

**REVISED 10-01-2020**

July 7, 2020

FOREST HEIGHTS ESTATES  
Project No. 18070**LETTER OF INTENT**

RE: 52090-00-050 &amp; 120 –

LDC, Inc. is representing:  
Phyllis Didleau and Jon Didleaux  
8250 Forest Heights Circle  
Colorado Springs, CO 80908

Be consistent throughout this letter. You refer to the application as a Final Plat, Minor Plat, and Minor Subdivision. This is a Minor Subdivision application. Please revise where applicable.

Criteria for approval for a minor subdivision incorporates both criteria from preliminary plan and final plat, as it combines the two processes into one. You have only provided final plat criteria.

Should clarify - all four lots will be 5 acres or greater

Include the Code references. Sec. 8.4.3(A)(1) for frontage on a public road and Sec. 8.4.3(E)(2) and (3) for private road usage. Please review these sections and ensure proper justification is provided. You must include an analysis of the criteria in Sec. 8.4.3(E)(3).

This is an application for approval of a Final Plat. The property is 35.126 acres and is currently unplatted. The property is zoned RR-5, and four lots are proposed. Upon approval of the plat, Forest Heights Estates will contain four lots, 3 of which will be 5+ acres in size, the fourth lot will include an existing residence, so there will only be 3 new homes. The lots are to be listed for sale as single-family lots once the plat is approved. Each of these lots is proposed for a single-family residence with barns or other structures permitted by code.

We are asking for approval of a 4 lot Minor Subdivision with an existing private road. We are asking for a waiver of the Land Use Code requiring frontage on a public road to allow for the continued use of the existing private road, Forest Heights Circle. In addition we are asking for a waiver of the requirement of a private road to be built to County standards. Forest Heights Circle accesses Herring Road and currently serves 6 homes and has been in existence since the 1960's. The existing road is an approximately 18 feet wide gravel surface with drainage culverts. It will be widened to 24 feet wide with additional gravel surfacing and 2 turnouts per Black Forest Fire Department. There will be a Private Road Users group formed which will own and maintain the private road. Water will be by individual wells, and septic systems will be constructed on each of the lots.

After discussion with the ECM administrator, the roadway will be required to be built to County standards. Comments have been provided on the deviation requests. Please revise accordingly.

Review criteria for a minor subdivision is as follows:

This application meets the Minor Subdivision submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivisions in Chapter 8 of the El Paso County Land Development Code (2016). Minor Subdivisions are reviewed and approved in consideration of the review criteria found in the El Paso County Land Development Code. Each criteria is listed below followed by the appropriate justification.

1. *The subdivision is in conformance with the goals, objectives, and policies of the Master Plan.* The Master Plan is comprised of several elements. One of the elements is the El Paso County Policy Plan (1998), which does not include site-specific land use policies, but establishes

the waiver criteria found in 7.3 should be specifically addressed as well as a letter from the Fire Department identifying they have no concerns.

This does not appear to be relevant. You need to explain how the subdivision will not adversely impact the environment or public facilities. This justification will depend on whether the waiver request is approved.

broad policies and goals which are intended to serve as a framework for decision-making regarding development of the County. The project satisfies the following policies from the Policy Plan as they specifically relate to this request:

*Goal 6.4 – “Develop and maintain rural residential areas in a manner which protects their integrity, addresses the carrying capacity of the natural environment and provides for an adequate level of non-urban facilities and services.” and “Policy 6.1.3 - Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.”*

The proposed Minor Plat will not create the need for additional roadways or public facilities. The site will remain rural residential and is surrounded by existing rural residential development on the north, south, east, and west sides.;

*Policy 6.1.14 – “Support development which compliments the unique environmental conditions and established land use character of each sub-area of the County.”;* This area of the County is conducive to rural residential development. The five acres lots in the area have lot impact on environmental conditions. The proposed Minor Plat is consistent with the Black Forest Preservation Plan as it applies to the Southern Transitional sub-area which is discussed below.;

*Policy 6.4.4 - “Encourage new rural residential subdivisions to be located within or contiguous with existing rural residential area or to be incorporated as a buffer between higher density and undevelopable areas.”;* The proposed Minor Plat is in an area adjacent to rural residential development with RR-5 to the north, west, south and east.;

*Goal 6.1 A – “Encourage patterns of growth and development which compliment the regions’ unique natural environments and which reinforce community character.”* The existing community character is preserved with this Minor Plat. Density and land use are compatible with the surrounding area and the natural features of the site will remain preserved, even with the addition of 3 more residential lots on the site.

Another element of the Master Plan is the Small Area Plan. The Forest Heights Estates site is located within the area of the Black Forest Preservation Plan (1987), specifically within the “Southern Transitional sub-area” of the plan. Although this small area plan is out of date, the goals for land use within this sub-area are still valid. The area desires that the rural residential development pattern be encouraged, while providing a gradual buffer from higher density to lower density development. The preferred density of one dwelling unit per five acres is encouraged in the northern portion of the sub-area which approaches the treed area. This coincides with the proposed subdivision density. The proposed Minor Plat is consistent with the Black Forest Preservation Plan.

The proposed Minor Plat is in compliance with the Parks Master Plan, which does not appear to call for trails or parks in the site vicinity. Any required Park Fees will be paid at the time of plating. The proposed subdivision is also in compliance with the 2040 Major Transportation Corridors Plan (MTCP) and Master Plan for Mineral Extraction as no separate mineral estate owners were found for the property and the existing development on surrounding properties is not compatible with any potential mineral extraction operations.

The proposed subdivision is in compliance with the El Paso County Water Master Plan (2018). The District Court, Water Division 2 Colorado, has decreed certain water rights and approved a plan for augmentation as necessary to allow use of the existing well and

Is this meant to say low?

the drilling of a second well for the subdivision in Case No. 19CW3006 recorded under reception number 219086827 of the records of El Paso County. The owner seeks a finding of sufficiency from the Colorado Division of Water Resources and the eventual granting of the additional well permit based on the decreed water rights. A listing of some of the policies of the Water Master Plan that are supported by the proposed development follow: *Policy 4.1.3 – Support enhanced monitoring of sources of surface and tributary groundwater in the County.* The referenced decree requires use of metering for the wells to insure compliance with the terms of the permit; *Policy 6.2.1.2 – Encourage re- use of treated wastewater for irrigation and other acceptable uses when feasible.* Both the existing residence and the new single-family residence on the proposed 5 acre lot will utilize onsite wastewater treatment systems which will provide “Return Flows” the environment as a condition of the groundwater findings and order and the well permit.

2. *The subdivision is in substantial conformance with the approved preliminary plan.*

This is a proposed Minor Subdivision and requires no Preliminary Plan for Plat approval. The subdivision will be developed in accordance with the currently proposed land use applications.

Again, this will be dependent on approval of waiver request

3. *The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.*

The proposed Minor Subdivision Plat is prepared in accordance with applicable subdivision design standards. No public improvements are required for this subdivision.

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 is to be provided by individual on site wells operated under a State approved Water Augmentation Plan.

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.*

Waste water is intended to be treated via individual on site septic systems designed, constructed and operated under State and County Health Department rules and regulations and in accordance with the Water Decree.

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

A soils report has been prepared for the site and the owner will comply with the recommendations of the report.

7. *Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28- 133(3)(c)(VIII)] and the requirements of this Code and the ECM.*

The proposed Minor Subdivision is consistent with the submitted Final Drainage Report.

Provide a response. If necessary, you may need to provide deeds to show how properties access the road

Please also state that private facilities (culverts) will be provided.

There are no public Drainage facilities needed or proposed with this development. The owner will comply with the requirements of the drainage report.

8. *Legal and physical access is provided to all parcels by public rights-of-way or private road, acceptable to the County in compliance with this Code and the ECM.*

9. *Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.*

The site is located within the jurisdiction of the El Paso County Sheriff's Office. The Sheriff's office currently provides police protection for the site and surrounding area. Forest Heights Estates is located within the Black Forest Fire Protection District which is providing fire protection for the site and has agreed to serve this subdivision. Water and sanitary sewer provisions are discussed in items 4 & 5 above. The property is located within the service areas of Mountain View Electric Association, Blackhills Energy Corporation, Centurylink Telephone, and Academy School District 20, which will serve the subdivision. Transportation is being facilitated by the existing adjacent roadway system.

10. *The Minor Subdivision plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code.*

Forest Heights Estates is located within the Black Forest Fire Protection District which is providing fire protection for the site and the surrounding area. The District has agreed to serve this subdivision. Building permits for each structure shall be in accordance with the requirements of the Fire District as administered by the Pikes Peak Regional Building Department.

11. *Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8.*

All Offsite impacts are determined to be insignificant with the addition of one residence to the site already containing one residence. The owner will be responsible to pay park, school, drainage and Traffic Impact fees.

12. *Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated.*

There are no public facilities or infrastructure required or proposed for this subdivision. The platting of the site will include the collection of the applicable School Fees, Park Fees, Drainage Fees and Traffic Impact fees due for this project.

13. *The subdivision meets other applicable sections of Chapter 6 and 8. The subdivision meets the requirements of the Land Development Code.*

14. *The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et seq.]. A search of the County Clerk and Recorder's records did not identify a separate mineral estates owner for this property.*

This needs to be revised. The proposed subdivision does not meet the Chapter 8 criteria, as you are requesting a waiver of the requirements.

Thank you for your consideration of our request.

Respectfully:

Daniel L. Kupferer, PLS  
President, Land Development Consultants, Inc.