



July 20, 2022

PCD File No.: SF-21-035

**LETTER OF INTENT
KOINONIA RANCH
FINAL PLAT**

Owner/Applicant:

Koinonia Ranch, LLC
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Consultant:

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Site Location Size and Zoning:

The proposed subdivision to be known as “Koinonia Ranch” is located within the southwest one-quarter of Section 19, Township 12 South, Range 65 west of the 6th Principal Meridian in El Paso County, Colorado. The property has El Paso County Tax Schedule No. 52190-00-059. The current address of the site is 6170 Old Ranch Road. The site currently contains one residence, gravel drive, domestic well and septic system. The site is 39.079± acres in area and is zoned RR-5 (Residential Rural – 5 Acre).

The site is situated on the north side of Old Ranch Road, west of Black Forest Road and east of Milam Road in the Black Forest area of El Paso County. Old Ranch Road, a public gravel dead end road, is adjacent to the southern edge of the site with unplatted land located within the City of Colorado Springs lying to the south of Old Ranch Road. An unplatted vacant parcel (zoned RR-5) is adjacent to the west side of the site. Lot 2, Vista Del Rey Subdivision (zoned RR-5) with single-family residential development is located to the northwest. A 30 foot wide strip of undeveloped property is adjacent to the site along the north side. Two unplatted parcels (zoned RR-5), each with existing single-family residential development, lie north of the unplatted strip along with Lot 3 Geist Subdivision (zoned RR-5). To the east of the site there are two unplatted parcels (zoned RR-5) with existing single family residential development.

Project Description:

Koinonia Ranch Final Plat is intended to accommodate single family rural residential home sites in accordance with the existing RR-5 zoning in a manner that is compatible with the existing surrounding

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neighborhood. The subdivision layout is intended to preserve natural features to the greatest extent while providing desirable home sites on the 39.079± acre site. The owner and owner's family members intend to occupy the majority of the new lots created for the proposed subdivision. They also intend to maintain the site with natural features that initially attracted them to the property.

The Final Plat identifies six (6) rural residential single-family lots and three (3) tracts. All single family lots are to be at least 5.1 acres in area. Proposed Lot 5 is to contain the existing single family residence and associated improvements. Tract A will be 1.882± acres and be used as private common open space for the development. Tract B will be 2.418± acres to contain a private roadway for access to all the lots. Tract C will be 0.227± acres which will be dedicated to El Paso County for Old Ranch Road public right-of-way. Tracts A and B will be owned and maintained by the Homeowners Association.

Access to the lots in the subdivision will be from a private rural local gravel cul-de-sac roadway extending from existing gravel Old Ranch Road. Water for each lot will be provided by individual wells in accordance with the recently issued decree and augmentation plan. Wastewater disposal will be provided by individual On-site Wastewater Treatment Systems (OWTS). Electric service will be provided by Mountain View Electric Association. Natural Gas is not anticipated to be extended to the site. Residents may choose to have on-site propane tanks and propane deliveries.

Requests:

The applicants request approval of the Koinonia Ranch Final Plat of the 39.079± acre property into six single-family rural residential lots and three tracts in the RR-5 zone. This request is submitted concurrently with the Preliminary Plan application for Koinonia Ranch.

The applicants have requested approval of waivers of El Paso County Land Development Code (LDC) with the Preliminary Plan. The waivers are for Chapter 8.4.4.D (Dead End Standards) to allow more than 25 lots on a dead end road (Old Ranch Road) and LDC Chapter 8.4.4.C (Public Roads Required) to allow access to the lots and open space tract by way of a private rural local gravel cul-de-sac roadway to be constructed to El Paso County Standards.

The applicants are also requesting approval of certain deviations from the El Paso County Engineering Criteria Manual (ECM) by the ECM Administrator to allow a cul-de-sac greater than 1,600 feet in length, to allow Old Ranch Road to remain a gravel roadway with traffic count greater than 200 ADT, to allow less than 2 feet of cover over the proposed culvert and to allow the ditch along the private road to be constructed with a foreslope of 4:1 instead of the required 6:1.

Justification:

This Final 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 existing residence and auxiliary structures and facilities are to be contained within proposed Lot 5.

The proposed subdivision is compatible with the surrounding land uses and neighborhood listed above and coincides with the all adjacent County zoning. The surrounding properties are a mix of platted and unplatted parcels, all being 5 acres or larger. The proposed Final Plat application is in conformance with the goals, objectives, and policies of the Master Plan and the applicable Topical Master Plan elements as discussed below.

This application meets the Final Plat 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 (2021) with the approval of requested waivers and deviations.

Final Plats are reviewed and approved in consideration of the **Review Criteria** found in the El Paso County Land Development Code Section 7.2.1.D.3.(f). Each criteria is listed below followed by the appropriate justification.

Master Plan Conformance: *“The subdivision is in conformance with the goals, objectives, and policies of the Master Plan.”*

Your El Paso Master Plan (2021) is a comprehensive document communicating a vision for many factors that influence the quality of 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.

The site is located in the key area of the county designated a “Forested Area” approximately bound by Meridian Road on the east, Highway 83 on the west, Hodgen Road on the north, and Old Ranch Road on the south. The plan emphasizes small scale, low intensity development is critical to maintaining the identity of the key area. The site is designated to be a Large-Lot Residential Placetype in the Master Plan. 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 roadway layout and traffic patterns in the immediate area are not suitable for Commercial Service and Commercial Retail uses.

The Koinonia Ranch Final Plat is in conformance with the Master Plan. The following goals from the Master Plan are cited in support of the conformity.

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 large lot subdivision is compatible with the existing neighborhood and surrounding development. The existing community character is preserved with this proposed Final Plat. The proposed density is less than allowed by zoning since enough acreage exists to allow up to seven rural residential lots. The proposed density will not overburden the capacity of the land to support the water and wastewater needs of the development. The site will remain rural residential and is surrounded by existing rural residential developments on the north, east, and west sides while land located in the City of Colorado Springs and zone PUD is adjacent on the south. The development will therefore be a part of the transition from the potentially higher densities on the south. Goal 2.2 is *“Preserve the character of rural and environmentally sensitive areas”*. The proposed subdivision will keep the forested nature of the area intact. 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 five more residences on the site. The proposed private roadway is planned to avoid significant natural features and stand of trees in order to minimize impact on the existing terrain. The Final Plat also includes a private open space tract for use by the subdivision residents. The project maintains the rural character of site and neighborhood.

The proposed Final Plat is in compliance with the **Parks Master Plan (2013)**, which does not appear to call for trails or parks in the site. The site is located to the southeast of Black Forest Regional Park and southwest of Black Forest Section 16. Any required Park Fees will be paid at the time of plating.

The proposed subdivision is in compliance with the **2040 Major Transportation Corridors Plan (MTCP)**. An additional 15 feet of right-of-way is being dedicated for Old Ranch Road located on the south edge of the site. This dedication will allow for 45 feet of right-of-way from the existing road center line and allow for a total right-of-way width of 90 feet for the designated Rural Collector roadway.

The proposed subdivision is also in compliance with the **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 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 up to six additional wells for the subdivision in Case No. 19CW3051 recorded under reception number 220147602 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 permits based on the decreed water rights.

Koinonia Ranch is located at the southeast edge of Region 2 in the Water Master Plan. This region is comprised of the northwest corner of the county including the tri-lakes area. The site is not located in a designated Growth Area as determined in the Water Master Plan. The Water Master Plan 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 adequate supplies through the year 2060. However, a portion of the supply is derived from non-renewable Denver Basin groundwater. Considering only the Koinonia Ranch Filing No. 1 subdivision, demands are estimated to be 3.21 acre-feet of water per year for the current, 2040 and 2060 time frames, respectively. Water supply available by decree to the subdivision is 3.21 acre-feet per year for each of the current, 2040 and 2060 time frames. The decree allows up to 1.65 acre-feet of water per year for irrigation and livestock. In practice, landscape irrigation in the Black Forest is sparingly practiced due to the natural characteristics of the land and tendency for homes to take advantage of the natural vegetation.

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 residences on the proposed 5 acre lots will utilize onsite wastewater treatment systems which will provide “Return Flows” the environment as a condition of the groundwater findings and order and the well permit.

Preliminary Plan Conformance: *“The subdivision is in substantial conformance with the approved Preliminary Plan.”*

The proposed Final Plat is submitted concurrently with the Preliminary Plan. The Final Plat is in conformance with Preliminary Plan in every respect.

Subdivision Design Standards: *“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 Final Plat is prepared in accordance with applicable subdivision design standards with respect to lot size, setbacks, access and provision of utilities. Waivers of LDC provisions are requested with the Preliminary Plan as mentioned above.

Water Supply: *“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 Final Plat approval.”*

Water service is to be provided by individual on site wells operated under a State approved Water Augmentation Plan. A Water Supply Report detailing supply and demand has been prepared and submitted for this project.

Sewage Disposal: *“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.

Soil and Topographic Conditions: *“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. Areas were encountered where the geologic conditions will impose some constraints on development and land use. These include areas of potentially seasonal shallow groundwater, potential expansive soils and shallow bedrock which can be satisfactorily mitigated through avoidance or proper engineering design and construction practices. Based on the proposed plan, it appears that these areas will have minor impacts on the development. These conditions are discussed in further detail in the Soil, Geology, and Geologic Hazard Study produced by Entech Engineering, Inc.

Drainage Requirements: *“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 Final Plat is consistent with the submitted Final Drainage Report. The recommended drainage improvements will be installed as recommended. The the owner will comply with the requirements of the drainage report.

Access: *“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 are to be served with access from a private cul-de-sac road constructed to El Paso County standards. A waiver of LDC criteria is requested with the Preliminary Plan application to allow the private roadway. The proposed road will be owned and maintained by the Home Owners Association.

Services: *“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. Koinonia 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 will be provided by individual private well and OWTS systems as discussed 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 a new private cul-de-sac roadway and the existing adjacent roadway system.

Fire Protection: *“The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code.”*

Koinonia 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. A Fire Protection Report and Wildfire Hazard Mitigation Plan has been prepared and submitted for the proposed subdivision. The Owner will observe and follow the recommendations of the reports and Fire Protection District. 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.

Off-Site Impacts: *“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.”*

Offsite impacts are evaluated in the documentation submitted for review including the Final Drainage Report and Traffic Memo. Any off-site impacts are minimal and no off-site improvements are required for mitigation.

Public Facilities: *“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.

Other Requirements: *“The subdivision meets other applicable sections of Chapter 6 and 8;”*

Upon approval of the waivers requested with the Preliminary Plan application of El Paso County LDC Chapter 8.4.4.D (Dead End Standards) to allow more than 25 lots on a dead end road (Old Ranch Road) and Chapter 8.4.4.C (Public Roads Required) to allow access to the lots and open space tract by way of a private rural local gravel cul-de-sac roadway to be constructed to El Paso County Standards, 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.

Mineral Extraction: *“The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.]”*

No outside parties have been found to hold legal mineral estate interests in the subject property. It is unlikely that the current owners would undertake commercial mineral extraction operations on the property, but the subdivision would not impede such action.

Requested Waivers:

The El Paso County Land Development Code Chapter 8.4.4.D provides “The maximum number of lots fronting and taking access from a dead-end road is 25”. A waiver is requested as part of this Preliminary

Plan application to allow more than 25 lots to access Old Ranch Road, a dead end road connecting to Black Forest Road east of the site. A total of 23 lots now gain access by way of public gravel Old Ranch Road, including the existing residence on the subject property. Koinonia Ranch proposes to add five (5) more for a total of 28 lots.

Old Ranch Road is currently disconnected from Milam Road on the west to the westerly dead end located approximately 2000 feet west of the site. The 2040 Major Transportation Corridors Plan does not indicate an intent for the connections of the existing Old Ranch Road dead ends. Furthermore, the lack of available rights-of-way does not allow for such a connection. It is unknown when or if such a connection will ever take place. Examining the physical and parcel layout of the area, there does not appear to be other feasible opportunities for the elimination of the existing Old Ranch Road dead end using county roads. The 500± acres located south of Old Ranch Road is part of the partially implemented “Wolf Ranch Master Plan” as approved July 15, 2011 by the City of Colorado Springs. The City master plan appears to include a future route to Briargate Parkway over a new minor residential collector that connects to Old Ranch Road in addition to the connection to Black Forest Road. The timing of the future city development is not known at this time. The proposed waiver will increase the number of lots by only three (3) above the maximum number (1%). The connection of Old Ranch Road and Black Forest Road is approximately 3,500 feet to the east. Once on Black Forrest Road, traffic may proceed either to the north or south.

Each criteria 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 8.4.4 (D) does not go against the intent and purpose of this code. The amount of lots to be accessed by the dead end road will not be significantly more than the limit. The City master plan appears to include a future route to Briargate Parkway over a new minor residential collector that connects to Old Ranch Road in addition to the connection to Black Forest Road.
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 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 subdivision includes the construction of a private cul-de-sac roadway, providing safe access to the subdivision from Old Ranch Road. The additional residential lots 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;* The Koinonia Ranch subdivision is 39.079± acres and is proposed to contain 6 lots in the RR-5 zone (residential rural (5 acres)) and one open space tract. The proposed subdivision is in conformance with the RR-5 zone, which allows the property to be subdivided into lots no less than 5 acres in area. Old Ranch Road, which provides access to the site, is a dead end road currently providing access to 23 lots. The proposed subdivision would bring the total number of lots gaining access from Old Ranch road to 28.
5. *A particular non-economical hardship to the owner would result from a strict application of this Code;* Strict application of this code would impede the owners ability to subdivide the parcel into 5-acre lots.

6. *The waiver will not in any manner vary the zoning provisions of this Code;* The proposed subdivision 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 subdivision is in harmony with the goals of the master plan with regard to preserving place type characteristics.

A waiver of LDC Chapter 8.4.4.C that requires “Divisions of land, lots, and tracts shall be served by public roads”, is requested. The waiver would allow access to the subdivision from a proposed private cul-de-sac road connecting to existing Old Ranch Road. The LDC Chapter 8.4.4.E provides that “closed loops and dead-end roads not likely to be needed for the convenience and safety of the general public” may be considered for private roads with the approval of waiver. The owners prefer private ownership and maintenance of cul-de-sac serving the subdivision. The private road will allow timely snow plowing and maintenance for the road, which would normally be low priority for busy County maintenance crews. The private road is to be owned and maintained by the HOA established for Koinonia Ranch. The HOA will have covenants whereby the lot owners to provide for the maintenance. The new roadway will be constructed to County standards and the adjacent lots will comply with the access and frontage requirements of LDC Chapter 8.4.4.E.3 and 8.4.4.E.4.

Each criteria 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 8.4.4 (C) does not go against the intent and purpose of this code. The six proposed lots will be accessed by a dead-end road connecting to Old Ranch Road which, with the approval of a waiver, is in accordance with the code.
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 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 private roadway will be constructed to provide safe and reliable access to each lot on the site. The responsibility and maintenance of said roadway shall be carried out by the Koinonia Ranch HOA. The roadway 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;*
5. *A particular non-economical hardship to the owner would result from a strict application of this Code;* Strict application of this code would not allow the owner to construct a private roadway. With the approval of a private roadway, maintenance and snow removal will be the responsibility of the HOA. A public road would be a low priority for county maintenance resulting in increased response times for snow removal and maintenance.
6. *The waiver will not in any manner vary the zoning provisions of this Code;* The proposed private road 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 private roadway is in harmony with the goals of the master plan with regard to preserving place type characteristics.

Existing and Proposed Facilities:

Existing improvements within this parcel are related to the existing residential use of the site, located in the west central portion of the property. Existing facilities also include the adjacent public roadway of Old Ranch Road. A new private cul-de-sac roadway, owned and maintained by the HOA, will be constructed for access to Old Ranch Road. New drainage facilities will consist of a private culvert crossing of the new private road. Individual water and wastewater facilities will be provided by each new lot owner. New electric service will be installed by the owner at the time of road construction. There are no other facilities or subdivision improvements required for this site.

Total Number Of Residential Units And Densities:

The gross area of Koinonia Ranch is 39.079± acres and is proposed to contain 6 rural residential Single Family Units and one open space tract. The gross density is therefore 0.15 units per acre. The net area to be used by residential lots, excluding the flag stem of Lot 3, is 34.011± acres. Therefore, the net density of the subdivision is 0.18 acres per unit. The average net lot area is 5.67 acres. The open space tract (Tract A) takes up 1.882± acres. The private road right-of-way (Tract B) is 2.418± acres and 0.227± acres (Tract C) is being dedicated as public right-of-way for Old Ranch Road.

Traffic Impact and Traffic Impact Fees:

The one (1) existing and five (5) proposed single family residential units will access public Old Ranch Road by way of a proposed private cul-de-sac road extending into the subdivision. A Traffic Memo has been prepared that details the expected traffic generation for the subdivision. This development is subject to fees established by the El Paso County Road Impact Fee Program per El Paso County Resolution Number 19-471. The owners have elected to not be included in any Public Improvements District. Traffic Impact Fees will be paid at time of building permit.

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