

Planning comments - V1  
Matthew Fitzsimmons - 8/31/22

Please include the following data:

- Include discussion regarding traffic.
- include information regarding neighborhood outreach.
- Include discussion regarding gas provider.
- Include discussion about how this subdivision conforms to the County master plan, water mp, and parks mp compliance. The county master plan is the most important to address since it may not support this division directly with placetypes.
- Discuss any zoning overlays - none.
- Please include the LOI checklist in the next application with all the items checked off that you addressed.
- Discuss how the proposed plan will follow the zoning code's dimensional standards for RR-5.
- Discussion detailing the proposed payment of the County's Road Impact Fee (e.g., inclusion into a PID, payment at time of building permit, etc.).
- discussion detailing all proposed public and private improvements, including onsite and offsite improvements, and the plan for ongoing ownership and maintenance of each improvement.

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## Letter of Intent

# Romens Subdivision

Final Plat

Adelaida

Romens

June 6, 2022

## FINAL PLAT LETTER OF INTENT ROMENS SUBDIVISION

OWNER/APPLICANT: Adelaida Romens Trustee

ADDRESS: 5135 Coneflower Lane, Colorado Springs, CO. 80917

PHONE: 719-331-3310

Placed address of parcel:  
17720 CLEESE CT

Discuss the rezone application in a sentence or two.

**SITE LOCATION/LEGAL DISCRPTION:** The Northeast 1/4 of the Northeast 1/4 of Section 24, Township 11 South, Range 64 West, 6th Principal Meridian, County of El Paso, State of Colorado.

The site lies north of US Highway 24, west of Peyton Highway in El Paso County, Colorado. The parcel is bounded to the north by Hopper Road right-of-way, to the east by Bradshaw Road right-of-way, to the south by Cleese Court, and to the west by the Hybar Subdivision. The exisiting access to the parcel is from Cleese Court, a gravel county local roadway. The entire parcel lies within unincorporated El Paso County and is currently zoned A-35. (Parcel No. 41000-00- 075)

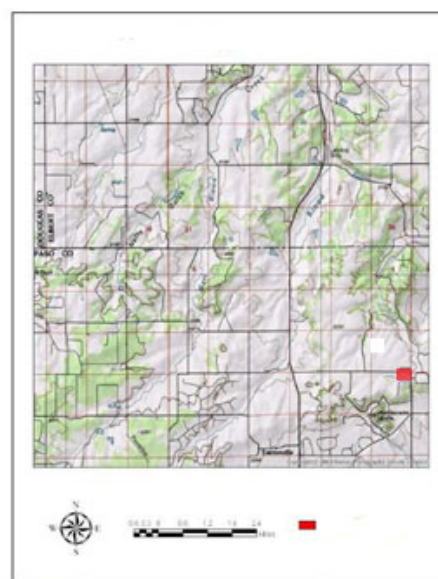
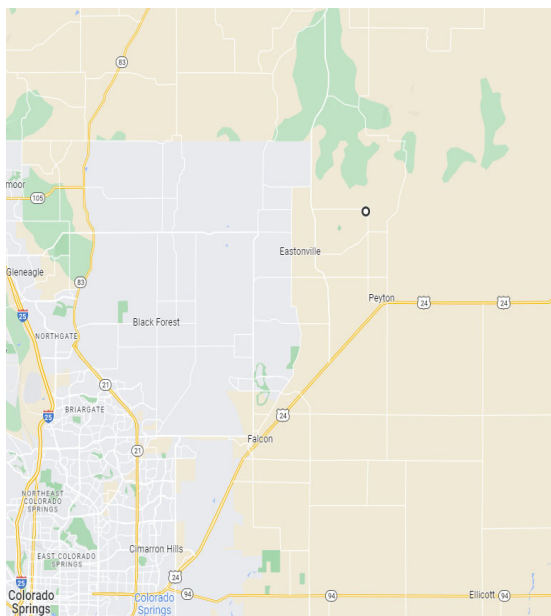


Figure 1 Map showing the location of the proposed subdivision in El Paso County, Colorado.

The EPC assessor has this property listed at 40 acres. please explain.

**REQUEST (FINAL PLAT):** Adelaida Romens is requesting to subdivide the original 36.539 acres (reduced to 34.47 acres of proposed development, based on additional 45' ROW dedication along both Hopper Road and Bradshaw Road) into 7 (approximate 5 to 6 acre lots) and that would be consistent with the surrounding area. Romens Subdivision would be bordered on all sides by already existing 5-acre residential development.

**JUSTIFICATION:** Romens Subdivision would be in compliance with the Map Amendment criteria set out in Section 7.2.1 (A)(B)(C)(D) as follows:

**(A) Purpose**

The purpose of this Section is to identify the types of subdivisions that are recognized by El Paso County and the criteria by which their conformance with this Code and C.R.S. §§30-28-133 through 139, will be established.

**(B) Applicability**

This Section shall apply to all divisions of land that meet the statutory definition of subdivision and are not otherwise exempted from the term “subdivision” by the BoCC.

**(C) Types of Subdivisions**

**(1) Minor Subdivision**

-Not Applicable for this project.

**(2) Major Subdivision**

- (a) Purpose** - The purpose of establishing the major subdivision is to provide a detailed and intensive review process for a complex subdivision which may have significant impacts on a neighborhood, water resources, the environment, and community facilities and services.
- (b) Applicability**- A major subdivision is a division of land that results in the creation of 5 or more lots in accordance with C.R.S. §30-28-101(10) (d).
- (c) Applicable Major Subdivision Criteria Approval**- A major subdivision shall be required to conform to all preliminary plan and final plat requirements including the criteria for approval. A sketch plan may be required where the PCD Director determines a sketch plan is necessary to support the efficient and comprehensive review of a major subdivision.

Please include justification how the criteria has been met or indicate that it is address in the lower sections. It would be best if you listed the criteria and addressed them directly below each item.

## **(D) Subdivision Approval Process and Criteria for Approval**

The subdivision approval process is usually a three step process. The steps can occur concurrently in cases where the size and complexity of the subdivision are limited.

### **(1) Sketch Plan**

A sketch plan is required for projects with 200 acres or more. please delete this section.

#### **(a) Description of a Sketch Plan**

The sketch plan is the first step of the approval process for larger or more complex divisions of land. The sketch plan process reviews, at a conceptual level, the feasibility and design characteristics of the proposal based on the standards set forth in this Code. Minor subdivisions are not subject to the sketch plan process. The review examines the feasibility of the division of land including review of the schematic design, ability to obtain water and sanitation, location of geologic hazards, identification of environmentally sensitive areas and wildlife habitat areas, source of required services, vehicular and pedestrian circulation, relationship to surrounding land uses, evaluation of wildfire hazards and conformance with the requirements of this Code and Master Plan. During this step, public hearings are held before the Planning Commission and the BoCC.

#### **(b) Applicability**

The determination of whether a sketch plan is required is made by the PCD Director.

##### **(i) Sketch Plan Required**

A sketch plan is generally required in the following instances:

- When the development is to be staged over an extended time, with multiple phases;
- When a variety of different land uses are proposed

##### **(ii) Sketch Plan Optional**

A sketch plan may be used by the applicant or requested by the PCD Director when consistency of a proposed subdivision with the Master Plan is unclear, or subject to dispute.

##### **(iii) Concurrent Review and Approval**

A new sketch plan may be reviewed and approved concurrently with a zoning and concept plan or development plan for a PUD. A sketch plan amendment may be reviewed and approved concurrently with any zoning and platting actions.

#### **(c) Criteria for Approval**

In approving a sketch plan, the BoCC shall find that:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The proposed subdivision is in conformance with the requirements of this Code;
- The proposed subdivision is compatible with existing and proposed land uses within and adjacent to the sketch plan area;
- The water supply report provides sufficient information to identify probable compliance with the water supply standards and identifies any need for additional water supplies;

- Services are or will be available to meet the needs of the subdivision including, roads, police and fire protection, schools, recreation facilities, and utility service facilities;
- The soil is suitable for the subdivision;
- The geologic hazards do not prohibit the subdivision, or can be mitigated;
- The subdivision will not interfere with the extraction of any known commercial mining deposit [C.R.S. §§34-1-302(1), et seq.];
- The design of the subdivision protects the natural resources or unique landforms;
- The proposed methods for fire protection are adequate to serve the subdivision; and
- The subdivision is appropriate and the design is based on mitigating the constraints of topography, soil types,

Indicate that the preliminary plan and final plat was able to be combined because of newly changed rules. Now you are only applying for a final plat. The criteria are basically combined also.

## (2) Preliminary Plan

### (a) Description of a Preliminary Plan

The preliminary plan is generally the second step of the approval process for a large or complex division of land or the first step in the process for simpler divisions of land. The preliminary plan process will review the feasibility and design characteristics of the proposed division of land based on the standards in this Code. The preliminary plan process will also evaluate preliminary engineering design.

The purpose of the preliminary plan is to provide an in-depth analysis of the proposed division of land including a refinement of the design considering the geologic hazards, environmentally sensitive areas, source of required services, vehicular and pedestrian circulation, and relationship to surrounding land uses. The preliminary plan and reports shall meet the statutory requirements as contained in C.R.S. §30-28-133, as amended. During this step public hearings will be held before the Planning Commission and the BoCC.

### (b) Applicability

The preliminary plan applies to all subdivisions except those that can be classified as minor subdivisions.

### (c) Concurrent Review of Preliminary and Final Plat

The preliminary plan may be submitted concurrently with the final plat if the proposed division of land and development of the lots does not require extensive engineering. The PCD Director shall determine whether a particular subdivision may combine processes. The preliminary plan may also be submitted in conjunction with a PUD rezoning application and serve as the development plan, as long as all applicable requirements for both applications are met.

### (d) Preliminary Plan Approval Required

Preliminary plan approval or conditional approval is required in order to proceed to the final plat.

### (e) Criteria for Approval

In approving a preliminary plan, the BoCC shall find that:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The proposed subdivision is in conformance with the requirements of this Code;
- The subdivision is in conformance with the subdivision design standards and any approved sketch plan;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. §30-28-133(6) (b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;
- Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;
- Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;

- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and
- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

### **(3) Final Plat**

#### **(a) Description of a Final Plat**

The final plat is the last step in the approval process for a division of land. The final plat process will review the final engineering plans, the SIA, financial assurance, CC&Rs (if applicable), the plat, and any other documents, reports, or studies as necessary; and may also review issues such as building height, landscaping, and building envelopes which have been deferred.

The purpose of this Section is to detail the approval review and approval criteria for a final plat, engineering plans, SIA, and other legal requirements for platting a division of land. During this step, there will be public hearings before the Planning Commission and BoCC.

#### **(b) Applicability**

A final plat shall be required for all subdivisions.

#### **(c) Concurrent Review of Preliminary and Final Plat**

The final plat of the division of land may be processed concurrently with the preliminary plan of the proposed division of land; however, design modifications associated with the preliminary plan review may result in modifications to the final plat and delay the public hearing.

#### **(d) Final Plat Requires Preliminary Plan Approval**

Where a preliminary plan is required, a final plat may only be submitted if a preliminary plan for the subject property has been approved and the final approved version of the preliminary plan, incorporating any changes or conditions of approval, has been provided to the PCD. However, in the case of concurrent submittal of a preliminary plan and final plat, the final plat may only be filed for recording if the final approved version of the preliminary plan, incorporating any changes or conditions of approval, has been provided to the PCD.

#### **(e) Final Plat for Portion of Preliminary Plat Area**

The final plat may be for a distinct portion of preliminary plan area to provide for phased development.

## (f) Criteria for Approval

In approving a final plat, the BoCC shall find that,

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the approved preliminary plan;
- 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;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)];
- 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;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;
- 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;
- 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;
- The subdivision meets other applicable sections of Chapter 6 and 8; and
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1- 302(1), et seq.]

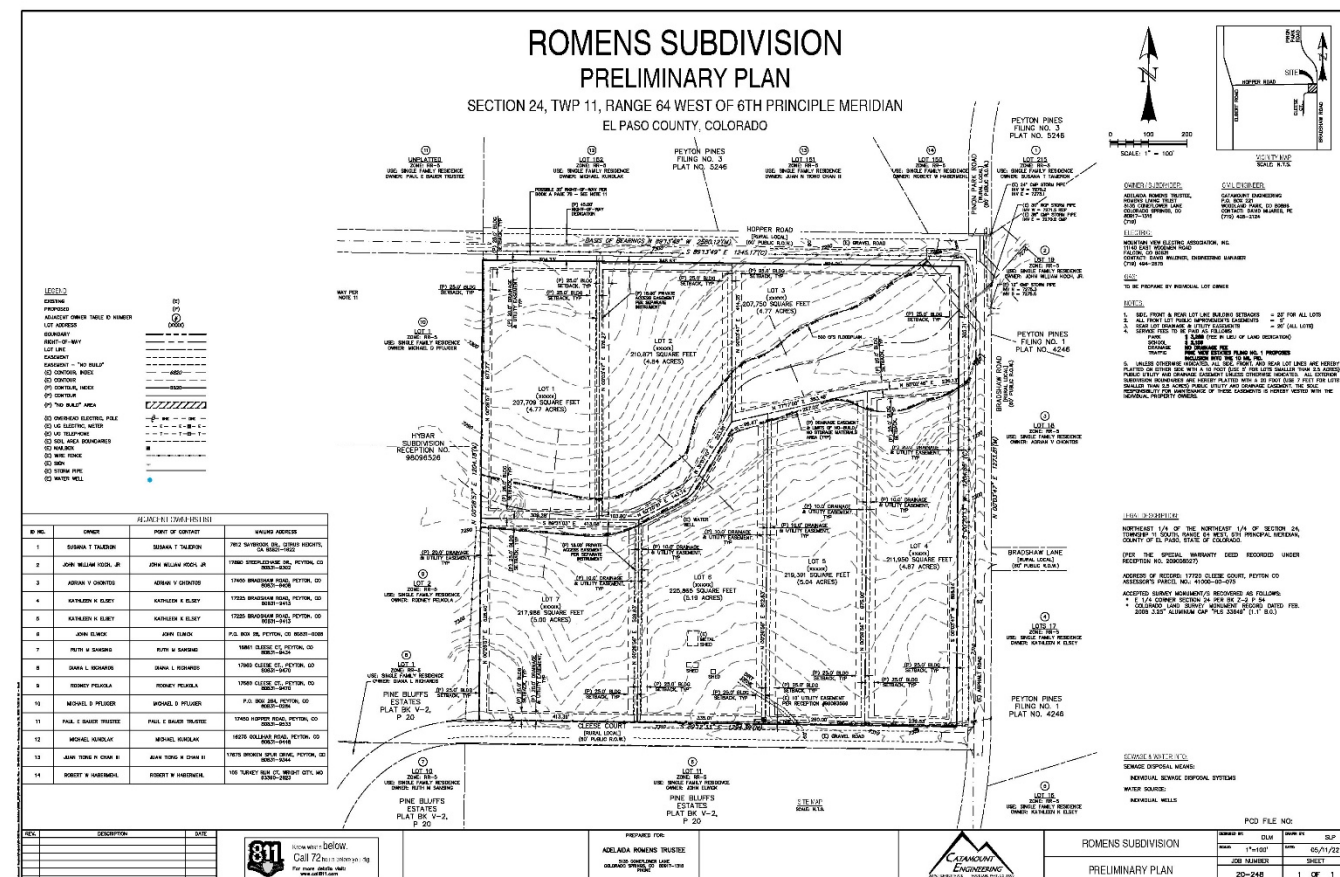


**Response:** Romens Subdivison (Preliminary and Final Plat application, rezoning, proposed land use and site suitability) is in conformance with the goals, objectives, and policies of the Master Plan established by El Paso County.

Please indicate that the criteria will be addressed in detail via the following document.

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## PROJECT CRITERIA

In keeping with the Land Use Code and Planning and Development processes for subdividing that have been established by El Paso, County the following technical elements will be highlighted in this Letter of Intent.

## WATER RESOURCES:

The proposed development is planned to consist of 7 residential properties which will be provided water services through individual residential wells drilled into the non-tributary Dawson Aquifer and wastewater served through individual on-site wastewater treatment systems (OWTS).

It is expected that each rural residential home in the proposed subdivision will require an average of 0.407 annual acre-feet of water (which uses represent annual allocations for domestic use, irrigation, replacement, and stock water).

This anticipated water demand is consistent with historic needs for nearby developments in the Black Forest area. Overall annual demand is anticipated to consist of an annual average of 2.85 AF/year between the 7 proposed lots.

The estimated annual depletion to the designated basins by the end of the 300-year period is modeled as 0.142 AF/year or 4.98% overall annual pumping within the development at full buildout. At full buildout, return flows from the septic fields are projected to return 0.126 AF/year between the 7 proposed lots at 90% of the domestic flows. *This exceeds the maximum depletion 0.142 acre-feet that is projected to occur in the 300<sup>th</sup> year. Flow meters will be required on each well to quantify annual use and ensure compliance with the replacement plan.* The Water Resources report was prepared by Julia Murphy MSPG of Ground Water Investigations, LLC. in Colorado Springs, Co.

#### DETERMINATION OF WATER RIGHTS:

On August 3, 2021, Joanna Williams, P. E. Water Resources Engineer sent a letter to Adeladia Romens (Romens Living Trust) that contained the Colorado Ground Water Commission's Findings and Order for Determination of Water Right No. 4278-BD, for the allocation of ground water in the Dawson Aquifer. Order: *In accordance with Section 37-90-107 (7), C.R.S. and the designated Basin Rules, the Colorado Ground Water Commission orders that the application for determination of rights to designed ground water in the Dawson Aquifer underlying 40 acres of land, generally described as part of the NE1/4 NE1/4 of Section 24, Township 11 South, Range 64 West of the 6th Principal Meridian is approved.* Conditions of the approval are found in the additional submittal documents for the Preliminary Plan and Final Plat.

#### WATER QUALITY:

Ground Water Investigations, LLC. in Colorado Springs, Co. completed a comprehensive water analysis report for Romens Subdivision. A chemical analysis of the water to check for Bicarbonate, Calcium, Carbonate, Hydroxide, Langelier Index, ph, temperature, total alkalinity and total dissolved solids was conducted. The water quality in the Dawson Aquifer in this area has typically been suitable for residential potable use. Findings confirm water quality suitable for residential potable use.

#### DRAINAGE REPORT:

Romens Subdivision consists of unplatted land to be developed into 7 rural residential lots (RR-5 zoning). The parcel is located within the Bijou Creek drainage basin. The West Bijou Creek bisects the parcel and flows from west to east. The northerly portion of the parcel sheet flows south to West Bijou Creek within the RR-5 zoned parcel at slopes between 2% and 9%. The southerly portion of the parcel sheet flows north to West Bijou Creek within the parcel at slopes between 2% and 13%.

No portion of the site lies within an F.E.M.A. designated floodplain per FIRM 08041C0350 G and 08041C0375 G effective December 07, 2018. A firmette exhibiting the parcel has been included in the appendix of this report.

*The development of Romens Subdivision will not adversely affect downstream properties or facilities.* Additional information will be found in the Drainage Report prepared by: David Mijares of Catamount Engineering in Woodland Park, Co.

#### WILDFIRE HAZARD ASSESSMENT AND MITIGATION:

According to the Wildfire Hazard Area Map (WHAM) map developed by the Colorado State Forest Service in 1974, the property to be subdivided has a low hazard for trees and grass. This information is somewhat dated (though still relevant) . It has been essentially superseded by the 2012 Colorado Wildfire Risk Assessment: (CO-WRAP). The Fire Intensity Map indicates a Moderate fire intensity for the property. Overall, the mapped wildfire hazard is low to moderate.

Currently the parcel is used for grazing and that it is fully grass covered with scattered Ponderosa Pines throughout. Although the hazard on this parcel is relatively low, wildfires can occur and the opportunity for ignition remains.

#### FIRE PROTECTION:

Romens subdivision lies within and is served by the Peyton Fire Protection District. The district is a mixed paid and volunteer fire department providing fire, rescue and emergency medical services along with public education and covers an area of approximately 110 square miles at an average elevation of about 6500 feet in the north-central part of El Paso County. The district serves about 3500 buildings through one fire station. Personnel include 18 firefighters, all but 3 of whom are currently certified as EMT's or better.

#### PEYTON FIRE DEPARTMENT COMMITMENT LETTER:

Pine View Estates is in the Peyton Fire Protection District. District Manager David Solin confirmed on January 07, 2021 that service will be provided to the Romens subdivision and that mutual aid agreements exist with surrounding districts.

#### ELECTRIC PROVIDER SERVICE COMMITMENT:

Romens Subdivision is within the Mountain View Electrical Association (MVEA) certificated service area. MVEA has confirmed in January 2021 a commitment to serve Romens Subdivision according to their extension policy. MVEA has requested utility easements of ten (10) foot rear lot utility easement, (5) foot side lot utility easement, and (10) foot front line utility easement along with a twenty (20) foot exterior utility easement on plat. Additional easements may be required in order to serve the development. Garet Bohuslavsky, System Engineer for Mountain View Electric provided the commitment.

#### NATURAL FEATURES/WETLAND IMPACT LETTER:

Assessed in this report are potential wetlands and waters of the U.S., natural landscape features, threatened and endangered species and wildlife. Human-derived cultural formation processes have left their mark on the land found in the proposed project area. Tree harvesting, farming and erosion control activities have heavily impacted and disturbed the modern ground surface and the vegetation community is now a mix of natural and introduced species. The site is characterized by prairie grasslands with a few small deciduous volunteer trees and shrubs. Wildlife species which are encountered include Gray Wolf and Preble's Meadow Jumping Mouse. There really may be a wild Grey Wolf on this property? located outside of the designated Preble's Meadows Jumping Mouse protection area.

According to the Project Summary (Project Code: 2022-0047479) provided by the United States Department of the Interior, Fish and Wildlife Service, dated May 25, 2022, there are no critical habitats, refuges, or fish hatcheries within the proposed Romens Subdivision project area.

*A small portion of land representing the creek bed of West Bijou Creek is identified on the National Wetland Inventory as Freshwater Emergent (Palustrine) Wetland. An established reservation area has been delineated beyond the limits of the West Bijou Creek 100-year floodplain and the designated Emergent Wetland. There is no proposed development within this immediate area. Report provided by Catamount Engineering.*

#### SOILS AND GEOLOGY:

The proposed Romens development site was found to be suitable for the proposed subdivided lots. The location does not appear to be underlain with sand or gravel, so it is not a mineable site. Oil and gas wells are not located in the area, although sufficient information was not obtainable to determine the economic feasibility for oil and gas production at the site.

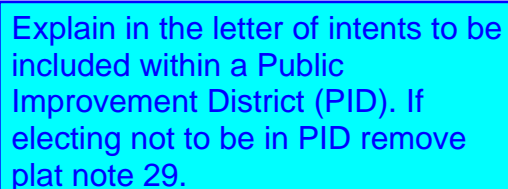
Geologic hazards encountered at the site include expansive soils/bedrock, potentially compressible soils, surface drainage, and potential radon. The geologic conditions of the site are relatively common given the site's locality to West Bijou Creek and mitigation can be accomplished by implementing common engineering and construction practices. None of these conditions are anticipated to preclude the proposed development (Soils, Geology and Geologic Hazard Study, prepared by RMG Engineering Inc. October 2020).

## SUMMARY

Romens Subdivision is in conformity with El Paso County Planning and Community Development goals and objectives as identified in the Master Plan. Adeladia Romens respectfully requests approval of the Romens Subdivision. Romens Subdivision would give the opportunity for families to live in a peaceful country setting. Necessary reporting, mitigation, and plans have been submitted including, but not limited to, the following:

- Subsurface Investigation and Soils Report by RMG Engineers
- Certification of Notice to Mineral Estate Owners by Barron Land, LLC.
- Natural Features Report by Catamount Engineering
- Wetland Impact Letter by Catamount Engineering
- Mountain View Electric Service Provider Commitment Letter
- Peyton Fire Protection District Service Commitment Letter
- Preliminary/Final Drainage Report for Pine View Estates prepared by Catamount Engineering
- Fire Protection Report, Report by Catamount Engineering
- Water Resources and Water Quality Reports by Ground Water Investigations LLC

All indicate that this property is suitable for development as planned and proposed. All proposed residential lots can and will comply with requirements of the land development code.



Explain in the letter of intents to be included within a Public Improvement District (PID). If electing not to be in PID remove plat note 29.