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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

SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners
FROM: Planning & Community Development
DATE: 5/9/2024
RE: SP238 Overlook at Homestead Preliminary Plan

Project Description

A request by NES, Inc. for approval of a Preliminary Plan consisting of 346.55 acres to create 62 single-family residential lots. The item was heard on the called-up consent agenda at the April 18, 2024, Planning Commission Hearing. The Planning Commission requested the item be heard on the called-up consent agenda to discuss drainage issues as it may relate to the topography of the proposed Preliminary Plan application. A member of the public did speak in opposition to the project, specifically to the placement of the proposed drainage ponds in relation to his property. The Preliminary Plan application was unanimously recommended for approval by the Planning Commission with a vote of 7-0. The property is zoned RR-5 (Residential Rural) and is located one-half mile north of the intersection of Elbert Road and Sweet Road, and one-half mile south of the intersection of Elbert Road and Hopper Road. (Parcel Nos. 4100000255, 4100000256, and 4122000005) (Commissioner District No. 2)

Notation

Please see the Planning Commission Minutes for a complete discussion of the topic and the project manager's staff report for staff analysis and conditions.

Planning Commission Recommendation and Vote

Merriam moved / Offner seconded for approval, for the Preliminary Plan, utilizing the resolution attached to the staff report, with eight (8) conditions, three (3) notations, and a recommended finding of sufficiency with regard to water quality, quantity, and dependability, that this item be forwarded to the Board of County Commissioners for their consideration. The motion was **approved (7-0)**. The item was heard as a called-up consent agenda item.

Discussion

The Planning Commission requested the item be heard on the called-up consent agenda to discuss drainage issues as it may relate to the topography of the proposed Preliminary Plan application. A member of the public did speak in opposition to the project, specifically to the placement of the proposed drainage ponds in relation to his property.

Attachments

1. Planning Commission Minutes from 4/18/2024.
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Public Comment.
5. Draft BOCC Resolution.

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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting
Thursday, April 18, 2024
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: SARAH BRITTAIN JACK, JAY CARLSON, BECKY FULLER, BRANDY MERRIAM, KARA OFFNER, BRYCE SCHUETTEL, TIM TROWBRIDGE, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: NONE.

PC MEMBERS ABSENT: THOMAS BAILEY, JIM BYERS, JEFFREY MARKEWICH, ERIC MORAES, AND WAYNE SMITH.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, KYLIE BAGLEY, JOE LETKE, RYAN HOWSER, ASHLYN MATHY, DANIEL TORRES, ED SCHOENHET, MIRANDA BENSON, AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING: RICHARD SMITH, JEFF PARR, LORNA BENNETT, PHILLIP DREW, MICHAEL HITE, KELLY PARR, AND ROGER LUND.

1. REPORT ITEMS (NONE)

The next PC Hearing is Thursday, May 2, 2024, at 9:00 A.M.

2. CALL FOR PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA (NONE)

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held March 21, 2024.

Mr. Whitney disclosed that he requested one revision, which was incorporated.

PC ACTION: THE MINUTES WERE APPROVED WITH ONE REVISION BY UNANIMOUS CONSENT (8-0).

B. VR2316

MATHY

**VACATION AND REPLAT
BENT GRASS REPLAT**

A request by Virgil Sanchez for approval of a 1.46-acre Vacation and Replat creating 2 commercial lots. The property is zoned CS (Commercial Service) and is located at 8035 Meridian Park Drive, south of the intersection of Bent Grass Meadows Drive and Meridian Park Drive. (Parcel No. 5301104002) (Commissioner District No. 2)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: MR. TROWBRIDGE MOVED / MS. BRITTAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER VR2316 FOR A VACATION AND REPLAT, BENT GRASS REPLAT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) CONDITIONS, ONE (1) NOTATION, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

C. CS241

HAAS

**MAP AMENDMENT (REZONING)
7125 N MERIDIAN ROAD REZONE**

A request by CAP Storage Falcon, LLC for approval of a Map Amendment (Rezoning) of 2.13 acres from CR (Commercial Regional) to CS (Commercial Service). The property is located approximately one-quarter mile south of East Woodmen Road on the northwest corner of Old Meridian Road and McLaughlin Road. (Parcel No. 5312114004) (Commissioner District No. 2)

NO PUBLIC COMMENT

DISCUSSION

Ms. Merriam asked for an explanation of the difference between CR and CS zoning districts.

Ms. Mathy, who was assigned the project following Mr. Haas' resignation, explained that the applicant is requesting a rezoning to CS (Commercial Service) so they can proceed with the establishment of a mini-warehouse storage facility. The process would be more difficult under its current zoning of CR (Commercial Regional).

Mr. Carlson asked for the definitions of each zoning type.

Mr. Kilgore stated he put the definitions in the Staff Report packet, found on page 4.

Ms. Mathy explained that CR (Commercial Regional) is for regional centers and should ease use of pedestrian and vehicular circulation, serve as a convenience to the public, and should be an esthetic enhancement to the community and region. CS (Commercial Service) is meant to accommodate retail, wholesale, and services of commercial use to the public. Overall, the CS zoning is more suitable to the applicant's intention to establish a mini-warehouse.

PC ACTION: MS. FULLER MOVED / MR. SCHUETTEL SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3C, FILE NUMBER CS241 FOR A MAP AMENDMENT (REZONING), 7125 N MERIDIAN ROAD REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH ONE (1) CONDITION AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

BOCC Report Packet

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D. CS235

BAGLEY

**MAP AMENDMENT (REZONING)
16050 OLD DENVER ROAD REZONE**

A request by Vertex Consulting for approval of a Map Amendment (Rezoning) of 8.07 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located at 16050 Old Denver Road, one-half mile north of the intersection of Baptist Road and Old Denver Road. (Parcel No. 7126004010) (Commissioner District No. 3)

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MR. WHITNEY.

E. SF2324

BAGLEY

**FINAL PLAT
HAY CREEK VALLEY SUBDIVISION**

A request by View Homes, Inc. for approval of a Final Plat for the Hay Creek Valley Subdivision to create 20 single-family residential lots and 3 tracts. The site is 214.62 acres, zoned RR-5 (Residential Rural) 5-acre minimum lot size, and is located south of the Town of Monument, adjacent to Hay Creek Road. The property is currently improved with a single-family residence, which will remain on a lot in the western portion of the project. (Parcel Nos. 7100000267, 7100000268, 7100000269, 7100000270, 7133000001, & 7133007014) (Commissioner District No. 3)

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MR. WHITNEY.

F. SP238

BAGLEY

**PRELIMINARY PLAN
OVERLOOK AT HOMESTEAD PRELIMINARY PLAN**

A request by NES for approval of a Preliminary Plan consisting of 346.55 acres to create 62 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located one-half mile north of the intersection of Elbert Road and Sweet Road, and one-half mile south of the intersection of Elbert Road and Hopper Road. (Parcel Nos. 4100000255, 4100000256, and 4122000005) (Commissioner District No. 2)

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MS. MERRIAM.

G. CS234

LETKE

**MAP AMENDMENT (REZONING)
MAYBERRY FILING NO. 2A CS REZONE**

A request by Mayberry Communities, LLC for approval of a Map Amendment (Rezoning) of 1 acre from PUD (Planned Unit Development) to CS (Commercial Service). A concurrent Vacation and Replat is also being requested (VR2323). The property is located on the south side of Colorado State Highway 94, approximately 2 miles east of the intersection of Highway 94 and Peyton Highway. (Parcel Nos. 3414201031 and 3414201030) (Commissioner District No. 4)

NO PUBLIC COMMENT

DISCUSSION

Ms. Merriam asked if the two Mayberry files (CS234 & VR2323) had a combined staff report. She further asked if they would be voted on individually.

Mr. Trowbridge explained that they are related but considered individually.

Mr. Carlson further explained that the Rezoning request must be considered before the Final Plat.

PC ACTION: MR. TROWBRIDGE MOVED / MS. OFFNER SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3G, FILE NUMBER CS234 FOR A MAP AMENDMENT (REZONING), MAYBERRY FILING NO. 2A CS REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

H. VR2323

LETKE

**VACATION AND REPLAT
MAYBERRY FILING NO. 2A**

A request by Mayberry Communities, LLC for approval of a Vacation and Replat to reconfigure the properties of 1 tract, 3 lots, and dedication of right-of-way on approximately 3.5 acres. The proposal does not increase the number of lots or tracts on the property. Approval of the Map Amendment (Rezoning) CS234 shall be considered prior to consideration of the Vacation and Replat. The property is located on the south side of Colorado State Highway 94, approximately 2 miles east of the intersection of Highway 94 and Peyton Highway. (Parcel Nos. 3414101001 3414101002 3414201028, and 3414201031) (Commissioner District No. 4)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: MR. SCHUETTPELZ MOVED / MS. BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3H, FILE NUMBER VR2323 FOR A VACATION AND REPLAT, MAYBERRY FILING NO. 2A, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) CONDITIONS, TWO (2) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

I. PUDSP235

HOWSER

**PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN
ROLLING HILLS RANCH NORTH**

A request by GTL, Inc. for approval of a Map Amendment (Rezoning) of 148.873 acres from a conceptual PUD (Planned Unit Development) to a site-specific PUD (Planned Unit Development) with approval of a Preliminary Plan for 441 single-family residential lots, 3 tracts, 46 acres of open space, and 24 acres of land dedicated for public right-of-way. The property is located at the eastern end of Rex Road, approximately 1.5 miles east of Meridian Road. (Parcel No. 4200000477) (Commissioner District No. 2)

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MR. CARLSON.

4. CALLED-UP CONSENT ITEMS

3D. CS235

BAGLEY

**MAP AMENDMENT (REZONING)
16050 OLD DENVER ROAD REZONE**

A request by Vertex Consulting for approval of a Map Amendment (Rezoning) of 8.07 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located at 16050 Old Denver Road, one-

half mile north of the intersection of Baptist Road and Old Denver Road. (Parcel No. 7126004010) (Commissioner District No. 3)

STAFF & APPLICANT PRESENTATIONS

Mr. Whitney asked if Ms. Bagley could further explain the area's location and the relationship between placetype and zoning district during her presentation.

Mr. Trowbridge asked if Ms. Bagley could cover any impacts or encumbrances that the applicant will encounter from the non-conformance.

Ms. Merriam stated that her questions are associated with rezoning RR-5 to CS in the area.

Mr. Whitney added that he's unsure if the conditions within the Staff Report were fully captured in the drafted resolution. Ms. Bagley's presentation then began.

Ms. Bagley described the surrounding zoning types and uses in relation to the subject property to address Ms. Merriam's earlier question. The property west is zoned RR-5 (Residential Rural) but is used as a substation for Mountain View Electric Association (MVEA). The property north is zoned I-2 (Industrial) and is used for outside storage. Further north, the property within the Town of Monument is used for industrial and commercial services. The vacant property south is zoned A-35 (Agricultural). To address Mr. Trowbridge and Mr. Whitney's questions, she explained that the existing duplex on the property would not be allowed-by-right in the CS zoning district. She further explained that the LDC requires that duplexes be served by central services, but the existing building is served by well and septic. If the duplex is allowed to remain on the property after rezoning to CS, it would create a legal non-conformity.

Mr. Whitney asked if the County would typically authorize a zoning change when it would knowingly create a legal non-conformity.

Ms. Bagley answered that it is not typical. The County normally requests that existing uses should cease (if no longer allowed) once rezoning occurs. She further explained that this is the reason the third condition of approval in the Staff Report states that the duplex will only be allowed to remain until commercial development begins.

Mr. Whitney asked for clarification on whether the condition is phrased as once commercial development begins or for one year, whichever happens first.

Ms. Bagley read the proposed condition of approval number 3. "The existing attached single-family dwelling may continue to be utilized on the property as a residential use until commercial development occurs on the property. Development includes, but is not limited to, any construction, placement, reconstruction, alteration of the size, of a structure on land; any increase in the intensity of use of land; any change in use of land or a structure and the clearing or grading of land as an adjunct of construction." She clarified that the definition was pulled from the LDC.

Ms. Merriam asked for additional clarification. She asked if parking RVs, trailers, etc. on the property for outdoor storage constitutes commercial development.

Ms. Bagley confirmed that would be a change in use of the land and would be considered commercial development.

Ms. Fuller asked if the duplex could be allowed to remain after commercial development if it served on-site management.

Ms. Bagley answered that if the applicant were requesting the duplex serve as a caretaker's quarters, a different application would be needed with that request. She is unsure if a duplex would be allowed for that purpose.

Ms. Herington explained that converting the duplex to serve as a caretaker's quarters would be part of a new use on the property and would be incorporated into a Site Development Plan, which is required for outdoor storage or contractor's equipment yards. An on-site residence would need to be included as part of the overall use and be formalized in the Site Development Plan.

Ms. Fuller asked if the duplex not being on central services would be an issue at that point.

Ms. Herington responded that once the building is converted to a caretaker's quarters, it would no longer be considered two rentals. If the applicant went through the Site Development Plan process with the existing well and showed sufficient utility service to keep a caretaker's residence in their overall commercial development, there shouldn't be a problem. Utilities and infrastructure would be evaluated with any Site Development Plan for any commercial use on the site.

Ms. Bagley then addressed Mr. Whitney's earlier question regarding placetype. She explained that while the proposed rezone doesn't align with the Master Plan placetype of Rural, it does match the surrounding established neighborhood and existing land uses.

Mr. Whitney remarked that he finds it interesting how placetype trumped zoning on a past project and it's the other way around for this project.

The presentation then continued. There were no questions for Engineering. Ms. Nina Ruiz, with Vertex Consulting Services, then began her presentation for the applicant. There were no questions for the applicant.

NO PUBLIC COMMENTS OR FURTHER DISCUSSION

PC ACTION: MS. MERRIAM MOVED / MR. WHITNEY SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3D, FILE NUMBER CS235 FOR A MAP AMENDMENT (REZONING), 16050 OLD DENVER ROAD REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH THREE (3) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

3E. SF2324

BAGLEY

FINAL PLAT HAY CREEK VALLEY SUBDIVISION

A request by View Homes, Inc. for approval of a Final Plat for the Hay Creek Valley Subdivision to create 20 single-family residential lots and 3 tracts. The site is 214.62 acres, zoned RR-5 (Residential Rural) 5-acre minimum lot size, and is located south of the Town of Monument, adjacent to Hay Creek Road. The property is currently improved with a single-family residence, which will remain on a lot in the western portion of the project. (Parcel Nos. 7100000267, 7100000268, 7100000269, 7100000270, 7133000001, & 7133007014) (Commissioner District No. 3)

STAFF & APPLICANT PRESENTATIONS

Ms. Merriam asked for clarification of the location. She stated combining then subdividing the 6 existing parcels seemed awkward. She also mentioned the traction of the roads. She expressed concern regarding its nearness to USAFA property and asked if air quality would be affected.

Mr. Whitney added that he is concerned about this project's relationship to the nearby military installation. The subject property is right off Jacks Valley where artillery training takes place. He understands that the County doesn't have the jurisdiction to deter development close to military property, but he wanted the record to show, "this is nuts". He believes there *should* be interplay between military installations and land-use proposals, even if it's not part of the LDC criteria. He referenced the presentation given to the Planning Commission on March 21, 2024, by the Defense Mission Task Force. He stated, "this is scary". Plat notes may be effective for the first sale, but he worries about property owners in the future that may have no idea what they bought and where it's located. He stated that because the military is not allowed to complain, they may make a mild comment or remark which can be interpreted as them standing on a desk and shrieking. He then asked if the Air Force Academy (USAFA) submitted a review comment for the project.

Ms. Bagley replied that they did submit a comment with the past Preliminary Plan, which has since been approved by the BoCC. They requested a plat note and suggested that advisory language should be included in the HOA covenants so that future owners are aware of the proximity to a military installation and shooting range. They were also present at the EA meeting.

After a break for technical difficulties, the presentation began.

Ms. Bagley presented a GIS map to further explain the vicinity per Ms. Merriam's earlier request.

Ms. Merriam asked about potential emergency evacuation on the single existing road in the event of a grassfire from a small plane crash, for example.

Ms. Bagley referenced the GIS map to show the nearby roads. A 60-foot-wide private road will service the proposed lots. That road would connect to Hay Creek Road through an access easement that goes through an adjacent property. In a larger context, she zoomed out to show that Hay Creek Road serves multiple lots to the west. The LDC states dead-end roads should not serve more than 25 lots and a second access should be available, but Hay Creek Road does not meet that section of the Code. The fire department was notified of the proposal.

Ms. Fuller asked for clarification regarding ownership of the property per the Assessor's Office and who was listed as the applicant on the Staff Report.

Ms. Bagley deferred to the applicant to explain if ownership had changed because she would have entered the name listed on the application into her Staff Report.

Mr. Jason Alwine, with Matrix Design Group, spoke online representing the applicant. He suggested it may be a clerical error.

Mr. Tim Buschar, with COLA, LLC, spoke representing the applicant. He explained that Mr. Fitzgerald previously owned the property, but Mr. O'Leary is the current owner and applicant.

Ms. Fuller stressed the importance of having the correct applicant information.

Ms. Bagley ensured that the application will be checked and if the current owner's signature is needed, it will be obtained prior to the BoCC hearing. The applicant's presentation then began. There were no questions for the applicant.

PUBLIC COMMENTS

Mr. Richard Smith spoke in opposition. He read verbatim from a printed letter which was handed to the Planning Commission during the hearing and has been uploaded as part of the record. Titled "Public Comment - Multiple Neighbors, read at the hearing - Received 4-18-2024. MB" in EDARP.

Mr. Jeff Parr spoke in opposition. He continued reading verbatim from the letter.

Ms. Lorna Bennett spoke in opposition. She continued reading verbatim from the letter.

Mr. Phillip Drew spoke in opposition. He discussed encroachment on military installations. He then read verbatim from the remainder of the letter. He doesn't believe analysis of the proposal has been complete regarding encroachment on the military training location or the potential fire risk to existing residents.

Mr. Michael Hite spoke in opposition. He stated that there were only 12 houses in his subdivision on Hay Creek Road in 1981. He was not advised of a waiver being obtained for the 25-house limit on a dead-end road. He discussed his experience during a past fire in the area. He is very concerned about all existing residents needing to evacuate from the valley at the same time.

Ms. Kelly Parr spoke in opposition. She referenced the GIS image on the screen and pointed out the location of the military firing range in relation to the proposed subdivision. She discussed the potential noise and danger to future residents.

DISCUSSION

Ms. Brittain Jack remarked that while she has toured USAFA and hears the encroachment concerns from the public, which she is also concerned about, the people opposing the current subdivision live in that same area and bought land close to the military installation.

Mr. Whitney asked about the fire department's response to review comments.

Ms. Bagley read the fire district's review comment, which is part of the record on EDARP.

Ms. Herington reminded the Chair that the applicant should be given time for rebuttal after the public comments were made.

Mr. Whitney asked for clarification regarding the public's assertion in the letter that there has been no waiver granted to exceed 25 properties on a dead-end road.

Ms. Bagley answered that the waiver was approved with the Preliminary Plan by the BoCC.

Mr. Whitney asked for verification from Ms. Seago. If a waiver is approved at the Preliminary Plan stage, would that carry over to the Final Plat stage?

Ms. Seago confirmed that would be correct.

Ms. Bagley explained that 2 waivers were requested and approved. One was a modification to allow private roads instead of public roads. The second was a waiver from LDC 6.3.3.C, which would allow one access point where two are required. She stated the fire district was agreeable to the waiver.

Mr. Carlson asked if the waivers were for Hay Creek Road.

Ms. Bagley replied that the waivers only apply to the proposed subdivision being added to Hay Creek Road.

Mr. Carlson then stated that the entire area doesn't meet the criteria anyway.

Ms. Bagley continued to explain that the proposed subdivision would increase the number of lots that access Hay Creek Road.

Mr. Carlson clarified that the private road wouldn't need that waiver because they're adding less than 25 lots on a dead-end road.

Ms. Bagley agreed, but further clarified that the waiver would only apply to the proposed subdivision adding more lots, not additional subdivisions off Hay Creek in the future. Any future subdivision request would also need to pursue those waivers. The approved waiver is not a blanket waiver for all development on Hay Creek Road.

Ms. Fuller clarified that the land is zoned RR-5 and they are proposing to split it into 5-acre lots or greater, which is allowed-by-right. She's not concerned about that aspect. She then asked what protection current residents have from this road greatly exceeding the number of lots allowed on a dead-end road. She mentioned the safety concern in case of fire for the residents further west. From previous discussion, it seems like the waiver didn't deal with Hay Creek Road.

Ms. Bagley explained that the waiver does deal with Hay Creek Road with regard to the proposed subdivision adding lots onto the dead-end road. It is not a blanket waiver for all of Hay Creek Road that would allow lots to be added anywhere, it is specifically allowing the proposed subdivision.

Ms. Fuller understood and further asked if other larger parcels along the road would need to pursue the same waiver if they were to propose subdivisions.

Ms. Bagley confirmed. They would need to request a waiver, which would be considered by the Planning Commission (PC) and receive final determination by the Board of County Commissioners (BoCC). She confirmed that the Planning Department did express concerns about adding parcels onto Hay Creek Road, however, the waiver has already been approved for the proposed subdivision.

Mr. Carlson reiterated that while concerning, the waiver has already been approved.

Ms. Bagley clarified that the discussion from an EA meeting that was read into the record by the public (in the provided letter) was regarding a different property further along Hay Creek Road.

Mr. Whitney asked how they continue to get waivers if the road is already out of compliance?

Ms. Bagley stated she is unsure if waivers were requested for the previously subdivided lots.

Mr. Whitney clarified that he's worried each project is being evaluated on its own when the overall area is out of compliance.

Ms. Bagley replied that when the Preliminary Plan was reviewed, the whole area, including Hay Creek Road, was evaluated. The applicant went forward with a request for the waiver. The PC recommended approval and the BoCC approved the waiver.

Ms. Fuller asked if more development can be approved with additional waivers in the future. She asked what is protecting the existing residents from that happening. She asked for an explanation of the process the residents would need to go through to advocate for themselves (contacting PCD staff or their county representatives, etc.).

Ms. Bagley explained that the LDC outlines what requirements need to be met. Sections of chapters 6, 7, and 8 can be waived via approval by the BoCC. If people are opposed to waiving those sections of the Code, they should send an email to the project manager (planner) during the

application review period. The planner's contact info is on the "Notice of Application" letter mailed to all property owners within 500 feet. Additional mailed notices are sent and posters are placed on the property to notify neighbors of a scheduled public hearing.

Mr. Carlson reiterated that if people opposed the waiver that was granted, they should have contacted the Planning Department or spoken at the public hearing for the Preliminary Plan.

Ms. Bagley confirmed.

Ms. Herington added that Planning Department staff does not advocate for a project, they advocate for the public process from notification through public hearing. Staff will ask an applicant to hold a neighborhood meeting if there is known opposition. Moving forward, potential applicants in the area will be asked to hold a neighborhood meeting.

Ms. Fuller asked if there was opposition present for the Preliminary Plan.

Ms. Bagley answered that she was not the project manager for that application, but she was at the meeting and she remembers there was one person in opposition.

Mr. Trowbridge asked for the criteria of approval to be presented. He asked for staff or the applicant to address how the proposal meets: "The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;". He mentioned the traffic load for the entire Hay Creek Road. He stated he finds it hard to believe the waiver they were granted is sufficient.

Ms. Seago recommended that the applicant answer that question. She also reminded the Chair that the applicant should be allowed to speak in rebuttal.

Mr. Alwine reiterated that the proposal is for a Final Plat to enact what was already approved. He can't speak to traffic concerns caused by other projects. He stated the applicant has done several things to meet the fire protection criteria, including meeting with the fire district. He stated they are meeting the fire district's criteria regarding the type, size, and location of a fire suppression cistern. They had a fire mitigation report reviewed and approved prior to the Preliminary Plan that holds the applicant to certain criteria at the time of building permits. The fire district reviewed the proposal and provided letters of no concern. A traffic report was submitted to El Paso County as part of the Preliminary Plan process and there were no concerns other than the design of the Hay Creek intersection. He mentioned that the applicant will have to pay PID impact fees. He stated that while the proposal is for 20 lots, there are already 6 in existence, so it's a net increase of 14 homes. Because they have an approved fire protection report, he believes they've done their due diligence to provide responses and meet the criteria and waiver requirements. He stated that they met with USAFA and have an avigation easement recorded. The applicant is required to disclose that USAFA and Jacks Valley are present.

Mr. Buschar added that the applicant has met with USAFA. The new avigation easement recorded with the Preliminary Plan is geared towards Jacks Valley to address fumes, pyrotechnics, the shooting range, etc. That information will also be in a plat note, in the CC&Rs, recorded on the title work, and in an addendum to the future purchase agreements. Regarding the conservation easement purchased with DOD funds that was mentioned, a meeting was held. They did not request a buffer, nor did they request to purchase the property. He stated helicopters, not airplanes, fly over the subject property between June and July. Thunderbird flyovers happen occasionally. He stated that some existing residents enjoy the noise and proximity to the military installation. When learning that the applicant has proposed less lots than they could have with the

existing RR-5 zoning, USAFA was pleased. He stated since the beginning of this process, they knew impacts from fire were going to be an issue and they've been working with the Fire Chief. What was requested, and what the applicant is providing, is a 33,000-gallon cistern for the valley. It was also mentioned that the fire district, USAFA, and the National Forest Service would respond in case of a fire. The recommended fire mitigation has already been completed on-site by removing mistletoe from 1.6 acres. When people/builders select home sites, they will be responsible for fire mitigation for their properties before building permits are released.

Mr. Carlson asked for an explanation of fire evacuation issues related to Hay Creek Road.

Mr. Alwine reiterated that the applicant has submitted a fire protection report and a traffic study. He does not recall direct comments with evacuation concerns coming up.

Mr. Buschar added that the fire department was happy a water source would be brought in. He stated many of the homes may remain vacant for parts of the year as the buyer market often has multiple homes. He also clarified that the application was submitted by View Homes and has Mr. O'Leary's signature.

Ms. Bagley stated she was checking if there were any outstanding comments on the fire report.

Mr. Carlson asked if evacuation was addressed in LDC chapter 6.

Ms. Bagley answered that the chapter says emergency access should be granted for evacuation.

Ms. Fuller stated the discussion touched on the criteria of approval, "Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision...". The PC is asking about the subdivision's access to Hay Creek Road. She asked if off-site impacts (adding net 14 lots to an already overburdened road) had been addressed by the applicant or in the application.

Mr. Carlson stated they were given a waiver.

Mr. Buschar stated the applicant is not responsible for making any improvement to Hay Creek Road other than the intersection. There are no other improvements required from the applicant as the road has the capacity for increased traffic.

Mr. Whitney asked for more information about the discussion with the conservation group regarding a buffer zone.

Mr. Buschar answered that it took place during the Preliminary Plan stage. They came down, discussed options, but never made an offer to the applicant for a buffer. He thinks that when they saw the final subdivision would only consist of 20 lots as opposed to the 40 allowed by zoning, they were less concerned. No buffer was requested. His understanding of how the process works is that a conservation easement would have been requested as a buffer zone and the applicant would have been compensated by the conservation fund for setting that land aside. The applicant is proposing smaller, 5-acre lots on the northern side of the subdivision and has larger lots on the side adjacent to USAFA. The topography would not allow houses close to the southern boundary, so that area is designated as a no-build area anyway.

PC ACTION: MS. BRITTAIN JACK MOVED / MR. SCHUETTELPELZ SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3E, FILE NUMBER SF2324 FOR A FINAL PLAT, HAY CREEK VALLEY SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, THAT THIS ITEM BE FORWARDED TO

THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL FAILED BY A VOTE OF 3-5, RESULTING IN A RECOMMENDATION TO DENY.

IN FAVOR: MS. BRITTAIN JACK, MR. CARLSON, AND MR. SCHUETTPELZ.

IN OPPOSITION: MS. FULLER, MS. OFFNER, MR. TROWBRIDGE, MR. WHITNEY, AND MS. MERRIAM.

COMMENTS:

Ms. Merriam thinks the aspect of safety should be revisited because Hay Creek Road does not meet current standards.

Ms. Fuller concurred, adding that “this is a bad situation” and it may not be the current applicant’s responsibility to fix the entire area, but this proposal would make a bad situation worse. She doesn’t think the proposal fully meets the approval criteria regarding fire and off-site impacts.

Mr. Whitney agreed with previous comments and further mentioned fire safety with ingress and egress. He doesn’t understand how a situation out of compliance can be allowed to continue and grow.

Ms. Brittain Jack explained that the applicant will provide a water cistern that the existing residents don’t currently have, so she does believe the fire impacts have been addressed.

Mr. Schuettpelz explained that the military property must stop somewhere. If USAFA had wanted the buffer and purchased the property, the line would just be adjacent to other houses. The applicant has mitigated future issues by advising of the property’s proximity to USAFA in multiple places. While not having secondary access is concerning, he agrees that it’s not this applicant’s responsibility to fix the whole neighborhood which has existed for some time. He reiterated that exceeding the residence limit on a dead-end road was acceptable for the residents who currently live there and spoke in opposition. He believes the applicant has done everything they can to make the situation better (with the cistern) and perhaps there could be secondary access in the future.

Mr. Carlson recognized the safety issue and concerns for the neighborhood. He urged the public to pay attention to notifications sent by PCD. He stated the time to oppose the project was at Preliminary Plan stage. He doesn’t recall evacuation concerns being raised during that time. He voted to recommend approval because of the waivers that were previously approved.

***FOLLOWING CALLED-UP ITEM 3E, MR. TROWBRIDGE WAS EXCUSED FROM THE HEARING. THERE WERE SEVEN (7) VOTING MEMBERS MOVING FORWARD.**

3F. SP238

BAGLEY

**PRELIMINARY PLAN
OVERLOOK AT HOMESTEAD PRELIMINARY PLAN**

A request by NES for approval of a Preliminary Plan consisting of 346.55 acres to create 62 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located one-half mile north of the intersection of Elbert Road and Sweet Road, and one-half mile south of the intersection of Elbert Road and Hopper Road. (Parcel Nos. 4100000255, 4100000256, and 4122000005) (Commissioner District No. 2)

STAFF & APPLICANT PRESENTATIONS

Ms. Merriam stated that she would like more information about drainage. She mentioned there were drainage concerns for past projects in the same area.

Mr. Daniel Torres, with DPW Engineering, explained that the subject property is within 4 different drainage basins, so the topography is challenging. The applicant is proposing 6 detention ponds across the site, which will be maintained by their metro district. He referred to an image on the slideshow for pond locations.

Ms. Merriam asked for a vicinity map that showed the proposed development with its drainage in relation to the surrounding area.

Mr. Torres deferred to the applicant.

Ms. Barlow, with N.E.S., referred to a slideshow image to explain that there is a ridgeline on the east side of the property. She explained that the drainage ponds are located where they are to capture the water before it continues to Apex Ranch.

Ms. Merriam clarified that the 6 ponds from the image are all for the proposed subdivision. She stated that she is asking how this drainage proposal fits in with development around it.

Ms. Barlow stated that there is no development to the north or east. The Reata subdivision is to the south. It is an older development and has no detention pond.

Mr. Kofford, with Kimley-Horn, further explained that there is no detention system in the Reata subdivision. Water flows in 4 different directions on the subject property. The proposal is maintaining historic patterns. The Apex Ranch subdivision (west) has a full-spectrum detention basin that will be downstream from 2 of the proposed ponds.

Ms. Merriam asked for a map. (Mr. Torres presented one.) She then asked if rains from the last few years washed out one of the roads in the area.

Mr. Torres replied that he is not aware.

Ms. Marriam asked if 6 ponds were necessary because it's on a ridge.

Mr. Torres answered that the number of ponds depends on the increase in flow.

Mr. Carlson asked for information regarding a proposed parking lot.

Ms. Bagley suggested a full presentation which would answer questions. (Presentation began.)

PUBLIC COMMENTS

Mr. Roger Lund spoke in opposition. He mentioned that the proposed development will be three times larger than Apex Ranch. Many of his concerns were already addressed in the presentation. He asked if the water finding would be delayed until Final Plat. He walked the site with Mr. Desjardin and Mr. Kofford to discuss existing flooding issues in the area. He suggested that one of the drainage ponds should be relocated below the confluence near his property.

Ms. Barlow responded. The finding of water sufficiency is being requested during this phase; they are not deferring that finding to the Final Plat stage. They anticipate the Final Plat being administratively approved for that reason. During the Preliminary Plan stage, final locations of detention ponds are not exact. She pulled up a map of the area. The development of a detention pond will address the flooding issues that Mr. Lund currently faces. The Final Plat process will include more detailed design and construction details regarding the pond.

Mr. Carlson asked if relocation of the pond is possible after walking the property with Mr. Lund.

Mr. Desjardin, with ProTerra Properties, replied that he's not convinced. Currently, they have proposed the pond adjacent to the public right-of-way. This will make maintenance access easier. It will be in an existing field, so not as many trees will need to be removed. The terrain is steeper

where Mr. Lund is requesting it be relocated. The pond is currently proposed on one of two forks. Further evaluation will take place during the Final Plat stage.

NO FURTHER DISCUSSION

PC ACTION: MS. MERRIAM MOVED / MS. OFFNER SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3F, FILE NUMBER SP238 FOR A PRELIMINARY PLAN, OVERLOOK AT HOMESTEAD PRELIMINARY PLAN, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, THREE (3) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (7-0).

***FOLLOWING CALLED-UP ITEM 3F, MS. BRITTAIN JACK WAS EXCUSED FROM THE HEARING. THERE WERE SIX (6) VOTING MEMBERS MOVING FORWARD.**

31. PUDSP235

HOWSER

PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN ROLLING HILLS RANCH NORTH

A request by GTL, Inc. for approval of a Map Amendment (Rezoning) of 148.873 acres from a conceptual PUD (Planned Unit Development) to a site-specific PUD (Planned Unit Development) with approval of a Preliminary Plan for 441 single-family residential lots, 3 tracts, 46 acres of open space, and 24 acres of land dedicated for public right-of-way. The property is located at the eastern end of Rex Road, approximately 1.5 miles east of Meridian Road. (Parcel No. 4200000477) (Commissioner District No. 2)

STAFF & APPLICANT PRESENTATIONS

Ms. Merriam asked for clarification regarding the Placetype.

Mr. Carlson asked about the transition and buffer with surrounding development.

Mr. Howser explained that the subject property is located within the Large Lot Residential Placetype, as is the Estates filing to the west. The rest of Meridian Ranch is in the Suburban Residential Placetype. He referenced imagery on his slideshow. He stated that while the proposal is not consistent with Large Lot Residential, it is consistent with the surrounding area. He further mentioned that the applicant received BoCC approval for a Sketch Plan Amendment that allows up to 4 units per acre in the subject area. That approval predated the Master Plan, which was taken into consideration.

Ms. Merriam asked when the Sketch Plan Amendment was approved.

Mr. Howser answered that the approval was complete in August 2021. While the Master Plan was adopted in May 2021, the application was received under a previous Master Plan, so it was reviewed using the previous standards.

Mr. Carlson clarified that the applicant could propose up to 4 units per acre per the Sketch Plan.

Mr. Howser confirmed. He then discussed the proposed buffer area. He referenced the zoning map to show that the proposed buffer to the north is greater than previous filings. He stated that it is PCD Staff's opinion that the increased density could be compatible with the additional buffer that the applicant is proposing. He added that The Sanctuary at Meridian Ranch, south or the

subject property, was approved with 4.5 units per acre. The current proposal is consistent with previous filings southwest of the subject area.

Ms. Barlow, with N.E.S., completed the applicant's presentation. There were no questions.

NO PUBLIC COMMENTS

DISCUSSION

Mr. Whitney clarified that the Sketch Plan Amendment was approved using the previous Master Plan criteria for reference, which designated the area as appropriate for suburban density.

PC ACTION: MS. FULLER MOVED / MS. OFFNER SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3I, FILE NUMBER PUDSP235 FOR A PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN, ROLLING HILLS RANCH NORTH, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SIX (6) CONDITIONS, FIVE (5) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (6-0).

5. REGULAR ITEMS (NONE)

6. NON-ACTION ITEMS (NONE)

MEETING ADJOURNED at 12:03 P.M.

Minutes Prepared By: Miranda Benson

PRELIMINARY PLAN (RECOMMEND APPROVAL)

Ms. Merriam moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SP238

OVERLOOK AT HOMESTEAD PRELIMINARY PLAN

WHEREAS, NES did file an application with the El Paso County Planning and Community Development Department for approval of a Preliminary Plan for the Overlook at Homestead Preliminary Plan Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on April 18, 2024; 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. 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

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

WHEREAS, when approving a Preliminary Plan, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1.D.2.e of the Land Development Code ("Code") (as amended):

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 the 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 the Code (this finding may not be deferred to Final Plat if the applicant intends to seek Administrative Final Plat approval);
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 the 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 the Code and the Engineering Criteria Manual ("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 the 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 fire protection, recreation, utilities, open space, and transportation systems 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 the Code; and
13. The proposed Subdivision meets other applicable sections of Chapter 6 and 8 of the 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 Code.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of NES for approval of a Preliminary Plan for the Overlook at Homestead Preliminary Plan Subdivision for property located in the unincorporated area of El Paso County be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

1. Applicable traffic, drainage, and bridge fees shall be paid with each final plat.
2. Applicable school and park fees shall be paid with each final plat.
3. 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 Division of 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 species.
4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay

traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 19-471), as amended, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before the sale of the property.

5. Applicant shall comply with all requirements contained in the Colorado Parks and Wildlife Department of Natural Resources letter, dated 11/11/2023.
6. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 2/29/2024, as provided by the County Attorney's Office.
7. Applicant shall comply with all recommendations by Amy Crandall, Engineering Geologist contained in the Colorado Geological Survey's Review letter, dated 11/6/2023, as provided by the Colorado Geological Survey.
8. Applicant shall comply with all requested trail easement, construction, and dedication requirements related to this Preliminary Plan and in future Final Plats as requested by the EPC Parks and Community Services Department in their letter dated 11/2/2023.

NOTATIONS

1. Subsequent Final Plat Filings may be approved administratively by the Planning and Community Development Director.
2. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a final plat has been approved and recorded or a time extension has been granted.
3. Preliminary Plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.

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.

Ms. Offner seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	aye / no / non-voting / recused / <u>absent</u>
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / <u>absent</u>
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent

SP238

Becky Fuller	aye / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / absent
Kara Offner	aye / no / non-voting / recused / absent
Bryce Schuettpelz	aye / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / absent

The Resolution was adopted by a vote of 7 to 0 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 18th day of April 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION


By: 
~~Thomas Bailey, Chair~~
Jay Carlson, Vice-Chair

EXHIBIT A

A TRACT OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 22, AND A PORTION OF THE NORTH HALF OF SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, BEING MONUMENTED ON THE NORTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED PLS 27605" AT GRADE, AND AT THE SOUTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED PLS 28658" .3' ABOVE GRADE, BEING ASSUMED TO BEAR S00°19'49"E.

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THE SOUTH HALF OF THE NORTHEAST QUARTER; AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, ALL IN SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

TOGETHER WITH

THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 22 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN; EXCEPTING THEREFROM THE PORTION OF LAND CONVEYED IN DEED RECORDED OCTOBER 4, 2005 UNDER RECEPTION NO. 205156836, COUNTY OF EL PASO, STATE OF COLORADO.

TOGETHER WITH

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN; THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN; THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, EXCEPT THAT PORTION OF SAID QUARTER SECTION LYING NORTHWEST OF THE FORMER RIGHT OF WAY OF THE COLORADO AND SOUTHERN RAILWAY COMPANY, COUNTY OF EL PASO, STATE OF COLORADO AND EXCEPTING ANY PORTION CONVEYED TO THE DEPARTMENT OF HIGHWAYS IN DEED RECORDED MARCH 26, 1959 IN BOOK 1734 AT PAGE 504, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO; THENCE S00°19'49"E ON THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 2,646.38 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE S00°47'36"E ON THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 27, A DISTANCE OF 2,646.44 FEET TO SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 27, SAID POINT BEING ON THE NORTHERLY BOUNDARY LINE OF REATA FILING NO. 1, AS RECORDED IN PLAT BOOK A-3 AT PAGE 62; THENCE S88°43'40"W ON THE SOUTH LINE OF THE NORTH HALF OF SAID SECTION AND THE NORTHERLY BOUNDARY LINE OF SAID REATA FILING NO. 1, A DISTANCE OF 3,943.48 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27; THENCE N00°37'58"W ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 1,997.73 FEET TO A POINT ON THE WEST BOUNDARY LINE OF THE FORMER COLORADO AND SOUTHERN RAILWAY, SAID POINT ALSO BEING ON THE BOUNDARY LINE OF APEX RANCH ESTATES AS RECORDED UNDER RECEPTION NUMBER 208712902; THENCE ON THE WEST BOUNDARY OF THE

FORMER COLORADO AND SOUTHERN RAILWAY BOUNDARY AND THE BOUNDARY OF SAID APEX RANCH ESTATES THE FOLLOWING TWO (2) COURSES:

1. N35°18'27"E A DISTANCE OF 178.25 FEET TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 17°55'17", A RADIUS OF 1,810.08 FEET A DISTANCE OF 566.17 FEET TO A POINT ON CURVE, SAID POINT BEING ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22, ALSO BEING ON THE SOUTHERLY BOUNDARY LINE OF APEX RANCH ESTATES, RECORDED UNDER RECEPTION NUMBER 208712902;

THENCE N88°37'29"E ON SAID SOUTHERLY LINES A DISTANCE OF 951.90 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER, SECTION 22; THENCE N88°38'04"E ON THE SOUTHERLY BOUNDARY LINE OF SAID APEX RANCH ESTATES AND THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 22, A DISTANCE OF 1,311.89 FEET TO THE SOUTHEAST CORNER OF SAID APEX RANCH ESTATES AND THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 22; THENCE N00°23'27"W ON THE EAST LINE OF SAID APEX RANCH ESTATES A DISTANCE OF 1,321.92 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 22; THENCE S88°37'41"W ON THE BOUNDARY LINE OF SAID APEX RANCH ESTATES A DISTANCE OF 11.86 FEET TO AN ANGLE POINT ON SAID BOUNDARY LINE SAID POINT ALSO BEING ON THE EASTERLY BOUNDARY LINE OF THE QUIT CLAIM DEED RECORDED UNDER RECEPTION NUMBER 205156836; THENCE ON THE EASTERLY BOUNDARY LINE OF SAID APEX RANCH ESTATES AND SAID QUIT CLAIM DEED THE FOLLOWING FOURTEEN (14) COURSES:

1. N06°42'44"W A DISTANCE OF 161.04 FEET;
2. S88°06'46"W A DISTANCE OF 95.20 FEET;
3. S86°45'34"W A DISTANCE OF 288.72 FEET;
4. S86°37'02"W A DISTANCE OF 397.37 FEET;
5. S86°34'15"W A DISTANCE OF 123.39 FEET;
6. S86°48'59"W A DISTANCE OF 107.19 FEET;
7. S86°35'53"W A DISTANCE OF 172.60 FEET;
8. S86°51'02"W A DISTANCE OF 70.34 FEET;
9. N00°45'36"W A DISTANCE OF 165.40 FEET;
10. N00°12'12"E A DISTANCE OF 141.82 FEET;
11. N00°33'05"W A DISTANCE OF 409.91 FEET;
12. N02°52'37"W A DISTANCE OF 73.32 FEET;
13. N04°36'23"W A DISTANCE OF 374.86 FEET;
14. N00°26'39"W A DISTANCE OF 36.96 FEET TO A THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 22;

THENCE N88°34'23"E ON THE NORTH LINE OF THE SOUTH HALF OF SECTION 22, A DISTANCE OF 2,629.29 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 15,281,308 SQUARE FEET OR 350.811 ACRES MORE OR LESS.

COMMISSIONERS:
CAMI BREMER (CHAIR)
CARRIE GEITNER (VICE-CHAIR)

HOLLY WILLIAMS
STAN VANDERWERF
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Kylie Bagley, Planner III
Daniel Torres, P.E., Senior Engineer
Meggan Herington, AICP, Executive Director

RE: Project File Number: SP238
Project Name: Overlook at Homestead Preliminary Plan
Parcel Number: 4100000255; 4100000256 and 4122000005

OWNER:	REPRESENTATIVE:
PT Overlook LLC 1884 Woodmoor Drive Monument, CO 80132	NES, Inc. 619 North Cascade Avenue Colorado Springs, CO 80903

Commissioner District: 2

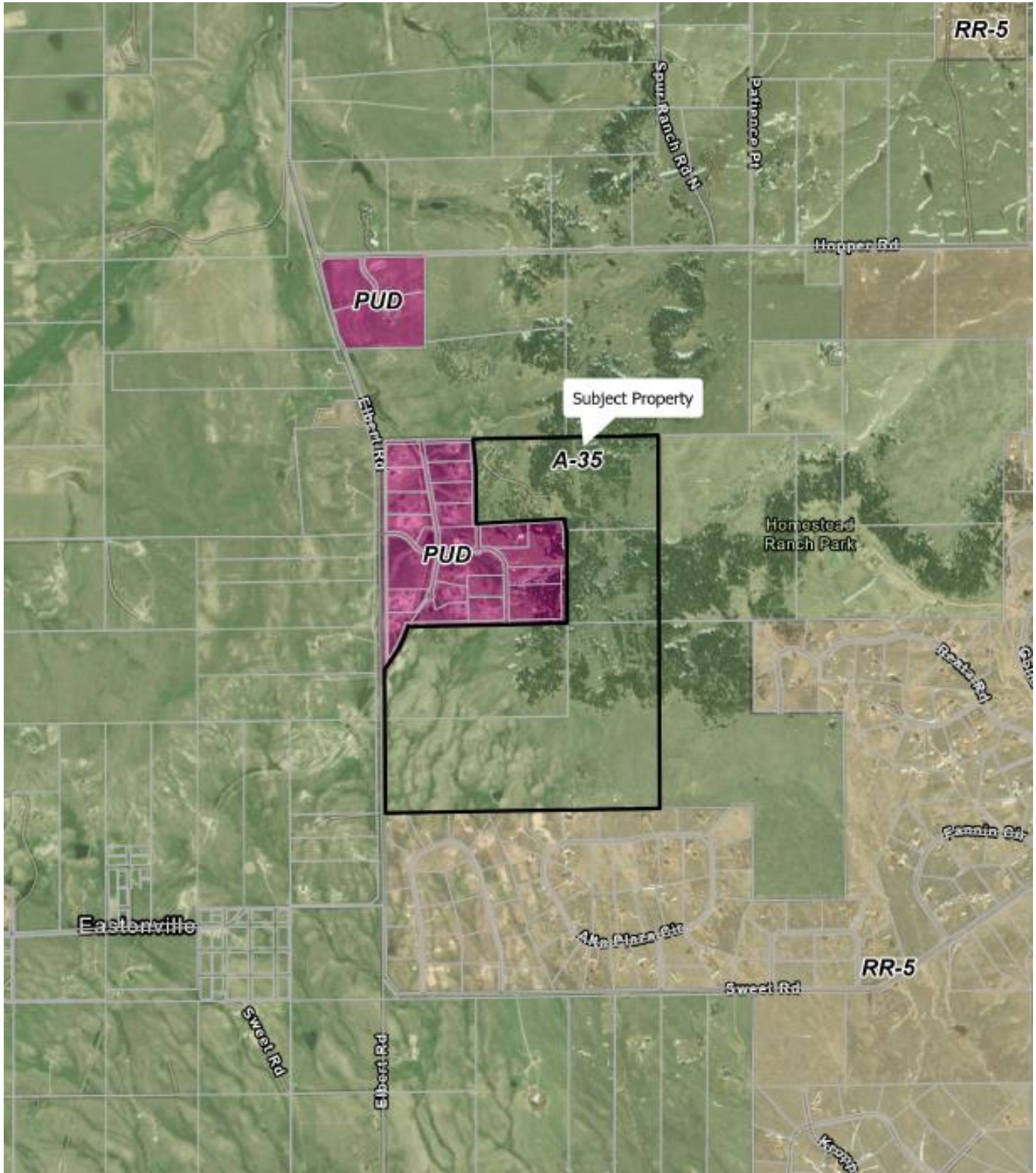
Planning Commission Hearing Date:	4/18/2024
Board of County Commissioners Hearing Date:	5/9/2024

EXECUTIVE SUMMARY

A request by NES, Inc. for approval of a Preliminary Plan consisting of 346.55 acres to create 62 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located one-half mile north of the intersection of Elbert Road and Sweet Road, and one-half mile south of the intersection of Elbert Road and Hopper Road. (Parcel Nos. 4100000255, 4100000256, and 4122000005) (Commissioner District No. 2)



Zoning Map and Location:



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OFFICE: (719) 520 – 6300



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A. WAIVERS AND AUTHORIZATION

Waiver(s):

There are no waivers associated with this request.

Authorization to Sign: 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) 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. APPROVAL CRITERIA

In approving a Preliminary Plan, Section 7.2.1.D.2 of the El Paso County Land Development Code (As Amended) states the BoCC shall find that:

- 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 the 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 the 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 the 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 the Code and the Engineering Criteria Manual (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;

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- 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 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 fire 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 the Code; and
- The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Code.

C. LOCATION

North:	A-35 (Agricultural)	Vacant Land
South:	RR-5 (Residential Rural)	Single-Dwelling Residential
East:	A-35 (Agricultural)	Vacant Land
West:	PUD (Planned Unit Development)	Single-Dwelling Residential

D. BACKGROUND

The subject property consists of four unplatted parcels that are a combined 346.55 acres. The applicant is proposing a 62-lot single-family residential subdivision with public roads and a 25-foot trail easement for the El Paso County Palmer Divide Regional Trail.

The subject property was rezoned from A-35 (Agricultural) to RR-5 (Residential Rural) by the Board of County Commissioners on January 11, 2024 (PCD File No. P-23-008). The proposed 62 lots will meet the dimensional standards of the RR-5 zoning district.

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E. ANALYSIS

1. Land Development Code and Zoning Compliance

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 of the El Paso County Land Development Code (As Amended).

The density and dimensional standards for the RR-5 zoning district are as follows:

- Minimum lot size: 5 acres
- Minimum width at the front setback line: 200 feet
- Minimum setback requirement: front 25 feet, rear 25 feet, side 25 feet
- Maximum lot coverage: None
- Maximum height: 30 feet

The requested Preliminary Plan is consistent with the RR-5 (Residential Rural) zoning district. The applicant is required to submit a Final Plat for review, approval and recordation prior to initiating new residential uses on the property, the applicant will need to obtain site plan approval.

F. MASTER PLAN COMPLIANCE

The proposed Preliminary Plan is consistent with the Master Plan analysis which was provided with the Map Amendment (Rezoning) application P-23-005 and approved by the BoCC on January 11, 2024.

1. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; to 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.*

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within



Planning Region 4c of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 4c for central water providers:

The Plan identifies the current demand for Region 4c to be 2,970 acre-feet per year (AFY) (Figure 5.1) with a current supply of 2,970 AFY (Figure 5.2). The projected demand in 2040 for Region 4c is at 3,967 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region 4c is at 4,826 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2060. This means that by 2060 a deficit of 1,799 AFY is anticipated for Region 4c.

See the water section below for a summary of the water findings and recommendations for the proposed subdivision.

2. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential. El Paso County Environmental Services and Colorado Parks and Wildlife were sent a referral and have no outstanding comments. However, Colorado Parks and Wildlife provided a letter (attached to staff report) dated November 11, 2023, which outlines numerous mitigation strategies that should be followed in order to preserve the natural features and existing species in the area. Recommended preservation strategies shall be followed for all state and federal requirements.

The Master Plan for Mineral Extraction (1996) identifies upland deposits and conglomerates in the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

Geologic hazards and constraints were identified during the review of the Preliminary Plan and have been found to impact many of the proposed lots. The Colorado Geological Survey (CGS) has reviewed the Preliminary Plan documents and has provided mitigation measures within their comment letter (attached to staff report).

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The applicant has depicted the geologic constraints and hazards on the Preliminary Plan map. Proposed geologic mitigation measures include additional structural setbacks, labeling of no-build areas, avoidance of all geologic hazards and constraints, and the requirement of engineered structural foundations for all lots at the time of building permit for the individual lots. CGS also recommends that the constraints and hazards, and corresponding mitigation measures, are depicted on all subsequent Final Plats. Condition of approval No. 7 is recommended by staff to ensure that CGS's recommendations are followed at the time of subsequent Final Plat submittals.

2. Floodplain

The property is not located within a defined floodplain as determined by a review of the FEMA Flood Insurance Rate Map panel number 08041C0350G, dated December 7, 2018. The property is located in Zone X, an area of minimal flood hazard determined to be outside the 500-year flood zone.

3. Drainage and Erosion

The development is located across four different drainage basins: Upper Black Squirrel, La Vega Ranch, East Kiowa Creek, and Bijou Creek drainage basin. These four unstudied basins do not have associated drainage or bridge fees.

Stormwater runoff will be conveyed via roadside ditches, swales, and culverts to six proposed private full-spectrum detention ponds that will mitigate developed runoff and provide the necessary permanent stormwater quality for the development. The Overlook at Homestead Metropolitan District will provide maintenance for the ponds. Per the associated preliminary drainage report, the site's runoff and storm facilities will not adversely affect the downstream and surrounding developments.

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 applications.

4. Transportation

The development is located off Elbert Road, a county-maintained paved rural major collector roadway. The subdivision will obtain access via two roadways intersecting Elbert Road. One access is via Apex Ranch Road, an existing paved rural local county

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roadway. The second access is via a new paved rural local roadway. The future roadway is proposed to be public and will be located over a half mile south of Apex Ranch Road.

The Traffic Impact Study projects the proposed development will generate approximately 650 total vehicle trips on the average weekday. Roadway improvements will consist of new public rural local roads to serve the development, restriping Elbert Road to remove passing zones, and shoulder improvements at the proposed intersection of Elbert Road and the new roadway.

El Paso County Road Impact Fees (RIF) as approved by Resolution 19-471 apply to the development. The RIF will be assessed at the last land-use approval or when the applicant applies for a building permit, whichever is last. The applicant may elect to remit road impact fees at the time of plat recordation or participate in a Public Improvement District with the County.

H. SERVICES

1. Water

Water sufficiency has been analyzed with the review of the proposed subdivision. The applicant has shown a sufficient water supply for the required 300-year period. The State Engineer and the County Attorney's Office have recommended that the proposed Preliminary Plan has an adequate water supply in terms of quantity and dependability. El Paso County Public Health has recommended that there is an adequate water supply in terms of quality.

2. Sanitation

Wastewater is provided by on-site individual septic systems.

3. Emergency Services

The property is within the Peyton Fire Protection District.

4. Utilities

Electric service will be provided by MVEA, and the site exists within their service area. Gas will be provided by Black Hills Energy and, if service to this property is not feasible, propane tanks will be used to service the development.

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5. Metropolitan Districts

The property is not currently within a metropolitan district. The proposed Overlook at Homestead Metropolitan District is under review by PCD staff at this time and will be required to be approved by the Board of County Commissioners.

6. Parks/Trails

Fees in lieu of parkland dedication or parkland dedication as discussed and agreed upon with EPC Parks will be due at the time of recording the Final Plat(s). EPC Department of Parks and Community Services has requested trail easements for this Preliminary Plan (Parks letter attached to staff report) and subsequent Final Plat (s).

7. Schools

The site is within the boundaries of the Peyton 23 School District. Fees in lieu of school land dedication shall be paid to El Paso County for the benefit of Peyton 23 School District at the time of recording the final plat(s).

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

There are no outstanding major issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (As Amended) staff recommends the following conditions and notations:

CONDITIONS

1. Applicable traffic, drainage, and bridge fees shall be paid with each Final Plat.
2. Applicable school and park fees shall be paid with each Final Plat.
3. 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 Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and

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Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.

4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 19-471), as amended, at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before the sale of the property.
5. Applicant shall comply with all requirements contained in the Colorado Parks and Wildlife Department of Natural Resources letter, dated 11/11/2023.
6. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 2/29/2024, as provided by the County Attorney's Office.
7. Applicant shall comply with all recommendations by Amy Crandall, Engineering Geologist contained in the Colorado Geological Survey's Review letter, dated 11/6/2023, as provided by the Colorado Geological Survey.
8. Applicant shall comply with all requested trail easement, construction, and dedication requirements related to this Preliminary Plan and in future Final Plats as requested by the EPC Parks and Community Services Department in their letter dated 11/2/2023.

NOTATIONS

1. Subsequent Final Plat Filings may be approved administratively by the Planning and Community Development Director.
2. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a Final Plat has been approved and recorded or a time extension has been granted.
3. Preliminary Plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.

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L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 42 adjoining property owners on April 3, 2024, for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing. When the rezoning was heard in January 2024, there were a number of letters of opposition received. The public opposition stated concerns regarding water sufficiency, traffic, and land-use compatibility. Staff has not received additional letters of opposition to date on this Preliminary Plan request.

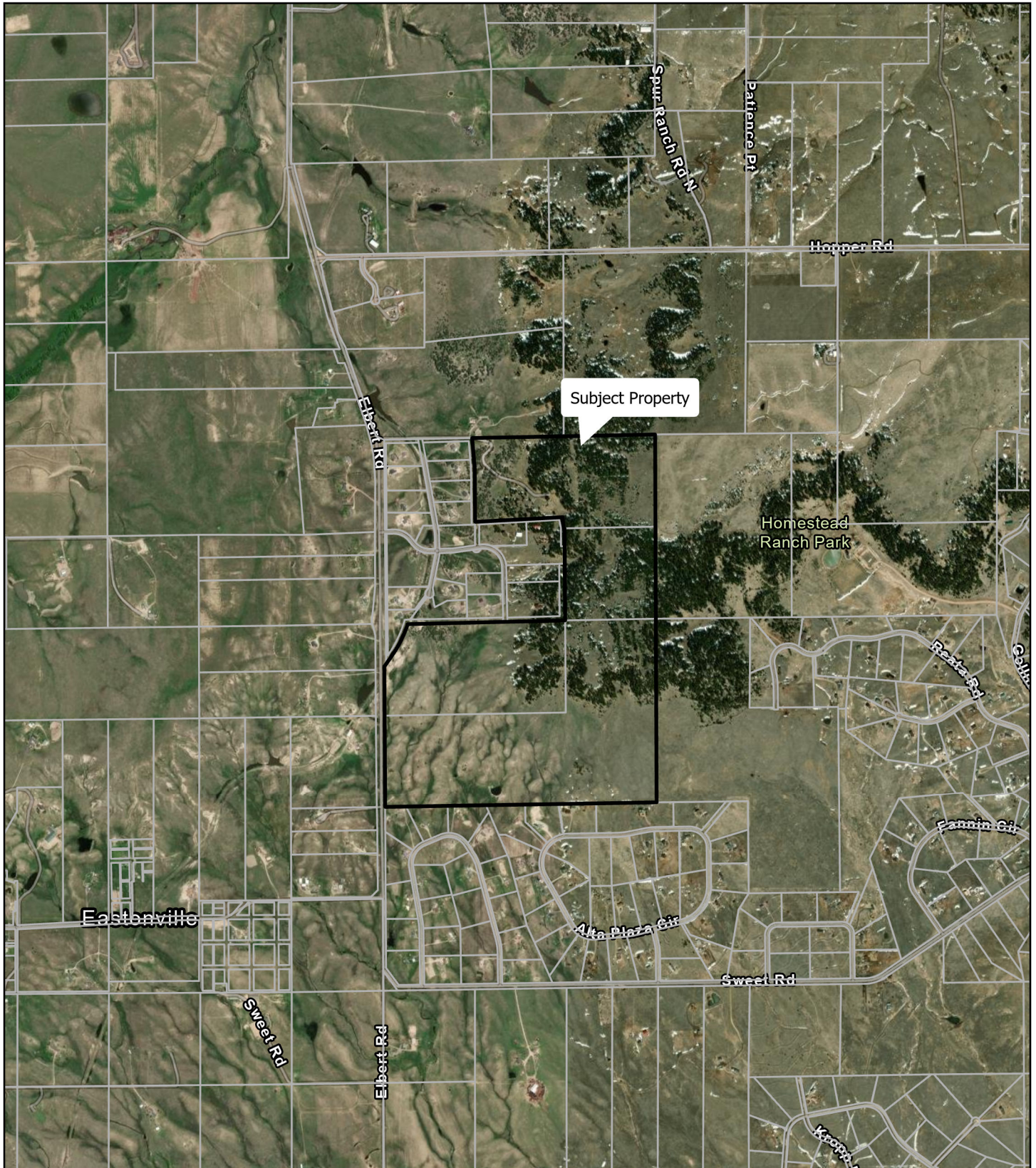
M. ATTACHMENTS

- Map Series
- Letter of Intent
- Preliminary Plan Drawing
- County Attorney's Letter
- State Engineer's Letter
- EPC Parks Letter
- CPW Letter
- CGS Letter
- Draft Resolution

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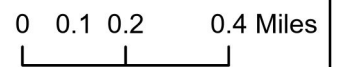


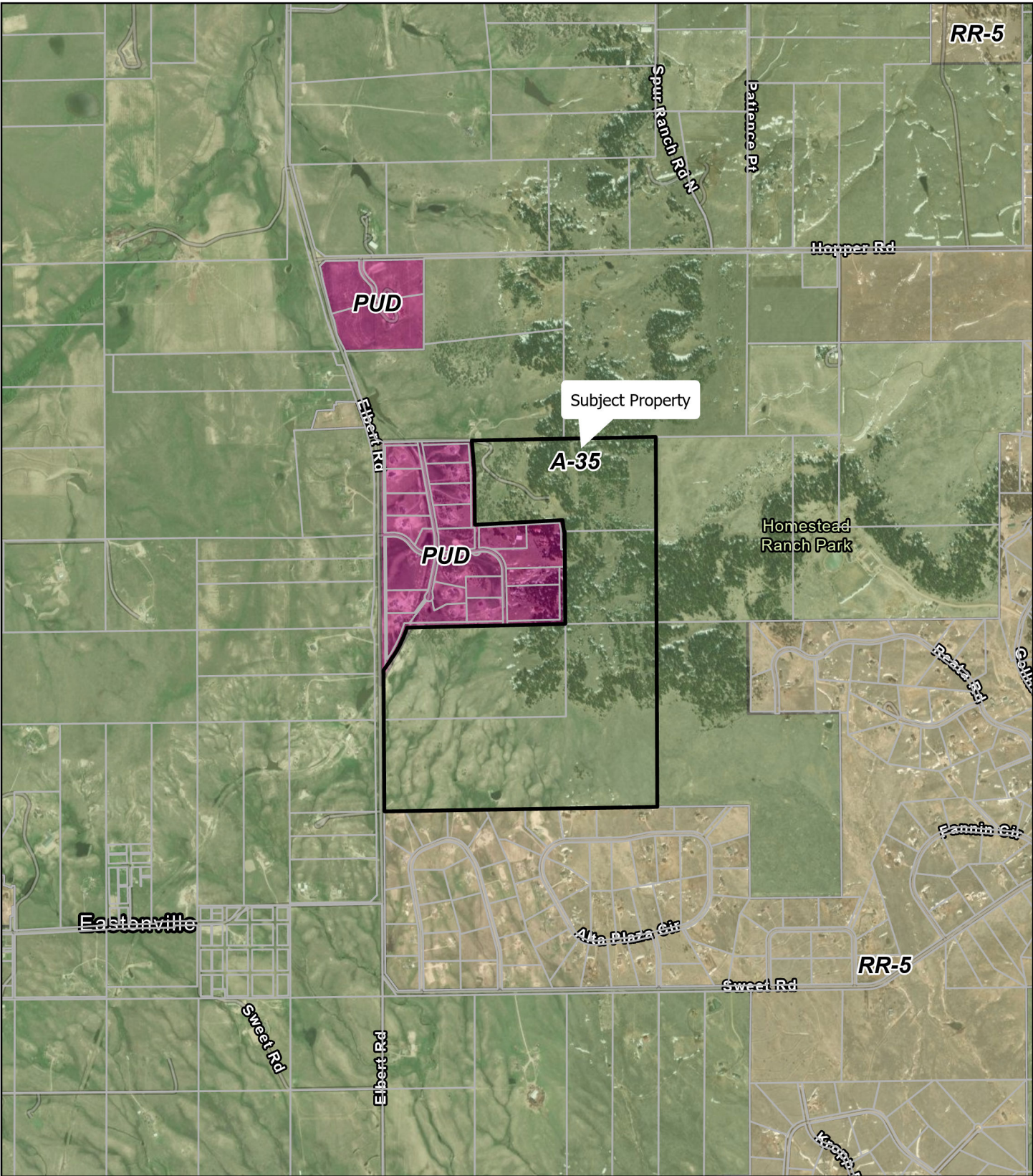
Aerial Map



File No. SP238

Map Series No. 1





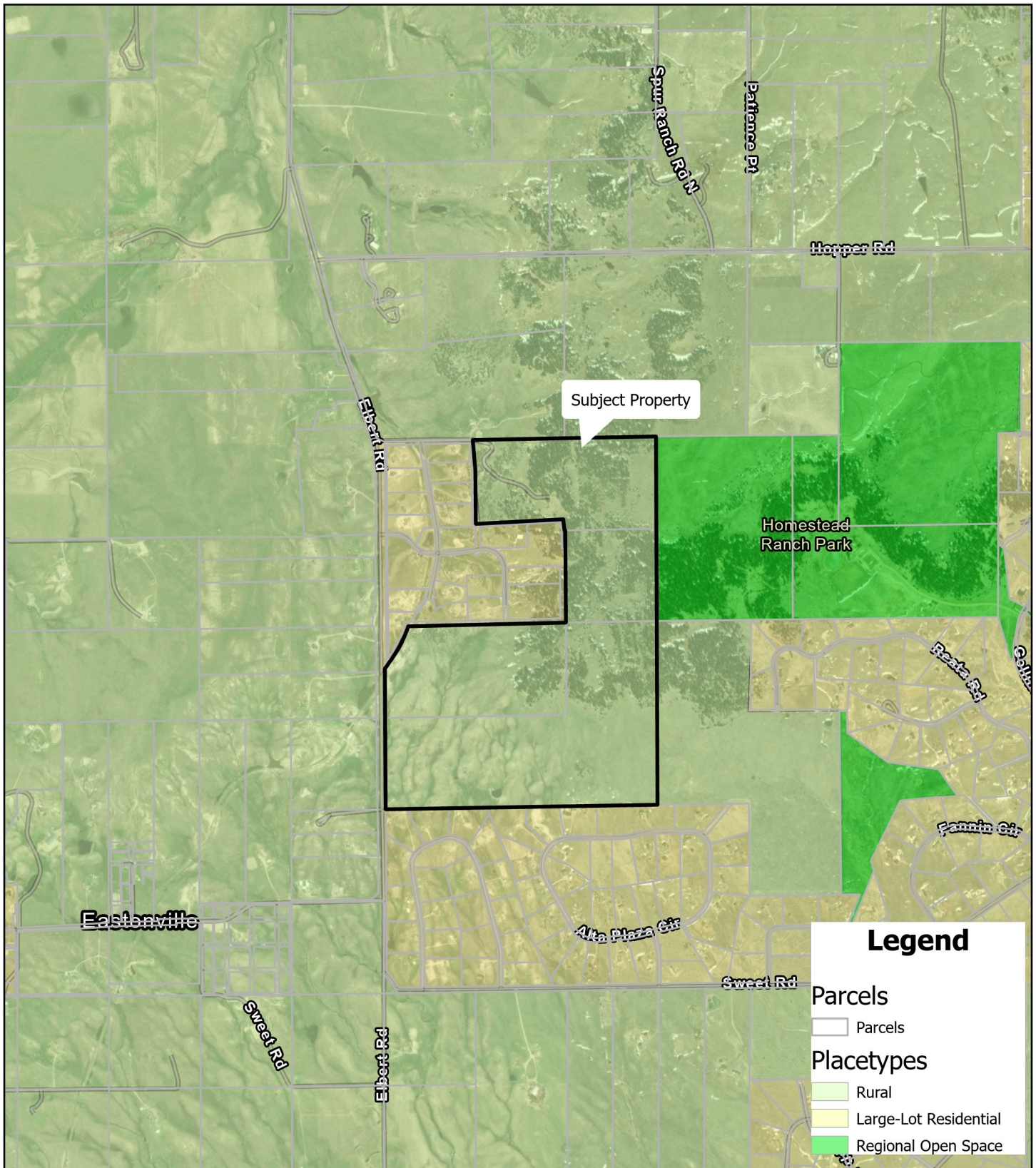
Zoning Map



0 0.1 0.2 0.4 Miles

File No. SP238

Map Series No. 2



Legend

Parcels
 [Outline] Parcels

Placetypes
 [Light Green] Rural
 [Yellow] Large-Lot Residential
 [Dark Green] Regional Open Space

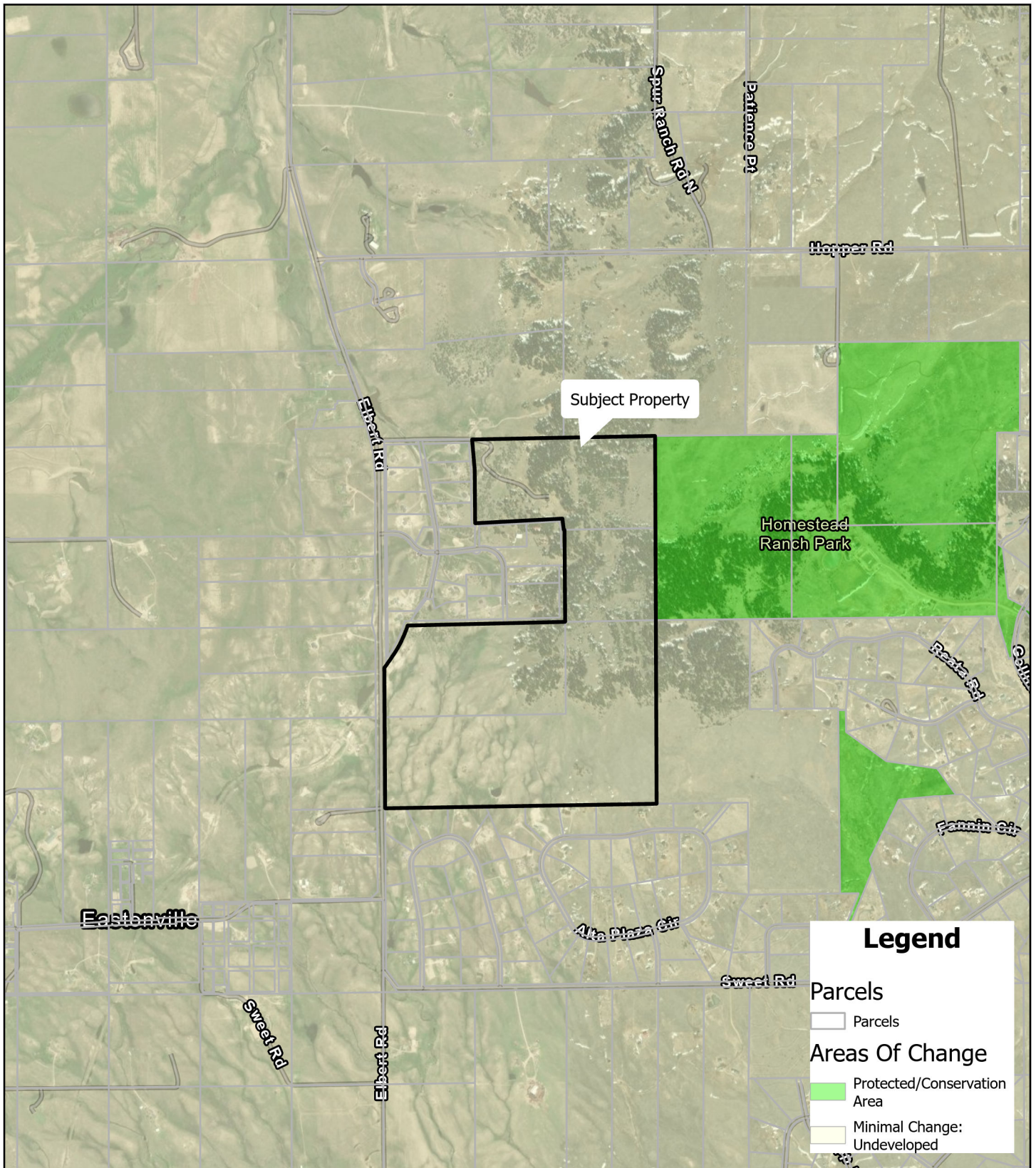


Placetype Map

File No. SP238

Map Series No. 3





Legend

- Parcels
 - Parcels
- Areas Of Change
 - Protected/Conservation Area
 - Minimal Change: Undeveloped



Areas of Change Map

File No. SP238

Map Series No. 4



OVERLOOK AT HOMESTEAD PRELIMINARY PLAN

LETTER OF INTENT

OWNER/APPLICANT:

PT OVERLOOK LLC
1864 WOODMOOR DRIVE, SUITE 100
MONUMENT CO, 80132

CONSULTANT:

N.E.S. INC.
ANDREA BARLOW
619 N. CASCADE AVE. SUITE 200
COLORADO SPRINGS, CO 80903
719.471.0073
abarlow@nescolorado.com

SITE DETAILS:

TSNs: 4122000005, 4100000255, 4100000256

ACREAGE: 350.83 ACRES

CURRENT ZONING: RR-5

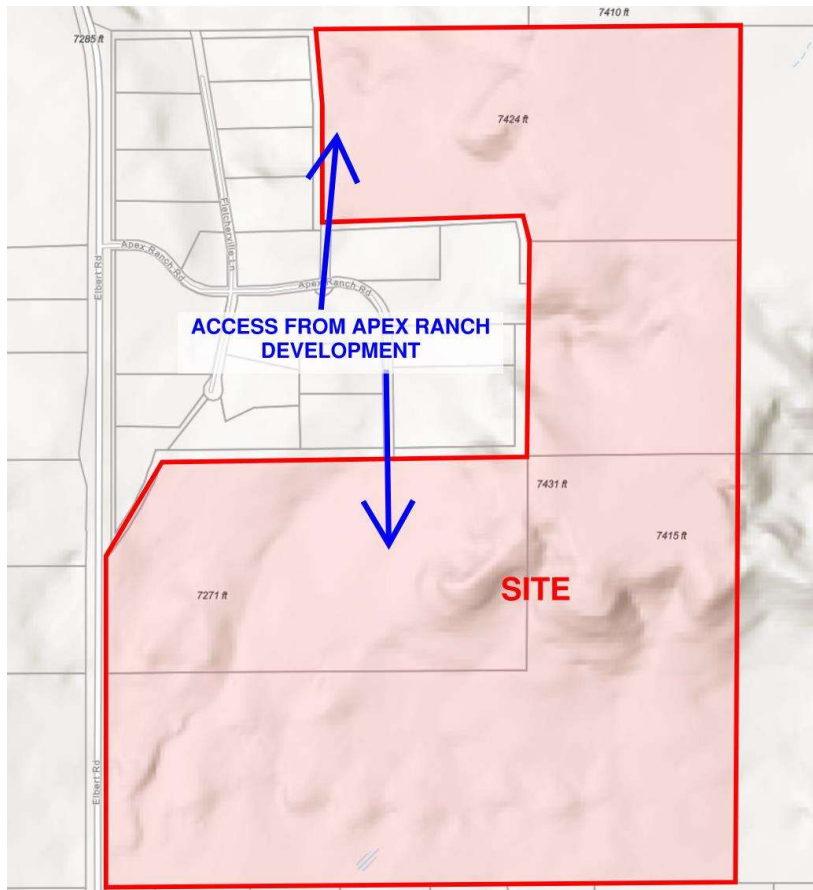
CURRENT USE: VACANT LAND

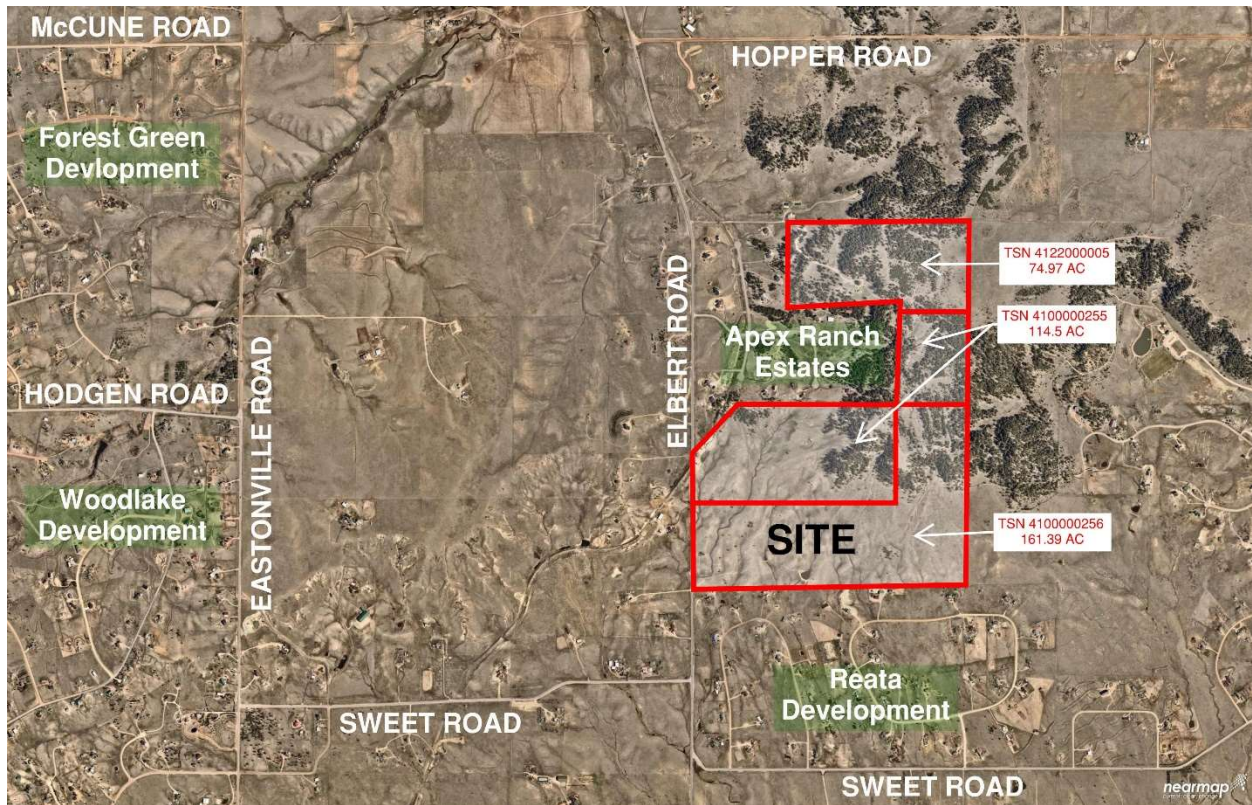
REQUEST

PT Overlook LLC requests approval of a Preliminary Plan consisting of 62 single family lots, and 3 tracts on 350.83 Acres.

LOCATION

The subject property is located along the east of Elbert Road and south of Apex Ranch Road. The Apex Ranch rural residential subdivision is to the north and west and surrounded on three sides by the proposed Overlook at Homestead subdivision. Apex Ranch contains lots ranging in size from 3.099 acres to 5.107 acres and has a gross density of 1 D.U. per 4.946 acres – 23 of 25 of the lots are smaller than 5 acres. One road stub (Apex Ranch Road) from Apex Ranch meets the property boundary giving the proposed Overlook at Homestead development access. The Apex Ranch DP also calls out a proposed connection from Apex Ranch Road with a north-south directionality; the proposed Quess Ranch Court takes advantage of this proposed access. Across Elbert Road to the west the land is in agricultural use. Rural residential 5-acre + lots within the Reata Subdivision line the southern boundary and wrap around to the east. Northeast of the property is the Homestead Ranch County Regional Park and more agricultural grazing land is located to the southeast. Along the northern boundary are two parcels used for agricultural grazing.

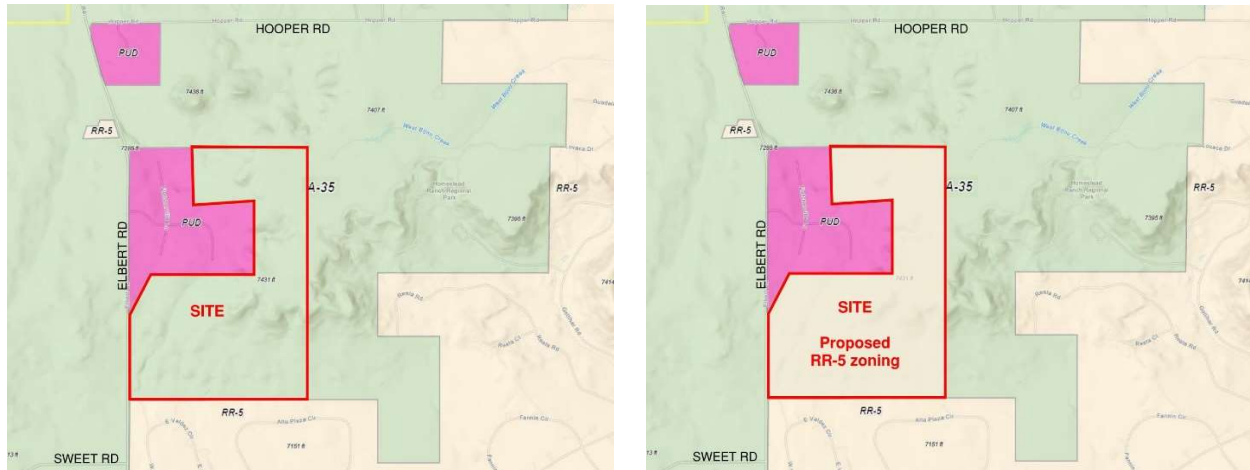




PROJECT DESCRIPTION

The Overlook at Homestead Property Preliminary Plan request is for a development of 62 single family lots on 350.83 acres. This development is supported by the concurrent rezone application that will change the zoning from A-35 to RR-5. The Preliminary Plan will subdivide the property into 5-acre residential lots ranging from 5.0 – 7.0 acres, with an average lot size of 5.55 acres and a gross density of 0.18 dwelling units per acre. The lot widths and acreages vary to accommodate easements, topography and existing natural features. The proposed lots meet the minimum zoning standards for the RR-5 zone set out in Table 5-4 of the Land Development Code as follows:

Zone	Min. Lot Size	Min. Lot Frontage	Min. Front Setback	Min. Rear Setback	Min. Side Setback	Max. Lot Coverage	Max. Building Height
RR-5	5 acres	200 ft	25 ft	25 ft	25 ft	25%	30 ft



Access and Traffic: The TIS completed by LSC in October of 2023, assumes a max density of 0.2 DU/AC or 62 units on the 350.83 acre site. The TIS addresses the primary points of entry to the overall development area at the following locations:

- One existing stop-sign controlled intersection between Apex Ranch Road and Elbert Road. This assumes use of the two existing public street stubs provided from the Apex Ranch subdivision to the Overlook at Homestead property.
- One new public road connection intersection to be located 1,920 feet north of Sweet Road. This intersection will be stop-sign controlled.

It is anticipated this development would generate about 650 new vehicle-trips on the average weekday with 13 vehicles entering and 36 vehicles exiting the site in the morning. 40 vehicles are anticipated to enter the site in the afternoon with 23 vehicles exiting.

Analysis of future traffic condition indicates that the addition of site-generated traffic is expected to create minimal impact to traffic operations for the existing and surrounding roadway system upon roadway and intersection control improvements assumed within this analysis. No modifications would be required to the southbound approach on Elbert Road at either Apex Ranch Road or the proposed south access. All internal roadways are proposed to be public paved rural local residential streets. The restriping on Elbert Road will be addressed at the construction document stage.

Parcels to the and east, 4100000251, 4126000004, north 4100000031 will be afforded access as follows:

- 4100000251 is part of the El Paso County Homestead Ranch Regional Park, and a trail access is proposed as requested by the Parks Department. No vehicular access will be provided to this parcel.
- 4126000004 Right-of-way will be provided at the end of the Campout Drive cul-de-sac per Code requirements.
- 4100000031 Right-of-way will be provided at the end of the Apex Ranch Road cul-de-sac per Code requirements.

Trails: A 25-foot-wide trail easement is proposed through the Overlook at Homestead development along the Palmer Divide Trail alignment and connecting to the Homestead Ranch Park. This trail will eventually connect to the Woodlake Trailhead per the El Paso County Parks Master Plan. The trail will provide residents and neighbors access to regional open spaces and will promote multi modal travel in the area. The easement shall be dedicated to El Paso County on the future final plat(s), and the trail will be constructed and maintained by the County.

Drainage: The Preliminary Drainage Report prepared by Kimley Horn in August 2023 analyzes the existing drainage characteristics of the site and any required improvements. The proposed Overlook at Homestead development is part of four major drainage basins: Upper Black Squirrel, La Vega Ranch, East Kiowa Creek & Bijou Creek. Six full spectrum detention ponds are proposed along with roadside ditches, culverts to convey stormwater under roads, swales. The implementation of these ponds and other associated infrastructure are designed to reduce stormwater flows below historic rates. The development's Metro District will maintain the six full spectrum detention ponds.

Utilities: The following utilities are the current service providers being considered and line extension negotiations may be necessary to obtain service for the Overlook at Homestead property. Electric service will be provided by MVEA and the site exists within their service area. Gas will be provided by Black Hills Energy and, if service to this property is not feasible, propane tanks will be used to service the development. Water and sewage will be an individual well and septic system. Proposed communications will be provided by Force Broadband.

Floodplain: The proposed Preliminary Plan is designated as Zone X, area of minimal flood hazard (FEMA Floodplain Map No. 08041C0350G, dated 12/07/2018).

Wetlands: According to the Natural Resources Report done by Kimley Horn dated September 22, 2023 this proposed Preliminary Plan will keep most of the existing wetland habitats and natural springs as key drainageways through the site. The majority of drainage features on the site are spring-fed tributaries to Black Squirrel Creek and are non-jurisdictional based on correspondence with USACE. The western wetlands are mapped as freshwater emergent wetland and riverine, while the south-central wetland is mapped as a freshwater pond and riverine. The wetland area will be incorporated into future lots and impacts to these resources may occur depending on project design.

Natural Features/Vegetation: This proposed Preliminary Plan includes multiple rocky outcrops that sit roughly 200 feet above the flatter grassland portions of the site. Stands of evergreen trees hug the slopes and are scattered across the higher portions of the site. Two stock ponds are present on the southern portion of the site and the site contains four drainage basins (Bijou Creek, East Kiowa Creek, Upper Black Squirrel & La Vega Ranch). Rolling grassland hills make up most of the southern and western portions of the site. These natural features will be incorporated into future lots and will be largely undisturbed other than as needed to accommodate roads and home sites.

Noxious Weeds: According to the Weed Management Plan prepared by Kimley Horn dated December 4, 2023 the site contains scattered areas containing two species of noxious weeds. Noxious weeds observed on the project area include Musk thistle (*Carduus nutans*) and Cheatgrass (*Bromus tectorum*). Milk thistle is categorized as a List B species on the Colorado Noxious Weed list, and should be managed

to prevent further spread. Cheatgrass is categorized as a List C species, which is considered more of a localized concern, but the State provides assistance to jurisdictions that choose to manage the species. The report also recommends eliminating or minimizing noxious weeds and invasive plants designated as “undesirable species” as included in the CDA “watch list.” The report prescribes chemical and mechanical means of managing the noxious weeds. Following construction, the Metropolitan District will be responsible for weed control in the open space tracts. With the individual lots, weed control will be the responsibility of the individual home owner and will be enforced through covenants.

Wildlife: Based on the Natural Resources Report prepared by Kimley Horn dated September 22, 2023 wildlife habitat impacts are unavoidable, but the implementation of a stormwater management plan will assist in protecting water quality in downstream reaches, which will provide benefits to aquatic species including amphibians and invertebrates. In addition, detention facilities may add seasonal water features that could support further wildlife like waterfowl. The plan to remove few trees on the site for construction and wildfire hazard reduction will make impacts to forest species negligible. Since grasslands are the dominant habitat type, the associated species are expected to experience the greatest disturbance. Deer, foxes and bears may experience adverse effects from an increased state of urbanization in close proximity to wildland areas in the greater vicinity.

No impacts are expected for federally or state listed threatened species.

Wildfire: As stated in the Natural Resources Report prepared by Kimley Horn dated September 22, 2023, the wildfire risk and burn probability are not expected to change with development of the project site. The site is predominantly “Low Risk” with smaller areas of “Moderate Risk” and “Lowest Risk” according to WRAP. The Peyton Fire Protection District is located approximately 4.5 miles from the site on Railroad Street and will service the property. Wildfire fuels are likely to be removed through development and the CC&Rs will require Firewise construction and landscaping.

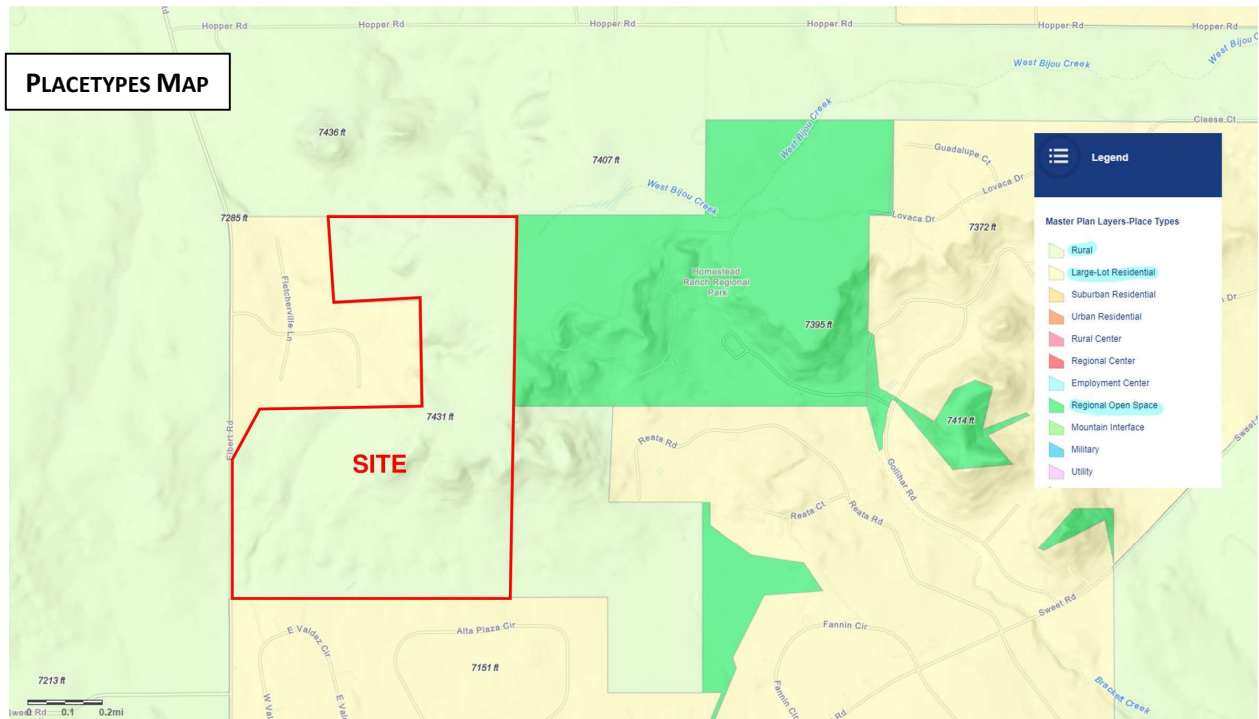
PROJECT JUSTIFICATION

The request is consistent with the criteria in Section 7.2.1.D.2.e for a Preliminary Plan as follows:

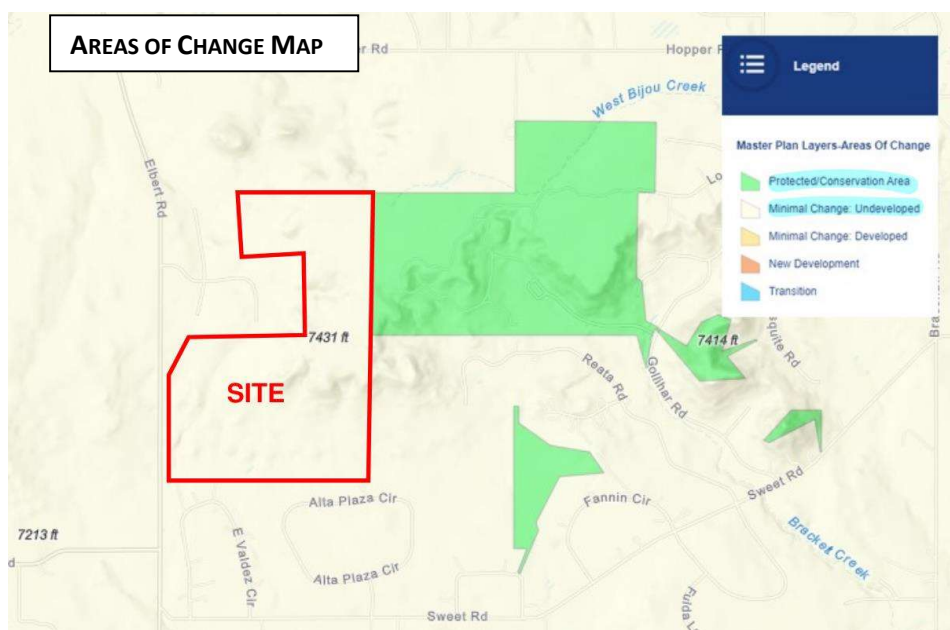
1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;

YOUR EPC MASTER PLAN

The project site is denoted as a Rural placetype in Your EPC Master Plan. The primary land uses in this placetype are Farm/Homestead Residential, Parks/Open Space & Agriculture. The proposed 5-acre lots align with the Supporting Use of Estate Residential (Minimum 1-unit/5-acres) of the Your EPC Master Plan. This Preliminary Plan provides further contiguity in the County’s land use by connecting two currently separated Large-Lot Residential developments – one to the west (Apex Ranch) and one to the south (Reata Subdivision). The Rural placetype in this part of the county continues to transition towards large-lot residential around the Peyton Rural Center and this development would progress that trend.



In the Areas of Change chapter of the County Master Plan, the Overlook at Homestead property is identified as a “Minimal Change: Undeveloped Area”. The Plan states that Minimal Change: Undeveloped Areas will experience some development of select underutilized or vacant sites adjacent to other built out sites, but will be limited in scale so as not to alter the essential character. The proposed 5-acre lot development would maintain the large lot size currently present to the south and would transition the Apex Ranch PUD to the north and west, which is higher density and includes lots smaller than 5-acres. A good portion of the lots exist on top of the rocky outcropping



on the east portion of the site and would do little to change the sites character outside of the homes' footprint and internal roadways.

This site does not have a designation under the Key Areas portion of the County Master Plan.

The project meets the following Core Principles and Goals set forth in the County Policy Plan:

Core Principle 1, Land Use and Development, seeks to "Manage growth to ensure a variety of compatible land uses that preserve all character areas of the county," and Goal 1.1 seeks to, "Ensure compatibility with established character and infrastructure capacity."

The proposed 5-acre lot development continues the rural density approved with the adjacent subdivisions in the County and will provide a transition from the PUD (Apex Ranch, with a gross density of 1 D.U. per 4.946 acres) to the existing RR-5 residences south of the site. The submitted traffic study indicates that the development can be accommodated with minimal impact to traffic operations for the existing and surrounding roadway system.

Core Principle 4, Transportation & Mobility, seeks to "Connect all areas of the County with a safe and efficient multimodal transportation system" Goals 4.1 and 4.2 respectively seek to, "Establish a transportation network that connects all areas to one another, emphasizing east-west routes, reducing traffic congestion, promoting safe and efficient travel" and, "Promote walkability and bikability where multimodal transportation systems are feasible."

The proposed trail easement would accomplish these goals by connecting more homes to an east-west trail that directly links with a nearby regional open space. When built, the trail moving through the proposed Preliminary Plan and Apex Ranch would be only two parcels away from connecting to the EPC Woodlake Trailhead.

WATER MASTER PLAN

This project straddles the 4a and 4c regions of the EPC Water Master Plan. The property is not within any of the growth areas identified for Regions 4a and 4c. The homes proposed at Overlook at Homestead will be served by individual domestic wells that pull from the Dawson Aquifer and will rely on existing water rights. This provides the proposed subdivision with a sufficient and reliable water source to meet the County's 300-year supply requirement. With much of the vegetation and grade on the site to remain largely undisturbed the aquifer should continue to receive infiltration across the site at similar to historic levels.

EL PASO COUNTY MAJOR TRANSPORTATION CORRIDOR PLAN (MTCP)

The 2040 MTCP identifies Elbert Road, which runs along the western side of the site boundary as a Minor Arterial. A future extension of Hodgen Road, which currently dead ends into Eastonville Road, is shown to continue to Elbert Road on the 2040 Improvements Map. This portion of Hodgen Road is identified as a collector. The 2060 Preservation Map identifies the need to preserve additional right-

of-way along Elbert Road to accommodate future road improvements. These requirements of the MTCP are taken into account in the proposed Preliminary Plan for the property.

EL PASO COUNTY PARKS MASTER PLAN

The Parks Master Plan identifies a future primary regional trail connection through the center of the Overlook at Homestead property to connect the surrounding area with the Homestead Ranch Park to the east. In order to blend with the Regional Open Space to the east (Homestead Ranch Park) the proposed development would have a trail easement spanning from east to west and connecting with similar tracts existing in the Apex Ranch development. This trail accommodation aligns with the Trails Master Plan put forth by the County. Homestead Ranch Park is currently only accessible from the east via Golihar Road. This trail connection would not only improve the overall access to the park, but when combined with other future trails it would provide residents with a safer and quicker route to the nearby town of Peyton. Conversely, the addition of this public trail also provides neighboring residents with exposure to the views and natural features present on the Overlook at Homestead property.

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

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 rural residential is consistent with the County Master Plan and is compatible with the surrounding 5-acre and PUD single family lots and rural character of the area.

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, which are discussed in more detail below. The subdivision design standards set out in Chapter 8 of the Land Development Code are met, including but not limited to:

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

4. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;

Water service will be provided by individual domestic wells on the residential lots. The wells will be drilled into the Dawson Aquifer and rely on existing water rights. Water quality testing of the Dawson

Aquifer wells has been completed and is of sufficient quality to serve the proposed residential development. ***The Applicant requests that the finding of sufficiency for water quantity, dependability and quality be deferred to the Final Plat.***

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;

Wastewater service will be provided by onsite wastewater treatment systems (OWTS). The Wastewater Disposal Report prepared by RESPEC concludes that the property is generally suitable for OWTS and that contamination of surface and subsurface water sources should not occur provided the systems are installed according to El Paso County and State guidelines. The Report identifies floodplains on the site and notes that floodplain areas are not suitable for OWTS. Some lots are impacted but still have sufficient space for OWTS due to the size of the lot. The report concludes that the majority of lots will require designed systems and each property will need to be evaluated for this requirement.

6. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)];

The Soils and Geology Report prepared by Entech in August of 2023 identifies the geologic conditions that occur intermittently on the property and will impose some constraints on the proposed development, including artificial fill, expansive soils, shallow bedrock, seasonally shallow, potential seasonally shallow groundwater areas, and springs. Potentially unstable slopes, rockfall and debris flow susceptible areas will be encountered on lots located at the base of the bluff (Lots 23-35). The report indicates that these conditions can be mitigated through proper engineering design and construction techniques or avoidance. Areas affected by seasonal shallow and potential seasonally shallow groundwater may require drains adjacent to the structure to help prevent intrusion of water into areas below grade. Basements should be feasible across the majority of the site, but lot specific subsurface soil investigations will be required. The potentially unstable slope areas along the mesa are considered stable in their current condition, but care must be exercised in these areas as to not activate instability. The steeper slopes should be avoided by development and a minimum of a 30-foot setback from the crest of the cliffs/steep slopes is recommended. Once building locations are determined additional investigation may be warranted. Site grading should direct surface flows around structures around the top of the mesa where recent minor debris fans/erosion have been observed. Drainage culverts and other drainage infrastructure should be adequately sized for the potential sediment laden flows during significant precipitation events. Lots 23-35 are within the area indicated as Debris Flow Susceptible. In areas of concentrated flows channel armoring, including permanent channel armoring should be utilized to prevent accelerated erosion which in turn could create unstable conditions.

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 Kimley Horn prepared in August 2023. Proposed drainage infrastructure includes road side ditches, culverts to convey stormwater under roads, swales, and six full spectrum detention ponds. All proposed drainage basins have been designed in effort to keep runoff within the same existing basins, as to not transfer runoff between basins. The proposed ponds are designed to reduce peak stormwater flow rates, down below historic rates before leaving the site. These measures comply with the requirements of the LDC and ECM.

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;

Lots will be accessible by new public streets that will comply with the LDC and ECM. Street names have been approved by El Paso–Teller County 911 Authority.

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;

The site layout incorporates a trail easement which travels the upper portion of the site and traverses the slopes down to the Apex Ranch boundary where it joins with an existing trail easement. This trail gives residents of this and surrounding properties, access to natural features within the site and the adjacent Homestead Ranch Park.

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;

A trail easement is being provided through the development to accommodate a planned trail per the EPC Parks Master Plan. This trail will facilitate bike and pedestrian traffic and will act as a connection between Apex Ranch and Homestead Ranch Park.

3) 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 and proposed access improvements on Elbert Road will accommodate the site development traffic. The development will be served by well and septic systems and will have no negative impact on existing County services and facilities.

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

The site will be served by well and septic as described above. Mountain View Electric and Black Hills Energy will provide electric and natural gas services as stated in the Will Serve letters included in this submittal. Adequate streets are provided to serve the future residents of the subdivision.

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

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

6) 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.

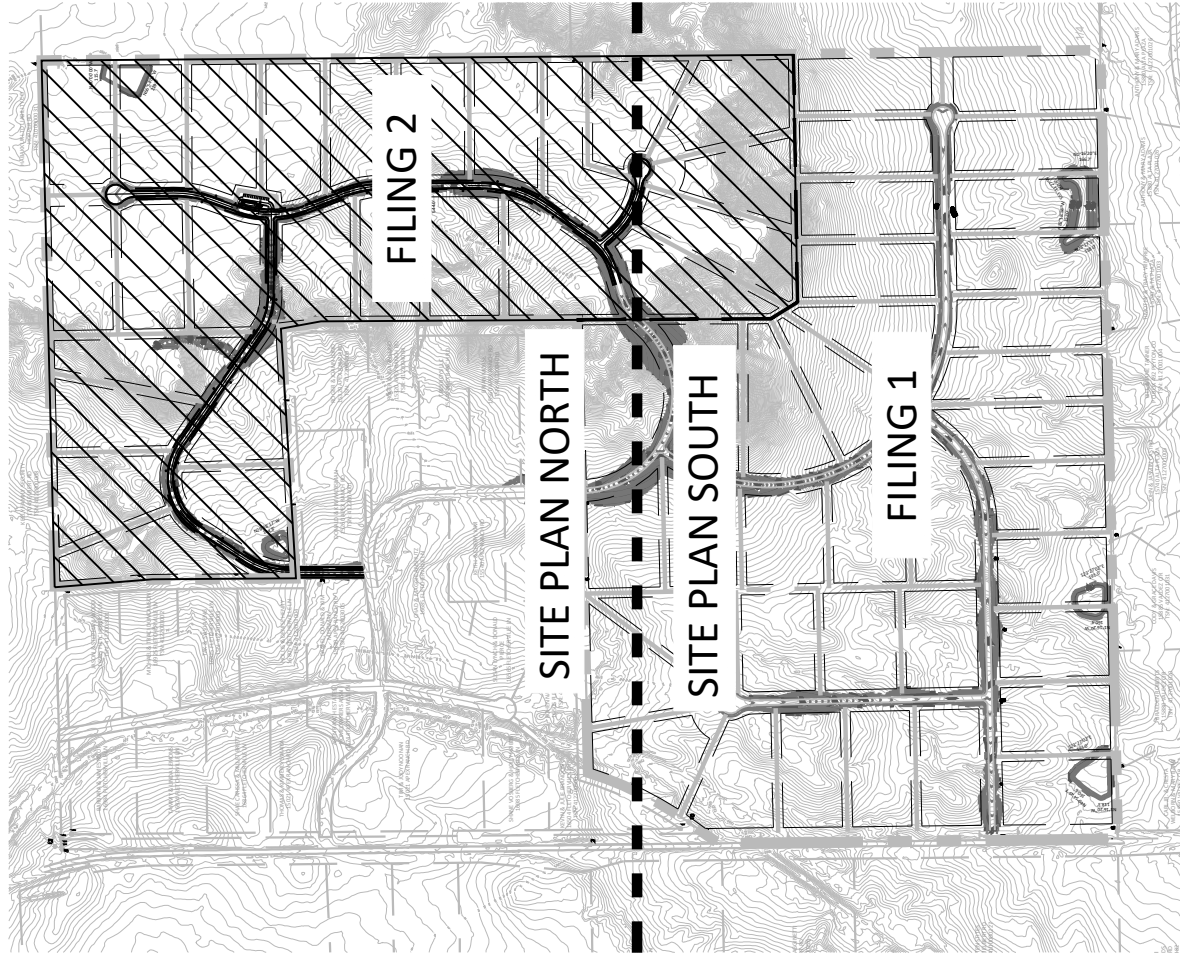
P:\Pro Terra\Dooley Parcel\Admin\Submittals\Preliminary Plan\Initial Submittal\OverlookProperty_PrelimPlan_LOI.docx

OVERLOOK AT HOMESTEAD

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THE SOUTH HALF OF THE NORTHEAST QUARTER; AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, ALL IN SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO
PRELIMINARY PLAN

GENERAL NOTES

- The following lots have been found to be impacted by geologic hazards. Mitigation measures and a map of the hazard area can be found in the Soils and Geology Study prepared by Entsch Engineering Inc., dated August 2, 2023, and filed in the Overlook at Homestead Preliminary Plan File (SP 236) at the El Paso County Planning and Community Development Department.
 - Artificial Fill: 12, 36-38
 - Potentially Unstable Slopes: 1, 3-5, 7, 16-22, 56-60
 - Potentially Seasonal Shallow Groundwater: 3, 4, 6, 14-23, 26, 31-45, 48-51, 57-59
 - Seasonal Shallow Groundwater: 40-45, 47-49, 55, 59
 - Debris Flow Susceptibility: 23-35
 - Areas of Ponded Water: 36, 38
 - Spring: 55, 59
- Expansive Soils were encountered in a number of the test borings and pits. Occurrences of expansive soils are typically sporadic; therefore, none have been indicated on the maps. These occurrences should be identified and mitigated on an individual basis. If engineered foundations are required to address geological hazards, an engineered site plan will be required.
- A Metropolitan District will be established to provide bonding for the public improvements, and for the ongoing ownership and maintenance of open space tracts, detention ponds, trails, and cross-street drainage easements. The Metropolitan District or a Home Owners association will be responsible for enforcement of the Covenants, Conditions, and Restrictions (CC&Rs) for the Overlook at Homestead subdivision.
- The CC&Rs for Overlook at Homestead will address use and maintenance of common areas, permitted and accessory uses, architectural standards for principal and accessory structures (including the commercial buildings), use and maintenance of easements within lots and common areas, external storage and parking, lot fencing, and landscaping standards that address fire-wise criteria and encourage water conservation. The CC&Rs will be filed with the first Final Plat recording for the Overlook at Homestead subdivision.
- Unless otherwise restricted by the CC&Rs, all accessory uses, buildings and structures must comply with requirements set out in Chapter 5 of the El Paso County Land Development Code.
- A 25' trail easement is provided through property for the El Paso County Palmer Divide Regional Trail. The easement shall be shown and dedicated to El Paso County on the Final Plat. The trail shall be constructed and maintained by El Paso County.
- All streets will be constructed to El Paso County Standards and will be dedicated to the County with the Final Plats.
- Elbert Road is classified as 2-lane rural minor arterial on the 2040 Major Transportation Corridors Plan (MTCPP). Additional right-of-way dedication for the required 100-foot right-of-way is identified on the Preliminary Plan.
- Driveway access to Elbert Road is prohibited.
- The Preliminary Plan identifies general locations for easements within the lots that are required for drainage. These areas will be defined more precisely in future Final Plats.
- The final pond outfall locations and off-site easements for all ponds will be finalized and shown on the final plat easements. Said purchasers acknowledge acceptance of these flows onto and through these lots. The purchaser shall be responsible for maintaining these easements and for providing measures to eliminate erosion, if it should occur.
- Typical lot utility easements shall be (15' foot front, and (10' foot side and rear. In addition a (20' foot front exterior subdivision utility easement shall be provided.
- Utilities will be provided as follows:
 - Electric - Mountain View Electric Association
 - Gas or Propane- Black Hills Energy
 - Water - On-site domestic wells
 - Wastewater - On-site wastewater treatment system
- The following reports have been submitted in association with the Preliminary Plan (SP236) for this subdivision and are on file at the County Planning and Community Development Department: Fire Protection Report, Soils & Geology Report, Natural Features Report, Drainage Report-Preliminary, Water Resources Report, and Wastewater Resource Report
- Except as otherwise noted on the Preliminary Plan, individual lot purchasers are responsible for constructing driveways, including necessary drainage culverts per Land Development Code 6.3.C.2 and 6.2.2.C.3. Due to their length some of the driveway must be approved by the Fire District.
- No driveway shall be established unless an access permit has been granted by El Paso County.
- The Overlook at Homestead property is subject to a Private Detention Basin/Stormwater Quality BMP Maintenance Agreement and Easement as recorded at Reception No. _____ of the records of El Paso County. The _____ Metro District is responsible for maintenance of the subject drainage facilities.
- The subdividers agree on behalf of him/herself and any developer of builder successors and assignees that subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program (Resolution No. 19-471) or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and in plat notes to ensure that a title search would find the fee obligation before sale of the property.
- All property owners are responsible for maintaining proper storm water drainage in and through their property. Drainage easements as specifically noted on the plat shall be maintained by the individual lot owners unless otherwise indicated. Homeowners shall not change the grade of the lot or drainage swales within said easements, as constructed by the builder, in a manner that would cause adverse drainage impacts to properties. Structures, fences, materials or landscaping that could impede the flow of runoff shall not be placed in drainage easements.
- Detention ponds will require a maintenance access road to be contained within a easement leading to each pond.



SHEET INDEX MAP

OVERLOOK AT HOMESTEAD TRACT TABLE			
TRACT NO.	AREA	USE / ALLOWED STRUCTURES	OWNER / MAINT.
A	13,547 SF 0.311 AC	OPEN SPACE, PUBLIC TRAIL, MAIL, KIOSK, PARKING, TRAILHEAD	METRO DISTRICT

LEGAL DESCRIPTION

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, THE SOUTH HALF OF THE NORTHEAST QUARTER, AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, ALL IN SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

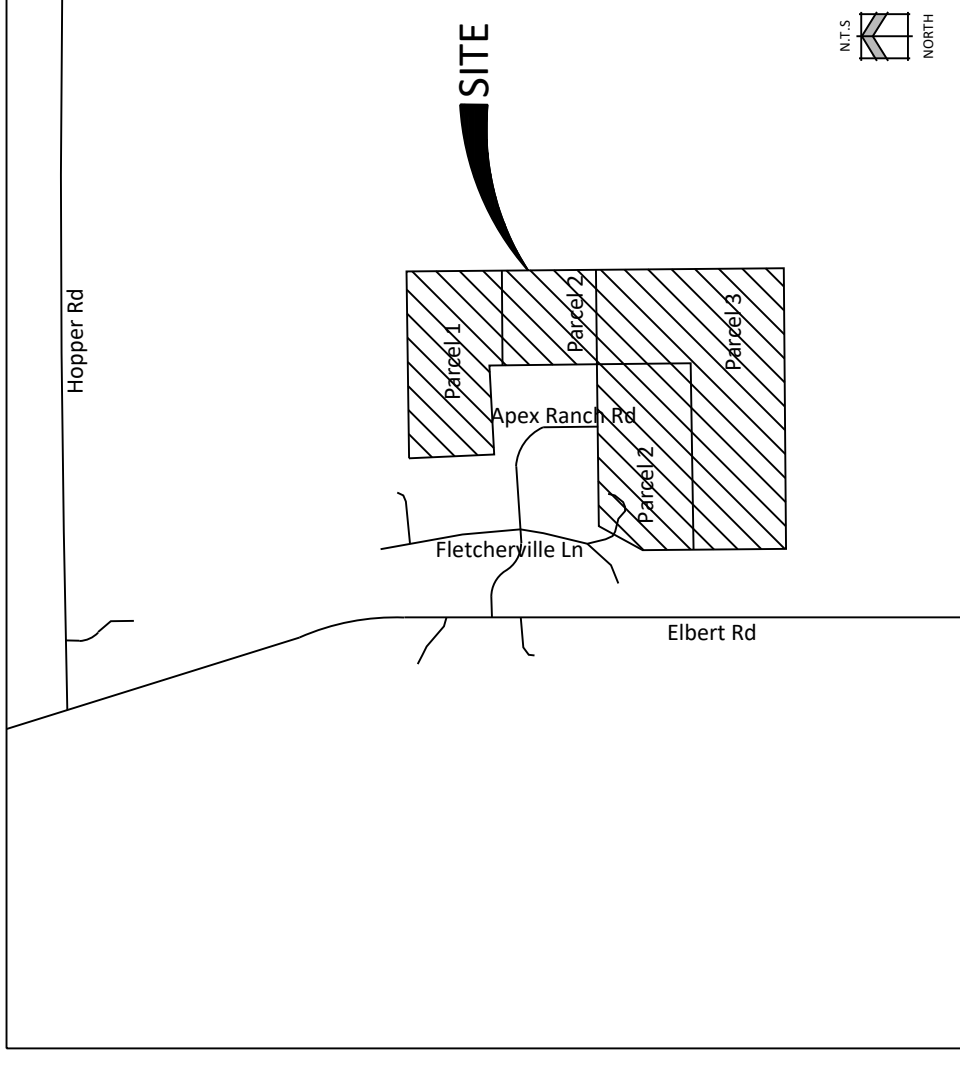
TOGETHER WITH

THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 22 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN; EXCEPTING THEREFROM THE PORTION OF LAND CONVEYED IN DEED RECORDED OCTOBER 4, 2005 UNDER RECEPTION NO. 2051568336, COUNTY OF EL PASO, STATE OF COLORADO.

TOGETHER WITH

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN; THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN; THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN; AND THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN; EXCEPTING THEREFROM THE PORTION OF LAND CONVEYED IN DEED RECORDED MARCH 26, 1959 IN BOOK 1734 AT PAGE 504, CONTAINING A CALCULATED AREA OF 350.830 ACRES.

VICINITY MAP



SITE DATA

TAX ID NUMBER: 4122000005, 4100000255, 41000000256
 SITE ACREAGE: 350.83 AC

EXISTING ZONING: A-35
 PROPOSED ZONING: RR-5

PROPOSED LAND USE: RR-5 Residential: 62 Lots
 Gross Residential Density: 0.17 du/ac

Dimensional Standards

RR-5
 Minimum Lot Size: 5 acres
 Minimum Lot Width: 200ft
 (at front setback)
 Front: 25ft
 Rear: 25ft
 Side: 25ft
 Max Lot Coverage: 25%
 Max Building Height: 30ft

Land Use Summary

Residential Lots: 329,193 AC
 Open Space Tracts: 0.311 AC,
 Public ROW: 21.326 AC
 -Provided: 19,072 AC
 -Designated for Future: 2,254 AC
 Total: 350.830 AC

PROJECT TEAM

OWNER/ APPLICANT: PT Overlook LLC
 1864 Woodmoor Drive, Suite 100
 Monument, CO 80132

PLANNING CONSULTANT: N.E.S. Inc.
 619 N. Cascade Ave., Suite 200
 Colorado Springs, CO 80903

ENGINEERING CONSULTANT: Kimley-Horn
 2 North Nevada Avenue, Suite 900
 Colorado Springs, CO 80903

SURVEYOR: Edward-James Surveying, Inc.
 926 Elkon Drive
 Colorado Springs, CO 80907
 719-576-1216

SHEET INDEX

Cover
 Sheet 1 of 6: Site Plan North
 Sheet 2 of 6: Site Plan South
 Sheet 3 of 6: Soils and Geology Map
 Sheet 4 of 6: Preliminary Grading Plan North
 Sheet 5 of 6: Preliminary Grading Plan South
 Sheet 6 of 6:

OVERLOOK AT HOMESTEAD

PRELIMINARY PLAN

ELBERT ROAD
 EL PASO COUNTY,
 COLORADO

DATE: 16/06/2023
 PROJECT MGR: A. BARLOW
 PREPARED BY: B. SWENSON / J. SMITH

ENTITLEMENT

DATE: 12/08/2023
 REVISED PER COUNTY COMMENTS
 2/07/2024 JRS COMMENTS

COVER

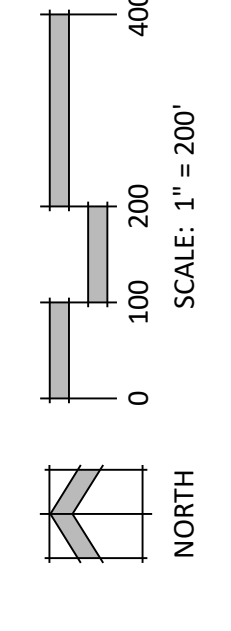
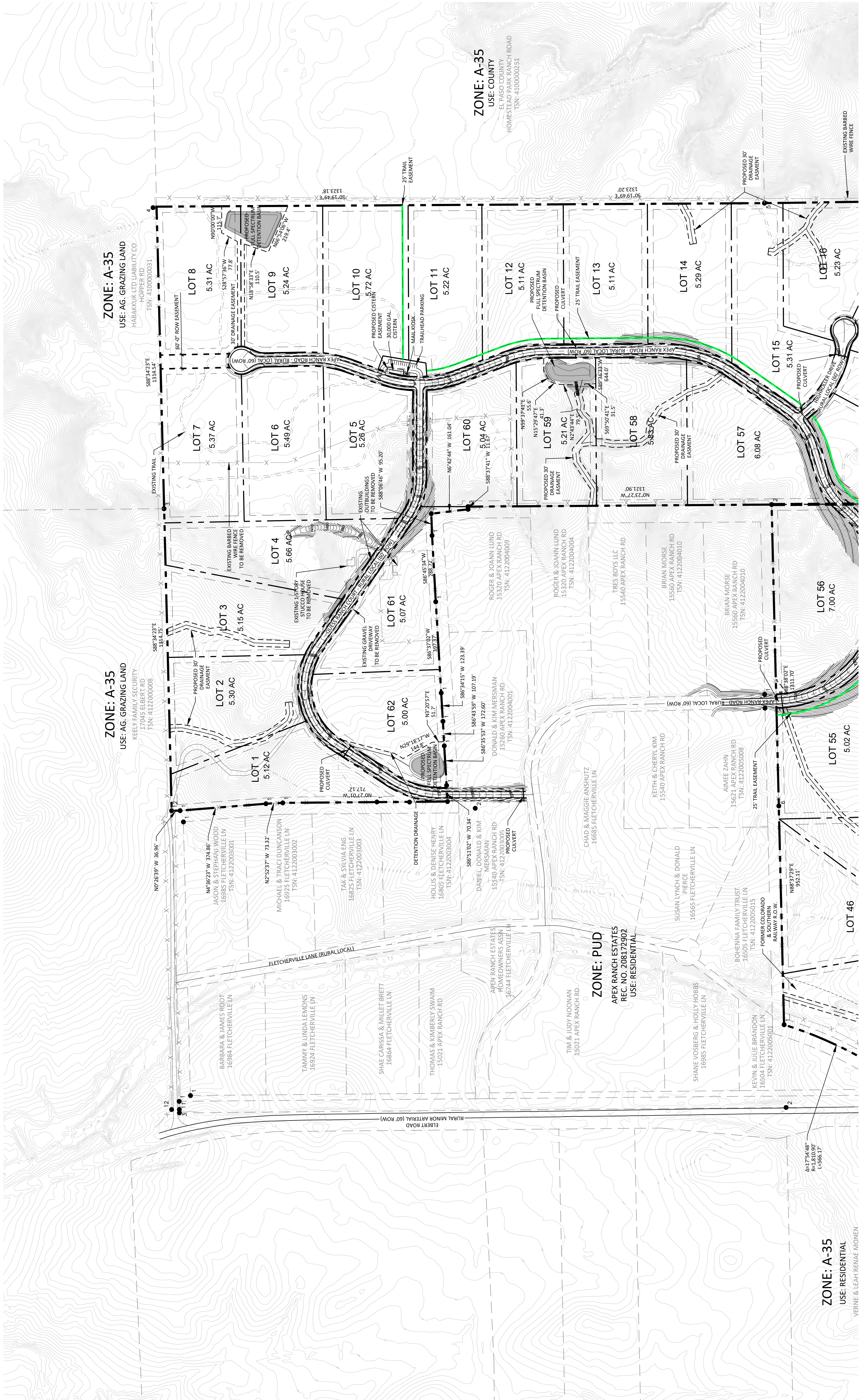
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1 OF 6

SP238

OVERLOOK AT HOMESTEAD

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THE SOUTH HALF OF THE NORTHEAST QUARTER; AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, ALL IN SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO
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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PLANNER / LANDSCAPE ARCHITECT
 IN ASSOCIATION WITH

OVERLOOK AT HOMESTEAD

PRELIMINARY PLAN

ELBERT ROAD
 EL PASO COUNTY,
 COLORADO

DATE: 10/06/2023
 PROJECT MGR: A. BARLOW
 PREPARED BY: B. SWENSON / J. SMITH

ENTITLEMENT

DATE:	BY:	REVISIONS PER COUNTY COMMENTS
12/08/2023	JS	REVISED PER COUNTY COMMENTS
2/07/2024	JBS	REVISED PER COUNTY COMMENTS

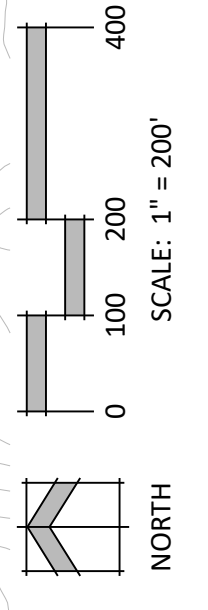
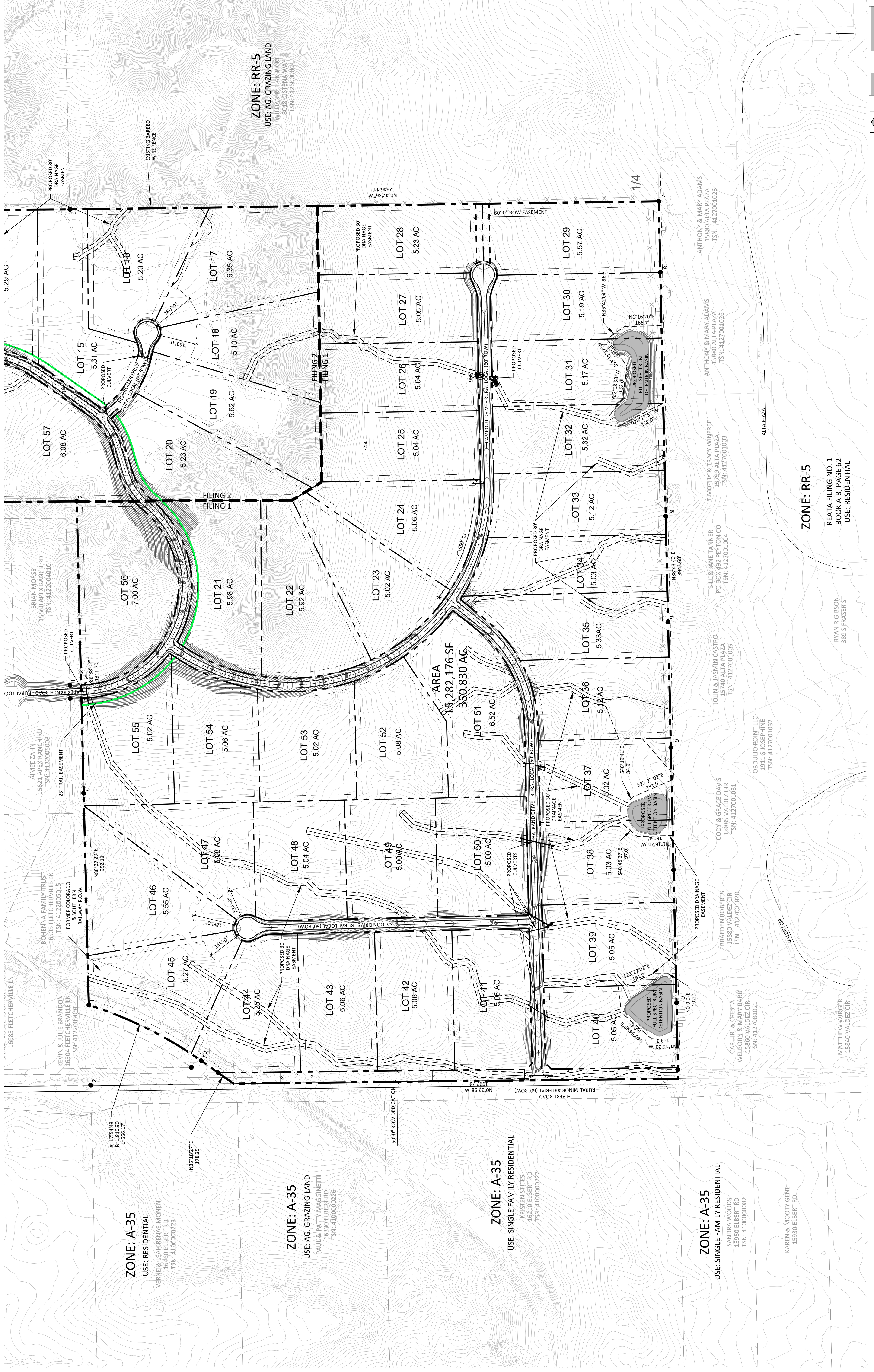
SITE PLAN NORTH

2 OF 6
 SP238

OVERLOOK AT HOMESTEAD

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THE SOUTH HALF OF THE NORTHEAST QUARTER; AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, ALL IN SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO

PRELIMINARY PLAN



REATA FILING NO. 1
BOOK A-3, PAGE 62
USE: RESIDENTIAL

RYAN R GIBSON
389 S FRASER ST

JOHN & JASMINE CASTRO
PO BOX 492 PEYTON CO
15740 ALTA PLAZA
TSN: 4127001005

CODY & GRACE DAVIS
15885 VALDEZ CIR
TSN: 4127001031

BRAEDEN ROBERTS
15880 VALDEZ CIR
TSN: 4127001020

CARLIS & CRESTA
WELBORN & MARY BARB
15860 VALDEZ CIR
TSN: 4127001021

KAREN & MOOTY GENE
15930 ELBERT RD

ORDELIO POINT LLC
1911 S JOSEPHINE
TSN: 4127001032

BILL & JANE TANNER
PO BOX 492 PEYTON CO
15740 ALTA PLAZA
TSN: 4127001004

TIMOTHY & TRACY WINFREE
15790 ALTA PLAZA
TSN: 4127001003

ANTHONY & MARY ADAMS
15880 ALTA PLAZA
TSN: 4127001026

ANTHONY & MARY ADAMS
15880 ALTA PLAZA
TSN: 4127001026

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15880 ALTA PLAZA
TSN: 4127001026

SITE PLAN SOUTH

3 OF 6

SP238

ENTITLEMENT

DATE: 12/08/2023
BY: JS
REVISED PER COUNTY COMMENTS

DATE: 2/07/2024
BY: JBS
REVISED PER COUNTY COMMENTS

PRELIMINARY PLAN

ELBERT ROAD
EL PASO COUNTY,
COLORADO

DATE: 10/6/2023
PROJECT MGR: A. BARLOW
PREPARED BY: B. SWENSON / J. SMITH

OVERLOOK AT HOMESTEAD

ZONE: RR-5
USE: AG. GRAZING LAND
WILLIAM & JEAN PICKLE
8018 CISTENA WAY
TSN: 4126000004

ZONE: A-35
USE: AG. GRAZING LAND
PAUL & PATTY MAGGINETTI
16330 ELBERT RD
TSN: 4100000226

ZONE: A-35
USE: SINGLE FAMILY RESIDENTIAL
KRISTEN STITES
16210 ELBERT RD
TSN: 4100000227

ZONE: A-35
USE: SINGLE FAMILY RESIDENTIAL
SANDRA WOODS
15950 ELBERT RD
TSN: 4100000082

ZONE: A-35
USE: RESIDENTIAL
VERNE & LEAH RENNAE MOVEN
16400 ELBERT RD
TSN: 4100000223

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Colorado Springs, CO 80903
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PLANNER / LANDSCAPE ARCHITECT
IN ASSOCIATION WITH

OVERLOOK AT HOMESTEAD

PRELIMINARY PLAN

ELBERT ROAD
EL PASO COUNTY,
COLORADO

PROJECT INFO
DATE: 10/6/2023
PROJECT MGR: A. BARLOW
PREPARED BY: B. SWANSON / J. SMITH

ENTITLEMENT

ISSUE INFO
DATE: 12/08/2023
REVISED PER COUNTY COMMENTS
2/07/2024
REVISED PER COUNTY COMMENTS

ISSUE / REVISION

SOILS AND GEOLOGY MAP

4

4 OF 6

SP238

PLAN FILE # SHEET NUMBER

LEGEND

- PROPERTY BOUNDARY
- ROW
- LOT LINES
- DRAINAGE EASEMENT

GEOLOGIC UNITS AND (MODIFIERS)

- Qaf** ARTIFICIAL FILL OF HOLOCENE AGE: MAN-MADE FILL DEPOSITS ASSOCIATED WITH EXISTING EARTHEN BERMS AND TRASH PILE ON LOT 12
- Qa2** ALLUVIUM TWO OF EARLY HOLOCENE AGE: WATER DEPOSITED ALLUVIUM WITHIN DRAINAGE ON LOT 59
- Qc** COLLUVIAL DEPOSITS OF HOLOCENE TO LATE HOLOCENE AGE: UNDEPOSITED SANDS WITH PEBBLE AND COBBLE ROCKFALL, SHEETWASH, AND MINOR FAN DEPOSITS
- Qb** GRAVEL OF THE PALMER DIVIDE OF EARLY PLEISTOCENE OR LATE PLEISTOCENE AGE: UNDEPOSITED SANDS WITH PEBBLE AND COBBLE GRAVEL
- pu** POTENTIALLY UNSTABLE SLOPE
- psw** POTENTIALLY SEASONAL SHALLOW GROUNDWATER AREA
- sw** SEASONAL SHALLOW GROUNDWATER AREA
- w** FLOWING WATER
- APPROXIMATE TEST BORING LOCATION
- APPROXIMATE TEST PIT LOCATION

GENERAL NOTE:

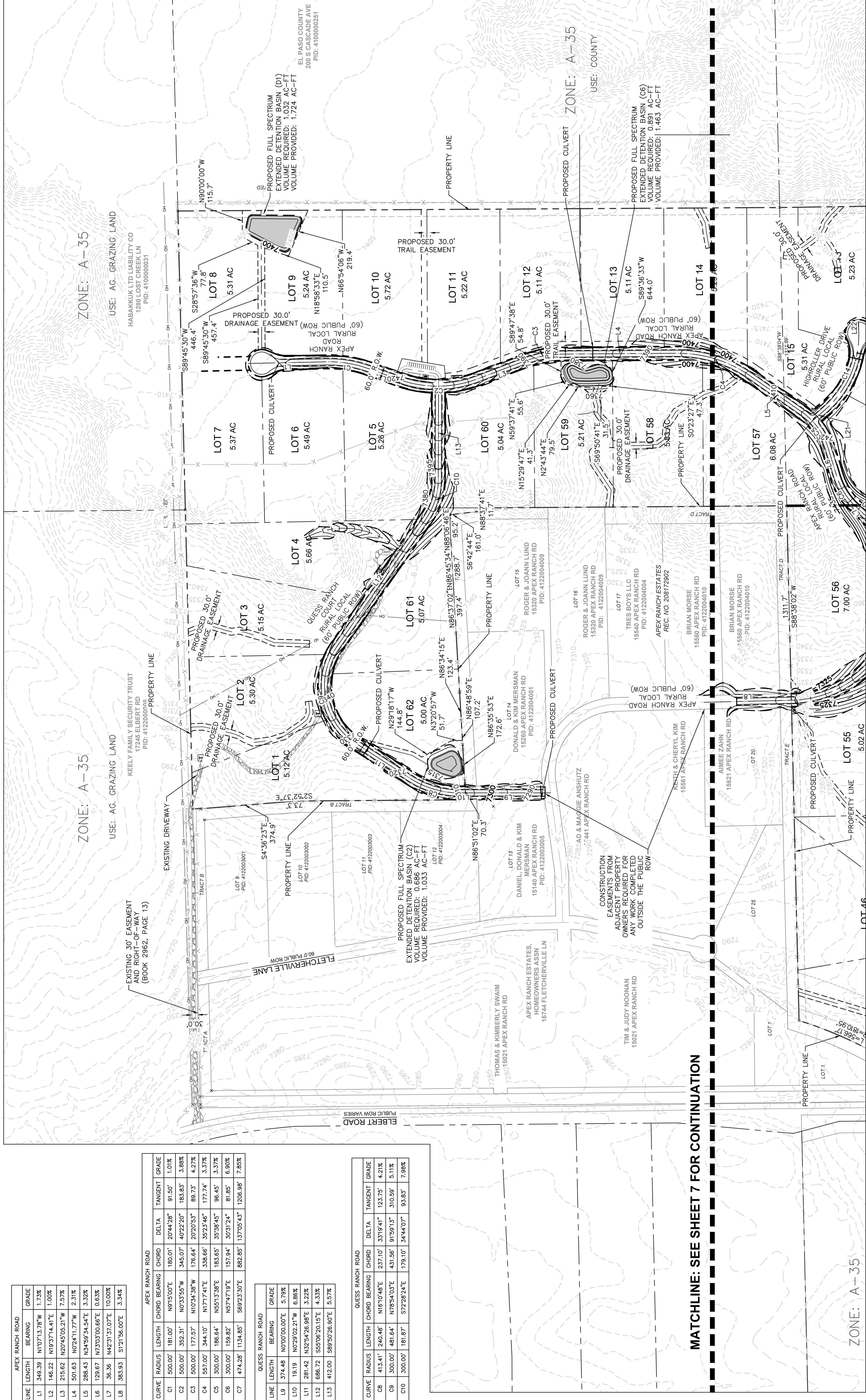
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- Expansive Soils were encountered in a number of the test borings and pits. Occurrences of expansive soils are typically sporadic; therefore, none have been indicated on the maps. These occurrences should be identified and mitigated on an individual basis. If engineered foundations are required to address geological hazards, an engineered site plan will be required.



OVERLOOK AT HOMESTEAD

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THE SOUTH HALF OF THE NORTHEAST QUARTER; AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, ALL IN SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO

PRELIMINARY PLAN



LINE	LENGTH	BEARING	GRADE
L1	349.39	N107°13'78"W	1.73%
L2	146.22	N19°37'14.41"E	1.00%
L3	215.62	N20°45'05.21"W	7.57%
L4	501.63	N02°41'17.77"W	2.31%
L5	288.43	N34°59'34.54"E	3.32%
L6	129.67	N73°03'00.66"E	0.63%
L7	36.36	N42°31'37.07"E	10.00%
L8	383.93	S127°56.00"E	3.34%

APEX RANCH ROAD						
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT GRADE
C1	500.00'	181.00'	N8°15'00"E	180.01'	20°44'28"	91.50'
C2	500.00'	352.31'	N0°33'55"W	345.07'	40°22'20"	183.83'
C3	500.00'	177.57'	N10°34'38"W	176.64'	20°20'53"	89.73'
C4	557.00'	344.10'	N17°17'41"E	338.66'	35°23'46"	177.74'
C5	300.00'	186.64'	N55°13'38"E	183.65'	35°38'45"	96.45'
C6	300.00'	159.82'	N57°47'19"E	157.94'	30°31'24"	81.85'
C7	474.28'	1134.88'	S89°23'30"E	882.88'	137°09'43"	1208.98'

QUESS RANCH ROAD			
LINE	LENGTH	BEARING	GRADE
L9	374.48	N0°00'00.00"E	5.79%
L10	19.19	N02°39'02.21"W	6.86%
L11	281.42	N32°54'26.98"E	3.22%
L12	686.72	S55°06'20.15"E	4.33%
L13	412.00	S89°50'26.90"E	5.57%

QUESS RANCH ROAD						
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT GRADE
C8	413.41'	240.48'	N16°10'48"E	237.10'	33°19'41"	123.75'
C9	300.00'	481.64'	N78°54'03"E	431.56'	91°59'13"	310.59'
C10	300.00'	181.87'	S72°28'24"E	179.10'	34°44'07"	93.83'

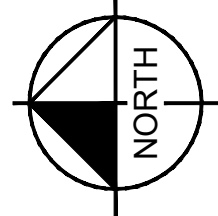
MATCHLINE: SEE SHEET 7 FOR CONTINUATION

LEGEND

- 6000 — PROPOSED MAJOR CONTOUR
- 6001 — PROPOSED MINOR CONTOUR
- 6002 — EXISTING MAJOR CONTOUR
- 6003 — EXISTING MINOR CONTOUR
- - - - - LIMITS OF DISTURBANCE

LIMITS OF DISTURBANCE

IMPROVEMENTS = ±34.03 ACRES (1,482,538 SF)



N.E.S., Inc.
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Colorado Springs, CO 80903
Tel. 719.471.0073
Fax 719.471.0267
www.nescolorado.com
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PLANNER / LANDSCAPE ARCHITECT
IN ASSOCIATION WITH

OVERLOOK AT HOMESTEAD

PRELIMINARY PLAN

ELBERT ROAD
EL PASO COUNTY,
COLORADO

DATE: _____
PROJECT MGR: _____
PREPARED BY: B. SWANSON / J. SMITH

ENTITLEMENT

DATE: _____
BY: _____
DESCRIPTION: _____

PRELIMINARY GRADING PLAN NORTH

PLAN FILE # _____ SHEET NUMBER _____

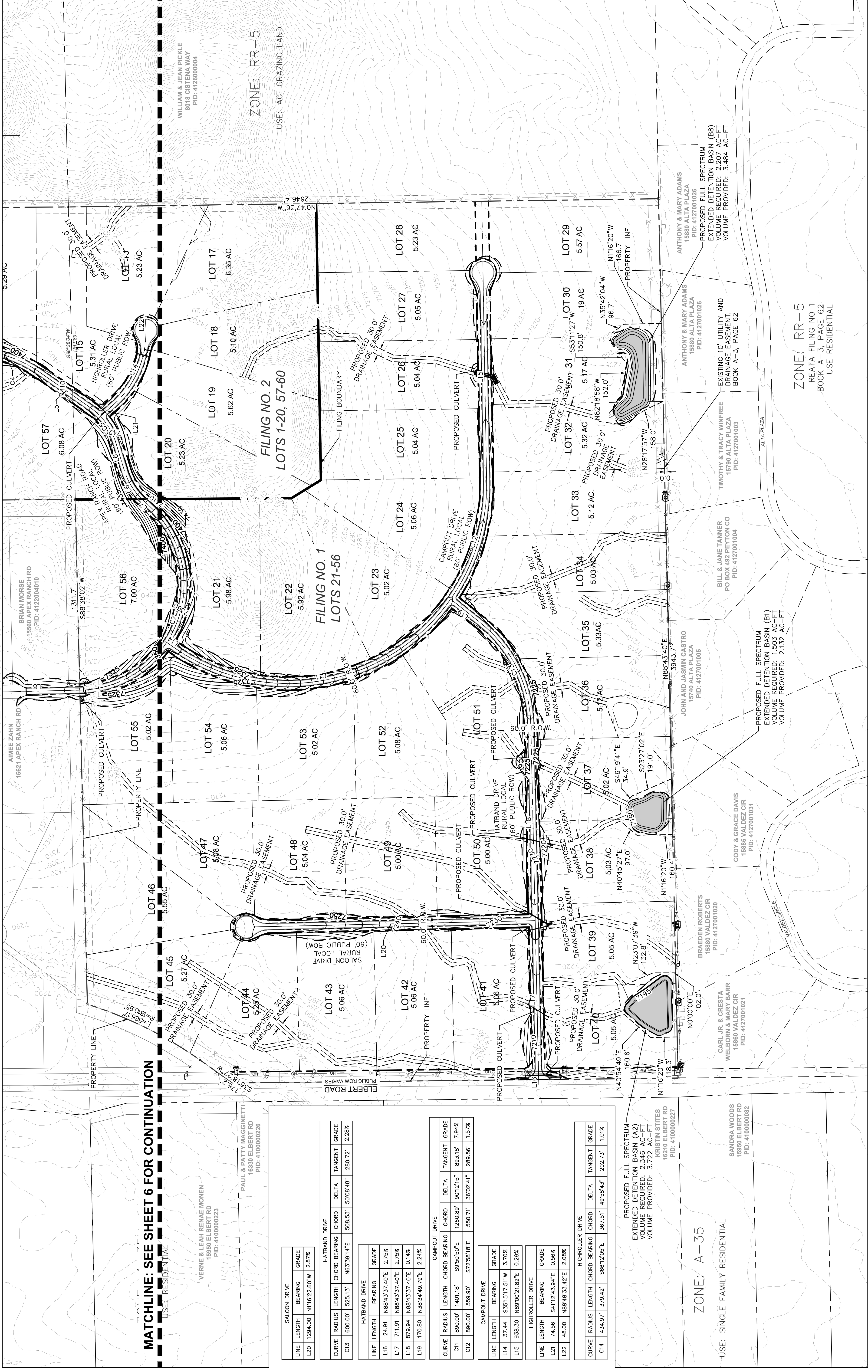
5 OF 6

PCD FILE NO. SP238

OVERLOOK AT HOMESTEAD

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THE SOUTH HALF OF THE NORTHEAST QUARTER; AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, ALL IN SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO

PRELIMINARY PLAN



MATCHLINE: SEE SHEET 6 FOR CONTINUATION
USE: RESIDENTIAL

ZONE: RR-5
USE: AG, GRAZING LAND

WILLIAM & JEAN PICKLE
6000 ALTA PLAZA
P.O. BOX 482
P.I.D.: 4127001026

VERNE & LEAH RENAE MONEN
15950 ELBERT RD
P.I.D.: 4110000223

PAUL & PATTY MAGGINETTI
16330 ELBERT RD
P.I.D.: 4110000226

ANTHONY & MARY ADAMS
15880 ALTA PLAZA
P.I.D.: 4127001026

ANTHONY & MARY ADAMS
15880 ALTA PLAZA
P.I.D.: 4127001026

TIMOTHY & TRACY WINFREE
15790 ALTA PLAZA
P.I.D.: 4127001003

BILL & JANE TANNER
PO BOX 482 PEYTON CO
P.I.D.: 4127001004

JOHN AND JASMIN CASTRO
15740 ALTA PLAZA
P.I.D.: 4127001005

BRAEDEN ROBERTS
15880 VALDEZ CIR
P.I.D.: 4127001020

CODY & GRACE DAVIS
15885 VALDEZ CIR
P.I.D.: 4127001031

CARL JR. & CRESTA
WELBORN & MARY BARR
15880 VALDEZ CIR
P.I.D.: 4127001021

KRISTIN STITES
16210 ELBERT RD
P.I.D.: 4110000227

SANDRA WOODS
15880 ELBERT RD
P.I.D.: 4110000222

SALOON DRIVE			
LINE	LENGTH	BEARING	GRADE
L20	1294.00	N116°22'00"W	2.87%

HATBAND DRIVE				
CURVE	RADIUS	CHORD BEARING	CHORD DELTA	TANGENT GRADE
C13	600.00'	N63°39'14"E	508.53'	50°08'48" 280.72' 2.28%

CAMPBAND DRIVE			
LINE	LENGTH	BEARING	GRADE
L16	24.91	N88°43'37.40"E	2.75%
L17	711.91	N88°43'37.40"E	2.75%
L18	879.94	N88°43'37.40"E	0.14%
L19	170.80	N38°34'48.79"E	2.24%

CAMPBAND DRIVE				
CURVE	RADIUS	CHORD BEARING	CHORD DELTA	TANGENT GRADE
C11	890.00'	S95°50'50"E	1260.89'	90°12'15" 883.18' 7.94%
C12	890.00'	S72°38'18"E	550.71'	36°02'41" 289.56' 1.57%

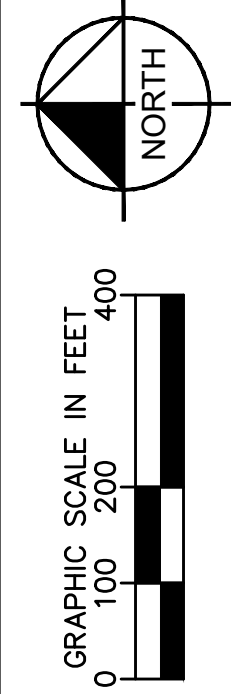
CAMPBAND DRIVE			
LINE	LENGTH	BEARING	GRADE
L14	37.44	S59°15'17.51"W	3.70%
L15	936.30	N89°00'21.82"E	0.29%

HIGHROLLER DRIVE			
LINE	LENGTH	BEARING	GRADE
L21	74.56	S41°12'43.94"E	0.56%
L22	48.00	N88°48'33.42"E	2.08%

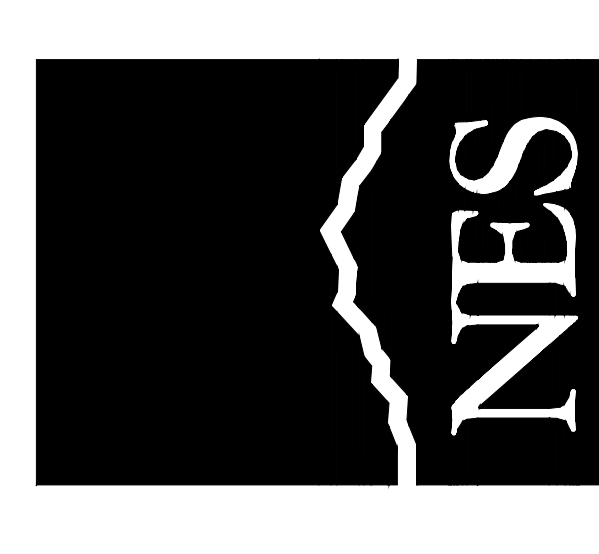
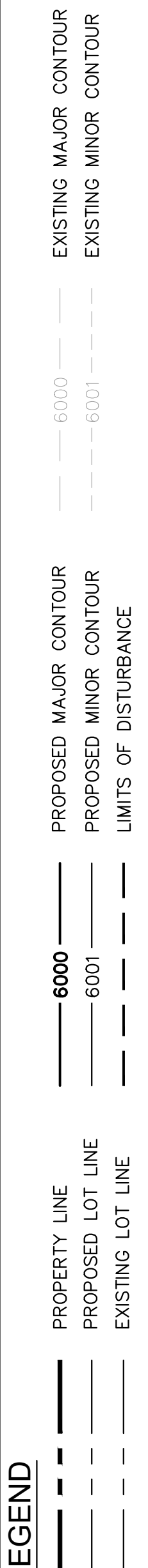
HIGHROLLER DRIVE				
CURVE	RADIUS	CHORD BEARING	CHORD DELTA	TANGENT GRADE
C14	434.97'	S79°42'	387.51'	S66°12'05"E 49°58'43" 202.73' 1.01%

ZONE: A-35
USE: SINGLE FAMILY RESIDENTIAL

ZONE: RR-5
REATA FILING NO 1
BOOK A-3, PAGE 62
USE RESIDENTIAL



LIMITS OF DISTURBANCE
IMPROVEMENTS = ±34.03 ACRES (1,482,538 SF)



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Colorado Springs, CO 80903
Tel. 719.471.0073
Fax 719.471.0267
www.nescolorado.com
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PROJECT INFO
DATE: PROJECT MGR: PREPARED BY:
A. BARLOW
B. SWANSON / J. SMITH

PRELIMINARY PLAN
ELBERT ROAD
EL PASO COUNTY,
COLORADO

ENTITLEMENT

ISSUE INFO
DATE: BY: DESCRIPTION:
ISSUE 1: BY:

SHEET TITLE
**PRELIMINARY
GRADING
PLAN SOUTH**

PLAN FILE #
SHEET NUMBER
6 OF 6
P.C.D. FILE NO. SP238

County Attorney

Kenneth R. Hodges, County Attorney
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Colorado Springs, CO 80903
www.ElPasoCo.com

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

February 29, 2024

SP-23-8 Overlook at Homestead
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 PT Overlook LLC (“Applicant”) for subdivision of 62 residential lots on an existing 346.55-acre parcel of land (the “property”). The property is zoned PUD (Planned Unit Development).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary (“WSIS”), the water demand for the subdivision is 31 acre-feet/year, comprised of 0.26 acre-feet/year for household use for each of the residential lots totaling 16.12 acre-feet/year, 0.196 acre-feet per year per lot for 3,463 square feet of irrigation for a total of 12.152 acre-feet/year, and 0.011 acre-feet/year per head for stock watering of up to 248 head for a total of 2.728 acre feet per year. Based on this total demand, Applicant must be able to provide a supply of 9,300 acre-feet of water (31 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 not-nontributary Dawson aquifer as provided in Determination of Water Right no. 4638-BD (“Determination”) and Replacement Plan no. 4638-RP (“Replacement Plan”). The Determination allocates 24,518 of water

ASSISTANT COUNTY ATTORNEYS

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STEVEN W. MARTYN

MERI GERINGER
DOREY L. SPOTTS

in the Dawson aquifer to the property, and the allowed average annual amount of groundwater to be withdrawn from the aquifer is limited to 245.18 acre-feet per year (based on a 100-year aquifer life). The Replacement Plan allows the withdrawal of Dawson aquifer water in the amount of 31 acre-feet annually (0.5 acre-feet per lot) for up to 300 years.

The allowed annual amount of groundwater to be withdrawn from the aquifer by all wells operating under the Replacement Plan shall not exceed 31 acre-feet. The allowed annual amount to be withdrawn per well is 0.5 acre-feet for the following beneficial uses: domestic, livestock, domestic animals, irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage. A totalizing flow meter shall be installed on each well.

The approved Replacement Plan has a term of 300 years and requires that return flows from in-house use of groundwater shall occur through individual on-lot non-evaporative septic systems. The Applicant is responsible for ensuring that replacement water is provided to the alluvial aquifer as required by the Replacement Plan. The annual amount of replacement water provided must be no less than the annual replacement requirement on a yearly basis.

State Engineer's Office Opinion

5. In a letter dated February 8, 2024, the State Engineer reviewed the proposal to subdivide the 350 +/- acre parcel into 62, 5-acre residential lots. The State Engineer stated that "[t]he proposed water source is individual on lot Dawson wells which will operate pursuant to Determination of Water Right no. 4638-BD and Replacement Plan no. 4638-RP. The State Engineer identified the total estimated water requirement at 31 acre-feet/year (0.5 acre-feet/year/lot).

The State Engineer stated that "[b]ased upon the above and pursuant to section 30-28-136(1)(h)(I), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights."

Recommended Findings

6. Quantity and Dependability. Applicant's water demand for Overlook at Homestead is 31 acre-feet per year from the Dawson aquifer for a total demand of 9,300 acre-feet for the subdivision for 300 years. The Replacement Plan allows for up to 62 wells limited to an annual withdrawal of 0.5 acre-feet per well.

Based on the water demand of 31 acre-feet/year for Overlook at Homestead and the Replacement Plan permitting withdrawals approved in that amount, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for Overlook at Homestead.

7. Quality. The water quality requirements of Section 8.4.7.B.10 of the Land Development Code must be satisfied. **El Paso County Public Health shall provide a recommendation as to the sufficiency of water quality.**

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: a Water Resources Report dated January 2024, the Water Supply Information Summary, the State Engineer Office's Opinion dated February 8, 2024, and Determination of Water Right no. 4638-BD entered on January 29, 2024, and Replacement Plan no. 4638-RP For Determination of Water Right No. 4638-BD entered on January 29, 2024. 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 its successors and assigns shall comply with all requirements of the Colorado Ground Water Commission Determination of Water Right no. 4638-BD and Replacement Plan no. 4638-RP, specifically, that water withdrawn from the Dawson aquifer by each of the proposed 62 wells permitted shall not exceed 0.5 annual acre-feet, based on a total combined annual withdrawal of 31 acre-feet. Depletions during pumping shall be replaced by individual on-lot non-evaporative septic systems.

B. Applicant must create a homeowners' association ("HOA") for the purpose of enforcing covenants and assessing any necessary fees related to compliance with the water determinations and replacement plans for the property.

C. Applicants shall create restrictive covenants upon and running with the property which shall advise and obligate future lot owners of this subdivision, their successors and assigns, and the HOA regarding all applicable requirements of Determination of Water Right No. 4638-BD and Replacement Plan No. 4638-RP, including the limitations on diversions and use of water for each well and lot, the requirement to meter and record all well pumping, and information on how records are to be recorded.

Covenants shall specifically address the following:

1) Identify the water rights associated with the property. The Covenants shall reserve 9,300 acre-feet of Dawson aquifer water pursuant to Determination of Water Right No. 4638-BD and Replacement Plan No. 4638-RP to satisfy El Paso County's 300-year water supply requirement for the 62 lots of Overlook at Homestead. The Covenants shall further identify that 150 acre-feet (0.5 acre-feet/year) of Dawson aquifer water is allocated to each of the 62 lots. Said reservations shall not be separated from transfer of title to the property and shall be used exclusively for primary water supply.

2) Advise of responsibility for costs. The Covenants shall advise the HOA, lot owners and their successors and assigns of their obligations regarding the costs of operating the

plans for augmentation, which include pumping of the Dawson wells in a manner to replace depletions during pumping.

3) Require non-evaporative septic systems and reserve return flows from the same. The Covenants shall require each lot owner to use a non-evaporative septic system to ensure that return flows from such systems are made to the stream system to replace actual depletions during pumping and shall state that said return flows shall not be separately sold, traded, assigned, or used for any other purpose. The Covenants shall also include the following or similar language to ensure that such return flows shall only be used for replacement purposes: “Return flows shall only be used for replacement purposes, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned, or encumbered in whole or in part for any other purpose.”

4) Address future lot conveyances. The following or similar language shall be included in the Covenants to address future conveyances of the lots subsequent to the initial conveyance made by Applicant/Declarant:

“The water rights referenced herein shall be explicitly conveyed; however, if a successor lot owner fails to so explicitly convey the water rights, such water rights shall be intended to be conveyed pursuant to the appurtenance clause in any deed conveying said lot, whether or not the Determination of Water Right No. 4638-BD and Replacement Plan No. 4638-RP and the water rights therein are specifically referenced in such deed. The water rights so conveyed shall be appurtenant to the lot with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title.”

5) Advise of monitoring requirements. The Covenants shall advise the HOA, future lot owners of this subdivision and their successors and assigns of their responsibility for any metering and data collecting that may be required regarding water withdrawals from Dawson aquifer.

6) Address amendments to the covenants. The Covenants shall address amendments using the following or similar language:

“Notwithstanding any provisions herein to the contrary, no changes, amendments, alterations, or deletions to these Covenants may be made which would alter, impair, or in any manner compromise the water supply for Overlook at Homestead pursuant to Determination of Water Right No. 4638-BD and Replacement Plan No. 4638-RP. Further, written approval of the proposed amendments must first be obtained from the El Paso County Planning and Community Development

Department, and as may be appropriate, by the Board of County Commissioners, after review by the County Attorney's Office. Any amendments must be pursuant to Colorado Ground Water Commission approving such amendment, with prior notice to the El Paso County Planning and Community Development Department for an opportunity for the County to participate in any such adjudication."

7) Address termination of the Covenants. The Covenants shall address termination using the following or similar language:

"These Covenants shall not terminate unless the requirements of Determination of Water Right No. 4638-BD and Replacement Plan No. 4638-RP are also terminated by the Colorado Ground Water Commission and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County."

D. Applicants and their successor and assigns shall reserve in any deeds of the property Dawson aquifer water in the decreed amount of 150 acre-feet (0.5 acre-feet per year) per lot. Said reservation shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for primary and replacement supply.

E. Applicants and their successors and assigns shall convey by recorded warranty deed these reserved Dawson aquifer water rights at the time of lot sales. Specifically, Applicant and future lot owners shall convey sufficient water rights in the Dawson aquifer underlying the respective lots to satisfy El Paso County's 300-year water supply requirement.

Any and all conveyance instruments shall recite as follows:

For the water rights and return flows conveyed for the primary supply (Dawson aquifer):
"These water rights conveyed, and the return flows therefrom, are intended to provide a 300-year supply, replacement during pumping, and replacement of post-pumping depletions for each lot of Overlook at Homestead. The water rights so conveyed, and the return flows therefrom, shall be appurtenant to each of the respective lots with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title."

F. Applicant and its successors and assigns shall submit a Declaration of Covenants, Conditions, and Restrictions, form deeds, and any plat notes required herein to the Planning and Community Development Department and the County Attorney's Office for review, and the same shall be approved by the Planning and Community Development Department and the County Attorney's Office prior to recording the final plat. Said Declaration shall cross-reference the Determination of Water Right No. 4638-BD and Replacement Plan No. 4638-RP and shall identify the obligations of the individual lot owners thereunder.

G. Applicants and their successors and assigns shall record all applicable documents, including but not limited to Determination of Water Right No. 4638-BD and Replacement Plan No. 4638-RP, agreements, assignments, and warranty deeds regarding the water rights, and Declaration of Covenants in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

H. Applications for well permits submitted by persons other than the Applicant must include evidence that the permittee has acquired the right to the portion of the water being requested.

I. The following plat note shall be added that addresses the State Engineer's admonition to advise landowners of potential limited water supplies in the Denver Basin:

"Water in the Denver Basin aquifers is allocated based on a 100-year aquifer life; however, for El Paso County planning purposes, water in the Denver Basin aquifers is evaluated based on a 300-year aquifer life. Applicant and all future owners in the subdivision should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than either the 100 years or 300 years used for allocation indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply."

J. Prior to recording the hearing on the preliminary plan before the Board of County Commissioners, Applicant must upload a corrected Water Supply Information Summary into eDARP that identifies Determination of Water Right No. 4638-BD and Replacement Plan No. 4638-RP in Section 10 under Water Court Decree Case Numbers, rather than the information currently included.

cc: Kylie Bagley, Project Manager, Planner



February 8, 2024

Kylie Bagley, Project Manager
El Paso County Planning and Community Development
Transmitted via EDARP Portal: epcdevplanreview.com

Re: Overlook at Homestead
File #: SP238

Part of the SE $\frac{1}{4}$ of Sec. 22 & part of the E $\frac{1}{2}$ NW $\frac{1}{4}$ & the NE $\frac{1}{4}$ of Sec. 27, T11S, R64W, 6th P.M.
Water Division 1, Water District 1 & Water Division 2, Water District 10
Kiowa-Bijou Designated Basin & Upper Black Squirrel Designated Basin
CDWR Assigned Subdivision File No. 31004 - 3rd Letter

Dear Kylie Bagley:

We have reviewed the re-submittal concerning the subdivision of approximately 350 acres into 62, 5-acre residential lots. The proposed water supply source is individual on lot Dawson wells which will operate pursuant to the Determination of Water Right no. 4638-BD and Replacement Plan no. 4638-RP. This letter supersedes the comments provided by this office on December 15, 2023.

Water Supply Demand

Water will be used for 62 household units (0.260 acre-feet/year/unit or 16.12 acre-feet/year total), irrigation (0.0566 acre-feet/year/1,000 square-feet or 12.152 acre-feet/year total), and domestic animal watering (0.011 acre-feet/year/animal or 2.728 acre-feet/year total). The total estimated water demand for all 62 lots is 31 acre-feet/year.

Source of Water Supply

The proposed water supply source is individual on lot Dawson wells which will operate pursuant Determination of Water Right no. 4638-BD and Replacement Plan no. 4638-RP.

Determination no. 4638-BD was issued on January 29, 2024 pursuant to section 37-90-107(7), C.R.S. and allocated 24,518 acre-feet of water from the not-nontributary Dawson aquifer underlying the 350.811-acre property to be used for domestic, livestock, domestic animals, irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage.

Replacement Plan no. 4638-RP was issued on January 29, 2024 pursuant to section 37-90-107.5, C.R.S. for 62 wells to be located on 62 residential lots. Under the plan, each Dawson aquifer well can divert 0.5 acre-foot of water annually for domestic use within single family dwellings, livestock, and irrigation (indoor and outdoor), recreation, fire suppression, wildlife, and replacement, either directly or after storage. The replacement plan limits the total annual withdrawal of 31 acre-feet/year for a period of 300 years. Under the plan, withdrawals must be metered and recorded annually, and each lot must have a non-evaporative septic system for the in-house water use component. The proposed water uses and place of use are allowed by the determination and replacement plan.

The proposed source of water for this subdivision is a bedrock aquifer in the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which this source will be a physically and economically viable source of water. According to section 37-90-107(7)(a), C.R.S., "Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100



years.” Based on this allocation approach, the annual amount of water allocation in Determination no. 4638-BD will be equal to one percent of the total as determined by Rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1, or 245.18 acre-feet/year.

The El Paso County Land Development Code, Section 8.4.7.(B)(7)(b) states:

“(7) Finding of Sufficient Quantity

(b) Required Water Supply. The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of 300 years.”

The State Engineer’s Office does not have evidence regarding the length of time for which this source will “meet the average annual demand of the proposed subdivision.” However, treating El Paso County’s requirement as an allocation approach based on 300 years, the allowed average annual amount of withdrawal would be reduced to one third of the allocated amount in Determination no. 4638-BD, or 81.72 acre-feet/year. The replacement plan allows a total withdrawal of 31 acre-feet/year for a period of 300 years. Therefore, the water may be withdrawn in that amount for a period of 300 years.

The existing, well permit no. 157064-A was re-permitted pursuant to the determination and replacement plan under permit no. 88862-F.

Applications for on lot well permits, submitted by an entity other than the current water right holder (PT Overlook LLC) must include evidence that the applicant has acquired the right to the portion of water being requested on the application.

State Engineer’s Office Opinion

Based upon the above and pursuant to section 30-28-136(1)(h)(I), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.

Our opinion that the water supply is **adequate** is based on our determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions.

Our opinion that the water supply can be **provided without causing injury** is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory allocation approach, for the proposed uses on the subdivided land is greater than the annual amount of water required to supply existing water commitments and the demands of the proposed subdivision.

Our opinion is qualified by the following:

The Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the above-referenced water rights, pending actual geophysical data from the aquifer.


The amounts of water in the Denver Basin aquifer, and identified in this letter, are calculated based on estimated current aquifer conditions. The source of water is from a non-renewable aquifer, the allocations of which are based on a 100-year aquifer life. The county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 100 years (or 300 years) used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.

Additional Comments

The submittal indicates that a stormwater detention structure will be constructed as a part of this project. The Applicant should be aware that, unless the structure can meet the requirements of a “storm water detention and infiltration facility” as defined in Designated Basin Rule 5.11, the structure may be subject to administration by this office. The Applicant should review Rule 5.11 to determine whether the structure meets the requirements of the Rule and ensure any notification requirement is met.

Please contact Wenli.Dickinson@state.co.us or 303-866-3581 x8206 with any questions.

Sincerely,


Ioana Comaniciu, P.E.
Water Resources Engineer

Ec: Upper Black Squirrel Creek Ground Water Management District



COMMISSIONERS:
CAMI BREMER (CHAIR)
CARRIE GEITNER (VICE-CHAIR)

HOLLY WILLIAMS
STAN VANDERWERF
LONGINOS GONZALEZ, JR.

DEPARTMENT OF PARKS AND COMMUNITY SERVICES

November 2, 2023

Kylie Bagley
Project Manager
El Paso County Development Services Department

Subject: Overlook at Homestead Preliminary Plan (SP238)

Kylie,

The Parks & Community Services Department has reviewed the Overlook at Homestead Preliminary Plan application and has the following preliminary comments of behalf of El Paso County Parks. This application will be presented to the Park Advisory Board on November 8, 2023 and its recommendation will be provided after the meeting.

This is a request by NES on behalf of PT Overlook LLC for the Overlook at Homestead Preliminary Plan. The property is located along the east of Elbert Road and south of Apex Ranch Road in northern El Paso County. The property is approximately six miles northwest of Peyton, CO. The property is surrounded by rural residential subdivisions and agricultural grazing land. The County's Homestead Ranch Regional Park borders the property's east side. The applicant plans to develop 62 residential lots with a minimum size of 5 acres each.

Trails

The El Paso County Parks Master Plans shows a master-planned trail in the vicinity of this project. The proposed Palmer Divide Regional trail bisects the Overlook at Homestead property starting on the east side of the property and makes a connection to Elbert Road on the west side of the property. An existing trail easement was granted to El Paso County on the south side of the Apex Ranch subdivision which will allow for a trail to be constructed from Overlook at Homestead to Elbert Road to the west.

County Parks requests trail easements where development projects impact proposed County trails. As it pertains to this application, the County requests that the landowner provide a 25-foot public trail easement along the Palmer Divide Regional Trail alignment that allows for the construction and maintenance by El Paso County of a primary regional trail, and this easement shall be shown and dedicated to El Paso County on the Final Plat. Due to the challenging terrain of this property, County Parks requests the applicant provide a proposed alignment that is constructable with average grades less than 10%. County Parks is welcome to an ongoing dialogue regarding trail easement location.

Additionally, County Parks requests that the Palmer Divide Regional trail be graded when the subdivision is constructed so that the trail can be built in the future. As the applicant's grading plan currently shows, although preliminary, grades for a trail along the proposed alignment would not be possible once tied into existing grades on private property outside the trail corridor. It would be best to grade the trail into the hillside when the roads and lots are developed to avoid grading beyond the trail easement in the future.

Park Land

Homestead Ranch Regional Park is a 458-acre regional park that the county developed in the early 2000's. Prior to this time, the park was home to ranching activities dating back to the late 1800's. Today, the park offers the public opportunities for hiking, biking, equestrian use, and outdoor education. The site includes a playground, restroom, fishing pond, picnic pavilions, a multi-use field, and 5 miles of trails. In addition to active use areas, much of the park is preserved as passive use to conserve the plants and animals that are native to the region.

The most predominate vegetative feature is the belt of Ponderosa Pine defined by the bluffs which traverse the park. This stand exists mainly as a result of the same high-water table that occurs throughout the Black Forest. Typical shrubs found in the understory include mountain-mahogany, wax currant, snowberry, and juniper. Forbes and grasses are widespread in the understory as well. According to Colorado Parks and Wildlife's 'Species Activity' mapping, the property is in the overall range for numerous species of bats, black bear, mountain lions, pronghorn, mule, and white-tailed deer. The Swift Fox is listed in Colorado as a species of Special Concern and its range overlaps Homestead Ranch.

El Paso County has experienced rapid growth over the last two decades. In the year 2000, the population of El Paso County was 519,802. Today it is over 700,000. By the year 2045, the population of the county is projected to reach 1,000,000 people. With this growth comes more need to preserve unique open spaces and provide recreation opportunities for residents of the county. The El Paso County Parks Master Plan and Homestead Ranch Regional Park Master Plan include goals to preserve unique landscapes, habitats, trails corridors, and responsibly expand the county's regional parks, trails, and open space system.

As it pertains to this application, the county would welcome the opportunity to discuss expansion of Homestead Ranch Regional Park particularly along the bluffs that make the area unique and worthy of preservation. This could be done in several ways including dedication of park lands, acquiring additional park land or buffering opportunities. The County would also be open to facilitating discussions regarding potential conservation easement options that could provide a financial benefit to the applicant for preserving lands.

Regional and urban park fees will be calculated upon reviews of forthcoming preliminary plans and final plats. A park land agreement is an acceptable alternative in lieu of park fees provided the agreement is approved by the County and executed prior to recording the final plat.

Recommended Motion:

Recommend that the Planning Commission and the Board of County Commissioners include the following conditions when considering and/or approving the Overlook at Homestead Preliminary Plan: (1) fees in lieu of land dedication for regional park purposes in the amount of \$31,310 will be required at time of the recording of the forthcoming final plat. A Park Lands Agreement may be an acceptable alternative to urban park fees provided the agreement is approved by the County and executed prior to recording the forthcoming final plat; (2) provide a 25-foot public trail easement along the Palmer Divide Regional Trail alignment that allows for the construction and maintenance by El Paso County of the Palmer Divide Regional Trail, and this easement shall be shown and dedicated to El Paso County on the Final Plat. (3) County Parks requests that the Palmer Divide Regional Trail be graded when the subdivision is graded to allow for the construction of the trail in the future.

Please let me know if you have any questions or concerns.



Sincerely,

Greg Stachon
Landscape Architect
Community Services Department
GregStachon@elpasoco.com

2002 CREEK CROSSING STREET
OFFICE: (719) 520-7529



COLORADO SPRINGS, CO 80905
WWW.COMMUNITYSERVICES.ELPASOCO.COM

**Development
Application
Permit
Review**



PARKS AND COMMUNITY SERVICES DEPARTMENT
Park Operations - Recreation and Cultural Services
Parks Planning - Environmental Services - CSU Extension Office

November 8, 2023

Subdivision requirements referenced in Section 8.5.2 of the El Paso County Land Development Code. Fees are based on average land values within designated areas. See El Paso County Board of County Commissioners (BoCC) Resolution for fees established on an annual basis. The Park Advisory Board meets the second Wednesday of each month, 1:30 p.m., BoCC Auditorium, second floor of Centennial Hall, 200 South Cascade Avenue, Colorado Springs.

Name:	Overlook at Homestead	Application Type:	Preliminary Plan
PCD Reference #:	SP238	Total Acreage:	350.00
		Total # of Dwelling Units:	62
Applicant / Owner:	Owner's Representative:	Dwelling Units Per 2.5 Acres:	0.44
PT Overlook LLC	NES, Inc.	Regional Park Area:	2
Joe DesJardin	Andrea Barlow	Urban Park Area:	5
1864 Woodmoor Drive, Suite 100	619 N. Cascade Ave, Suite 200	Existing Zoning Code:	A-35
Monument, CO 80132	Colorado Springs, CO 80903	Proposed Zoning Code:	RR-5

REGIONAL AND URBAN PARK DEDICATION AND FEE REQUIREMENTS

Regional Park land dedication shall be 7.76 acres of park land per 1,000 projected residents, while Urban Park land dedication shall be 4 acres of park land per 1,000 projected residents. The number of projected residents shall be based on 2.5 residents per dwelling unit.

The EPC Land Development Code defines urban density as land development of higher density and intensity which is characteristically provided with services of an urban nature. This category of development includes residential uses with densities of more than one dwelling unit per 2.5 acres.

LAND REQUIREMENTS

Urban Density (>= 1 Dwelling Unit Per 2.5 Acres): **NO**

Regional Park Area: 2

Urban Park Area: 5

0.0194 Acres x 62 Dwelling Units = 1.203
Total Regional Park Acres: 1.203

Neighborhood:	0.00375 Acres x 62 Dwelling Units =	0.00
Community:	0.00625 Acres x 62 Dwelling Units =	0.00
	Total Urban Park Acres:	0.00

FEE REQUIREMENTS

Regional Park Area: 2

Urban Park Area: 5

\$505 / Dwelling Unit x 62 Dwelling Units = \$31,310
Total Regional Park Fees: \$31,310

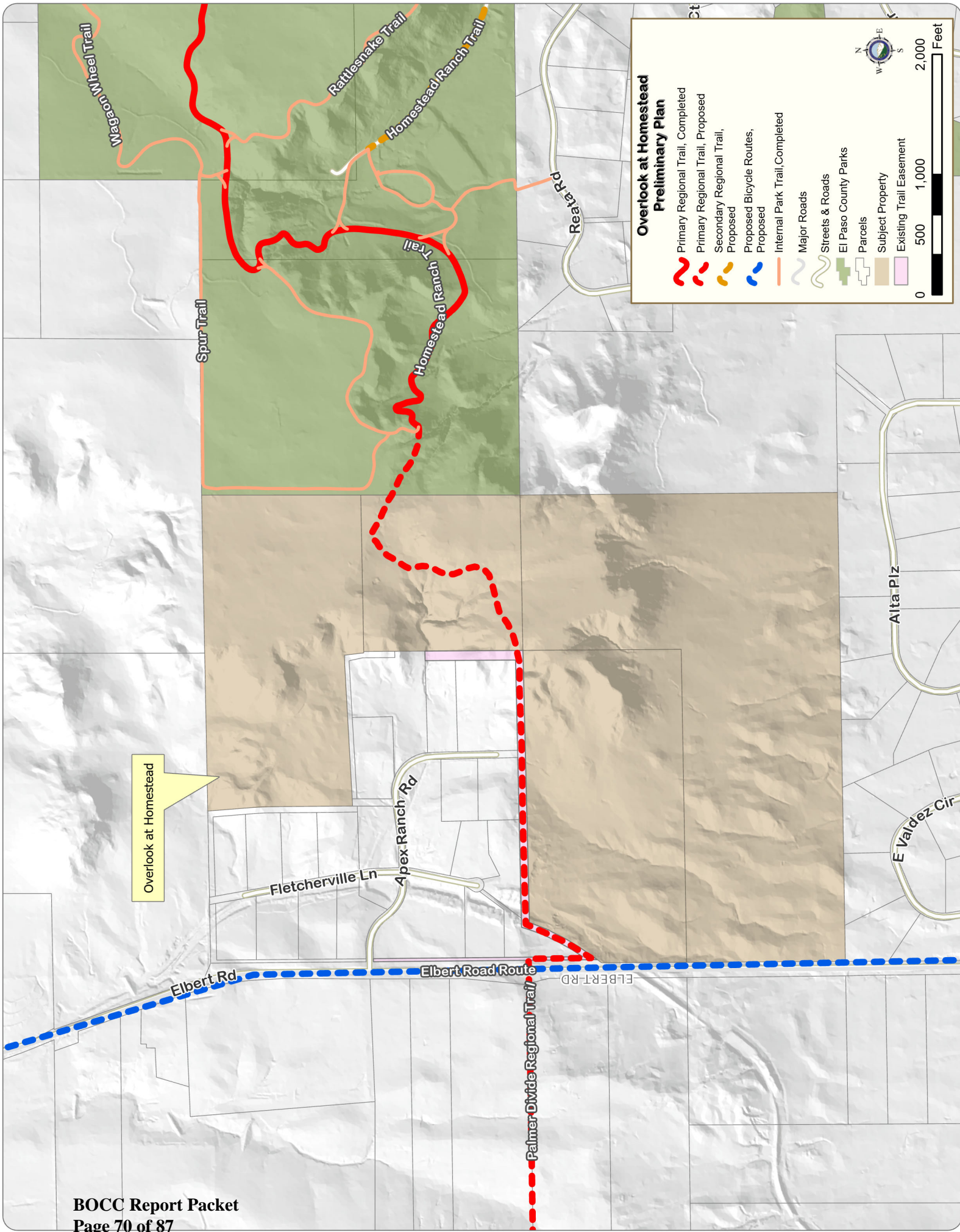
Neighborhood:	\$119 / Dwelling Unit x 62 Dwelling Units =	\$0
Community:	\$184 / Dwelling Unit x 62 Dwelling Units =	\$0
	Total Urban Park Fees:	\$0

ADDITIONAL RECOMMENDATIONS

Staff Recommendation:

Recommend that the Planning Commission and the Board of County Commissioners include the following conditions when considering and/or approving the Overlook at Homestead Preliminary Plan: (1) fees in lieu of land dedication for regional park purposes in the amount of \$31,310 will be required at time of the recording of the forthcoming final plat. A Park Lands Agreement may be an acceptable alternative to regional park fees provided the agreement is approved by the County and executed prior to recording the forthcoming final plat; (2) provide a 25-foot public trail easement along the Palmer Divide Regional Trail alignment that allows for the construction and maintenance by El Paso County of a Primary Regional Trail, and this easement shall be shown and dedicated to El Paso County on the Final Plat. (3) County Parks requests that the Palmer Divide Regional Trail be graded when the subdivision is graded to allow for the construction of the trail in the future.

Park Advisory Board Recommendation:

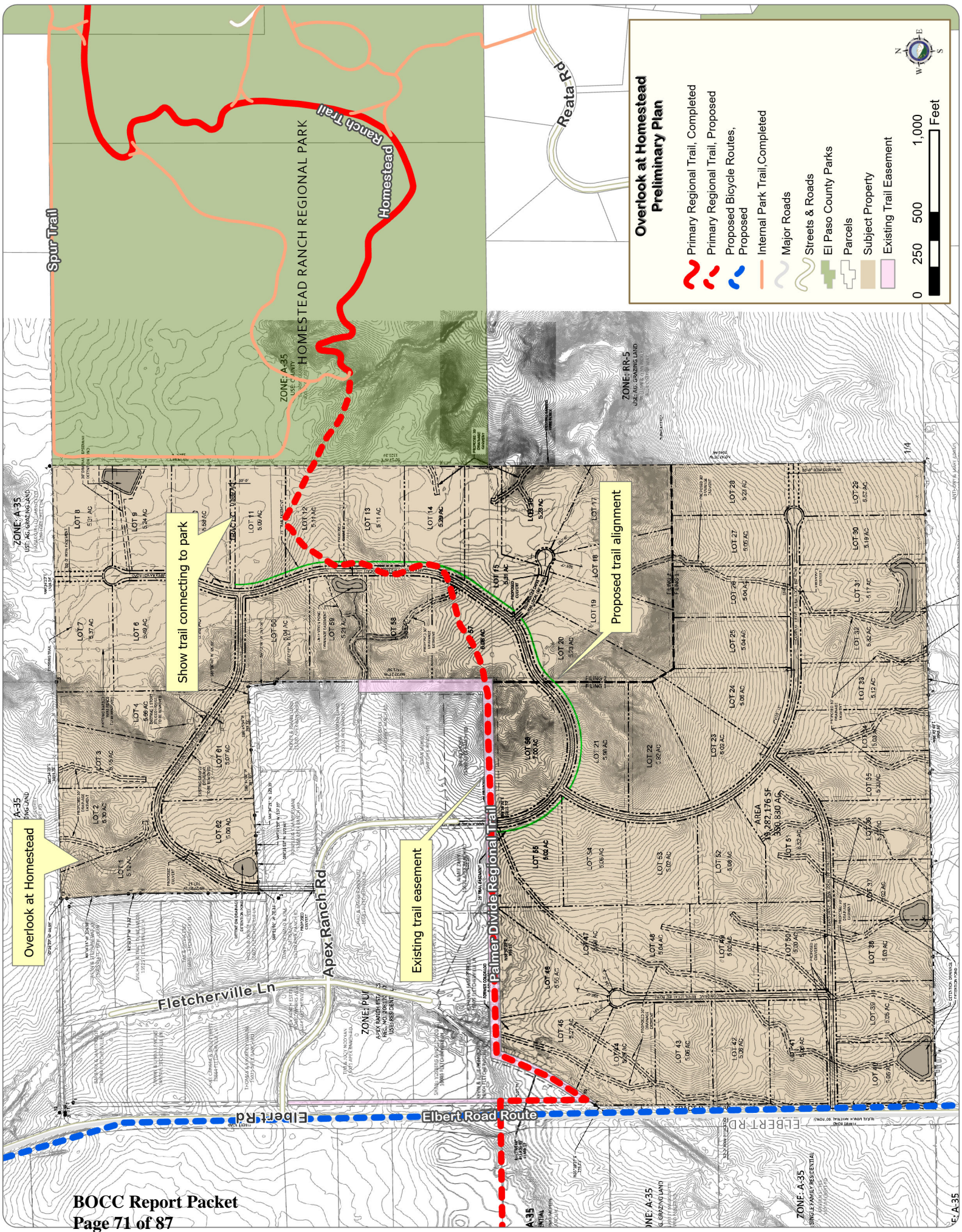


**Overlook at Homestead
Preliminary Plan**

- Primary Regional Trail, Completed
- - - Primary Regional Trail, Proposed
- Secondary Regional Trail, Proposed
- Proposed Bicycle Routes, Proposed
- - - Proposed Bicycle Routes, Completed
- Internal Park Trail, Completed
- Major Roads
- Streets & Roads
- + El Paso County Parks
- + Parcels
- + Subject Property
- + Existing Trail Easement

0 500 1,000 2,000 Feet

Overlook at Homestead



Overlook at Homestead Preliminary Plan

- Primary Regional Trail, Completed
- Primary Regional Trail, Proposed
- Proposed Bicycle Routes, Proposed
- Internal Park Trail, Completed
- Major Roads
- Streets & Roads
- El Paso County Parks
- Parcels
- Subject Property
- Existing Trail Easement

0 250 500 1,000 Feet

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Overlook at Homestead

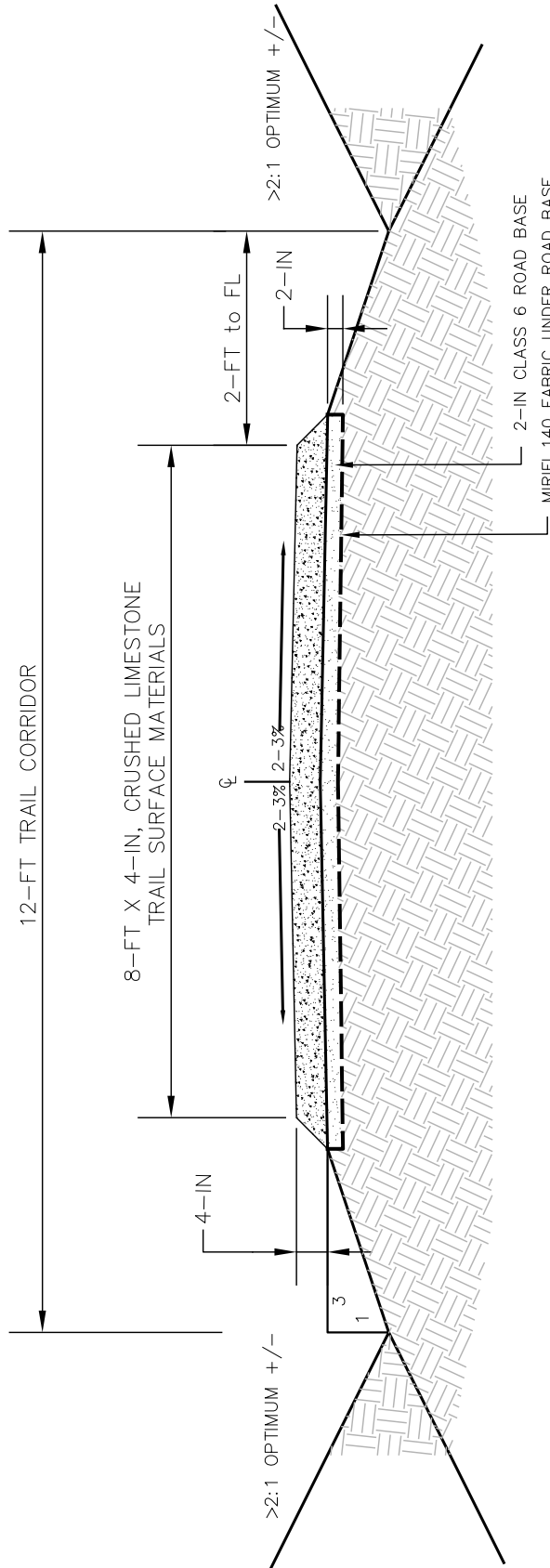
Show trail connecting to park

Existing trail easement

Proposed trail alignment

TIER I 8-FT DETAIL

NOT TO SCALE



REVISION	DATE
TIER I W/ FORTIS	4-19-2017

DATE: APRIL 19, 2017
JOB NO. *****
DRAWN BY: N/A
CHECKED BY: N/A



COLORADO

Parks and Wildlife

Department of Natural Resources

Southeast Region
4255 Sinton Road
Colorado Springs, CO 80907
P 719.227.5200 | F 719.227.5264

November 11, 2023

El Paso County
ATTN: Kylie Bagley
2880 International Circle,
Colorado Springs, CO 80132

Re: Overlook at Homestead Preliminary Plan

Dear Kylie Bagley,

Colorado Parks and Wildlife (CPW) has reviewed the plans for the Overlook at Homestead Preliminary Plan near in El Paso County. This area included within the Development boundaries will sustain numerous wildlife species including deer, elk, pronghorn, turkey, black bear, mountain lion, coyote, fox, raptors, songbirds, and numerous small mammals. CPW makes the following recommendations.

CPW recommends consultation with the Army Corps of Engineers to ensure compliance with the Clean Water Act due to the identification of possible jurisdictional wetlands on the site. CPW will comment on specific plans for wetland-related issues as part of that 404 permitting process, but there are some general recommendations to be considered during the development of the wetland mitigation plan prepared as part of section 404 permitting.

We would request that all areas of disturbance and exposed soils above the ordinary high water mark be re-vegetated with a native seed mix. This will contribute to the replacement of lost riparian vegetation values and minimize establishment of noxious weeds. The placement of willow sprigs or bare root stock should also be considered along the banks, especially in those areas which have been disturbed. We recommend planting of vegetation along the bank to help reduce and control erosion and contribute to bank stability over the long term. The site should be monitored for a period of at least two growing seasons. Any stands of noxious weeds that become established should be controlled with appropriate mechanical and/or chemical methods suitable for the proposed location. CPW recommends using a clean fill material, if needed, that would be conducive to growing native vegetation that will help stabilize the banks. Non-native vegetation can overrun native vegetation and can become problematic. A seed mixture of native grasses is also recommended to provide a good support system in the soil.

During construction, stream crossing by construction vehicles should be avoided. CPW further recommends crossing riparian corridors and streams at a perpendicular angle, in order to

Jeff Davis, Director, Colorado Parks and Wildlife

Parks and Wildlife Commission: Dallas May, Chair • Richard Reading, Vice-Chair • Karen Bailey, Secretary • Jessica Beaulieu
Marie Baskett • Jack Murphy • Gabriel Otero • Duke Phillips, IV • Gary T. Skiba • James Jay Tutchton • Eden Vardy



reduce impacts to natural resources, as well as spanning the corridors with structures located outside the riparian and stream zone. CPW recommends avoiding treed areas of, as these areas provide bird and wildlife habitat. CPW requests that any new service roads that are proposed for construction in conjunction with the project avoid crossing creeks or stream beds to avoid impacts to wildlife and habitat. If any new access or maintenance roads will be constructed that cross stream habitat, CPW would like to be consulted on best management practices and options for construction to minimize impacts. A construction design for any new or reconstructed riparian crossing that actively minimizes barriers to fish passage at all water levels and mitigates any existing barriers where possible would minimize the negative impact of the project on native fish species.

CPW recommends the following Best Management Practices when working in or near aquatic habitats.

- Use existing road crossings and existing stream crossings for vehicles and other construction equipment instead of building new roads and stream crossings
- The width of construction should be minimized within the 100-year floodplain,
- Streambank and wetland restoration/improvement should be performed, where necessary
- Vehicle and equipment crossing of creeks/streams should be made in locations that will cause the least erosion of banks and sedimentation.

As for more general construction protocols, CPW recommends low speeds for construction vehicles to avoid wildlife collisions. Where new roads are required, CPW recommends that these single-purpose roads be gated to reduce traffic disruptions to wildlife. If any temporary (e.g., construction) or permanent fencing is proposed, CPW recommends that it is the wildlife-friendly fencing that allows young to cross and does not include high-tensile hogwire.

CPW recommends the development and implementation of a noxious weed control plan for the site. All disturbed soils should be monitored for noxious weeds and noxious weeds should be actively controlled until native plant revegetation and reclamation are achieved. Care should be taken to avoid the spread of noxious weeds, and all construction equipment should be cleaned before leaving the site. A noxious weed management plan should be developed before any disturbance of the site.

CPW recommends that all landscaping in the developed area should be comprised of native species. Using native species with high food and cover values in an open space area is beneficial to wildlife. This can encourage wildlife to concentrate in areas that minimize human conflicts and optimize wildlife-watching opportunities. Native plant species can also provide an aesthetically pleasing landscape that requires little maintenance and are frequently more drought-tolerant than non-native species

CPW recommends a 100-foot buffer zone be permanently placed around the creeks and ponds. If a trail is constructed near the creek or ponds, it should be a minimum of 100 feet from the edge. This buffer zone will offer wildlife utilizing the creek and ponds less

disturbance by development and decrease the likelihood of human and wildlife encounters. The existing native riparian vegetation around the creeks, the ponds, and the drainage ways should be kept intact for wildlife habitat and to increase ground stabilization.

Trails would provide excellent opportunities for wildlife viewing. However, if trails are placed too close to areas utilized by wildlife it creates disturbances resulting in reduced wildlife viewing opportunities. CPW recommends constructing trails on the outer edges of open space areas. This minimizes wildlife disturbance and creates increased wildlife viewing opportunities. Trails near creeks and drainage areas should cross perpendicular rather than run parallel to these critical wildlife habitat areas. Crossings should occur in areas that have the least usage by wildlife to have minimal impacts on wildlife.

There is suitable habitat for nesting raptors and migratory birds in the development site. CPW recommends the use of preconstruction surveys to identify raptor nests within the project area and implement appropriate restrictions. CPW recommends adherence to the recommended buffer distances and timing stipulations identified in the attached document "Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors".

Care should be taken to avoid the destruction of active dens and nests while constructing structures, ponds, and trails. Possible dens or nests should be monitored for species activity. CPW would be concerned if trees and snags were removed for the development. The main concern with removal of trees is that these trees may be currently occupied or historic nest sites. Please take care to avoid removal of trees with occupied nests. For raptors, an active nest is any nest that is frequented or occupied by a raptor during the breeding season or which has been active in any of the five previous breeding seasons. Many raptors use alternate nests in various years; therefore, a nest may be active even if it is not occupied in a given year. Removal or relocation of any active raptor or migratory bird nest will require consultation with CPW and US Fish and Wildlife Service prior to disturbance. Both active and potential nest sites, winter night roosts should be considered when evaluating disturbance during construction.

US Fish and Wildlife Service should be consulted on any Federally-listed Endangered and Threatened Species that might be present at the location. CPW recommends consultation with the U.S. Fish and Wildlife Service when permitting any permanent or temporary activity within known or potentially occupied habitat Preble's meadow jumping mouse habitat.

Fences can cause many problems for wildlife, including death, entanglements, and barriers to movements. CPW recommends the developers consult our publication *Hanophy, Wendy* "Fencing with Wildlife in mind." *CPW.state.co.us. 2009* when considering the design of fences within the development. The publication is available on our website and we would be happy to provide a link to the PDF specifically. The use of privacy fencing, chain link fencing, and other exclusionary fencing should be at least 6 feet high and should be restricted to the immediate area surrounding the buildings or within the designated building envelope and should not be used as a method to designate boundaries of larger lot sizes (> 1 acre). Fencing

outside the immediate building envelope or area surrounding the buildings on larger lots within the known range of elk, deer and pronghorn should be a maximum top height of 42” with at least 12” spacing between the top two wires or rails and a bottom wire or rail at least 16” above the ground to allow passage of juvenile animals and pronghorn antelope. It is also recommended that the top and bottom wires be a twisted barbless type or smooth wire or rail construction. Construction of ornamental wrought iron fencing with closely spaced vertical bars (<12”) and sharp projections extending beyond the top horizontal bar should be strongly discouraged in areas where deer, elk, and black bear are known to occur. This type of fencing typically ensnares deer and elk by the hips when trying to squeeze through and impales animals attempting to go over the top. It should be noted that it is very distressing to find wildlife in or impaled on fences.

Due to the potential presence of black bears in the Development, CPW recommends several measures to reduce the potential for human/bear conflicts. First, we recommend that the owner invests in bear-proof trash containers. Trash containers should be stored in the garage or in a solid locked storage shed until the morning of trash collection during those months when bears are most active (April - November). Another possible alternative would be the use of a centralized and securely fenced trash collection site with the use of bear proof dumpsters what employees, customers, and the trash service provider would have access to. This would eliminate the need for individual trash cans. Second, residents and food vendors should also keep their barbecues and any food locked away in the garage or a secure building. Finally, we would recommend that the use of bird feeders and hummingbird feeders be discouraged, during the months mentioned above, since they also attract black bears. However, if feeders are used, they should be placed so they are inaccessible to black bears, raccoons, skunks, deer and other wildlife species that might cause damage or threaten human safety. A copy of a brochure entitled, “living with wildlife in bear country” is available for reference upon request from CPW.

The following is a list of general recommendations the CPW would like to be taken into consideration with the residential side of this development in order to avoid nuisance conflicts with wildlife. Many times these conditions can be enforced through the local Homeowner’s Association or through covenants.

Pets should not be allowed to roam free and fences should be installed to decrease or eliminate this problem. Dogs and cats chase or prey on various wildlife species. One benefit to keeping animals under control is that they are less likely to bother other people, be in roadways or become prey for mountain lions, coyotes, foxes or owls.

Trash should be kept indoors until the morning of trash pickup. The CPW recommends using bear resistant trash containers. Bears, skunks, raccoons, and neighborhood dogs are attracted to garbage and do become habituated.

Feeding of all wildlife should be prohibited, with the exception of songbirds. The use of bird feeders, suet feeders, and hummingbird feeders are discouraged. However, if feeders are used, they should be placed so they are inaccessible to bears, raccoons or skunks and other

wildlife species that might cause damage or threaten human safety. It is illegal to feed big game including deer, elk, antelope, moose, bear and lion.

Pets should be fed inside or if pets are fed outside, feeding should occur only for a specified period of time and food bowls returned afterwards to a secure site for storage. Pet food left outside attracts various wildlife species which in turn attracts predators.

When landscaping lots, it is strongly recommended that native vegetation be used that wildlife is less likely to be attracted to. Planting of trees and shrubs that are attractive to native ungulates should incorporate the use of materials that will prevent access and damage (fencing, tree guards, trunk guards, etc.).

It is strongly encouraged that dog kennels have a top enclosure, regardless of the height of the kennel.

Barbecue grills should be placed in a secure area when not in use.

CPW appreciates being given the opportunity to comment. Please Feel free to contact District Wildlife Manager Aaron Berscheid at 719-227-5231 or aaron.berscheid@state.co.us should you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Kroening', with a stylized flourish at the end.

Tim Kroening
Area Wildlife Manager

Cc: SE regional files
Area 14 files
Aaron Berscheid, DWM

EP-24-0022_1 Overlook at Homestead Preliminary Plan

File Number: SP238

Location: Section 27, T11S, R64W, 6th P.M.

39.0681, -104.5456

The available referral documents include a Soil and Geology Study (Entech Engineering Inc., August 2, 2023), Preliminary Plan (N.E.S., Inc., October 6, 2023), Letter of Intent (N.E.S., Inc., October 2023), Preliminary Drainage Report (Kimley Horn and Associates, August 7, 2023), Wastewater Disposal Report (RESPEC, September 2023), and other documents. The site consists of 62 single-family lots within 346.55 acres. Geologic hazards and constraints are associated with this site. We offer the following comments and recommendations.

Entech's report contains a good description of the site's geology, surface and subsurface conditions, and potential development constraints. CGS agrees that the site is suitable for the proposed development, provided Entech's recommendations regarding mitigation of artificial fill, expansive soils, shallow groundwater, potentially unstable slopes, rockfall, and debris flows are strictly adhered to. Even so, to avoid these hazards, some lots will include a limited area for building envelopes and septic systems. It would be prudent for the county to recommend that proposed building envelopes be included in the plat/plans. Additionally, mitigation measures should be included in the preliminary plans. CGS offers the following comments and recommendations.

Rockfall and potentially unstable slopes. Entech identified potentially unstable slopes along the mesa with rockfall hazards associated with the rock outcrops (lots 23-35). Entech recommends (p. 9) "A minimum setback of 30 feet from the crest of the cliff/steep slopes." CGS agrees with Entech that due to the size of the lots (~3 to 5 acres), these areas can likely be avoided or mitigated. **CGS recommends the setback from potentially unstable slopes and "no build easements" associated with rockfall hazards be clearly noted on the plat.**

Debris fans/debris flow susceptibility. Based on debris flow susceptibility mapping, drainages originating from the steep mesa are areas of debris flow hazards. Although the site is not within a defined floodplain, the drainages with the site may be affected by erosion, flooding, sediment-laden flows, and erosion following heavy precipitation. CGS agrees with Entech (p. 9) that "Drainage culverts and other drainage infrastructure should be adequately sized for the potential sediment laden flows." Erosional setbacks from any drainage/channel within the site should be established along with site grading that provides positive surface drainage and BMPs for stormwater. **CGS recommends the final drainage study analyze bulked flow dynamics associated with hyperconcentrated flooding emanating from the drainages for 25- and 100-year storm events.**

Expansive soils and bedrock. The site is underlain by alluvium and colluvium (silty sands and clays) and soils derived from in situ weathering of the underlying Dawson Formation bedrock. The Dawson consists of sandstones interbedded with lenses of siltstone and claystone. The claystones and clayey soils are typically expansive. Entech provides appropriate mitigation strategies (overexcavation and replacement with non-expansive fill placed using specified water content and compaction criteria, p. 7) for use if expansive soils or bedrock are encountered beneath proposed foundations. Site-specific, design-level geotechnical investigations, including drilling, sampling, lab testing, and analysis, will be needed once building locations are finalized to

characterize soil and bedrock engineering properties such as density, strength, swell and consolidation potential, and bearing capacity at and below approximate foundation bearing depths, and to determine groundwater levels. This information is needed to determine maximum bearing and minimum dead load pressures (if applicable), and to develop final design criteria for foundations, floor systems, pavements, and subsurface drainage.

Groundwater, perched water, and foundation drainage recommendations. The project is in a geologic setting and location known for shallow fluctuating groundwater. Groundwater was encountered in the borings at depths of 3 to 18 feet during drilling. CGS agrees with Entech (p. 6), “Fluctuations in groundwater conditions may occur due to variations in rainfall and other factors not readily apparent at this time.” Shallow groundwater conditions are expected to fluctuate with differing precipitation events and seasons. No basements should be planned in areas where groundwater is within 3 feet of foundation components. If significant grading or below-grade levels are planned, the potential for shallow groundwater will require further evaluation. Investigations for natural fluctuations in shallow groundwater should include monitoring and observation programs through winter, spring, summer, and fall.

Entech states (p. 8), “Where shallow groundwater is encountered, underslab drains or interceptor drains may be necessary.” An underdrain system should be allowed ONLY if it can gravity discharge to a daylight outfall or is connected to an existing underdrain system that gravity discharges to a daylight outfall. Additionally, Entech states, “In areas where high subsurface moisture conditions are anticipated periodically, a subsurface perimeter drain will be necessary to help prevent the intrusion of water into areas located below grade.” Individual foundation perimeter drains are intended to handle small amounts of intermittent, perched water and may NOT be used to mitigate persistent shallow groundwater conditions.

Artificial fill is present in limited areas within lots 12 and 36-38. CGS agrees that uncontrolled fill will require removal and recompaction beneath foundations. Any trash, waste, etc., should be properly removed from the site.

OWTS suitability. According to the El Paso County Soil Survey, the northeastern portion of the site is very limited in its suitability for conventional on-site wastewater systems (OWTS), described as septic tank absorption fields in the soil survey, due to low-permeability soils and shallow groundwater. CGS agrees with RESPEC’s report (p. 5), “It is anticipated that the majority of the lots will require designed systems.” Lot-specific testing will be needed to determine the need for and to design conventional or engineered sewage disposal systems.

Submitted 11/6/2023 by Amy Crandall, Engineering Geologist, Colorado Geological Survey (303-384-2632 or acrandall@mines.edu)

Miranda Benson2

From: Miranda Benson2
Sent: Thursday, April 18, 2024 3:47 PM
To: PCD Hearings
Subject: FW: Preliminary Plan Overlook at Homestead

From: Brian Morse <brianmorse@elpasoco.com>
Sent: Thursday, April 18, 2024 8:33 AM
To: Kylie Bagley <KylieBagley@elpasoco.com>
Subject: Preliminary Plan Overlook at Homestead

Ms. Bagley,

Per our discussion in reference to the proposed development surrounding Apex Ranch.

There are two access points where Apex Ranch Road is proposed to be extended towards the south into the new sub-division and between two lots (Lot numbers unknown) towards the north.

- The original driveway onto the property is on the north end of Apex Ranch. Why build a new road cutting through the two lots when a road can be added off of Elbert Road at the existing driveway going into the north end of the subdivision. With one of the proposed roads being off of Elbert Road south of Apex Ranch and one at the existing driveway into the property, there would be no reason to cut the new road to the north or extend Apex Ranch Road. I would not be opposed to access onto Apex Ranch Road from the new sub-division by emergency personnel in the event of a fire to access the cistern on Apex Ranch, but it should be closed off by a gate which FD personnel would control, with no public access.
- On the road going into Homestead, I heard there is the possibility of a parking lot for people accessing Homestead. I believe a parking lot should not be allowed as there is plenty of parking for anyone to include people with horse trailers at the entrance to homestead. This would create a lot of unwanted traffic by people not living in the area.

I understand growth and developers wanting to develop the nicer areas, but they also need to consider the concerns of the established residents in the area and the impact it will have on them. I live in the area to get away from the city and enjoy the peace and quiet. With the current proposal, traffic will increase significantly taking away the peacefulness. Also, we have a small community where everyone looks out for each other. We have one way in and one way out which limits who comes and goes. With the extra traffic, especially people who may not live in the area, it will make it harder to identify any suspicious vehicles.

Thank you,
Brian Morse
15620 Apex Ranch Road
Peyton, CO 80831
(719)649-4030

Miranda Benson2

From: PCD Hearings
Sent: Tuesday, April 16, 2024 11:55 AM
To: PCD Hearings
Subject: FW: Comments for El Paso County Planning Hearing on April 18, 2024, 9am MDT

From: William Pickle <bp@wpickle.com>
Sent: Tuesday, April 16, 2024 11:31 AM
To: Kylie Bagley <KylieBagley@elpasoco.com>
Subject: Comments for El Paso County Planning Hearing on April 18, 2024, 9am MDT **SP238**

Hi Kylie, this is Bill Pickle; we spoke almost a year ago when the developers for Homestead Overlook applied for rezoning of the almost 350 acres west of Homestead Park. You may recall that I own the 160 acres on the east side of this parcel of which 80 acres of it is on the the east side of our dividing boundary. We are separated by 1/2 mile of barbed wire cattle fence.

Kylie, I am not against development. I am simply against ANY poor, ill thought out, or intentionally misleading discussions used in determining the approval of developments of any kind. I am neither supportive of Overlook nor against it. However, as a part time resident of the area, and 45 year long owner of the property, I have had significant experience in dealing with developers and the often times poor results of their work, i.e. Reata Land Development and the Reata Community, as well as Homestead Park, itself.

My immediate concerns for the planning commission are insufficient water, possible erosion/stormwater issues that may arise, and the preservation of wildlife to include the "jumping mouse" (preble mouse) which used to be very common around this area.

First, the water issue is real. I know developers are actively involved in showing there is sufficient water for lots and that they have engineering studies, data, alternative plans, etc that they will provide the County. All well and good, but unless you want to change the water usage guidelines and the aquifers available for this development, I fear we will have further water shortages. Please insure the water studies are thorough and ACCURATE and that there is an alternative plan for the developer to provide water to the future lot owners. There are lots to the immediate south of the Homestead Overlook property that have empty holes drilled down to 1100 feet...There are many homeowners in the Reata Subdivision along the southern boundary line that will tell you about their wells running dry and requiring a lengthy time to refill. Personally, when Homestead Park drilled the well to feed the man-made pond 10-15 years ago, both of my ponds (one on the east of park and one on the southwest of park went dry. The latter one is 1/4 mile from the Overlook Parcel. These 2 ponds dried up in less than a week after the county's drilling. Only this year, after a lot of precipitation, have they recovered partially, and that is because of runoff, not the normal underground springs....Our house well which is also on the immediate east boundary of Homestead Park, goes dry after as little as 15 minutes of water use....This is our 3rd well in past 30 years and is 600 feet deep...My point is be very careful in saying water is available to provide for 60 lots or so, especially given that the planned homes will very likely require a LOT of water for lawns, gardening etc...(I can tell you there are few if any real lawns out in this area....It is pretty much weeds and dirt in almost every lot.

Finally, honesty is critical to me and most of the people in El Paso County...We have a wonderful county and a very efficient government. However, I want to bring to your attention the meeting of the BOCC several months ago...I was in D.C. where I have a business and happened to listen in to the hearing. You may recall that I called in...(William Pickle) after hearing the developers statement and certain inaccuracies. The developer stated that my 160 acres was "landlocked" and they were putting a gate in my cattle fence to provide access to my property. The fact is I am not landlocked...Reata Road dead ends at my gate/property and that is how I access my land/cattle. The developer further said their proposed gate that would be cut into my fence and provide me access out and it would further benefit the community because my land will be developed, I was surprised enough to call in and address the BOCC hearing and correct the developer's inaccuracies. After I hung up, the developer in a very confident manner assured the BOCC that while she may have made a mistake, she knew my land would be developed. Unless she has a crystal ball, this land is not being developed, has never been offered for sale, and will in all likelihood be donated to a conservancy or even the county....All is premature but please hold the developer accountable especially as it relates to the welfare of all the surrounding residents of this future development. As aside, I must say the dealings and two conversations I have had with Mr. Biggs, one of the developers, have been frank and cordial.

Mrs. Bagley, again, I am not against this development but I want, and indeed the whole community wants, ironclad assurances that the statements, promises, etc made at these hearings by the developers as well as your technical staffs/departments is accurate, well thought out and protects the current and future citizens of this community as the Board of Commissioners and Planning Commission are charged to do.

Mrs. Bagley, if you need further, please let me know. I apologize for doing this in an email but just realized the hearing was imminent.

Best regards,
Honorable William H. Pickle
8018 Cistena Way
Parker, Colorado 80134
202-679-6789

ADJACENT LANDOWNER SUBMISSION OF COMMENTS FOR APRIL 18, 2024 HEARING
PROJECT FILE NUMBER SP 238, OVERLOOK AT HOMESTEAD
SUBMITTED BY ROGER AND JOANN LUND, TRUSTEES OF THE LUND FAMILY REVOCABLE
LIVING TRUST, OWNERS OF APEX RANCH ESTATES LOTS 15 AND 16
SUBMITTED APRIL 16, 2024

Our comments are partially a reiteration of concerns previously submitted regarding this proposed development, and additional comments thereon.

- 1) Our overriding concern is the adequacy of the proposed Stormwater Management Plan, especially as regards the location and adequacy of the detention pond sited between Lots 58 and 59 of Overlook. This issue was communicated to you in our November 8, 2023 letter emailed and hand-delivered to NES representatives at the neighborhood meeting of that date.

As stated in that letter, drainage from two major drainage easements on or abutting Lots 58 and 59 flows directly off of Overlook property and into a deep ravine between Lots 16 and 17 in Apex Ranch Estates, through culverts under Apex Ranch Road and Fletcherville Lane, into a detention pond near that intersection, then along Fletcherville Lane until exiting the subdivision boundary to the north. Previous storms in early summer 2023 have overwhelmed this course of flow, and any uncontrolled additional runoff from development above us (i.e., Overlook) has the very real potential to cause damage to both individually-owned and HOA-owned properties in Apex Ranch Estates.

Joe DesJardin and Kevin Cofford of ProTerra did respond to my request at the Nov. 8 meeting to personally view my concerns, and in fact met on-site on April 1, 2024 with me and fellow resident Mike Duncanson. Hopefully their viewing firsthand of the depth and extent of the drainages in question on both sides of the property line will prompt a further review of my suggestion to relocate the detention pond below the confluence of these two major drainages. However, I did not see any such revisions to the preliminary plan as of yet.

Interestingly, a review of the plat shows that of the six detention ponds proposed for Overlook, five of them are located to control flows immediately before leaving the property line from Overlook onto adjacent properties; the only one that does not do so, and in my opinion could be re-engineered to offer a higher level of protection to my and Apex Ranch Estates' property, is the one I am questioning.

- 2) NES personnel at the November 8, 2023 seemed receptive to our suggestions that the existing portion of Apex Ranch Road not be used for a construction entrance to the extent possible, and that the new road to be constructed off of Elbert Road into Overlook be used instead. I would request that this be formally integrated into the proposed development plan.
- 3) In spite of the assurances that sufficient water exists for 62 wells to be drilled into the Dawson Aquifer for Overlook development (which will surround Apex Ranch Estates on three sides, and use the same finite water source as for Apex), we feel that other assurances of continued water availability into the future should be granted to existing adjacent landowners.

Specifically, page 6 of the Planning Commission Report Packet states that in Planning Region 4C, current demand already equals current supply for water, and that by 2040, projected demand will outstrip projected supply by nearly a thousand acre feet per year. To authorize additional wells without augmentation from a deeper aquifer by the developer is not sustainable, either for Overlook or any other existing water users. Allowing development to proceed without affecting current adjoining landowners when another solution exists defies logic.

I would also like clarification of Overlook's statement on page 25 of this same document regarding "The Applicant requests that the finding of sufficiency for water quantity, dependability and quality be deferred to the Final Plat." To me this implies that once all other boxes are checked, the water issue would be a slam-dunk for Planning Commission approval. An item of this magnitude should be moved to the forefront of the approval process.

From: PCD Hearings
Sent: Wednesday, April 17, 2024 8:18 AM
To: PCD Hearings
Subject: FW: Resending Comments on SP238 Overlook at Homestead Preliminary Plan

From: Robert Keeley <rhkeeley@earthlink.net>
Sent: Tuesday, April 16, 2024 10:24 PM
To: PCD Hearings <pcdhearings@elpasoco.com>
Cc: Sandra Keeley <keeleysandra7@gmail.com>
Subject: Resending Comments on SP238 Overlook at Homestead Preliminary Plan

COMMENTS ON PROJECT FILE NUMBER SP238 "SP238"
PROJECT NAME OVERLOOK ("OVERLOOK") AT HOMESTEAD PRELIMINARY PLAN ("THE PLAN")

Comments from Robert and Sandra Keeley
17245 Elbert Road, Peyton, CO 80831
Trustees of the Keeley Family Security Trust (which owns Parcel Number 4122000008)

April 16, 2024

A. Who we are--

Owners of a 95 acre property that borders ¼ mile of the northern boundary of SP238.

We also border ¼ mile of the northern boundary of Apex Ranch. After reviewing "THE PLAN" we believe that "OVERLOOK" will be a successful, attractive development that will be a credit to El Paso County and to the Elbert Road neighborhood. That said, we have five comments, listed below, that we believe will improve "OVERLOOK."

B. Topics (see references to sections of "THE PLAN." Our comments will reference attachments (PART M OF "THE PLAN")

1. Drainage and Erosion (part G.3, p. 7/56 of "THE PLAN")
2. Water (part H.1, p. 8/56 of "THE PLAN")
3. Utilities (part H.4, p. 8/56 of "THE PLAN")
4. Metropolitan Districts (part H.5, p. 9/56 of "THE PLAN")
5. Parks/Trails (Part H.6, p. 9/56 as well as p. 26 and pp. 50-53 of "THE PLAN")

C. Comment 1: Drainage and Erosion (part G.3, p. 7/56 of "THE PLAN")

"THE PLAN" provides for basins that will catch anticipated runoff—thus minimizing erosion within "OVERLOOK," as well as preventing flood damage to nearby properties.

In mid-June of 2023 an extreme thundershower produced runoff from "OVERLOOK" and Apex Ranch, our neighbors to the south, that nearly obliterated our driveway. We narrowly escaped being prevented from entering/leaving our house and land.

An Appendix to this comment describes the drainage features of our property as Kiowa Creek flows out of Apex Ranch, continues north, and exits under Elbert Road near the northwest corner of our property .

Future extreme rain events, such as the one in 2023, may exceed the capacity of "OVERLOOK" for retaining its internal runoff, thus creating runoff through Apex Ranch and then onward through our property..

To prevent our access to Elbert Road from being blocked we have three suggestions:

1. The existing 30' shared easement from our property into "OVERLOOK" be continued as an emergency, locked road between our property and "OVERLOOK."
2. We work with the developer of "OVERLOOK" to create and carry out a plan to improve our driveway such that it would not be damaged by the combined flood runoff from "OVERLOOK" and Apex Ranch.
3. We also recommend that the developer engage a qualified engineer, independent from the engineer used by the developer, to review the runoff control measures for "OVERLOOK" and for "Apex Ranch." Review and approval by a qualified, independent party is a "win" for all the properties in this area ("OVERLOOK," Apex Ranch, and our own property).

D. Comment 2 Water (part H.1, p. 8/ 56 of "THE PLAN") has three parts:

1. Based on disclaimers about the adequacy of the proposed water supply in the Dawson aquifer stated in letters from the County Attorney (see p. 39 of 56 in the PC Report Packet) and from the Colorado Division of Water Resources (see pp. 40-41 in the PC Report Packet) we suggest that the developer of "OVERLOOK" consider retaining water rights (or re/acquiring them) for aquifers below the Dawson. Doing so will allow lot owners to go into deeper aquifers if some wells turn out to be dry or develop inadequate flows in the future.

2. "OVERLOOK" HOA should report annually to the Colorado Division of Water Resources on water use by home owners as a group, and by individual owners. Such reporting will alert the Division of any failures to meet state or county water use limits. The HOA should also report periodically (e.g. every 5 years) on changes in well levels (using a sample of wells whose water levels will be measured).

3. "THE PLAN" provides for stock watering of "up to 248 head" (page 34, para 2) It should be explicit about anticipated stocking of horses, cattle, and other animals. It should state any plans for stocking during the development phase and for stocking once the lots and houses are completed. Additionally, "OVERLOOK" should obtain a range survey from the USDA Soil Conservation Service to develop a plan for management of any temporary (prior to completion of "OVERLOOK") rangeland.

E. Comment 3. Utilities (part H.4, p. 8/56 of "THE PLAN"): Explicitly require underground utilities for "OVERLOOK"

F. Comment 4 Overlook at Homestead Metropolitan District (parts G.3, p. 8/56 and H.5, p. 9/56 of "THE PLAN"): In addition to its stated purpose of stormwater control, the Metropolitan District should carry out weed suppression (not limited to noxious weeds, but including obnoxious ones such as Mullein, Kochea, Tumbleweeds, Thistles), and reseed open land to extent needed prior to, during and

after construction.

The Introduction to the Master Plan of El Paso County “recognizes the absolute importance of being good stewards of the natural environment.” (P. 2 of the Master Plan). “OVERLOOK” is located in a truly beautiful part of the county. Protecting the land from damage by weeds and invasive mammals (e.g. prairie dogs) will help to protect the wonderful “character” of this part of the county.

G. Comment 5. Parks/Trails (Part H.6, p. 9/56 of “THE PLAN”): Part H.6 (p. 9/56) refers explicitly to a trail easement, but the letter from Colorado Parks and Wildlife contains many valuable guidelines for the HOA re. revegetation, fencing, and other actions to preserve the wonderful “Character” of the “OVERLOOK” site. We have two particular requests:

1. The trail easement, referenced on p. 11 of Letter of Intent (an Attachment within part M of the Report Packet), will “facilitate bike and pedestrian trafficbetween Apex Ranch and Homestead Ranch Park.” We suggest that horseback riding also be explicitly permitted, and that bicycle traffic include pedal assisted bikes but not motorized scooters.

2. The barbed wire fence currently located on the boundary between our property and “OVERLOOK” should be replaced by a smooth wire, wildlife-safe fence.

Appendix to Comment 1 of Robert and Sandra Keeley

Apex Ranch was presumably built to county flood control standards. Our southern boundary touches the northern boundaries of Apex Ranch and “OVERLOOK.” It is ¼ mile north of a headwater of Kiowa Creek, whose runoff originates in Apex Ranch and in “OVERLOOK” That runoff then flows onto our property. It continues through our two pipe culverts (only 12” and 18” in diameter) situated about 8’ under our driveway, then to our flood retention basin. When the retention pond is relatively full, runoff continues over a spillway and crosses under Elbert Road through a large pipe culvert. To the best of our knowledge all runoff control features on our property predate the County’s current standard by decades.

An extreme thunderstorm occurred in mid-June 2023 (our informal rain gauge measured 5” of rain in around 1 hour). That storm revealed the limitations of the county’s existing flood control infrastructure. Flooding damaged several roads, resulting in road closures until emergency repairs could be performed. Flooding of Kiowa Creek also removed driveways along Elbert Road near the County line and further north. Flood waters from the Apex Ranch holding pond created two ponds at the southern boundary of our property. Each was slowly drained by our two pipe culverts (far smaller than the three 36” pipe culverts draining Apex Ranch). Water level in the ponds came within 8” of flowing over our gravel driveway. As pond water flowed into our culverts, several feet below the surface of the ponds, turbulence created by the flow partially eroded our driveway, almost preventing us from accessing Elbert Road. Fortunately, we were able to find a contractor who performed a timely emergency repair.

Future extreme rain events, such as the one in 2023, may exceed the capacity of “OVERLOOK” for retaining its internal runoff, creating runoff through the planned southern access road to Elbert Road, and through Apex Ranch.

Miranda Benson2

From: Grace Blake <equestriangrace3@gmail.com>
Sent: Tuesday, April 16, 2024 10:29 PM
To: PCD Hearings
Subject: Public Hearing Comment SP238

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

File Number: SP238

Good afternoon,

Many of us neighbors in the Reata subdivision are wondering if equestrian easements can be considered through the Overlook at Homestead? A lot of us on Valdez Circle have no way of accessing Homestead Regional Park by horseback. Is this a topic that can be brought into consideration and be a part of the construction/preliminary plans? Thank you!

We do not need to speak during the hearing, just hoping this topic can be addressed. We will not be present at the hearing but are available by phone if necessary. Again, we do not need to speak during the hearing. Just hoping this is a topic for consideration by the builders of the Overlook.

661-860-0425
Thank you again!
Cody and Grace Davis

Sent from my iPhone

RESOLUTION NO. 24-

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

APPROVAL OF A PRELIMINARY PLAN FOR
OVERLOOK AT HOMESTEAD PRELIMINARY PLAN (SP238)

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

WHEREAS, a public hearing was held by the El Paso County Planning Commission on April 18, 2024, upon which date the Planning Commission did by formal resolution recommend approval of the preliminary plan application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on May 9, 2024; 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, 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. That the application was properly submitted for consideration by the Board of County Commissioners.
2. That proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
3. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters, and issues were submitted and reviewed, and that all interested persons were heard at those hearings.
4. That all exhibits were received into evidence.
5. That the proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. That the subdivision is in conformance with the subdivision design standards and any approved sketch plan.

7. That the subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. That a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Land Development Code.
9. That a public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of the Land Development Code.
10. That all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions [C.R.W. §30-28-133(6)(c)].
11. That adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and the Engineering Criteria Manual are provided by the design.
12. That the location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development.
13. That legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Land Development Code and the Engineering Criteria Manual.
14. That the proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encouraging a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.

15. That necessary services, including police and fire protection, recreation, utilities, open space, and transportation system are or will be available to serve the proposed subdivision.
16. That the subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
17. That the proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
18. That for the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the preliminary plan application for the Overlook at Homestead Subdivision;

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

CONDITIONS

1. Applicable traffic, drainage, and bridge fees shall be paid with each final plat.
2. Applicable school and park fees shall be paid with each final plat.
3. 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 Division of 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 species.
4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 19-471), as amended, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before the sale of the property.
5. Applicant shall comply with all requirements contained in the Colorado Parks and Wildlife Department of Natural Resources letter, dated 11/11/2023.

6. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 2/29/2024, as provided by the County Attorney's Office.
7. Applicant shall comply with all recommendations by Amy Crandall, Engineering Geologist contained in the Colorado Geological Survey's Review letter, dated 11/6/2023, as provided by the Colorado Geological Survey.
8. Applicant shall comply with all requested trail easement, construction, and dedication requirements related to this Preliminary Plan and in future Final Plats as requested by the EPC Parks and Community Services Department in their letter dated 11/2/2023.

NOTATIONS

1. Subsequent Final Plat Filings may be approved administratively by the Planning and Community Development Director.
2. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a final plat has been approved and recorded or a time extension has been granted.
3. Preliminary Plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 9th day of May 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

A TRACT OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 22, AND A PORTION OF THE NORTH HALF OF SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, BEING MONUMENTED ON THE NORTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED PLS 27605" AT GRADE, AND AT THE SOUTHERLY END BY A 2-1/2" ALUMINUM CAP STAMPED PLS 28658" .3' ABOVE GRADE, BEING ASSUMED TO BEAR S00°19'49"E.

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THE SOUTH HALF OF THE NORTHEAST QUARTER; AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, ALL IN SECTION 27, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

TOGETHER WITH

THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 22 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN; EXCEPTING THEREFROM THE PORTION OF LAND CONVEYED IN DEED RECORDED OCTOBER 4, 2005 UNDER RECEPTION NO. 205156836, COUNTY OF EL PASO, STATE OF COLORADO.

TOGETHER WITH

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN; THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN; THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27 IN TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, EXCEPT THAT PORTION OF SAID QUARTER SECTION LYING NORTHWEST OF THE FORMER RIGHT OF WAY OF THE COLORADO AND SOUTHERN RAILWAY COMPANY, COUNTY OF EL PASO, STATE OF COLORADO AND EXCEPTING ANY PORTION CONVEYED TO THE DEPARTMENT OF HIGHWAYS IN DEED RECORDED MARCH 26, 1959 IN BOOK 1734 AT PAGE 504, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO; THENCE S00°19'49"E ON THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 2,646.38 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE S00°47'36"E ON THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 27, A DISTANCE OF 2,646.44 FEET TO SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 27, SAID POINT BEING ON THE NORTHERLY BOUNDARY LINE OF REATA FILING NO. 1, AS RECORDED IN PLAT BOOK A-3 AT PAGE 62; THENCE S88°43'40"W ON THE SOUTH LINE OF THE NORTH HALF OF SAID SECTION AND THE NORTHERLY BOUNDARY LINE OF SAID REATA FILING NO. 1, A DISTANCE OF 3,943.48 FEET TO THE SOUTHWEST CORNER

OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27; THENCE N00°37'58"W ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 1,997.73 FEET TO A POINT ON THE WEST BOUNDARY LINE OF THE FORMER COLORADO AND SOUTHERN RAILWAY, SAID POINT ALSO BEING ON THE BOUNDARY LINE OF APEX RANCH ESTATES AS RECORDED UNDER RECEPTION NUMBER 208712902; THENCE ON THE WEST BOUNDARY OF THE FORMER COLORADO AND SOUTHERN RAILWAY BOUNDARY AND THE BOUNDARY OF SAID APEX RANCH ESTATES THE FOLLOWING TWO (2) COURSES:

1. N35°18'27"E A DISTANCE OF 178.25 FEET TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 17°55'17", A RADIUS OF 1,810.08 FEET A DISTANCE OF 566.17 FEET TO A POINT ON CURVE, SAID POINT BEING ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22, ALSO BEING ON THE SOUTHERLY BOUNDARY LINE OF APEX RANCH ESTATES, RECORDED UNDER RECEPTION NUMBER 208712902;

THENCE N88°37'29"E ON SAID SOUTHERLY LINES A DISTANCE OF 951.90 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER, SECTION 22; THENCE N88°38'04"E ON THE SOUTHERLY BOUNDARY LINE OF SAID APEX RANCH ESTATES AND THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 22, A DISTANCE OF 1,311.89 FEET TO THE SOUTHEAST CORNER OF SAID APEX RANCH ESTATES AND THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 22; THENCE N00°23'27"W ON THE EAST LINE OF SAID APEX RANCH ESTATES A DISTANCE OF 1,321.92 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 22; THENCE S88°37'41"W ON THE BOUNDARY LINE OF SAID APEX RANCH ESTATES A DISTANCE OF 11.86 FEET TO AN ANGLE POINT ON SAID BOUNDARY LINE SAID POINT ALSO BEING ON THE EASTERLY BOUNDARY LINE OF THE QUIT CLAIM DEED RECORDED UNDER RECEPTION NUMBER 205156836; THENCE ON THE EASTERLY BOUNDARY LINE OF SAID APEX RANCH ESTATES AND SAID QUIT CLAIM DEED THE FOLLOWING FOURTEEN (14) COURSES:

1. N06°42'44"W A DISTANCE OF 161.04 FEET;
2. S88°06'46"W A DISTANCE OF 95.20 FEET;
3. S86°45'34"W A DISTANCE OF 288.72 FEET;
4. S86°37'02"W A DISTANCE OF 397.37 FEET;
5. S86°34'15"W A DISTANCE OF 123.39 FEET;
6. S86°48'59"W A DISTANCE OF 107.19 FEET;
7. S86°35'53"W A DISTANCE OF 172.60 FEET;
8. S86°51'02"W A DISTANCE OF 70.34 FEET;
9. N00°45'36"W A DISTANCE OF 165.40 FEET;
10. N00°12'12"E A DISTANCE OF 141.82 FEET;
11. N00°33'05"W A DISTANCE OF 409.91 FEET;
12. N02°52'37"W A DISTANCE OF 73.32 FEET;
13. N04°36'23"W A DISTANCE OF 374.86 FEET;
14. N00°26'39"W A DISTANCE OF 36.96 FEET TO A THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 22;

THENCE N88°34'23"E ON THE NORTH LINE OF THE SOUTH HALF OF SECTION 22, A DISTANCE OF 2,629.29 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 15,281,308 SQUARE FEET OR 350.811 ACRES MORE OR LESS.