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LETTER OF INTENT - MCGEHEE SUBDIVISION . . . LDC Project No. 20018

Re: 51190-04-002, 16860 Thompson Road, Lot 3, MOUNTAIN SHADOW RANCH SECOND PHASE, El Paso County, Colorado

LDC, Inc. is representing: Dale D., Stephanie B. and Collier McGehee
10957 Mt. Evans Drive
Peyton, CO 80831-4406

This is an application for approval of a Vacation Replat. The property is 10.495 acres and is currently platted as one lot. The property is zoned RR-5, and two total lots are proposed. Upon approval of the plat, MCGEHEE SUBDIVISION will contain two lots, five+ acres in size. The lots are planned as single-family residences with applicable accessory structures permitted by code.

We are asking for approval of a 2-lot Vacation Replat with a proposed single common access shared private drive off of Thompson Road, a County-maintained public right-of-way. We are asking for a waiver of the Land Use Code requiring frontage on a public road. There will be a Private Common Access Drive Users group formed which will own and maintain the private access. Water will be by an individual well for both lots, and septic systems will be constructed on each of the lots.

Review criteria for a Vacation Replat is as follows:

This application meets the Vacation Replat 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). Vacation Replats 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 broad policies and goals which are intended to serve as a framework for decision-making regarding development in 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 Vacation Replat 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 little impact on environmental conditions. The proposed Vacation Replat 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 Vacation Replat 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 Vacation Replat. 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 1 more residential lot on this site.

Another element of the Master Plan is the Small Area Plan. The MCGEHEE SUBDIVISION site is located within the area of the Black Forest Preservation Plan (1987), specifically within the “Northern Grasslands 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 this sub-area. This coincides with the proposed Vacation Replat density. The proposed Vacation Replat is consistent with the Black Forest Preservation Plan.

The proposed Vacation Replat is in compliance with the Parks Master Plan, which does not appear to call for trails or parks within this site’s vicinity. Any required Park Fees will be paid at the time of platting. The proposed Vacation Replat 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 Vacation Replat is in compliance with the El Paso County Water Master Plan (2018). Each of the 2 lots is to be provided water and sewer/septic services through an on-site individual well and non-evaporative wastewater treatment systems. It is expected that each of the lots will require an average of 0.41 annual acre-feet of water supply, for a total of 0.82 annual acre-feet, provided from an existing well. Each residence on the two lots is anticipated to utilize 0.26 acre-feet annually, for a maximum total of 0.52 annual acre feet of water, for in-house residential purposes, consistent with the decree and associated Augmentation Plan in Case No. 17CW3054. Return flows from pumping of the well for the lots will accrue to the stream system to replace depletions from pumping in accordance with the decreed plan for augmentation. The owner seeks a finding of sufficiency from the Colorado Division of Water Resources 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 well to insure compliance with the terms of the permit; *Policy 6.2.1.2 – Encourage re-use*

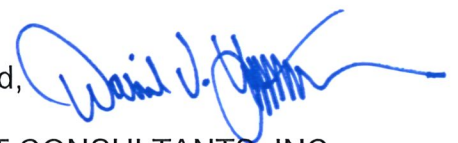
of treated wastewater for irrigation and other acceptable uses when feasible. Both single-family residences on each of the proposed 5 acre lots will utilize on-site wastewater treatment systems which will provide "Return Flows" to the stream system in order to replace pumping depletions as a condition 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 Vacation Replat and requires no Preliminary Plan for Plat approval. The Vacation Replat will be developed in accordance with the currently proposed land use applications.*
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 Vacation Replat is prepared in accordance with applicable subdivision design standards. No public improvements are required for this Vacation Replat.*
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 an individual on-site well operated under a State approved Water Augmentation Plan as decreed in Case No. 17CW3054, Water Division 1.*
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 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. Fluctuation in groundwater conditions may occur due to variations in rainfall and other factors not readily apparent at this time. Designed systems are anticipated for both of the lots due to the highly clayey soils and shallow bedrock, however, areas may be encountered on the lots where conventional systems would be suitable. Further design criteria can be found in the OWTS-Wastewater Study prepared for the site and the owner will comply with the recommendations of the Study.*
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 Vacation Replat is consistent with the submitted Final Drainage Report. There are no public Drainage facilities needed or proposed with this development. The owner will comply with the requirements of the Final 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. Thompson Road is a County-maintained public right-of-way and the shared common access drive will be privately owned and maintained.

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. MCGEHEE SUBDIVISION will be annexed into the Black Forest Fire Protection District which is providing fire protection for the site and has agreed to serve this Vacation Replat. Water and sanitary sewer provisions are discussed in items 4 and 5 above. The property is located within the service areas of Mountain View Electric Association, Century Link Telephone, and Academy School District 20, which will serve the Vacation Replat. 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.* MCGEHEE SUBDIVISION is located within the annexed Black Forest Fire Protection District which will be providing fire protection for the site and the surrounding area. The District has agreed to serve this Vacation Replat. 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 Vacation Replat. 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 Vacation Replat 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.

Thank you for your consideration of our request. Respectfully submitted,



David V. Hostetler, PLS, Director of Surveying, LAND DEVELOPMENT CONSULTANTS, INC.

ENCL: LOI Addendum Subd Waiver Requests

LETTER OF INTENT ADDENDUM

MCGEHEE SUBDIVISION

Subdivision Waiver Requests

Owner/Applicant: Dale D. and Stephanie B. McGehee

10957 Mt. Evans Drive
Peyton, CO 80831
(303) 815-9834

Consultant: LAND DEVELOPMENT CONSULTANTS, INC.

3898 Maizeland Road
Colorado Springs, CO 80909
(719) 528-6133

Tax Schedule No.: 51190-04-002

Request:

Prior to any development action, the property owner would like to request waivers related to private access from Thompson Road to anticipated one (1) future lot (two (2) via common access driveway). The requested waivers include the following:

- Waiver 1: Minimum lot frontage (8.4.3.C.2.E) – One (1) lot will not have direct frontage to Thompson Road based on the desire to provide access via a common single access point driveway. There is adequate acreage to provide a 30' wide flag stem access for this lot, but this would provide a useless corridor unable to be utilized as a single access point for two (2) lots.
- Waiver 2: Waiver for private roads to meet County standards (LDC 8.4.4.E.3) Proposing private road design criteria similar to driveway criteria

The intent of the waivers is to provide a safe, reasonable private access to two (2) rural residential lots without significant disturbance to the natural setting. Thus, these waivers only deal with private access and lot configuration and meet all other intent of the LDC.

Criteria for approval of waivers is found in LDC 7.3.3 and is as follows:

- *The waiver does not have the effect of nullifying the intent and purpose of the code.*
The proposed waivers request a slight adjustment to the private access and lot configurations allowed for this specific project. All other aspects of the code remain in force.
- *The waiver will not result in the need for additional subsequent waivers.*
With the approval of the proposed waivers, no subsequent waiver requests are anticipated.
- *The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property.*
As access will be provided via a common single-access point driveway, and based on the negligible effect on the overall traffic LOS on Thompson Road, these waivers 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.*
The requested waivers are unique to this non-forested, non-terrain challenged property with accessible public roadway frontage for the front lot.
- *A particular non-economical hardship to the owner would result from a strict application of this Code.*
Without the requested waivers, the requirements of a public road access to the back lot would be detrimental to the sites natural terrain and vegetation characteristics. Significantly more land disturbance would be required without these waivers.
- *The waiver will not in any manner vary the zoning provisions of this Code.*
The current zoning district is RR-5. All proposed lots intend to meet the density and dimensional standards per LDC 5.4.2 and Table 5-4.
- *The proposed waiver is not contrary to any provision of the Master Plan.*
The proposed two (2) rural lots (5.0 acre minimum lot size allowed) with limited planned access to Thompson Road seem to remain consistent with the intent of both the Black Forest Comprehensive Plan and the El Paso County Policy Plan.

Upon approval of said waivers, a Minor Subdivision consisting of a Final Plat for two (2) lots will be submitted for the entire property. Water sufficiency will be requested with the future Final Plat.