



## Letter of Intent

Mariah Trail Filing No. 1  
Major Subdivision – Final Plat  
April 27, 2024

Owner: Thomas Kirk, Jr.  
19510 Mariah Trail  
Colorado Springs, CO 80908

Applicant/Consultant: Engineering Local Xperts, LLC.  
PO BOX 6708  
Colorado Springs, CO 80934  
Carlos Serrano, PE  
carlos@elxsoco.com

Tax Schedule No. 5100000511

## Request:

Major Subdivision/Final Plat containing six rural residential (RR-5) lots on an existing 35 acre parcel. All lots will be a minimum of 5.0 acres per zoning code. All lots will access a single gravel cul-de-sac located at the north of the property that will be a 60' right-of-way extension of Mariah Trail, an existing local rural roadway that currently terminates at the property. The right-of-way extension is a termination point of the public local rural roadway via a cul-de-sac to allow emergency vehicle access and turnaround. The cul-de-sac is designed such that a future extension of Mariah Trail due east may be constructed and utilize the cul-de-sac as a knuckle configuration. Future 60' width right-of-way dedication due east to the eastern property boundary is platted and the existing access easement and no-build conservations easements on the site are to remain in place. There are no Colorado Department of Transportation roadways involved in the project. This request meets the intent of the Land Development Code for a Minor Subdivision and the current RR-5 zoning as follows:

### Land Development Code Section 7.2.1.C.2:

The Final Plat will create five or more lots, in this case six, in accordance with C.R.S Section 30-28-101(10)(d). A major subdivision shall be required to conform to all preliminary plan and final plat requirements including the criteria for approval. A Sketch Plan may be required where the PCD Director determines a sketch plan is necessary to support the efficient and comprehensive review of a major subdivision. An Early Assistance Meeting was conducted in December of 2021 determining that the Sketch Plan was not needed due to the simplicity of the development.

El Paso County Policy Plan – This Major Subdivision and Final Plat remains consistent with the zoning of the existing property and surrounding properties as RR-5 zoned lots allowing rural residential parcels of a minimum of 5 acres. The proposed major subdivision is a subdividing of an existing 35 acres property into six parcels of at least 5 acres each.



El Paso County Water Master Plan – This Major Subdivision and Final Plat meets the requirements of the County Water Master Plan as there is an existing water attenuation plan with water rights associated with the property that satisfies the proposed development.

There are no geologic hazards prohibiting the development of the subdivision.

There are existing conservation easements on the site that are to remain in place and will remain as no-build areas on the Final Plat.

The subdivision will not interfere with the extraction of any known commercial mining deposit.

The design of the subdivision protects the natural resources or unique landforms. There is not significant deviation from the existing stormwater drainage pattern nor are any significant natural resources required to be removed for development of the access road or future residences. Drainage was assessed to implement any necessary drainage easements as no-build areas, as needed.

The proposed methods for fire protection are adequate to serve the subdivision; and

The subdivision is appropriate and the design is based on mitigating the constraints of topography, soil types, geologic hazards, aggregate resources, environmental resources, floodplain, airplane flight overlays, or other constraints.

### **Site Description:**

The property of interest, henceforth referred to as the Site, addressed as 19205 Mariah Trail, is an unplatted 35-acre RR-5 zoned parcel within El Paso County with Schedule No. 5100000511. The Site within the northwest quarter of Section 7, Township 11 South, Range 65 West of the sixth P.M.. The Site is south of the County's 60-foot right-of-way of Mariah Trail, a rural local gravel roadway. The property is accessed via a private access drive within a 16-foot width common access easement (Reception No. 213070061). The adjacent properties or subdivisions are as follows:

North: El Creek Ranches Filing No. 1 (Lots 24-26)

East: 19275 Mariah Trail, Schedule No. 5100000512, Zoned RR-5, Unplatted 40.23 acre property

South: 18885 Brown Road, Schedule No. 5100000447, Zoned RR-5, Unplatted 61.55 acre property

West: Part of Section 12-11-66, Schedule No. 6100000224, Zoned RR-5, Unplatted 80 acre property

The Site is currently zoned RR-5 (Rural Residential), allowing 5-acre minimum lots with 25-foot front, rear, and side setbacks for principal structures, and a 200-foot minimum lot frontage width.

The soils indicative to the site are classified as Brussett loam and Peyton-Print complex by the USDA Soil Conservation Service and are listed as NRCS (National Resources Conservation Service) Hydrologic Soil Group B. A USDA Soil Map is provided in Appendix C.

The existing topography of the Site consists of slopes between 2.0 percent and 15 percent generally draining from the west to the east. There are several local topographic high points and grasslined



swales across the property. The natural landscape comes to a swale located on the eastern property boundary, central to the Site. The majority of the Site drains to this point where it continues to flow due east. The stormwater runoff to this area is via overland sheet flow and remains generally as sheet flow until the swale reduces in width downstream to channelized flow. The ultimate outfall location is East Cherry Creek approximately 1.5 miles east of the Site.

There are no major drainageways or existing facilities on the Site. The neighboring property to the east consists of a tertiary channel that the Site drains to and there is an existing stock pond downstream of the swale.

The Site lies within the East Cherry Creek Drainage Basin according to the El Paso County Drainage Basins map. There are no known non-stormwater discharges that contribute to the storm water systems on site and downstream, both private and public.

The project site does not lie within a designated floodplain according to information published in the Federal Emergency Management Agency Floodplain Map No. 08041C0305G, dated December 7, 2018. The FEMA FIRM panel is provided in Appendix B.

The existing percent imperviousness of the Site is less than 0.1% as evidence by aerial photography and site visits. The only non-vegetation land is a dirt path within a common access easement at the north of the Site. The existing vegetative cover of the Site is approximately 99.9% with sparse native grasses and weeds, also as evidence by aerial photography and site visits.

### **Proposed Development Description:**

The proposed project scope is for a small subdivision for a total of six lots with a proposed public roadway that follows the County's 60' width right-of-way section as an extension of Mariah Trail as a cul-de-sac. A Final Plat and Minor Development Plan show Lots 1 through 6 with minimum areas of 5 acres to meet RR-5 rural residential zoning standards. A private driveway within a 20' common access easement is to extend from Mariah Trail to connect to future private residences.

The small subdivision is to remain zoned as RR-5, allowing for single-family residences and accessory structures within the El Paso County zoning code's allowed land uses. Covenants for the Mariah Trail Filing No. 1 subdivision shall meet El Paso County land use and development standards at a minimum with the following minimum criteria per the County:

- Minimum 200' width lot frontage
- Minimum 30' lot frontage at public roadways
- No minimum lot frontage at private roadways
- 25' front, side, and rear principal building setbacks
- 5% Imperviousness (per HOA covenants)

Proposed construction activity for the subdivision is for the Mariah Trail right-of-way extension of the gravel roadway cul-de-sac only.

Proposed construction activity for the major subdivision is for the Mariah Trail right-of-way extension of the gravel roadway cul-de-sac. The limits of disturbance and construction is to establish the public



cul-de-sac and private gravel roadway is approximately 12,000 square feet (0.27 acres) or 0.7% of the total 35-acre site area.

The construction timeline is anticipated to commence following the Subdivision Plat, Entitlements, and Construction Drawings processes with the County anticipated to be September of 2024. Construction of the roadway is anticipated to take two months with final stabilization occurring in November of 2024. Erosion and sediment control measures for the Site are to be established prior to any disturbance or construction activity as required by the County and per the GEC Plan Set and Stormwater Management Report.

### **County Master Plan:**

The development is consistent with the County's Master Plan for large lot residential placetypes as this is a single-family detached residential subdivision with minimum acreages of 5 acres. The development is considered a "minimal change" development by having no more than six single-family residences and a County roadway built within the 35 acre vacant property. The large lot placetypes will have minimal impact to the natural features and surroundings of the Site as the rural landscape and topography will remain in place. Custom homes are anticipated to be built upon the six subdivided lots that are encouraged to match the rural settings of the Site.

### **Traffic Impacts:**

The property is approximately a mile south of County Highway 404 / East Palmer Divide Avenue at the County limits and is approximately a mile west of Black Forest Road. The proposed major subdivision is accessed from an extension of the existing dirt roadway of Mariah Trail that extends south through the Elk Creek Ranches Filing No. 1 subdivision near local rural roadways of Wildfire Court and Thunder Road West. The accesses to County Highway 404 are via Elk Creek Drive East or Thunder Road East. There is no direct access to Black Forest Road.

The six lot subdivision is not anticipated to have a trip generation over 100. There are no additional roadways or intersections proposed other than a public roadway extension of the Mariah Trail right-of-way. There is not anticipated to be an increase in trips by more than 100 daily trips. The traffic type is to remain residential use. There is no anticipated change to level of service for the local connecting roadways or nearest County Highways. There are no recorded accident or safety issues for roadways in the immediate vicinity. There is no existing or new pedestrian or bicycle traffic for the development as none is required.

### **Utilities:**

Lots 1 through 6 are to be served by onsite wastewater treatment systems and a water well for each respective lot. Each lot is responsible for providing their own well and septic system at the time of development.



Per the Water Resources Report prepared by RESPEC, these lots meet the requirements for water supply in terms of quantity, quality, and dependability, and methods of sewerage disposal per the Land Development Code Chapter 8.

All lots will be serviced by Mountain View Electric as an extension of the underground primary electric line that exists at the end of Mariah Trail.

All lots will be serviced by Black Hills Energy for natural gas as an extension of the underground distribution pressure gas line at the end of Mariah Trail.

Fire suppression will be provided by Tri-Lakes Monument Fire Protection.

Will-serve letters are provided as a part of the Major Subdivision entitlement process.

### **Soils and Geologic Hazards:**

A soils report was conducted by Vivid Engineering Group, Inc. dated March 2023 for soil borings conducted in March of 2023. Construction of the subdivision for the roadway as well as future residential construction shall follow the recommendations made in the report including roadway gravel pavement sections, earthwork and grading methods and permanent stabilization, as well as residential construction recommendations such as use of in-situ soils, overexcavation, foundation recommendations, fine grading near foundations, etc. There were no geologic hazards identified within the report to designate any no-build areas on the Final Plat. All lots will be able to provide their own well and septic system within each individual lot as the report identifies appropriate soils for systems.

The development is compliant with the El Paso County Master Plan for Mineral Extraction. A Mineral Rights Affidavit has been provided with the application. The Site is located on the Mineral Map within panel 6 of the R66W, T11S section. The map indicates Stream Terrace Deposit which is old stream deposits containing sand, gravel, silt and clay preserved on benches or broad flat to sloping areas adjacent to streams. This is consistent with the soils investigation. There are no known mineral deposits that require mitigation nor any hazards per the soils investigation and master plan report and maps.

### **Drainage:**

A natural drainage swale exists on the eastern boundary that conveys stormwater due east toward the East Cherry Creek. This natural swale is not a formal drainageway and is a part of the existing topography of the Site.

There are no stream crossings located within the construction site boundary. The lots are not within a streamside boundary and there are no preservation easements or existing no-build areas on or within the vicinity of construction/disturbance. All natural drainageways within the site conveying 15 cfs or more are placed in drainage easements or Tracts as shown on the Final Plat.

There are no anticipated negative impacts to surrounding or downstream developments or infrastructure as a result of development of this major subdivision.



### **Water Master Plan:**

The development is compliant with the County's water master plan by having the water rights, a water decree with augmentation plan for a 300-year water supply as required. The development is to have individual wells for each of the six residents.

A Water Resources report was conducted and follows the County's criteria with groundwater source testing. A Wastewater Report has also been conducted. These reports are included in the subdivision application.

All requirements for the development are met for water resources – quantity, quality, and dependability are provided to each lot within the subdivision.

### **Justification:**

The development of the Mariah Trail Filing No. 1 major subdivision conforms to the following El Paso County policies:

**2.1.11: Encourage approaches to natural system preservation and protection which also accommodate reasonable development opportunities.** The development conforms to the existing RR-5 zoning of the parcel and surrounding properties.

**2.2.3: Evaluate the impact from proposed developments on watersheds and wildlife habitat with appropriate government agencies early in the development process.** The Entitlements Process includes a Final Drainage Report, a Wildlife Hazard Report, and a Water Resources Report that speak to this policy and demonstrate compliance.

**2.3.1: Preserve significant natural landscapes and features.** There are no significant natural resources or features on the site. The most notable are natural topography in the form of grass swales and drainageways that are not formal waterways within the County. These areas are within drainage easements or Tracts and are not to be disturbed to maintain the historical drainage pattern of the site and cause no negative impacts to downstream and surrounding properties or development. RR-5 zoning standards are to be adhered to for the development of the individual lots.

**2.3.7: Encourage the mitigation of visual impacts caused by construction including road cuts, utility lines, outside storage, water tanks, and building scale.** The major subdivision is a gravel roadway extension of Mariah Trail for access to six lots. There is no proposed significant roadway cutting or filling that would cause visual impacts as the roadway is generally at existing grade. All residential development is to follow zoning code for building height.

**Policy 3.1.8: Promote water supply systems and augmentation arrangements which maximize the effective use of near-surface ground water supplies without jeopardizing existing water rights or established wells.** This development has water rights and augmentation plan in place that meets the 300-year water supply requirement and anticipates 0.625 acre-feet (AF) of water per year for each of the new residential lots.

**Policy 3.3.6 Evaluate the consequences of surface water from new development including runoff of natural soils, as chemical compounds that may result from the proposed uses including**



**pesticides, herbicides and hydrocarbons.** The development consists of minimum 5-acre area lots that are typically 7 percent impervious and there is a gravel roadway extension with roadside ditches to convey stormwater to the existing natural drainage outfall location to the east. Water Quality is provided for the gravel roadway via grass buffers as there are large areas of natural landscape for infiltration. The outfall location is an existing grasslined swale that is stabilized.

**Policy 6.1.6 Direct development toward areas where the necessary urban-level supporting facilities and services are available or will be developed concurrently.** The subdivision will be served with urban fire protection services by the Tri-Lakes Monument Fire Protection District.

**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.** Land use for the development is consistent with those of surrounding subdivisions.

**Policy 9.2.3 Strictly limit direct access onto major transportation corridors in order to preserve their functional capacity.** The access to this development is from a local rural roadway and has no direct access onto major transportation corridors such as highways, arterials, or collectors.

**Policy 11.1.14 Require development plans to effectively address both quantitative and qualitative impacts of drainage within the project site.** The Final Drainage Report addresses this policy and meets all requirements per the DCM and ECM. Water Quality is provided and detention is proven to be unnecessary.

**Policy 11.3.1 Where feasible, support the use of natural or naturalistic drainage approaches rather than hard line solutions.** The Final Drainage Report and Grading Plan demonstrates use of natural drainage approaches by utilizing existing areas of native grasses and the natural drainage ways not to be disturbed. Infiltration is provided for impervious areas that sheet flow over pervious meadow/pasture allowing runoff reduction.

**Policy 11.3.4 Promote the effective use of innovative short and long term strategies including sediment ponds, buffer strips, and constructed wetlands as a means of reducing peak flows and improving storm water quality.** The Final Drainage Report demonstrates use of grass buffers and stabilized natural drainage ways for runoff reduction and conveyance downstream.

**Policy 11.3.5 Protect the integrity of wetlands, riparian areas and associated wildlife habitat through a combination of careful land development and drainage system design.** The Final Drainage Report demonstrates compliance with this policy.

**Policy 11.3.6 Encourage the effective use of control measures to mitigate the short and long term erosion impacts of development.** The Stormwater Management Plan and corresponding Grading and Erosion Control Plan show erosion and sediment control and mitigation by use of construction control measures. Silt fence, vehicle tracking control, erosion control blankets, sediment control logs, and check dams are sited for construction phases.

**Policy 12.1.3 Approve new urban and rural residential development only if structural fire protection is available.** Fire protection is provided as evidence by the will-serve letter.

**Policy 12.1.9 Develop and implement area-wide and parcel-specific Wildfire Mitigation Plans in zones identified as having high wildfire potential.** A Wildfire Hazard Report and mitigation plan was submitted with this Major Subdivision application.



***Policy 15.3.3 Encourage innovative approaches to the problem of financing solutions to the off-site fiscal impacts of development.*** This project will be required to participate in the El Paso County Road Impact Fee Program. The proposed lots will participate in the fee program by paying the full applicable fees at building permit.

**References:**

*Subsurface Soils Investigation and Geologic Hazard Study* by Vivid Engineering Group, Inc. dated March 2023.

*Onsite Wastewater Study* by Vivid Engineering Group, Inc. dated March 2023.

*Water Resources Report for Mariah Trail Filing No. 1* by RESPEC dated March 2023.

*Wastewater Report for Mariah Trail Filing No. 1* by RESPEC dated April 2023.

*Final Drainage Report for Mariah Trail Filing No. 1* by Engineering Local Xperts dated March 2023.

*Fire Protection Report* by Atwell, LLC. dated April 2023.

Respectfully,

**Engineering Local Xperts, LLC.**

Carlos Serrano, PE  
Principal