supply of 15,648 acre-feet of water (52.16 acre-feet per year x 300 years) to meet the County’s 300-year water supply requirement.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the Security Water and Sanitation (“District”). As detailed in the *Water Resources Report for Haven Valley* dated August 2021 (“Report”), the average daily use for each of the 98 lots will be 0.5 acre-feet/year for a water demand of 49 acre-feet/year, plus irrigation of common space and xeriscaped landscaping of 3.16 acre-feet/year for a total water demand of 52.16 acre-feet/year.

4. The District's Manager provided a letter of commitment for the Haven Valley development dated March 19, 2021, in which the District committed to providing water service to the 98 single-family equivalents. The District Manager stated that the development is located within the service boundaries of the District and that the District "agrees to commit sufficient water resources... to serve the property."

State Engineer's Office Opinion

5. In a letter dated June 3, 2021, the State Engineer reviewed the proposal to subdivide the 11.43¹ +/- acre parcel into 98 single-family lots. The State Engineer stated that the "proposed source of water supply is to be served by Security Water and Sanitation District." The State Engineer indicates the correct number of lots as 98 with a water demand of 52.16 acre-feet/year. The State Engineer indicates they received a letter of commitment dated March 19, 2021 from the District which indicated the District has water resources adequate to serve the proposed subdivision. Further, the State Engineer states that "[a]ccording to this office's records and the Water Information Summary Sheet, it appears that the District has adequate water resources to serve the estimated demand of 52.16 acre-feet/year for the proposed development." Finally, "[p]ursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply for Haven Valley Subdivision is adequate and can be provided without causing injury to decreed water rights."

Recommended Findings

6. Quantity and Dependability. Applicant's water demand for the Haven Valley Subdivision is 52.16 acre-feet per year to be supplied by the Security Water and Sanitation District.

Based on the water demand of 52.16 acre-feet/year for the subdivision and the District's availability of water sources, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for the Haven Valley Subdivision.

7. Quality. The water quality requirements of Section 8.4.7.B.10 of the Code must be satisfied. Section 8.4.7.B.10.g. of the Code allows for the presumption of acceptable water quality for projects such as this where water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary.

¹ The State Engineer appears to be only referencing the portion of the Property zoned PUD. The total acreage of the development is 11.76 acres. Although the number of acres indicated by the State Engineer is incorrect, since the amounts of single-family lots and total water demand are consistent, the County Attorney's Office is proceeding with its findings but is requesting an updated State Engineer's Office letter/or email verifying amounts prior to this matter going before the Board of County Commissioners for approval.

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the Water Supply Information Summary provided August 19, 2021, the *Water Resources Report* dated August 2021, the Security Water and Sanitation District letter dated March 19, 2021, and the State Engineer Office's Opinion dated June 3, 2021. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

REQUIREMENTS:

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the District.
- B. Prior to bringing this matter before the El Paso County Board of County Commissioners for approval, the State Engineer's Office must upload a corrected letter identifying, or an email acknowledging, the correct number of acres identified for the subdivision. See footnote 1.

cc. John Green, Planner



Prevent • Promote • Protect

Environmental Health Division
1675 W. Garden of the Gods Road
Suite 2044
Colorado Springs, CO 80907
(719) 578-3199 *phone*
(719) 578-3188 *fax*
www.elpasocountyhealth.org

Haven Valley, PUDSP-21-7

Please accept the following comments from El Paso County Public Health regarding the project referenced above:

- The proposed 11.76-acre, 98-lot residential development will be provided water service by Security Water and Sanitation District (SWSD). There is a finding for sufficiency in terms of water quality by El Paso County Public Health for water obtained from this Colorado Department of Public Health and Environment, Water Quality Control Division, regulated central water supply. The Colorado Department of Public Health and Environment assigned PWSID# CO0121775 to the district. A Water Resources report by W.W. Wheeler and Associates dated 17March2021 was reviewed and supported SWSD serving water to the project. Security Water and Sanitation District also provided a Commitment to Serve Letter.
- Per the Drexel, Barrel and Company Wastewater Report dated 19March2021, Security Water and Sanitation District has sufficient wastewater treatment capacity for the anticipated wastewater flow. SWSD has provided a Letter of Commitment to Serve wastewater treatment for the project.
- Radon resistant construction building techniques/practices are encouraged to be used in this area. The EPA has determined that Colorado, and the El Paso County area, have potentially higher radon levels than other areas of the country.
- Earthmoving activities greater than 25 acres require a Construction Activity Permit from the Colorado Department of Public Health and Environment, Air Pollution Control Division. Go to: <https://www.colorado.gov/pacific/cdphe/general-air-permits>
- El Paso County Public Health encourages planned walkability of residential communities. Please consider appropriate connections to commercial areas using sidewalks, and bike trails. Walkability features help reduce obesity and associated heart diseases.
- The water quality basins must have mosquito control responsibilities included as a part of the construction design and maintenance plan to help control mosquito breeding habitat and minimize the potential for West Nile Virus.

Mike McCarthy
El Paso County Public Health
719-332-5771
mikemccarthy@elpasoco.com
09Nov2022

**Colorado Springs Airport Advisory Commission Meeting
To Be Heard November 16, 2022
Land Use Review Item #07**

EL PASO COUNTY BUCKSLIP NUMBER(S)/FILE NUMBER(S): PUDSP217 RESIDENTIAL PRELIMINARY DEVELOPMENT PLAN		PARCEL #(S): 6512200001, 6512200011
DESCRIPTION: Request by N.E.S. Inc. on behalf of MIDCO Investments LLC and Richmond American Homes for approval of the Haven Valley preliminary development plan. The plan includes 98 attached or detached residential lots. The site is zoned PUD/CAD-O (Planned Unit Development and Commercial Airport Overlay District) and consists of approximately 11.76 acres. The site is located southeast of Hancock and Bradley.		
CONSTRUCTION/ALTERATION OF MORE THAN 1 200 FEET ABOVE GROUND LEVEL? No	DISTANCE/DIRECTION FROM COS: 2.1 miles southwest of Rwy 35L	
TOTAL STRUCTURE HEIGHT AT THE ESTIMATED HIGHEST POINT: 30 feet above ground level; 5,880 feet above mean sea level	COMMERCIAL AIRPORT OVERLAY SUBZONES PENETRATED: None	
ATTACHMENTS: https://epcdevplanreview.com/Public/ProjectDetails/168411 CLICK ON VIEW ZONING MAP UNDER REVIEW DOCUMENTS LIST		

STAFF RECOMMENDATION/CONDITIONS OF APPROVAL

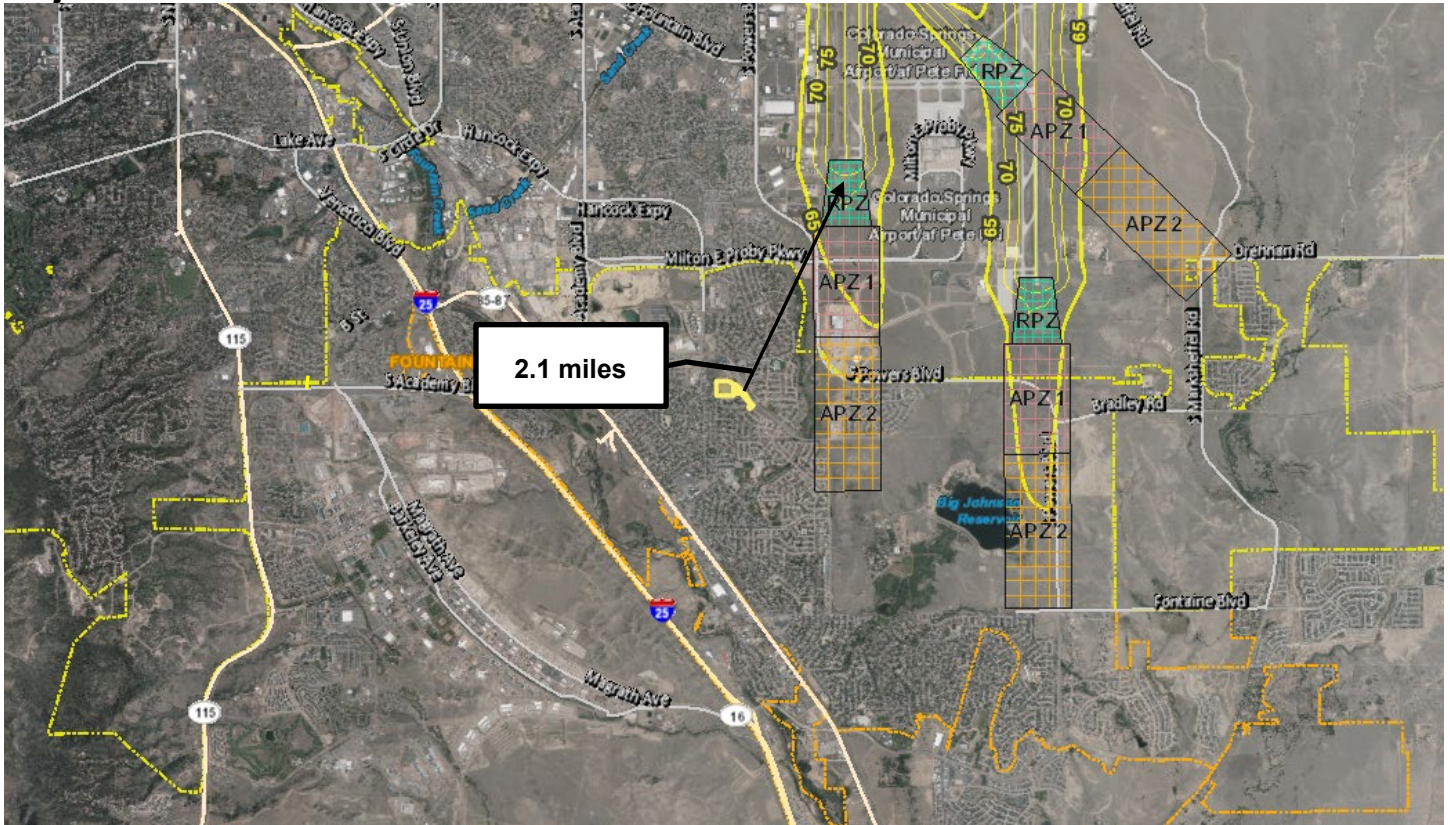
Subject to Airport Advisory Commission Action

*Airport staff recommends **no objection** with the following conditions:*

- **Avigation Easement:** An avigation easement is requested or provide proof of previous recording (book/page or reception number) for development plan/plat.
- **Airport Acknowledgement:** Upon accepting residency within Haven Valley, all adult residents and occupants shall be required to sign a notice in which the tenant acknowledges that Haven Valley lies within an Airport Overlay Zone and is located less than 2.5 miles from Colorado Springs Municipal Airport and may, at times (24 hours per day), experience noise and other activities and operations associated with aircraft and the Airport.
- **FAA Form 7460-1:** If use of equipment (permanent or temporary) will exceed 100 feet above ground level in height at this site, the applicant is to file an airspace evaluation case with the Federal Aviation Administration (FAA) and provide the results to the Airport before the commencement of construction activities. FAA's website (<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>).

Colorado Springs Airport Advisory Commission Meeting
To Be Heard November 16, 2022
Land Use Review Item #07

Project location exhibit:



Miranda Benson2

From: Ken <kpduncana1@gmail.com>
Sent: Sunday, November 27, 2022 9:40 AM
To: Kari Parsons; PCD Hearings; Kevin Mastin
Subject: New, Haven Valley development (Proposed)

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I have really only one issue with the proposed New Haven Valley development. I believe the lot sizes and streets are too small and that you are setting that area up to be a "slum" of sorts. Consider that truly no family is a single car family anymore. I say, assume two cars at least. With lot sizes that small you will have single car garages, or no garages at all. The streets (and possibly the yards themselves (There's that "slum" possibility again)) will be filled with cars creating a traffic hazard for residents and for emergency response vehicles. Take a look at how small (skinny) the streets are. Will there even be enough room for two cars to park on the street across from each other with plenty of room for traffic to flow between them? If you make that area a slum, it will affect my property value at 4885 Hunters Run. My suggestion is for larger lots. I suggest that the lot sizes, and the street sizes in each area surrounding the proposed development be used as a template. If you refuse to require larger lots and streets then please.....require the area to be controlled under zoning laws that cover garbage, weeds, junk in general, junk cars, cars parked in the yard, oversize vehicles parked on the street, etc. so we can help to keep the area looking good, and for property values to be maintained for all neighboring properties.

I will probably be unable to participate in the hearing due to being at work during both hearings, but we can try.

Kenneth Duncan
719-271-1734
Sent from [Mail](#) for Windows

DATE: November 29, 2022
TO: El Paso County Planning Commission/Board of County Commissioners
FROM: Susan Spencer
SUBJECT: Planned Unit Development/Preliminary Plan – Haven Valley
Response: Opposition/Concern

Executive Summary

- Request/Modifications/Authorization
All previous documentation has indicated the proposal is for 98 single family homes and the renderings appeared to be attached units. This is the first time I have seen a request for mixed detached and attached lots. What exactly does this mean and why has it only been mentioned in the Executive Summary.

Response: If there are existing Land Development Codes (LDC) and an Engineering Criteria Manual utilized in the approval process, why do high density projects receive approval for PUD and ECM deviations such as this one (98 homes on 11.77 acres)?

- Approval Criteria
Bullet #3: *“and will not have a negative impact upon the existing and future development of the surrounding area....”*
Response There is nothing more in this immediate area to be developed.

Master Plan Analysis

Analysis

Goal 2.1 : What is the actual translation of the following statement:, *“Promote a mix of housing types in identified area”* Please refer to above Executive Summary.

4. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. El Paso County Services Department was sent a referral and have no outstanding comments.

Response: A “Nest Survey” was conducted in 2007 by Tetra Tech. However, it appears no “Nest Survey” was required during this current approval process. Instead, a cursory look at the site was made by Colorado Parks and Wildlife probably close to the end of the nesting season.

As a homeowner close to this site, I can say there is a wildlife population which exists. It is not only birds and birds of prey. I have had deer, red foxes, skunks, rabbits, squirrels and other variety of animals who frequently stop for water behind my home. Last summer I photographed a falcon or at least it appeared to be a falcon drinking.

Should construction begin, the wildlife will be driven into the surrounding neighborhood. What will be the best humane business management practice for this activity because it will occur? As an example, when the improvements to Drennan Road began, the wildlife ended up in the surrounding neighborhoods.

H. Physical Site Characteristics

3. Drainage and Erosion

Response: This area is a storm water nightmare. Adjacent property owners need assurances this potential project will not create or exacerbate the existing problems. In addition, they should be provided recourse for remediation for any damage or loss should the proposed detention pond fail.

Should construction begin, what will be the best management practice during the construction period of the pond? How will the additional run off from the new, impermeable surfaces and the water quality of any run off be mitigated?

4. Transportation

Alturas Drive and Bradley Road

Response: El Paso County Planning & Community Development is in agreement with the traffic impact study submitted for this project, and thus no mitigation of the above intersection will be required should this project be approved by EPC Commissioners. I have no knowledge or education in this field or the methodology used for this study. However, I would like to add commentary.

When the traffic impact study was conducted, it was only 1 year into the COVID pandemic, and I do not believe traffic patterns were back to normal. The first emergency use authorization for the COVID vaccine was granted in December 2020, and it was not until August of 2021 the vaccine became more available. In addition, if my assumptions are incorrect about the impacts of the pandemic, it is difficult for me to believe the demographics in this area have diminished.

I don't want to hypothesize about members in my community, but I think most of us are simply going about our daily activities, and we do not have a finger on the pulse. With that being said, I think property owners near this intersection will be shocked to learn a traffic signal will not be installed should the Haven Valley housing development be approved.

The road is multi-lane in both directions, and the speed limit at this time is 40 MPH. There is a fire station located directly on the northeast corner. French Elementary is a few blocks north of the fire station. The Windmill Creek Community sits on the southeast corner. Pikes Peak Christian Church on the southeast corner. There are neighborhoods tucked behind this intersection. Everyone in these tucked away neighborhoods who utilize this intersection will also be impacted by at least an additional 98 additional vehicles. With that being said, how will the proposed construction site traffic be managed?

If a traffic signal is not required now, eventually the burden of that cost will fall upon the taxpayers' shoulders because of this decision.

Project Justification

PUD Zoning Approval Criteria

Bullet #1: *To permit adjustment to changing public and private needs and to foster the ability to provide development patterns which are more compatible with and effective in meeting such needs; The proposed smaller lot residential development is meeting a need and demand for more attainable housing product.*

Response: The average price of a home in the Colorado Springs community is \$457,000.00. Will the Haven Valley attached/detached homes meet those attainable needs of potential home buyers?

Thank you for allowing me as an adjacent homeowner to respond. A few additional items:

If approval is given by EPC Commissioners, I would also ask that the 6 foot opaque fencing with a landscape buffer proposed for the east and south boundary also be installed on the west boundary to include the buffering landscape.

In addition, I would hope that if the project is approved that no traffic associated with the construction of this project will be allowed to utilize the easement on Leta Drive or to use the west parking lot of Good Shepard's United Methodist Church as a thoroughfare.

Respectfully,

Susan Spencer
4855 Elm Grove Drive
Colorado Springs, CO 80911

MAP AMENDMENT (REZONE) – PLANNED UNIT DEVELOPMENT (PUD) AND
PRELIMINARY PLAN (RECOMMEND APPROVAL)

Trowbridge moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. PUDSP-21-007
HAVEN VALLEY

WHEREAS, MIDCO Investments LLC, and Fountain Mutual Metro District, did file an application with the El Paso County Planning and Community Development Department for an amendment of 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, from PUD (Planned Unit Development) and RS-6000 (Residential Suburban) zoning district to the PUD (Planned Unit Development) zoning district; and

WHEREAS, a public hearing was held by this Commission on December 1, 2022; 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 were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. 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; and
7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, 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 (2021) have been met to approve a PUD zoning district and preliminary plan:

1. The proposed PUD district zoning advances the stated purposes set forth in this section.
2. The application is in general conformity with the Master Plan;
3. 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;
4. 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;
5. 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;
6. 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;
7. Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;
8. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities;
9. 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;

10. 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;
11. 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;
12. 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
13. The owner has authorized the application.

WHEREAS, the applicants have also requested the proposed PUD be reviewed and considered as a preliminary plan. The requirements identified in Chapter 7 and Chapter 8 of the El Paso County Land Development Code (2021) for a preliminary plan requires the Planning Commission and the BoCC find that the following additional criteria for approval of a preliminary plan have also been met:

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

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;
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;
11. Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
12. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and
13. The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

WHEREAS, 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.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the PUD (Planned Unit Development) and RS-6000 (Residential Suburban) zoning district to the PUD (Planned Unit Development) zoning district be approved by the Board of County Commissioners with 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, drainage, bridge, and traffic fees shall be paid to El Paso County Planning and Community Development at the time of final plat(s) recordation.
7. The developer shall obtain approval of the necessary pre-subdivision site grading construction documents prior to scheduling a preconstruction meeting with the Planning and Community Development Department Inspections staff.
8. The development will be subject to the El Paso County Road Impact Fee program (Resolution 19-471), as amended.

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.

BE IT FURTHER RESOLVED that the Planning Commission recommends approval of the Planned Unit Development (PUD) as a Preliminary Plan of the Haven Valley Subdivision.

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.

Carlson seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Brian Risley	<u>aye</u> / no / abstain / absent
Thomas Bailey	<u>aye</u> / no / abstain / absent
Tim Trowbridge	<u>aye</u> / no / abstain / absent
Joan Lucia-Treese	aye / no / abstain / <u>absent</u>
Becky Fuller	<u>aye</u> / no / abstain / absent
Sarah Brittain Jack	aye / no / abstain / <u>absent</u>
Jay Carlson	<u>aye</u> / no / abstain / absent
Eric Moraes	aye / no / abstain / <u>absent</u>
Joshua Patterson	aye / no / abstain / <u>absent</u>
Bryce Schuettepelz	<u>aye</u> / no / abstain / absent
Christopher Whitney	<u>aye</u> / no / abstain / absent
Brandy Merriam	<u>aye</u> / no / abstain / absent

The Resolution was adopted by a vote of 8 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 1st day of December 2022, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: Brian Risley
Brian Risley, Chair

DATED: December 1, 2022

EXHIBIT A

DBC PROJECT:21085-03

LEGAL DESCRIPTION-HAVEN VALLEY SUBDIVISION

THE NORTH HALF OF THE NW 1/4 OF THE NW 1/4 OF SECTION 12, TOWNSHIP 15 SOUTH, RANGE 66 WEST OF THE 6TH P.M., EXCEPT THAT PORTION CONVEYED IN A WARRANTY DEED RECORDED NOVEMBER 25, 1959 IN BOOK 1779 AT PAGE 409 OF THE CLERK AND RECORDERS OFFICE OF THE COUNTY OF EL PASO, STATE OF COLORADO AND EXCEPT THAT PORTION LYING WITHIN THE EXISTING RIGHT OF WAY OF FORMER BRADLEY ROAD, NOW DESIGNATED AS CABLE LANE, COUNTY OF EL PASO, STATE OF COLORADO.

THE ABOVE-DESCRIBED PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 12 AND CONSIDERING THE NORTH LINE OF THE NW 1/4 OF THE NW 1/4 OF SECTION 12 TO BEAR S89°44'12"E, 1058.43 FEET, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO, SAID LINE MONUMENTED AT THE WESTERLY TERMINUS BY A FOUND 2.5" ALUMINUM PIPE WITH A 3.25" ALUMINUM CAP STAMPED "T16S R66W 2 1 11 12 1995 RMLS NO. 19625" AND AT THE EASTERLY TERMINUS BY A FOUND #4 REBAR WITH A 1" YELLOW PLASTIC CAP STAMPED "WKC & ASSOC PLS 14611"; THENCE ALONG SAID NORTH LINE, S89°44'12"E, 539.85 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG THE NORTH LINE OF SAID NW 1/4 OF THE NW 1/4, S89°44'12"E, 518.58 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF CABLE LANE; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1) S70°41'33"E, 58.84 FEET;

2) S60°02'56"E, 241.03 FEET TO THE WEST LINE OF SAID NW 1/4 OF THE NW 1/4;

THENCE ALONG SAID WEST LINE AND ALONG THE EAST LINE OF "PHEASANT RUN RANCH FILING NO. 1", THE PLAT THEREOF RECORDED IN PLAT BOOK X3 AT PAGE 18 OF THE RECORDS OF THE COUNTY OF EL PASO, STATE OF COLORADO, S00°40'06"E, 519.42 FEET TO THE NORTH LINE OF SAID PHEASANT RUN RANCH FILING NO. 1 AND THE NORTHEAST CORNER OF LOT 37 OF PHEASANT RUN RANCH FILING NO. 1;

THENCE ALONG SAID NORTH LINE OF PHEASANT RUN RANCH FILING NO. 1 AND ALONG THE NORTH LINE OF THE "SUBDIVISION OF TRACT NO. 1 REFILED OF THE SECURITY, COLORADO ADDITION NO. 4 EL PASO COUNTY, COLORADO", THE PLAT THEREOF RECORDED IN PLAT BOOK Z AT PAGE 76 OF THE RECORDS OF THE COUNTY OF EL PASO, STATE OF COLORADO, S89°58'19"W, 779.82 FEET TO THE EAST LINE OF THAT TRACT OF LAND AS DESCRIBED IN BOOK 1779 AT PAGE 409 OF THE RECORDS OF THE COUNTY OF EL PASO, STATE OF COLORADO;

THENCE ALONG SAID EAST LINE N00°47'43"W, 662.00 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE-DESCRIBED TRACT OF LAND CONTAINS 11.438 ACRES OR 498,237 SQUARE FEET, MORE OR LESS.

DBC PROJECT:21085-03

LEGAL DESCRIPTION-FOUNTAIN MUTUAL METROPOLITAN DISTRICT PARCEL

A PARCEL OF LAND BEING A PORTION OF THAT TRACT OF LAND AS DESCRIBED IN THAT DOCUMENT RECORDED UNDER RECEPTION NO. 201078268 OF THE CLERK AND RECORDERS OFFICE OF THE COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 12 AND CONSIDERING THE NORTH LINE OF THE NW 1/4 OF THE NW 1/4 OF SECTION 12 TO BEAR S89°44'12"E, 1058.43 FEET, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO, SAID LINE MONUMENTED AT THE WESTERLY TERMINUS BY A FOUND 2.5" ALUMINUM PIPE WITH A 3.25" ALUMINUM CAP STAMPED "T16S R66W 2 1 11 12 1995 RMLS NO. 19625" AND AT THE EASTERLY TERMINUS BY A FOUND #4 REBAR WITH A 1" YELLOW PLASTIC CAP STAMPED "WKC & ASSOC PLS 14611";

THENCE ALONG SAID NORTH LINE, S89°44'12"E, 1058.43 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF CABLE LANE; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

- 1) S70°41'33"E, 58.84 FEET;
- 2) S60°02'56"E, 241.03 FEET TO THE WEST LINE OF SAID NW 1/4 OF THE NW 1/4 AND THE TRUE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY OF CABLE LANE AS DESCRIBED IN THAT DOCUMENT RECORDED UNDER RECEPTION NO. 202228876 OF SAID CLERK AND RECORDERS OFFICE OF THE COUNTY OF EL PASO;

THENCE ALONG SAID WEST LINE S00°40'06"E, 194.43 FEET TO THE NORTHWEST CORNER OF "PHEASANT RUN RANCH FILING NO. 1", THE PLAT THEREOF RECORDED IN PLAT BOOK X3 AT PAGE 18 OF THE RECORDS OF THE CLERK AND RECORDERS OFFICE OF THE COUNTY OF EL PASO; THENCE ALONG THE NORTH LINE OF SAID PHEASANT RUN RANCH FILING NO. 1, N89°19'54"E, 100.00 FEET TO WEST RIGHT-OF-WAY LINE OF CABLE LANE AS DESCRIBED IN SAID DOCUMENT RECORDED UNDER RECEPTION NO. 202228876;

THENCE NORTHWESTERLY ALONG SAID WEST RIGHT-OF-WAY AND SOUTHERLY RIGHT-OF-WAY LINE OF CABLE LANE THE FOLLOWING TWO (2) COURSES:

1. N00°40'06"W, 18.98 FEET TO A POINT OF CURVE TO THE LEFT;
2. 211.27 FEET ALONG THE ARC OF SAID CURVE TO THE TRUE POINT OF BEGINNING, SAID ARC HAVING A RADIUS OF 203.92 FEET, A CENTRAL ANGLE OF 59°21'44", AND BEING SUBTENDED BY A CHORD THAT BEARS N30°20'58"W, 201.95 FEET.

THE ABOVE-DESCRIBED TRACT OF LAND CONTAINS 0.3298 ACRES OR 14,323 SQUARE FEET, MORE OR LESS.

Kevin Mastin, Interim Executive Director
El Paso County Planning & Community Development
O: 719-520-6300
KevinMastin@elpasoco.com
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Board of County Commissioners
Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting
Thursday, December 1, 2022
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, JAY CARLSON, TIM TROWBRIDGE, BECKY FULLER, BRYCE SCHUETTPELZ, BRANDY MERRIAM, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: NONE.

PC MEMBERS ABSENT: JOAN LUCIA-TREESE, SARAH BRITTAIN JACK, ERIC MORAES, JOSHUA PATTERSON.

STAFF PRESENT: KEVIN MASTIN, JUSTIN KILGORE, KARI PARSONS, KYLIE BAGLEY, LUPE PACKMAN, DANIEL TORRES, MIRANDA BENSON, AND EL PASO COUNTY ATTORNEY LORI SEAGO.

OTHERS PRESENT AND SPEAKING: TAMMY BARLOW, BRAD BUETOW, LUIS TREBOTICH, AND SUSAN DAVIES.

1. REPORT ITEMS

A. Planning Department. Next PC Hearing is Thursday, December 15, 2022, at 9:00 a.m.

DISCUSSION

Mr. Kilgore advised the PC members that PCD has hired one planner, who is expected to begin work on December 19th. Next week will be the second round of hiring for two other planner positions.

Mr. Risley asked if there was an update on the hiring of a new PCD executive director?

Mr. Mastin stated there are no updates at this time. An update should be available soon.

B. Call for public comment for items not on hearing agenda. NONE.

2. CONSENT ITEMS

A. Adoption of Minutes of meeting held November 17, 2022.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (8-0).

B. VA-22-004

BAGLEY

VARIANCE OF USE PEACEFUL VALLEY ADDITIONAL DWELLING UNIT

A request by Nina Ruiz, with Vertex, for approval of a variance of use for a second dwelling in the RR-0.5 (Residential Rural) district. The 0.59-acre property is zoned RR-0.5 (Residential Rural) and is located 0.03 miles east of the intersection of Sand Trap Drive and Peaceful Valley Road and north of Peaceful Valley Road and is within Section 22, Township 15 South, Range 65 West of the 6th P.M. Parcel No. 5522008004) (Commissioner District No. 4).

Mr. Trowbridge requested this item be pulled to Called-Up Consent Items.

3. CALLED-UP CONSENT ITEMS

2B. VA-22-004

BAGLEY

VARIANCE OF USE PEACEFUL VALLEY ADDITIONAL DWELLING UNIT

A request by Nina Ruiz, with Vertex, for approval of a variance of use for a second dwelling in the RR-0.5 (Residential Rural) district. The 0.59-acre property is zoned RR-0.5 (Residential Rural) and is located 0.03 miles east of the intersection of Sand Trap Drive and Peaceful Valley Road and north of Peaceful Valley Road and is within Section 22, Township 15 South, Range 65 West of the 6th P.M. Parcel No. 5522008004) (Commissioner District No. 4).

DISCUSSION

Ms. Ruiz, with Vertex, asked if a full presentation was needed or if there was something specific that she could address?

Mr. Trowbridge asked about a figure on page 4 of the applicant's presentation, which shows compatibility with the surrounding neighborhood. The figure shows twelve other parcels which have accessory structures. He asked why the applicant is pursuing an Additional Dwelling Unit (ADU) instead of an Accessory Living Quarters (ALQ)?

Ms. Ruiz answered that the intent of the accessory structure is to serve as the property owner's mother's residence. Considering the significant investment (whether it be a second structure or attached addition), future resale, and utilizing the addition in the future if their mother is no longer able to live there, the applicant has chosen to seek a Variance of Use application. The RR-0.5 zoning district allows two-family dwelling units as special use, which would allow for a rental. There are challenges in adding to the existing

structure. It is more costly. The surrounding neighborhood is characterized by having large accessory structures even if they are not ALQs. The applicant believes a detached unit is more consistent.

Mr. Trowbridge asked if any of the referenced twelve parcels had ADUs?

Ms. Ruiz stated she believes some of them are ADUs but cannot say for certain.

Mr. Trowbridge brought up that one site plan shows the ADU in the rear of the property, but another diagram shows the ADU on the west side next to the house.

Ms. Ruiz stated that is correct. One of the figures was meant to indicate which property was being referenced. The site plan is on another slide of the presentation.

Mr. Trowbridge asked if there are any other accessory structures on this lot?

Ms. Ruiz stated there are not. The only structure on the lot is the existing dwelling unit. They are proposing a second, detached dwelling unit.

Mr. Trowbridge was concerned that the number of ADUs in the surrounding neighborhood could not be addressed specifically.

Ms. Ruiz stated she may be able to update the Letter of Intent to include that information before the Board of County Commissioner's hearing if it were deemed important.

Mr. Trowbridge stated he is concerned that this would begin a precedent in the neighborhood if they were not already present. He didn't see any comments from neighbors.

Ms. Ruiz stated no comments from neighbors were submitted.

Mr. Trowbridge stated he understands the applicant wants to use this for their mother now but then down the road would like to use it as a rented apartment. That is the intent. He is not comfortable with that.

Ms. Ruiz asked if he would like more justification?

Mr. Bailey thinks the questions for staff about the other additions on nearby parcels are relevant. He also would be interested if any of the already established accessory structures are *approved* accessory or additional dwelling units. He wonders how anyone would know if they were being used as rental apartments or not already?

Mr. Trowbridge agreed. He added that he would like to know if they are specifically ADU or ALQ, since those are different.

Ms. Ruiz proceeded with applicant's presentation. Staff presentation followed.

DISCUSSION

Ms. Bagley addressed Mr. Trowbridge and Mr. Bailey's question regarding the types of accessory structures indicated in an earlier figure. She had quickly searched in EDARP and was able to look at 8

out of 12 indicated parcels. Nothing was found to indicate any ADUs were used as rentals or as special use for ADUs. Two of the accessory structures appeared to be detached garages only.

Mr. Bailey questioned how the County would know the ADUs were being used as rentals unless the homeowner specifically volunteered that information?

Ms. Bagley stated nothing has been permitted through the County to be a Variance of Use (to rent those out) or a Special Use.

Mr. Bailey included that the overall question is whether this project is in line with the character of the neighborhood, which is what should be considered. He wonders if this could be a situation where an applicant is trying to do the right thing from the beginning instead of doing whatever they wanted all along under the radar?

Ms. Parsons clarified that any applicant who requests an ALQ on their property goes through a residential review with a site plan. They are required to sign an affidavit that states they will not rent the unit out. That affidavit is then recorded and goes against the property. It is picked up in title work so that they cannot use that as rental income. This legal, recorded affidavit is the guarantee that they will not rent the unit out.

Mr. Mastin added that (unauthorized rentals of ALQs) is an overall issue very prevalent in the County. It is not just from applicants who request to do a structure like this. Some people request to put up a garage but then turn it into rentals. The way the County finds out about them is through Code Enforcement complaints filed by neighbors. Multiple cases like that are going on right now. It is a growing industry. It's always a possibility of any structure in the County.

Ms. Fuller stated that from the presentation, it seemed like if this were attached to the house, it could have been approved administratively? She asked if this likely would have been approved that way?

Ms. Parsons stated that if an ALQ is to be rented, either attached or detached, would need to go through this process. If it were to be used by a family member only, it could have been completed as a special use for ALQ for an extended family dwelling - detached. It is her understanding that this applicant did not choose that process and chose to do this long-term process.

Mr. Kilgore commented that Mr. Trowbridge mentioned earlier his worry of setting a precedent, and he wanted to remind members that each application stands on its own.

Mr. Trowbridge stated he was focused on the criteria that this proposal is compatible with the character of the surrounding neighborhood.

Ms. Ruiz clarified that the RR-0.5 allows a two-family dwelling unit as special use versus ALQ.

Ms. Parsons stated she didn't realize the application was for a duplex.

Ms. Ruiz stated they are not proposing a duplex. She believed Ms. Fuller's question was regarding if this were an attached unit, could it have been done administratively as a special use approval to be a rental unit. She reiterated that she believes this property is situated differently than other properties within the neighborhood due to its proximity to existing commercial zoning and development. It is adjacent to anticipated urban development. From a character standpoint, not only is the area

characterized by large, detached accessory structures, and RR-0.5 would have allowed for a duplex, but being immediately adjacent to proposed urban development and existing commercial development, would likely cause this property to be more compatible if multi-family were being proposed.

Mr. Carlson asked if a homeowner could do long-term rental of a room in their house without permit?

Mr. Mastin stated he would need to research that answer.

Mr. Carlson explained that he doesn't see much of a difference between this proposal and if someone would be allowed to rent out a room of their house, even if it is a separate building.

Mr. Risley added that it goes back to the enforcement question of how the County could even become aware or enforce it unless a neighbor complains.

Ms. Parsons stated that if this were a bed and breakfast home, where a homeowner rents out a single room, then it would be an allowed use in RR-0.5 as an accessory use.

Mr. Whitney asked Ms. Ruiz to answer additional questions. He stated that his understanding is that if the applicant had decided to make this an attached unit, it could have been simpler. He questions why it is not attached?

Ms. Ruiz stated the applicant thinks having the unit detached is more in line with the character of the surrounding neighborhood, and it's easier to construct if it's detached. Having it attached would require them to redo all irrigation, roofing, and HVAC. Even though it is not part of formal consideration, it would be more expensive to build it attached.

Mr. Whitney stated it is his overall understanding that this unit will begin as a family member's dwelling, but the intent is to become a rental unit in the future.

Ms. Ruiz stated that is why the Variance of Use is being requested. That would allow the homeowners to use it as a rental in the future. If it were attached, used as a rental unit, it would still qualify for the administrative special use because RR-0.5 allows two-family dwelling units.

Mr. Trowbridge stated he is conflicted. He considers how BOCC tends to make decisions in favor of letting property owners maximize their property rights but is also mindful of the neighborhood and its character. The position of this structure right next to the existing house, right on the street, looks like any other house along the street. He is not comfortable with that.

Mr. Bailey agreed and understood. He added that the Master Plan encourages ADU and ALQs and expresses a need for additional housing. He wonders if Code Enforcement hasn't caught up to that understanding and need. He views this application favorably and appreciates that the homeowners are requesting *now* what they know they will pursue in the future. He supports this application.

Mr. Carlson added that it was important for him that no neighbors raised concerns. He is in support.

Ms. Merriam stated that she sees this use of a detached building as a growing need. She is in support.

PC ACTION: SCHUETTPELZ MOVED / BAILEY SECONDED FOR APPROVAL OF CALLED-UP CONSENT ITEM NUMBER 2B, VA-22-004 FOR VARIANCE OF USE, PEACEFUL VALLEY

ADDITIONAL DWELLING UNIT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH TWO (2) CONDITIONS AND THREE (3) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-1).

IN FAVOR: RISLEY, BAILEY, CARLSON, FULLER, MERRIAM, SCHUETTPELZ, WHITNEY.

IN OPPOSITION: TROWBRIDGE.

COMMENT: NO ADDITIONAL COMMENTS AFTER THE VOTE.

4. REGULAR ITEMS

A. PUDSP-21-007

PARSONS

PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN HAVEN VALLEY

A request by MIDCO Investments LLC, and Fountain Mutual Metro District, for approval of a map amendment (rezoning) from a site-specific PUD (Planned Unit Development) and RS-6000 (Residential Suburban) to a site-specific PUD (Planned Unit Development) and approval of a preliminary plan for 98 single-family residential lots. The Parcels are also within the CAD-O (Commercial Airport District Overlay). The parcels, totaling 11.77 acres, are located south of the intersection of Alturas Drive and Cable Lane and are within Section 12, Township 15 South, Range 66 West of the 6th P.M. (Parcel Nos. 65122-00-011 and 65122-00-001) (Commissioner District No. 4).

DISCUSSION

Mr. Trowbridge requested more information regarding drainage.

Mr. Bailey requested more information about setbacks and structure height.

Ms. Barlow, with NES, answered that the height of the buildings will be maintained at 30 feet, which is typical for a single-family residential zone. All buildings and lots have been designed to have 2-car garages. There will be enough space for 2 cars to park in the driveways as well. They will work with the local fire department to include striping for areas not suitable for on-street parking. Typically, a 28-foot-wide street can accommodate parking on one side of the street, so there will be areas where parking will be available. Street parking may be limited along the fronts of the houses due to the narrowness and driveways, but the ability to park in the driveways will make up for it. Setbacks will be the typical 5-foot sides and 20-foot in the rear. This proposal includes an 18-foot front setback, which is a couple feet less than the original PUD's standard of 20 feet. This is not due to the driveways being shorter, but to accommodate a porch that had been proposed by the intended homebuilder (who has since backed out). She wanted to address public concern about architecture; There are no architectural plans at this point. Any future architectural plans will be reviewed by the County.

Mr. Carlson stated he is concerned about guest parking. He asked if there will be sufficient parking in the driveways that will not obstruct sidewalks?

Ms. Barlow stated there would be. Each lot will have a 2-car garage plus parking on the driveway for 2 cars. There will also be available street parking, especially along the sides of some lots.

Mr. McConnell addressed concerns regarding drainage. There is an off-site easement on the church property where they will be installing a full spectrum, extended basin in compliance with EPC criteria. They will essentially be “over-detaining” for off-site development upstream from this project. There are areas to the north and west that funnel to a point at the northwest corner of this property that will be picked up using the storm system and piped into the pond. It will then be released at the southern end a couple blocks and down Widefield Drive. Currently, the runoff goes between two existing houses and then goes down Widefield Drive. This will reduce that flow amount that goes through that corridor. MIDCO has acquired drainage easements to install improvements between those two lots. They are designing and constructing a flume so that those lots do not get flooded any more, even after the reduction to flow.

Mr. Trowbridge asked if it would be open drainage or piped between those two houses?

Mr. McConnell answered that it will essentially be a concrete channel between the houses once improvements are constructed. It will discharge to Widefield Drive.

Mr. Trowbridge asked if that runoff would empty onto the street and then flow into drainage?

Mr. McConnell clarified that would be the case for some of it. Part of it is piped (from the pond down into Widefield Drive) and then comes up in a bubbler-type inlet. The overflow is a flume. They must do that anyway for the 100-year overflow, like the stowaway on the detention pond. That will be routed in the concrete flume between the two houses. This will alleviate flooding they may have had previously. The runoff from upstream currently runs between those two houses.

Mr. Trowbridge stated it looks like it’s currently a riprap type of drainage between the two houses now. The plan is to install a concrete flume. It will be more controlled flowing through there.

Mr. McConnell confirmed that is all correct and added there will be a pipe underneath for overflow events. They are reducing the flow down Widefield Drive and hopefully eliminating more flooding downstream from the property because they are detaining more than what currently flows offsite.

PUBLIC COMMENT

Ms. Barlow, from the community, stated concerns regarding the access points into and out of the proposed community. She asked if there would be two exits? If a second exit is added, she worries it will take away from the existing park. She is concerned about the lack of a traffic light with the various residential communities, fire department, church, and school in the area. In the past, partial funding of a traffic light was requested of the church (who couldn’t afford it) so the developer was told they would need to fund it. Now, they’re saying it doesn’t need one. She worries about the water level and drainage. She doesn’t like that her view of the mountains will be obstructed. Images of the landscaping shows large trees, which will obstruct my view further.

Mr. Buetow asked what the timeframe of development will be? When will it begin and when will it finish? He is considering selling his home. His views will be taken away if the homes are two-story. He is concerned about the value of the new homes decreasing his own home value. He also asked about the potential of rental homes and if there would be an HOA to govern the community? He mentioned the discussion of a traffic light and asked if the existing park across the would be developed?

Mr. Trowbridge asked Mr. Buetow to indicate on the vicinity map where he resides in relation to the proposed project. It was indicated that Mr. Buetow lives to the east of the proposed community.

Mr. Trebotich stated the road has major traffic. He can't get out when he leaves for work. A traffic light is already needed by the fire station and the church. The speed limit is 40 mph, but people go faster. How many cars will be added with an additional 98 units? Everyone will need to drive the same way. A traffic light is needed. The pond will be about two houses away from his home. He is concerned about the value of his home decreasing.

DISCUSSION

Ms. Barlow, with NES, addressed the concerns addressed by the public. There will be two access points into and out of the community onto Cable Lane. Cable Lane terminates to the north, but running south, turns and connects to Bradley Road. The main road into the community is opposite Alturas Drive, which also connects to Bradley Road. It was determined after evaluation during the traffic report and the County's requirements and requests, that a traffic light is not warranted. The traffic, both existing and with that proposed from this development, does not come close to meeting the warrants. Traffic from this development will not have the same peak hours as the school or church. Traffic past a school at opening and closing time is always bad for about 15 minutes, but then it clears. That time will not coincide with the typical peak hours of a residential community, which tends to be both earlier in the morning and later in the afternoon. It's estimated the traffic from this community will be approximately 30 trips per peak hour. One trip every two minutes. Neither views nor the impact to property values are taken into consideration per the Code. There is a buffer around the community, which wasn't required per Code (as this is typically required between different use types) but is still being added to this community. There may not be much flexibility, but they can work with neighbors regarding tree species to mitigate concerns about view. The size of the proposed homes will be 30-foot maximum, likely two-story homes, like adjacent properties. There is no intention of this being a rental development. These are lots available for sale for homeownership. That does not, however, prevent the homeowner from renting their home out, but any of the adjacent community homeowners could do the same. There will be an HOA established during the final plat process. The impact to property values cannot be addressed because there is no homebuilder in place at this time. It cannot be determined when construction will start due to the fluctuating market. Values should be typical of a new single-family home, likely to exceed the value of the existing homes.

Mr. Trowbridge asked about the greenspace/park in the northeast corner of the proposed development.

Ms. Barlow stated the greenspace is maintained by the Fountain Mutual Metropolitan District. The park mentioned by neighbors is to the south and is also owned by the Metro District. Greenspace in this development is a continuation of that and will have a small public trail system.

Mr. Trowbridge also clarified that the school mentioned by the public is to the north of this development and will bring pedestrian traffic and parents driving from this development across to Alturas Drive.

Ms. Barlow agreed.

Mr. Trowbridge asked if the detention pond would be maintained by the HOA or the Metro District?

Ms. Barlow stated it would be maintained by the HOA. She also added that the streets in the community will be 24-foot pavement, as mentioned by Ms. Parsons, but is flowline to flowline, meaning the curb is not included in that measurement. Including the curb will be around 28 feet, which is the measurement used to determine on-street parking.

Mr. McConnell addressed the concerns regarding water-level mentioned. There will not be any wells on the property. It will be centrally served by Security Water and Sanitation District. The pond is a temporary holding facility, not constant standing water. It is designed to drain within 72-hours and is only there to assist drainage from storm events.

Mr. Risley stated that although he understands the concerns brought forth by neighbors, he believes having an in-fill project like this is beneficial to the overall community. He thinks it is important to support in-fill projects that are done as smartly as possible, and he believes this accomplishes that.

PC ACTION: TROWBRIDGE MOVED / CARLSON SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 4A, PUDSP-21-007 FOR A PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN, HAVEN VALLEY, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH EIGHT (8) CONDITIONS AND FOUR (4) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0).

B. MP-22-001

MEYER

**MASTER PLAN
EPC PARKS MASTER PLAN UPDATE 2022**

El Paso County Community Services Department requests adoption of the El Paso County Parks Master Plan. This Master Plan repeals and/or replaces the existing El Paso County Parks Master Plan (2013). The Master Plan area includes all land within El Paso County located outside the incorporated municipalities and includes the accompanying maps, charts, and descriptive and explanatory matter. The Master Plan is an advisory document to guide park, trail, and open space development and preservation decisions.

DISCUSSION

Mr. Trowbridge asked if the budget included any funding for future land purchases?

Mr. Boebeck stated it does not.

Mr. Trowbridge asked if there was any part of the plan which addresses funding for future park purchases?

Mr. Boebeck stated they do not have funding identified for future land acquisition, though it is something that will be worked into other aspects of the budget.

PUBLIC COMMENT

Ms. Davies, from Trails and Open Space Coalition, is concerned that the tax edits on page 147 were being removed. This dishonors the public part of this process. The consultant invited people who care about the parks to voice their opinions. The potential TOPS tax should be in their arsenal. A few weeks ago, Douglas County continued their TOPS tax at .17% and 88% of their citizens agreed. At some point, citizens of El Paso County may agree. She thinks it's important that this Board say it should be kept in the plan. Keeping the tax wording in the plan honors the public process. It honors the reality of what their needs are and how they're going to pay for the future. She would love to see the County buy more open space as it grows, but there's no funding. Great Outdoors Colorado provides the opportunity to buy open

space, but many times El Paso County can't compete for those funding dollars because it doesn't have the match to make it happen. El Paso County is leaving money on the table that the state could have contributed to. She asks that the County reconsider and reinstate the tax details removed from the plan. She asks that the County honor the process and show respect for what people value in this county: parks, trails, open spaces, and nature centers. People want a new nature center up north, they want to improve the paint mines, they want to make trail connections. Without funding, it's not possible.

Mr. Marts addressed Ms. Davies' concerns. He stated they are in a tough situation. He is proud of what El Paso County has done for decades in finding the funds to create the parks they have. They partner with organizations and granting partners to buy new open space and create things. The Santa Fe Open Space and Kane Ranch Open Space were just opened. Falcon Regional Park was recent. They are still building and growing.

Mr. Risley added for clarification that even if the Master Plan doesn't specifically include or address a funding mechanism, that doesn't preclude the County from pursuing a tax or another funding mechanism in the future.

Mr. Marts stated that is correct. He added that this is an update to the 2013 Master Plan which does already reference these details.

Mr. Risley stated he did not recall this being an issue at the last public hearing. Had there been ongoing discussion about funding mechanisms throughout the process but was not raised as a concern last time?

Mr. Marts stated there were discussions, and it was not raised as a concern.

Mr. Risley reminded the room that the Planning Commission's role is to approve the Master Plan, not to make a recommendation to the BOCC.

PC ACTION: BAILEY MOVED / SCHUETTPELZ SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 4B, MP-22-001 FOR A MASTER PLAN, EPC PARKS MASTER PLAN UPDATE 2022, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, THAT THIS ITEM BE APPROVED. THE MOTION WAS APPROVED (8-0).

MEETING ADJOURNED at 11:11 a.m.

Minutes Prepared By: Miranda Benson

RESOLUTION NO.

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

APPROVAL OF PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN
HAVEN VALLEY (PUDSP-21-007)

WHEREAS, MIDCO Investments LLC and Fountain Mutual Metropolitan District 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 and more particularly described in Exhibit A, which is attached hereto and incorporated by reference, from the PUD (Planned Unit Development) and RS-6000 (Residential Suburban) zoning district to the PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development plan; and

WHEREAS, in accordance with Section 4.2.6.E of the El Paso County Land Development Code (2021) (hereinafter "Code"), A PUD Development Plan May be Approved as a Preliminary Plan, the applicants are also requesting the PUD development plan be approved as a preliminary plan with a finding of water sufficiency for water quality, dependability, and quantity; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on December 1, 2022, upon which date the Planning Commission did by formal resolution recommend approval of the subject Planned Unit Development and Preliminary Plan; and

WHEREAS, a public hearing was held by this Board on December 20, 2022; and

WHEREAS, based upon the evidence presented, including 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. 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 District zoning advances the stated purposes set forth in Chapter 4, Section 4.2.6, of the Code.
5. The application is in general conformity with the El Paso County Master Plan.
6. 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.
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 which may include innovative treatments of use-to-use relationships.
9. 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.
10. 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 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.
16. The owner has authorized the application.
17. The proposed subdivision is in general conformance with the goals, objectives, and policies of the El Paso County Master Plan.
18. The subdivision is consistent with the purposes of the Code.
19. The subdivision is in conformance with the subdivision design standards and any approved sketch plan.
20. 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 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 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.S. §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 Code and the El Paso County Engineering Criteria Manual (hereinafter "ECM") are provided by the design.
24. 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.

25. 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 Code and the ECM.
26. 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.
27. Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
28. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.
29. The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.
30. 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 PUD (Planned Unit Development) and the RS-6000 (Residential Suburban) zoning district to the PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development Plan.

BE IT FURTHER RESOLVED that in accordance with Section 4.2.6.E of the El Paso County Land Development Code (2021), 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 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, drainage, bridge, and traffic fees shall be paid to El Paso County Planning and Community Development at the time of final plat(s) recordation.
7. The developer shall obtain approval of the necessary pre-subdivision site grading construction documents prior to scheduling a preconstruction meeting with the Planning and Community Development Department Inspections staff.
8. The development will be subject to the El Paso County Road Impact Fee program (Resolution 19-471), as amended.

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.

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

DONE THIS 20th day of December 2022, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

DBC PROJECT:21085-03

LEGAL DESCRIPTION-HAVEN VALLEY SUBDIVISION

THE NORTH HALF OF THE NW 1/4 OF THE NW 1/4 OF SECTION 12, TOWNSHIP 15 SOUTH, RANGE 66 WEST OF THE 6TH P.M., EXCEPT THAT PORTION CONVEYED IN A WARRANTY DEED RECORDED NOVEMBER 25, 1959 IN BOOK 1779 AT PAGE 409 OF THE CLERK AND RECORDERS OFFICE OF THE COUNTY OF EL PASO, STATE OF COLORADO AND EXCEPT THAT PORTION LYING WITHIN THE EXISTING RIGHT OF WAY OF FORMER BRADLEY ROAD, NOW DESIGNATED AS CABLE LANE, COUNTY OF EL PASO, STATE OF COLORADO.

THE ABOVE-DESCRIBED PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 12 AND CONSIDERING THE NORTH LINE OF THE NW 1/4 OF THE NW 1/4 OF SECTION 12 TO BEAR S89°44'12"E, 1058.43 FEET, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO, SAID LINE MONUMENTED AT THE WESTERLY TERMINUS BY A FOUND 2.5" ALUMINUM PIPE WITH A 3.25" ALUMINUM CAP STAMPED "T16S R66W 2 1 11 12 1995 RMLS NO. 19625" AND AT THE EASTERLY TERMINUS BY A FOUND #4 REBAR WITH A 1" YELLOW PLASTIC CAP STAMPED "WKC & ASSOC PLS 14611";

THENCE ALONG SAID NORTH LINE, S89°44'12"E, 539.85 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG THE NORTH LINE OF SAID NW 1/4 OF THE NW 1/4, S89°44'12"E, 518.58 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF CABLE LANE; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

- 1) S70°41'33"E, 58.84 FEET;
- 2) S60°02'56"E, 241.03 FEET TO THE WEST LINE OF SAID NW 1/4 OF THE NW 1/4;

THENCE ALONG SAID WEST LINE AND ALONG THE EAST LINE OF "PHEASANT RUN RANCH FILING NO. 1", THE PLAT THEREOF RECORDED IN PLAT BOOK X3 AT PAGE 18 OF THE RECORDS OF THE COUNTY OF EL PASO, STATE OF COLORADO, S00°40'06"E, 519.42 FEET TO THE NORTH LINE OF SAID PHEASANT RUN RANCH FILING NO. 1 AND THE NORTHEAST CORNER OF LOT 37 OF PHEASANT RUN RANCH FILING NO. 1;

THENCE ALONG SAID NORTH LINE OF PHEASANT RUN RANCH FILING NO. 1 AND ALONG THE NORTH LINE OF THE "SUBDIVISION OF TRACT NO. 1 REFILED OF THE SECURITY, COLORADO ADDITION NO. 4 EL PASO COUNTY, COLORADO", THE PLAT THEREOF RECORDED IN PLAT BOOK Z AT PAGE 76 OF THE RECORDS OF THE COUNTY OF EL PASO, STATE OF COLORADO, S89°58'19"W, 779.82 FEET TO THE EAST LINE OF THAT TRACT OF LAND AS DESCRIBED IN BOOK 1779 AT PAGE 409 OF THE RECORDS OF THE COUNTY OF EL PASO, STATE OF COLORADO;

THENCE ALONG SAID EAST LINE N00°47'43"W, 662.00 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE-DESCRIBED TRACT OF LAND CONTAINS 11.438 ACRES OR 498,237 SQUARE FEET, MORE OR LESS.

DBC PROJECT:21085-03

LEGAL DESCRIPTION-FOUNTAIN MUTUAL METROPOLITAN DISTRICT PARCEL

A PARCEL OF LAND BEING A PORTION OF THAT TRACT OF LAND AS DESCRIBED IN THAT DOCUMENT RECORDED UNDER RECEPTION NO. 201078268 OF THE CLERK AND RECORDERS OFFICE OF THE COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 12 AND CONSIDERING THE NORTH LINE OF THE NW 1/4 OF THE NW 1/4 OF SECTION 12 TO BEAR S89°44'12"E, 1058.43 FEET, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO, SAID LINE MONUMENTED AT THE WESTERLY TERMINUS BY A

FOUND 2.5" ALUMINUM PIPE WITH A 3.25" ALUMINUM CAP STAMPED "T16S R66W 2 1 11 12 1995 RMLS NO. 19625" AND AT THE EASTERLY TERMINUS BY A FOUND #4 REBAR WITH A 1" YELLOW PLASTIC CAP STAMPED "WKC & ASSOC PLS 14611";

THENCE ALONG SAID NORTH LINE, S89°44'12"E, 1058.43 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF CABLE LANE; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

- 1) S70°41'33"E, 58.84 FEET;
- 2) S60°02'56"E, 241.03 FEET TO THE WEST LINE OF SAID NW 1/4 OF THE NW 1/4 AND THE TRUE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY OF CABLE LANE AS DESCRIBED IN THAT DOCUMENT RECORDED UNDER RECEPTION NO. 202228876 OF SAID CLERK AND RECORDERS OFFICE OF THE COUNTY OF EL PASO;

THENCE ALONG SAID WEST LINE S00°40'06"E, 194.43 FEET TO THE NORTHWEST CORNER OF "PHEASANT RUN RANCH FILING NO. 1", THE PLAT THEREOF RECORDED IN PLAT BOOK X3 AT PAGE 18 OF THE RECORDS OF THE CLERK AND RECORDERS OFFICE OF THE COUNTY OF EL PASO; THENCE ALONG THE NORTH LINE OF SAID PHEASANT RUN RANCH FILING NO. 1, N89°19'54"E, 100.00 FEET TO WEST RIGHT-OF-WAY LINE OF CABLE LANE AS DESCRIBED IN SAID DOCUMENT RECORDED UNDER RECEPTION NO. 202228876;

THENCE NORTHWESTERLY ALONG SAID WEST RIGHT-OF-WAY AND SOUTHERLY RIGHT-OF-WAY LINE OF CABLE LANE THE FOLLOWING TWO (2) COURSES:

1. N00°40'06"W, 18.98 FEET TO A POINT OF CURVE TO THE LEFT;
2. 211.27 FEET ALONG THE ARC OF SAID CURVE TO THE TRUE POINT OF BEGINNING, SAID ARC HAVING A RADIUS OF 203.92 FEET, A CENTRAL ANGLE OF 59°21'44", AND BEING SUBTENDED BY A CHORD THAT BEARS N30°20'58"W, 201.95 FEET.

THE ABOVE-DESCRIBED TRACT OF LAND CONTAINS 0.3298 ACRES OR 14,323 SQUARE FEET, MORE OR LESS.