

April 19, 2024

PCD File No.

VR243

**Letter of Intent
Greaves Subdivision Filing No. 1
Vacation and Replat**

Owner:

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Applicant:

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Site Location Size and Zoning:

The proposed subdivision to be known as “Greaves Subdivision Filing No. 1” is located within the northwest one-quarter of Section 5, Township 12 South, Range 65 West of the 6th principal meridian in El Paso County, Colorado. The property consists of the currently platted Lot 13, Wildwood Ranch Estates Filing 7 having El Paso County Tax Schedule No. 5205209004. The current address of the site is 7030 Snow Mass Drive, Colorado Springs, Colorado 80908. The site previously had one residence located in the central portion of the site, which burned down during a past forest fire. Other than the existing well for the previous residence, the site is currently vacant. The site is 10.364± acres in area and is zoned RR-5 (Residential Rural – 5 Acre).

The site is situated on the north side of Snow Mass Drive, east of Wyandott Drive, and west of Wildridge Road. The adjacent and surrounding properties are all lots of Wildwood Ranch Estates which are also zoned RR-5 and vary in size from 5 acres to 10 acres. Most, but not all, of the surrounding lots have existing residences constructed. Adjacent Snow Mass Drive is located along the south side of the site and is an existing public gravel roadway within a 60 ft right-of-way.

Request and Justification:

The request is for approval of the Vacation and Replat of existing Lot 13, Wildwood Ranch Estates Filing 7 to create a new minor subdivision to be known as “Greaves Subdivision Filing No. 1” in the RR-5 zone (Residential Rural – 5 Acre). The proposed subdivision will create two (2) rural residential single-family lots, each with having a lot area of 5.0 acres or more. Proposed Lot 1, adjacent to Snow Mass Drive, will be 5.348 acres in area. Proposed Lot 2, located to the north of Lot 1, will be 5.015 acres.

Engineers • Surveyors
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Access for the proposed lots will be from existing Snow Mass Drive. Instead of road frontage for Lot 2, access shall be through the proposed common access easement connecting the site to Snow Mass Drive through Lot 1. A waiver from LDC section 8.4.3 (B) that “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” is requested. The justification for the requested waiver is included in a separate section below.

This Vacation and Replat plat is consistent with the requirements of the existing RR-5 zoning with respect to the layout, land use (single-family residential), lot size, minimum building setbacks, water supply and wastewater disposal. The proposed Vacation and Replat is compatible with the surrounding land uses and coincides with the adjacent zoning and platted lot sizes on the north, south, east, and west, all being 5 acres or larger.

If the site was not previously platted, this application would be eligible for consideration as a Minor Subdivision due to number of proposed lots. 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 (2023). 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.

The request satisfies and is in compliance with all of the **criteria of approval listed in Section 7.2.1(C)(1)(c) in Chapter 7 of El Paso County Land Development Code (2021)**:

A Vacation and Replat shall be required to conform to all preliminary plan and final plat requirements including the criteria for approval, except to the extent that those requirements are modified by this Code or the Procedures Manual.

Section 7.2.1(D)(2)(b) of the El Paso County Land Development Code (LDC) discussing Preliminary Plan Applicability states that “*The preliminary plan applies to all subdivisions except those that can be classified as Vacation and Replats.*” This subdivision is classified as a Vacation and Replat and includes only two (2) lots. Conformance to the Final Plat Criteria of approval as outlined in **Section 7.2.1(D)(3)(f) in Chapter 7 of El Paso County Land Development Code** are addressed below:

1. *The subdivision is in conformance with the goals, objectives, and policies of the Master Plan.*

The El Paso County Master Plan (“***Your El Paso Master Plan***” adopted on May 26, 2021) is a comprehensive document communicating a vision for many factors that influence the quality of life in El Paso County, including Land Use. The Master Plan provides a strategy to achieve the vision by putting forth goals and policies that can be used as a framework for decision-making regarding development of the County.

According to the Master Plan the project site is located within the **key area** defined as “**Forested Area**” located east of Black Forest Road and north of Shoup Road. The Masterplan states “New development and any redevelopment in these locations should be of a lower intensity to mitigate any impacts on the Forest, properly manage stormwater, provide safe access to major roads and state highways for the traveling public and emergency response vehicles and adhere to the strictest building codes to prevent any hazards such as fires and soil erosion related to poor planning, design, and construction.” The proposed subdivision maintains the low density of Large Lot Residential while providing for adequate access and will be developed in compliance with all current and applicable building codes. The site is also located within the **Large-Lot Residential placetype**. The Primary Land Use of this placetype is Single Family Detached housing with Agriculture, Commercial Retail, Commercial Service and Parks and Open Space as Supporting Land Uses. The location of this site and existing infrastructure is suited to single

family residential use. The existing access roadways and surrounding development in the immediate area does not present as suitable for Commercial Service and Commercial Retail uses. In the Land Use category, Goal 1.1 is “Ensure compatibility with established character and infrastructure capacity”. This area of the County is conducive to rural residential development that allows residential use of property but preserves the natural character of the landscape. The proposed subdivision is compatible and identical to the existing neighborhood and surrounding development. The existing community character is preserved with this proposed plat. The proposed density is less than allowed by zoning. The proposed density will not overburden the existing roadway infrastructure or capacity of the land to support the water and wastewater needs of the development. The proposed Minor Plat will not create the need for additional roadways or public facilities. Goal 2.2 is “Preserve the character of rural and environmentally sensitive areas”. The proposed subdivision will keep the natural landscape of the area intact, and the five-acre lot density has reduced impact on environmental conditions. 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 a residence on the site. The private driveway to be used for access will have minimal impact on the existing terrain. No new roads are proposed with this subdivision since all access is proposed to be provided by a single low-impact driveway connecting to Snow Mass Drive. In this way, lot access is provided while eliminating the need for additional access points and addition public roadway. The driveway will present a reduced impact on the natural terrain, landforms and vegetation. The project maintains the rural character of the site and neighborhood.

This request is in general conformance with the **County Water Master Plan**. The property is located in region 2 on the Master Plan’s *Planning Regions Map*, which encompasses the northwest corner of the county including the tri-lakes area. The site is not located in a 2040 or 2060 designated Growth Area as determined in the Water Master Plan. The proposed water demand for the site is 1.67 acre-feet per year for a total usage of 501 acre-feet over a 300 year period. The Water Master Plan (WMP) contains estimates of the demands and available supply by region at the years 2018, 2040 and 2060 Build-Out. The 2018/2040/2060 demands in Region 2 are estimated to be 7,532 acre-feet per year, 11,713 acre-feet per year, and 13,254 acre-feet per year, respectively. The 2018/2040/2060 supplies in region 2 are estimated to be 13,607 acre-feet per year, 20,516 acre-feet per year, and 20,756 acre-feet per year, respectively, indicating a surplus of supply for the region at each time. However, a significant portion of the supply is derived from non-renewable Denver Basin groundwater. According to the Water Master Plan, water providers within region 2 include Woodmoor WSD, Donala WSD, Triview MD, Town of Monument, Town of Palmer Lake, Forest View Acres WD, Academy WSD, Walden WSD, Park Forest WD, Forest Lakes MD, Palmer Lake Mobile Home Ranch, Grandview MHP, Pioneer Lookout WD, Elephant Rock MHP, Peak Shadow, and Pinon Pines MD. The Region 2 Expected Growth Areas Map provided in the WMP shows that the subject site and its immediate surroundings are not currently located in any *estimated area of development* or within any *district boundaries*.

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 (Permit No. 170426) and the drilling of a second well for the subdivision in Case No. 22CW3072 recorded under reception number 223038780 of the records of El Paso County. The provision of sufficient water quantity is allowed by the decree and Plan for Augmentation. Water quality is demonstrated by the testing results contained in the Water Resources Report for this project. Water Supply Dependability will be a incorporated in the existing and proposed well facilities to be administered under approved

State of Colorado Well Permits. The owner seeks a finding of sufficiency from the Colorado Division of Water Resources and El Paso County Board of County Commissioners along with the eventual granting of one additional well permit based on the decreed water rights.

New single family residences on the proposed 5 acre lots will utilize onsite wastewater treatment systems providing “Return Flows” to the environment as a condition of the groundwater findings and order and the well permits. **Policy 6.2.1.2** of the WMP – *Encourage re-use of treated wastewater for irrigation and other acceptable uses when feasible*. The referenced decree requires use of metering for the wells to ensure compliance with the terms of the permit, satisfying **Policy 4.1.3** of the WMP – *Support enhanced monitoring of sources of surface and tributary groundwater in the County*. The proposed uses of the property do not require extensive utility improvements, extensive site grading, or significant water consumption, satisfying **Goal 5.3** of the WMP – *Reduce overall water consumption per end user in the County*. The proposed use of the site is not anticipated to generate additional demand beyond the projected 2060 groundwater “Build-Out Supplies”.

This request is in general conformance with the **2016 Major Transportation Corridors Plan Update**. The site is adjacent to an existing roadway connecting the the overall transporation system in the area. The project consisting in one additional single family residential lots will have negligible impact to the existing transportation system. No new transportation system improvements are required.

This request is in general conformance with the **El Paso County 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.

This request is in general conformance with the **Master Plan for Mineral Extraction**. No severed mineral right owners were found. The proposed use of this property does not include any mineral or natural resource extraction operations.

2. *The subdivision is in substantial conformance with the approved preliminary plan.*

As discussed above, section 7.2.1(D)(2)(b) of the El Paso County Land Development Code (LDC) discussing Preliminary Plan Applicability states that “The preliminary plan applies to all subdivisions except those that can be classified as Vacation and Replats.” This subdivision is classified as a Vacation and Replat and includes only two (2) lots.

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 and Replat Plat is prepared in accordance with applicable subdivision design standards. No public improvements are required for this subdivision.

4. *Either 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, or, with respect to applications for administrative final plat approval, such finding was previously made by the BoCC at the time of preliminary plan approval.*

Water service is to be provided by individual on site wells operated under the aforementioned 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.*

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.

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 in the report. Areas were encountered where the geologic conditions will impose some constraints on development and land use. These include areas of compressible soils, potentially expansive soils and bedrock, Seasonally fluctuating surface water and groundwater, potential undocumented fill, faults and seismicity and potential radon. All of these can be satisfactorily mitigated through avoidance or proper engineering design and construction practices. There are no specific areas on the site which must be avoided for construction purposes. These conditions and mitigation measures are discussed in further detail in the Soil, Geology, and Geologic Hazard Study produced by RMG - Rocky Mountain Group.

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 and Replat is consistent with the submitted Final Drainage Report. There are no drainage facilities 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 recorded easement, acceptable to the County in compliance with this Code and the ECM.*

All proposed lots will be accessed via the existing Snow Mass Drive. The two proposed residential lots will utilize a common access easement along the eastern edge of the site. The new driveway will be extended from the existing Snow Mass Drive. A private access and maintenance agreement will be established to facilitate common access. A waiver from LDC section 8.4.3 (B) that “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” is requested with this application as it applies to proposed Lot 2.

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. Greaves Subdivision Filing No. 1 is located within the Black Forest Fire Protection District which is providing fire protection for the currently platted site. Water and sanitary sewer provisions are discussed above. The property is located within the service areas of Academy School District 20 and Mountain View Electric Association, which will serve the subdivision. Transportation is being facilitated by the existing adjacent roadway system.

10. *The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code.*

Greaves Subdivision Filing No. 1 is located within the Black Forest Fire Protection District which provides fire protection for the site and the surrounding area. 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 off-site impacts are determined to be insignificant with the addition of one lot the site already containing one residential lot. The owner will be responsible for paying 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, and Traffic Impact fees due for this project.

13. *The subdivision meets other applicable sections of Chapter 6 and 8.*

Upon approval of a waiver to the LDC section 8.4.3 (B) stating “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)” the subdivision will meet the requirements of the Land Development Code. The subdivision is in accordance with the Land Development Code with respect to zoning, lot size, building setbacks, provision of utilities and storm drainage. The waiver is requested with this application to allow access by one common private driveway for the two lots without the required 30 feet of frontage for each lot. The code allows up to three lots to access one driveway, however the waiver is needed to address the lack of road frontage onto a public roadway for proposed lot 2. The waiver is more fully discussed below.

A Natural Features and Wildlife Habitat Assessment has been prepared for the site. No impacts to protected wildlife are anticipated as a result of the proposed Vacation and Replat and no mitigation is required. Following the recommendations of said report, the areas identified as wetlands are included in the drainage no-build area shown on the plat. Further details can be found in the Natural Features and Wildlife Habitat Assessment produced by ERO Resources Corporation.

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.].*

Mineral estate owners have been notified of this application. It is unlikely that mineral extraction operations would be feasible in this area.

Requested Waiver:

As previously mentioned, a waiver from LDC section 8.4.3 (B) is requested. The provision requires that “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”. Proposed Lot 1 is adjacent to and will gain access to Snow

Mass Drive and satisfies the frontage requirement. It is proposed that Lot 2 will gain access by way of a common access easement connecting proposed Lot 2 to Snow Mass Drive along the east edge of the site. The plat shall show the proposed 30-foot access easement running along the east side of Lot 1.

The responsibility and maintenance of said access shall be carried out as described in a private access maintenance agreement. Since the Land Development Code allows access for up to three lots from one private driveway, it is most practical to all access by a single drive, rather than extending a public roadway into the site.

The sharing of a common driveway is an acceptable and valid mode of access in the Land Development Code and Engineering Criteria manual, especially in rural residential environments. The arrangement is the most practical and efficient solution for access for this subdivision rather than extending a public roadway into the site. The arrangement eliminates the need for additional public right-of-way and additional public maintenance to serve the two rural residential single family lots. Private access drives, coupled with private maintenance agreements have been shown to be effective and efficient modes of access within the county. The driveway will also have a much diminished impact on the natural terrain and landscape of the site compared to a public roadway which would be much larger and require far more disturbance.

Each criterion for approval of waivers as stated in **section 7.3.3 of the El Paso County Land Development Code (2021)** is listed below followed by the appropriate justification:

1. *The waiver does not have the effect of nullifying the intent and purpose of this Code.*

The request for a waiver of the LDC section 8.4.3 (B) does not go against the intent and purpose of this code. This request is in line with the requirements set forth in the LDC, and the shared driveway will comply with all applicable design standards. An application for a driveway permit will be submitted at time of building permit for either of the two proposed lots.

2. *The waiver will not result in the need for additional subsequent waivers.*

With the approval of this waiver the lots will each be provided with the required access necessary for their development. There will be no need for additional waivers as all applicable requirements of the El Paso County Land Development Code will be met.

3. *The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property.*

The proposed shared driveway will be constructed to provide safe and reliable access to each lot on the site. The responsibility and maintenance of said driveway shall be carried out as described in a private access maintenance agreement. The driveway will not pose a threat to the public safety, health, or welfare, nor will it be injurious to any other property.

4. *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.*

Greaves Subdivision Filing No. 1 contains 10.364± acres and two (2) lots. Because the site does not contain more than three lots, a single driveway may be used to provide access to the entire site in lieu of a public road.

5. *A particular non-economical hardship to the owner would result from a strict application of this Code.*

With strict application of this code, the subdivision would be required to provide roadway frontage for each of the two proposed lots. Existing terrain and parcel shape determine that lots are best arranged in a north/south orientation. A flag connection for Lot 2 would be an unnecessary squandering of available lot square footage. Two separate driveways would significantly increase disturbance of the natural terrain as well as the impervious area of the site.

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

The proposed shared driveway will comply with all zoning provisions of this code.

7. *The proposed waiver is not contrary to any provision of the Master Plan.*

The proposed shared driveway is in harmony with the goals of the master plan with regard to preserving place type characteristics and preserving natural features.

Existing and Proposed Facilities:

There are no required public subdivision improvements required for this site.

Total Number of Residential Units and Densities:

The gross area of Greaves Subdivision Filing No. 1 is 10.364± acres and the site is proposed to contain two (2) single-family residential units. The average lot size for the 2 proposed lots is 5.18± acres. The gross density of the site is 0.19 units per acre.

Fire Protection:

The Greaves Subdivision Filing No. 1 property is located within the Black Forest Fire Protection District. The fire district already serves the property. The lots and homes are subject to the codes and policies adopted by the said District regarding fire protection.

Proposed Access Locations:

The previously existing access location for the site is from Snow Mass Drive located along the south side of proposed Lot 1. The proposed access point for both of the proposed lots is along the east side of the subdivision which is to be facilitated by a 30' wide common access easement through Lot 1. A maintenance agreement is being established to facilitate use and maintenance of the common access easement.

Traffic Impact and Traffic Impact Fees:

The proposed Vacation and Replat will create two (2) single-family residential lots with access to existing Snow Mass Drive. The development is expected to generate a total of 19 trips per day based on 9.44 trips per unit for Single Family Detached Housing (Average weekday trips ends), 2 trips in the peak AM Hour (0.75 trips/unit for AM), and 2 trips in the peak PM hour (1.00 trips/unit for PM) according to Trip Generation, 10th Edition, 2017 by the Institute of Transportation Engineers. The proposed subdivision will not change the type or amount of existing traffic by more than the County threshold of

100 trips per day or 10 trips during the peak hour. Therefore, a Transportation Impact Study (TIS) is not required for the project. This development is subject to fees established by the El Paso County Road Impact Fee Program per El Paso County Resolution Number 19-471. Traffic Impact Fees will be paid at time of building permit. Walker Road is anticipated to be improved to a Rural Major Collector cross section per the 2040 Major Transportation Corridors Plan. No new public road rights-of-ways are required for this Vacation and Replat.

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