

**JeniShay Farms**

Residential Community

Letter of Intent

Preliminary Plan



VICINITY MAP

Prepared By:  
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For:  
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**Request & Justification:**

Phillip S. Miles and Jennifer Miles requests approval of the following applications:

1. The lots 5 & 6 in Terra Ridge Estates will be replatted to be included as part of JeniShay Farms.
  - a. JeniShay Farms will include 9 lots including the replat of lots 5 & 6. Lot 5 currently has a single-family home constructed upon it and lot 6 is vacant land. The proposed development results in an additional 7 single family lots. The development will consist of one and two-story single-family detached homes. This proposed development will be in conformance with all the single-family developments surrounding the subject development.
  - b. Lots 5 & 6 will remain members of the Terra Ridge HOA and subject to the Terra Ridge covenants.
  - c. The following Waivers of the Land Development Code requirements:
    - i. 8.4.4.a Flag lot request
    - ii. 8.4.4.d Shared Access of Flag lots/length of roadway
2. Pre-development grading for infrastructure improvements: roadway, drainage channels and detention pond
3. A finding of water sufficiency with the Preliminary Plan

The justification for these requests is provided in this Letter of Intent

### **Supporting Documents**

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

- Traffic Impact Study prepared by LSC
- Soils Report prepared by Geoquest
- Profile Pit Evaluation prepared by Geoquest
- Geology and Soils Study prepared by RMG Engineering & Architects
- Drainage Report prepared by Lodestar Engineering, LLC
- Water Resources and Water Quality Report prepared by JDS Hydro
- Preliminary Drainage Report prepared by Lodestar Engineering, LLC
- Habitat Suitability Report prepared by Smith Environmental and Engineering
- Noxious Weed Report prepared by Smith Environmental and Engineering
- Water of the US Report prepared by Smith Environmental and Engineering

### **Site Location, Size, Zoning:**

The site lies directly north of Lots 5 & 6 in Terra Ridge Estates and is currently a 39.72-acre undeveloped site. The property is bounded by Ridgeview Acres to the north, Whispering Hills Estates to the west Wildwood Village to the east, and Terra Ridge Estates to the south. All lots surrounding the subject property are all zoned RR-5. The entire 39.72-acre parcel lies within unincorporated El Paso County and is currently zoned RR-5.



**Existing and Proposed Facilities and Structures:**

**Existing site characteristics:** The existing vacant parcels consist predominantly of native shrubs and prairie grasses. The site contains rolling hills with East Cherry Creek and a tributary extending from the south side of the property to the northeast corner. The East Cherry Creek channel and tributary beds extending through the site consists of native grasses and willows. The FIRM map indicates the site is located in Zone X which is outside the floodplain. Approximately, 500 feet of the tributary extending from the southwest corner to the northeast corner will be located 80 feet to the west to accommodate the proposed cul-de-sac.

**Total Number of Residential Units, Density and Lot Size:** The current zoning of parcels 5129302011, 5129302012 and 5129300002 is RR-5, Residential Rural 5-acre lots. The development proposes nine single family residential lots with a minimum lot size of 5.0 acres (RR-5).

**Proposed Infrastructure and Utilities:** The proposed development will include public ROW and utility improvement including gas and electric. All lots will have domestic water provided via a well and wastewater will be treated using individual lot onsite wastewater treatment systems.

Utility and public services will be provided by the following associated districts:

1. Water: onsite well
2. Wastewater: onsite wastewater treatment system
3. Gas: Black Hills Energy
4. Electric: Mountain View Electric
5. Fire: Black Forest Fire Protection
6. Police Protection: El Paso County Sheriff's Department
7. School: Monument School District No. 38

An extended detention basin will be located north of the proposed cul-de-sac to detain stormwater from impervious areas prior to offsite release. The detention and release will have no effect on downstream facilities.

### **Preliminary Plan**

The request is for a preliminary Plan for JeniShay Farms, a single family-development of 9 lots on approximately 52.63 acres, stormwater detention facility and associated infrastructure. All lots will be zoned RR-5

**Traffic and Proposed Access Locations:** The main access to the project will occur by the extension of Fox Creek Lane from the south-central portion of the property extending north approximately 1100 feet. This access will be constructed in a 60-foot improved public ROW. The roadway within the development will be constructed to meet the requirements of an El Paso County Local Rural roadway. Lots 1,2,3,7,8 and 9 will be accessed off of the Fox Creek Lane extension. Lots 4,5 and 6 will be accessed via the private roadway extending from the end of the proposed Fox Creek Lane cul-de-sac. The proposed ROW extension commencing at the end of the existing Fox Creek Lane cul-de-sac is the only access into the property in conformance with the El Paso County Engineering Criteria Manual. Without the access provided by the extension of Fox Creek Lane, the property is land locked. According to the traffic study performed by LSC, sight distance at the existing Black Forest Road/Terra Ridge Circle exceeds the 555 feet requirement, no modifications of the existing Black Forest Road/Terra Ridge Circle intersection will be required and no modifications to the existing laneage of any of the roadways are necessary.

### **Drainage:**

The Preliminary Drainage Report prepared by Lodestar Engineering, LLC analyzes the existing drainage characteristics of the site and any required improvements. The proposed JeniShay Farms project is part of the East Cherry Creek drainage basin. The report notes that the onsite existing basin drainage patterns are generally from the South to the northeast by way of existing drainage channels. According to the report, the proposed development will not adversely affect the on or offsite drainage ways or surrounding developments. In order to safely convey flow through into East Cherry Creek, a detention pond will be constructed to released develop flows at historic rates. These flow rates will be in accordance with the El Paso County drainage criteria requirements.

### **Utilities:**

Water: Water will be supplied by the construction of individual wells on each lot extending into the Dawson Formation in accordance with the JDS Hydro Water and Wastewater report. District Court, Water Division 1, decreed in Case No. 18CW3226, that 7 wells to be located on the 39.72 acre parcel locate in the SW ¼ of Section 29, Township 11 South, Range 65 West of the 6<sup>th</sup> P.M. El Paso County,

Colorado. Lots #5 and #6 of the proposed subdivision already have approved well permits or existing well permits pursuant to an existing augmentation plan decreed in Case No. 96CW68.

Sewer: Wastewater will be handled by the use of onsite wastewater treatment facilities in accordance with the RMG Engineering report.

Gas: A commitment letter was received from Black Hills energy to service the JeniShay Farms development. Services are presently available to meet the demands anticipated.

Electric: A commitment letter was received from Mountain View electric to service the JeniShay Farms development. Services are presently available to meet the demands anticipated.

**Natural Features:**

The topography of the site is rolling hills with two drainage ways extending from south to north through the property. The existing drainage ways are wide without a defined flow path and no erosion from the development is anticipated. A 100 foot wide electric easement extends north to south along the eastern portion of the site.

**Vegetation:**

The existing site is covered with native grasses with a few randomly located ponderosa pines. A low earthen berm is located along the western portion of the property that was constructed sometime in the properties history to control stormwater runoff. The majority of the property will remain undisturbed during and after construction of the lots.

**Noxious weeds:**

The site is unoccupied and undeveloped. Three B-list noxious species and one C-list specie existed on site. Canada Thistle, common mullein, musk thistle and spotted knapweed were all observed in low densities. A weed management plan has been composed by Smith Environmental and Engineering, dated January 22, 2021, and it stated a combination of chemical and mechanical means should be implemented to control the noxious weeds on site.

**Floodplain**

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) numbers 08041C0305G and 08041C0315G dated December 7, 2018 this project is not located within a FEMA designated 100yr floodplain. Therefore, no map revisions will be necessary as a result of this project.

**Wildlife**

The property has been used for rangeland for horse and cattle so minimal wildlife is found on the property. Smith Environmental and Engineering assessed the site and determined this area has been designated as a no build zone and will not be disturbed. Reptiles and amphibians are found around the drainage ways extending through the property. A clearance letter was issued by the US Fish and Wildlife Service in which it stated, “the Service concurs that the impacts resulting from the construction of the new residences, the access road, utility lines, and detention pond in the project area next to East Cherry Creek is not likely to adversely affect the Preble’s mouse.”

### **Wetlands**

The US Army Corps of Engineers issued a Nationwide Permit (NWP-29) Verification letter states “the project is authorized by NWP-29, Residential Developments.”

### **Soils and Geology**

The soils and geology report prepared by RMG engineering dated September 3rd, 2019 and revised September 18, 2020. RMG noted that no geologic hazards were identified that would preclude development of the site. The report indicates that regional geologic conditions that impact the site include seismic and radioactivity that can be mitigated with engineering design and construction methods commonly employed in this area. Groundwater levels will vary with seasonal precipitation. Minimal amounts of earth work will be required for this development.

The Geoquest soils report dated November 16, 2018 noted over-excavation will be required for foundations installed in the JeniShay Farms development. It states, “The over-excavated area shall extend it to a minimum depth of 4 feet below the bottom of the foundation elevation and 4 feet laterally from the location of the foundation walls.”

### **Wildfire Hazard Justification**

According to the Wildfire Hazard Potential GIS Database, developed by U.S. Forest Service and Fire Modeling Institute to help inform assessments of wildfire risk or prioritization of fuels management needs across large landscapes, the site is identified as ‘Low’. The site is surrounded by 5-acre single family residences and has limited vegetation. The development will comply with County development standards for Fire Protection and standards of the Black Forest fire Department.

The Colorado Forest Atlas portal was developed by the Colorado State Forest Service and was used to determine the burn probability and the wildfire risk for the subject area. Within the Wildfire Risk Viewer, the proposed development area is rated at ‘Low Risk’ for wildfire risk and ‘Low to Low-Moderate’ for the burn probability.

### **Fire Department Requirements**

A 30,000-gallon cistern will be installed in accordance with NFPA 1142 Standard on Water Supplies for Suburban and Rural Fire Fighting. An easement will be granted for the installation, access and maintenance of the cistern.

## **Project Justification**

### **Preliminary Plan**

1. The proposed subdivision is in general conformance with the goals, objectives, and policies of El Paso County development standards.
  - a. The property does not lie within a master plan small area plan.
2. The subdivision is consistent with the purposes of this code;
  - a. 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.
  - b. Goal 6.1.a Encourage patterns of growth and development which complement the regions' unique natural environments, and which reinforce community character.
    - i. 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. This development will maintain the current RR5 zoning and is uniform with all adjacent subdivisions.
    - ii. Policy 6.1.9 Viable residential properties should be reasonably protected from the adverse impacts of major roadways and other potentially incompatible land uses. The cul-de-sac extending into the subdivision will prevent through traffic from nearby Black Forest Road and Hodgen Road thus limiting the traffic to local traffic.
    - iii. Policy 6.1.10 Ensure that new development will not create a disproportionately high demand on public services and facilities by virtue of its location, design or timing. The RR5 zoning of this development limits the new single family homes in this area to 8 lots that can be developed. The LSC traffic study concluded no modifications to the existing laneage at the study area intersections are likely necessary as a result of this development. Additionally, the study found the development is not expected to increase pedestrian or bicycle traffic within the study area.
    - iv. Policy 6.1.11 Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses. The proposed development is uniform to the adjacent subdivisions in lot size, building size and maintains the same rural aesthetics.
    - v. Policy 6.1.14 Support development which complements the unique environmental conditions and established land use character of each sub-area of the County. The proposed subdivision will encourage the use of the land as



pasture for animals, areas to grow gardens and native prairie to enjoy as open space.

- c. 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.
    - i. Policy 6.4.1 Protect and sustain established viable rural residential areas where possible.
    - ii. Policy 6.4.3 Allow [rural residential development](#) in those areas with sufficient "carrying capacity" including roadway capacity, water supply, septic suitability, educational facilities and organized structural fire protection.
    - iii. Policy 6.4.10 Encourage subdivision covenants that regulate domestic pets.
    - iv. Policy 6.4.11 Support planning and regulatory approaches which limit the adverse impacts of grazing on lots of 5 acres and less.
  - d. Goal 6.5 *Encourage the preservation of agricultural uses as an important contributor to the economy and land use character of the County.*
    - i. Policy 6.5.7 Discourage the proliferation of locally unwanted and potentially hazardous land uses in rural and especially unzoned areas.
3. The subdivision is in conformance with the subdivision design standards in any approved sketch plan;
- a. There is no approved sketch plan for this property. The proposed subdivision is in conformance with the subdivision design standards. The subdivision design standards set out in chapter eight of the land development code are met, including but not limited to;
    - i. Adequate provision for traffic, drainage and open space
    - ii. Provision of properly designed roads to provide for safe and convenient vehicular circulation and identification of required Rd improvements
    - iii. Adequate provision for water, sewer and other utilities
    - iv. Ensuring that structures will harmonize with the physical characteristics of the site and the surrounding neighborhoods
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
- a. The proposed subdivision is located in the Black Forest region of El Paso County near the Douglas County, El Paso County border and each lot will be serviced by a well extending into the Dawson Formation. It was determined by JDS hydro that the following water demand for the estimated annual water use and pumping rates are:

Use	Constant	Increment
Domestic Use	0.25	AF/year
Irrigation Use	0.27	AF/year
Stock	0.07	AF/year

Max. Well Demand	0.59	AF/year/lot
<b>Total Well Demand</b>	<b>4.13</b>	<b>AF/year</b>

The water supply is in accordance with the following goals and policies of the EPC Water Master Plan:

Goal 1.1 – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.

Policy 1.1.1 – Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation. Water demands and allocations have been estimated using El Paso County’s 300-year rule to establish annual withdrawals from all Denver Basin aquifers in this report.

Goal 6.0 – Require adequate water availability for proposed development.

Policy 6.0.1 – Continue to require documentation of the adequacy or sufficiency of water, as appropriate, for proposed development. All wells drilled to serve the proposed development will be equipped with totalizing meters which will be read and reported to the Colorado Division of Water Resources annually.

Policy 6.0.3 – Encourage water and wastewater infrastructure projects to be sited and designed in a manner which promotes compatibility with adjoining uses and provides reasonable mitigation of any adverse visibility and other environmental impacts. The water will be supplied by a well with minimal above ground structure, and the wastewater system will be below ground septic system.

Policy 6.0.7 – Encourage the submission of a water supply plan documenting an adequate supply of water to serve a proposed development at the earliest stage of the development process, as allowed under state law. The water supply plan should be prepared by the applicant in collaboration with the respective water provider. A water supply plan has been provided in the JDS Hydro Water Resources and Wastewater Report outlining water usage and replenishment requirements.

Policy 6.0.10 – Encourage land use proposals to expressly declare water source(s), quality, quantity, and sustainability in terms of years and number of single-family equivalents. This has been provided in the JDS Hydro Water Resources and Wastewater Report.

Goal 6.2.1 – Increase regional water reuse and conservation to better optimize available water supplies.

Policy 6.2.1.1 – Support efforts by water providers to effectively and environmentally implement potable and non-potable water reuse, including augmentation.

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;
  - a. Individual on site wastewater treatment systems will be designed and installed on each lot. The system complies with state and local laws and regulations.
6. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)];
7. Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;
  - a. These matters are addressed in the preliminary drainage report prepared by Lodestar Engineering, LLC. The proposed stormwater conveyance system was designed to convey the developed project run off to a proposed full spectrum water quality and detention pond via roadway drainage channels. The proposed pond is designed to release at less than historic rates to minimize adverse impacts downstream. Treated water will outfall directly into the E Cherry Creek drainage way.
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;
  - a. Site access is provided by the extension of Fox Creek Lane. A private driveway will service two lots located in the northwest corner of the development.
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; (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;
10. Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
11. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and
12. The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

**Waiver Request:**

A waiver is being requested for two lots to be accessed by a shared private driveway. Lot 6 has 30 feet of frontage along the to-be-granted County ROW at the proposed cul-de-sac. Lot 4 shares the eastern lot line of Lot 6 and has the required 30 feet of frontage along the to-be-granted County ROW at the proposed cul-de-sac. Lot 5, located in the northern most area of subdivision, will be accessed by a private driveway that will extend along the common lot line of lots 4 and 6, and then extend northwest into lot 5.

A lot adjacent to the cul-de-sac would be rendered unsuitable to build, if the cul-de-sac extended to the northern most lot's property line, due to the existence of an existing drainage channel that will remain on the west side of the cul-de-sac, an escarpment with significant vertical grade change along the east side of the cul-de-sac and a 100-foot power line easement that limits the distance to the east the proposed building site can be located. Due to these limitations, Lodestar is requesting the cul-de-sac be shortened to allow for reduced right-of-way width and less invasive roadway section in the form of a shared private driveway for the three lots to the north of the proposed cul-de-sac. A private roadway agreement has been included in a Declaration of Private Roadway Covenants for the aforementioned three lots to share the use of the driveway.

El Paso County Land Development Code references:

**Chapter 8.4.4.E.1 Use of Private Roads Generally Limited** "Private roads shall normally be confined to closed loops and dead-end roads not likely to be needed for the convenience and safety of the general public." The proposed private driveway will be a dead-end roadway.

**Chapter 8.4.4.E.2 Private Roads Require Waiver** "...may require the owner to enter into a Private Roadway Agreement or create covenants whereby the lot owners are required to maintain the private roads." A private roadway agreement has been included in the Declaration of Private Roadway Covenants.

A waiver from standards shall be approved only upon the finding, based upon the evidence presented in each specific case, that:

- The waiver does not have the effect of nullifying the intent and purpose of this Code.
- The waiver will not result in the need for additional subsequent waivers.
- The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property.
- The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property.
- A particular non-economical hardship to the owner would result from a strict application of this Code. The existing topography along the frontage of lot 4 is an escarpment proposed to be graded to a 3:1 slope to enhance the aesthetics of the subdivision and stabilize the soil in this area. This approach will allow for building to be sited between the top of the embankment and the existing electrical embankment. If strict adherence to the code is implemented, the buildable area of the lot will not exist or be reduced to a size that will render the lot unsaleable.

- The waiver will not in any manner vary the zoning provisions of this Code.

