

May 20, 2022

CANYON CREEK RANCH
Project No. 21002

LETTER OF INTENT

RE: 62140-00-112 – Canyon Creek Ranch

LDC, Inc. is representing:
Gregg & Jannette Cawlfeld
4310 Saxton Hollow Rd.
Colorado Springs, CO 80908
Email: gregg@villagree.com

This is an application for approval of a Final Plat. The property is 24.65 acres and is currently unplatted. The property is zoned RR-5, and three lots are proposed. Upon approval of the plat, Canyon Creek Ranch will contain three lots, all of which will be 5+ acres in size, and two tracts of land. One lot will include an existing residence, so there will only be 2 new homes. The two vacant lots are to be retained by the owner. One lot is to be used for personal residence, and the other keep for future sale as a single-family lot 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 3 lot Minor Subdivision with an existing access easement from Parallax Heights serving the Western most lot, and an existing easement from Creek View Road serving the two Eastern lots. 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 easements. Water will be by individual wells, and septic systems will be constructed on each of the lots that do not have an existing septic system.

Review criteria for a minor subdivision is as follows: Code was updated in 2022

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The M Policy Plan and Small Area Plan are no longer active plans. Please the El Paso
County County revise this section to include analysis of Your El Paso Master Plan to policies, but
establis take place of the Policy Plan and Small Area Plan. Include analysis of network for
decisio placetype, area of change, and key area, as well as analysis of the following
policies applicable goals and objectives.

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 Subdivision 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 complement the regions’ unique natural environments, and which reinforce community character.” The existing community character is preserved with this Minor Subdivision. 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 Canyon Creek Ranch 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 Subdivision 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 Minor 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 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 lots will utilize onsite wastewater treatment systems which will provide “Return Flows” to 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.
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. Explain what the geographic conditions are and how they will be mitigated.
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. There are no public Drainage facilities needed or proposed with this development. The owner will comply with the requirements of the drainage report.

Criterion 8 has not been addressed. Explain how all the lots will have legal access.

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. Canyon Creek Ranch 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.*

Canyon Creek Ranch 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*

Missing this criterion:

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;

You are going to need to request a waiver (see below). If the waiver is approved, the subdivision will meet all requirements of Chapter 8.

TRAFFIC IMPACT:

There are 3 proposed lots in this subdivision, however there are only 2 additional home sites being created. The 2 additional single family residential units will access via a Platted 60 foot wide easement from existing Creek View Road, which connects to Milam Road a publicly maintained road to the East. The development is expected to generate a total of 19 trips per day (Average weekday trips ends) and 2 trips in the peak hour based on 9.44 trips per unit for Single Family Detached Housing (according to Trip Generation 10th Edition, 2017 by the Institute of Transportation Engineers). This number of trips is below the County threshold of 100 trips per day or 10 trips during the peak hour. Therefore, a Transportation Impact Study is not required for this project.

Thank you for your consideration of our request.

Respectfully:

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

You will need to request a waiver of LDC Sec. 8.4.3.B.2.e Minimum Frontage. Lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads are approved by the BoCC pursuant to waiver granted under Section 8.4.4 (E).

Sec. 7.3.3 Criteria for approval of waivers

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 waiver will not in any manner vary the zoning provisions of this Code; and
- The proposed waiver is not contrary to any provision of the Master Plan.