

LETTER OF INTENT

March 6, 2019
September 19, 2018

RE: WALDEN PRESERVE 2 AMENDED PUD DEVELOPMENT PLAN – ADMINISTRATIVE REVIEW APPLICATION

PARCEL NUMBER: 61230 01 023

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BACKGROUND

A PUD Development Plan for the Walden Preserve 2 subdivision was originally approved by the BoCC on January 15, 2015. During 2016, the Planning & Community Development Department administratively approved a second minor amendment to the PUD Development Plan (PUD-16-001) effecting roadway geometrics and lot design with the Filing 2 & 3 area of the Walden Preserve 2 subdivision. The applicant is currently requesting a second administratively approved amendment to the current PUD Development Plan which would rearrange vehicle circulation, lot geometrics and open space geometrics within proposed Filings 4 through 7.

Approval of the amended PUD Development Plan does not affect previous approvals related to the proposed land uses, minimum lot size, maximum number of lots or minimum amount of open space areas. Nor would approval of the amended Preliminary Plan affect previous agreements related to open space buffer widths and locations, regional trail setbacks or maximum number of lots platted prior to the developer providing a second vehicular access to Walker Rd/Hwy 83.

Filings 1 through 3 have been platted, developed and sold to individual home builders. Therefore, this application is limited to the remaining Walden Preserve 2 undeveloped areas contained within Assessor parcel number 61230 01 023 and facilitating proposed Filings 4 through 7.

SITE INFORMATION

The Walden Preserve 2 amended PUD Development Plan is located within portions Sections 14, 15, 22 and 23, T11S, R66W of the 6th PM. More specifically, the property is located north of Walden Preserve 2 Filing 2 and 3, south of Walker Road and east of Walden Way. Vehicular access to the site is currently provided from the west via Walden Way, a 70' ROW asphalt County rural residential collector roadway. Future vehicular access from the north will be provided via Walker Road, a 60' ROW asphalt County rural residential collector roadway. The 135.05 acre site is currently zoned PUD.

DEVELOPMENT REQUEST

The applicant is requesting an Amended PUD Development Plan administrative approval for the Walden Preserve 2 subdivision, Filings 4 through 7. The currently approved 135.05 acre Walden Preserve 2 PUD Development Plan allows for the development of 73 single family residential lots at a minimum lot size of 1.0 acres each and the development of 50.34 acres of open space.

The current application envisions no change in the total number of lots or the total area of open space. Rather, the applicant is proposing to modify the location of roadways, lot geometrics and open space boundary geometrics. No changes are proposed to Filing 1, 2 or 3's public improvements including previously approved road and drainage facilities.

JUSTIFICATION FOR REQUEST

The applicant believes that the proposed roadway and lot / tract property line revisions are in the best interest of the Walden community as the revisions better utilize available building sites within a topographically challenging area of the subdivision while minimizing earthmoving impacts.

STATUS OF PREVIOUS AGREEMENTS

Previous land use approvals have established the Walden communities' land uses, residential densities and minimum lot sizes as being consistent with the goals and objectives of the adopted regional master plan (Black Forest Preservation Plan). This finding of consistency was made contingent upon a number of specific agreements made between the BoCC and the developer.

Walden Preserve 2 Preliminary Plan and PUD Development Plan approval agreements included the following requirements; (1) provide a minimum 125 foot wide open space buffer between the proposed Walden lots and the existing 5 acre lots adjoining the westerly Walden Preserve 2 boundary, (2) provide a

minimum 50 foot setback between the proposed County Regional Trail and the existing 5 acre lots adjoining the westerly Walden Preserve 2 boundary, (3) provide a landscape buffer consistent with the El Paso County landscape buffer requirements within the 125 foot wide open space buffer adjoining the existing 5 acre lots adjoining the westerly Walden Preserve 2 boundary, (4) provide a minimum of 50.34 acres of open space (Filings 4 through 7) configured such that the maximum number of lots adjoin the open space while providing separation between the various filings or clusters, (5) limit the maximum number of lots to 73 single family residential lots (Filings 4 through 7), (6) the minimum lot size shall be 1.0 acres and (7) no more than 66 lots shall be platted prior to the developer providing a second vehicular access onto Walker Rd/Hwy 83. This proposal is consistent with all of the previously land use agreements (see Amended Preliminary Plan and Amended PUD Development Plans).

EXISTING AND PROPOSED IMPROVEMENTS

Filings 1, 2 and 3 are currently developed with the Walden Preserve 2 subdivision. These lots include public roadways, open space facilities, utilities and drainage facilities.

Other existing improvements within this parcel are related to existing recreational opportunities including fishing ponds, structured play areas and trails. The area contains some drainage facilities related to earlier Walden Preserve filings. Storm water facilities are estimated to be less than 10% of the subdivision's total open space areas and have been designed such that they play an integral part in the subdivision's recreational activities.

Proposed improvements within this parcel include; 73 single family residential lots, County owned and maintained asphalt roadways, expanded recreational facilities, expanded trail facilities, drainage channels, drainage detention ponds, electric service, natural gas service and telephone service.

Water service, including fire hydrants, will be provided by a central water system. Waste water collection and treatment will be provided by a central waste water system. Both systems currently exist and are owned and operated by the development company. Work is currently underway to develop a Metropolitan District which would take over ownership, maintenance and operation of the water and waste water facilities. Should the applicant be unsuccessful in obtaining the various required governmental approvals and permits necessary to implement the proposed Metropolitan District, the current central water and waste water facilities owner, the Walden Corporation, will own and maintain the central water and waste water facilities proposed within this application.

Except as otherwise noted, all open space parcels and facilities, including storm water facilities located within the open space parcels, will be owned and maintained by the proposed Metropolitan District. Should the applicant be unsuccessful in obtaining the various require governmental approvals and permits necessary to implement the proposed Metropolitan District, the Walden Corporation, will own and maintain all proposed open space parcels and open space facilities.

The property is located within the service areas of Mountain View Electric Association, Black Hills Energy Corporation, Qwest Telephone, Tri-lakes Monument Fire Protection District and the Lewis-Palmer School District.

CRITERIA FOR APPROVAL

In approving an amended Preliminary Plan and/or amended PUD Development Plan, the BoCC/PCD Staff shall find that:

- *The proposed subdivision is in general conformance with the goals, objectives and policies of the Master Plan; The currently approved Walden Preserve 2 Preliminary Plan and PUD Development Plans have been found by the BoCC to be generally consistent with the goals, objectives and policies of the Black Forest Preservation Plan. Approval of the proposed amendments to the*

Walden Preserve 2 Preliminary Plan and PUD Development Plans will do nothing to influence or affect the previous finds of consistency.

- *The subdivision is consistent with the purposes of the El Paso County Land Development Code;* The underlying purpose of the El Paso County Land Development Code is to protect the health, safety and welfare of the citizens of El Paso County. The following Criteria for Approval responses evidence the application's consistency with the purposes of the Code.
- *The subdivision is in conformance with the subdivision design standards and any approved sketch plan;* The proposed amendments to the approved subdivision design are in conformance with all previously imposed agreements and requirements. See previous discussion related to status of previous agreements.
- *A sufficient water supply has been acquired in terms of quantity, quality and dependability complying with all State and County water supply standards;* Water treatment, storage and distribution will be provided via a central water system currently operated by the Walden Corporation. See JPS Engineering's Water Resource Report, County Attorney's letter regarding the proposed water supply and the State Engineer's letter regarding the proposed water supply.
- *A public sewage disposal system has been established complying with all State and County sewage disposal system standards;* Waste water collection and treatment will be provided via a central waste water collection and treatment system operated by the Walden Corporation. See JPS Engineering's Waste Water Treatment Report.
- *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.* All areas containing soil hazards or requiring special precautions, including areas in excess of 30% slope, are located within the subdivision's open space areas outside of the proposed lots or roadways. See Entech Engineering's Soils, Geology and Geologic Hazards Report on file.
- *Adequate drainage improvements complying with State law and the requirements of this Code and the ECM are provided by the design;* See JPS Engineering's Master Development Drainage Report.
- *Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easements, acceptable to the County in compliance with this Code and the ECM;* All proposed lots have direct physical and legal vehicular access onto proposed dedicated public right-of-ways. See LRA's Amended Preliminary Plan and Amended PUD Development Plans.
- *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;* Approximately 35% of the Walden Preserve 2 subdivision's land area is natural open space. The primary function of the open space is to provide passive recreational and trail opportunities for the subdivision's residences. A secondary function of the open space is to provide buffering opportunities between the Walden Preserve 2's lots and adjoining subdivisions and between the individual Walden Preserve 2's lot clusters. The open space is primarily located within existing natural drainage ways facilitating streams, ponds and riparian habitat.
 - (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;* As encouraged

within the Black Forest Preservation Plan, the Walden Preserve 2 subdivision is a true cluster community with the majority of the subdivision's lots adjoining open space parcels. The open space parcels facilitate a number of passive recreational opportunities including access to an existing non-motorized trail system providing pedestrian transit throughout the subdivision. A portion of this trail system includes an existing County Parks owned and maintained regional trail segment traversing the subdivision from north to south.

(3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; Land uses adjoining the Walden Preserve 2 subdivision are primarily single family residential uses ranging from 0.5 acre platted lots to 5.0 acre platted lots. The subdivision's open space / trail system has been designed such as to provide a physical buffer between the differing existing and proposed lots while providing existing adjoining neighbors physical access to Walden's trail and open space system.

(4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; The Walden Preserve 2's open space / trail system provides permeant protection to natural drainage ways, wildlife habitat, wildlife corridors, wetlands and two large ponds.

(5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities; The developers of the Walden Preserve 2 subdivision have recently purchased a 65 acre site adjoining the northwest corner of the subdivision at the southeast corner of the intersection of Hwy 83 and Walker Rd. The subdivision developers have donated a 21 acre portion of the site to the Monument Academy for a future high school, middle school and YMCA facility. Per the Black Forest Preservation Plan's recommendations, a portion of this 65 acre site will also provide for future neighborhood commercial facilities. Implementation of the amended Preliminary Plan and PUD Development Plans will facilitate a public open space / trail and vehicular circulation network connecting the future school and commercial facilities, the existing and proposed Walden community and numerous existing nearby residential communities.

- *Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;* Police protection for the Walden Preserve 2 subdivision will be provided by the El Paso County Sheriff's Office. The subdivision is located within and will be serviced by the Tri-lakes Monument Fire Protection District (see service commitment letter). Central water and waste water service will be provided by the Walden Corporation's existing central system. Electric service will be provided by Mountain View Electric Association and natural gas service will be provided by Black Hills Energy Corporation (see utility service commitment letters). Recreational opportunities will be provided via the subdivision's open space / trail network and will be greatly enhanced by the future YMCA facility planned at the northwest corner of the Walden community. The public vehicular circulation network has been designed to provide safe and convenient vehicular circulation to and throughout the subdivision (see LSC's Traffic Impact Memorandum).
- *The subdivision provides evidence to show that the proposed methods of fire protection comply with Chapter 6 of the Land Development Code;* Because the Walden community's central water system includes fire hydrants and large quantities of stored fire suppression water, the developers of the Walden community work closely with the Tri-lakes Monument Fire Protection District to provide fire suppression infrastructure for the Walden community and surrounding subdivisions. The Walden Property Owners Association participates in the District's Firewise Communities Program and has integrated wildfire hazards mitigation measures into their communities Covenants and Restrictions. In addition, the developer has provided a fire break system via the subdivision's roadway and trail construction (see Fire Protection Report, District Service Commitment Letter and District application review response).

- *The proposed subdivision meets other applicable sections of Chapter 6 and 8 of the Land Development Code; Chapter 6 of the LDC deals with general development standards while Chapter 8 deals with subdivision design, improvements and dedication standards. Compliance with these standards is documented and ensured through the various State and County departmental and agency review responses.*

SUPPLEMENTAL INFORMATION

The developer proposes to pay fees in lieu of land dedication for school dedication requirements.

The developer will be responsible for constructing all required subdivision improvements at his sole expense. Installation of the required improvements will be guaranteed by a completion bond, letter of credit or joint certificate of deposit acceptable to the El Paso County Board of County Commissioners.

There are no slopes exceeding 30% within the proposed lot areas or road ROW. A few areas of slopes exceeding 30% exist within the open space and storm water facilities areas and are limited to existing pond embankments and drainage swale side slopes. No construction is proposed within these areas.

All lots within this subdivision are subject to transportation impact fees in accordance with the El Paso County Road Impact Fee Program (Resolution No. 12-382), as amended, at the time of building permit application. The Road Impact Fees will be paid on a per lot basis by each individual residential building contractor at the time of building permit application.

No waivers to the El Paso County Land Development Code or deviations to the El Paso County Engineering Criteria Manual are proposed within this application.