



March 27, 2023 REVISED May 11, 2023
REVISED December 1, 2023
REVISED June 13, 2024

El Paso County Planning Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910

RE: Letter of Intent
Renehan Minor Subdivision
County File No. MS238
5740 Burgess Road

Gentlemen:

This letter serves as our Letter of Intent for the above referenced minor subdivision request. Detailed information on this request is as follows:

Applicant:

Larry Gilland
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Logan L. Langford, P.G.
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Owner(s):

Jeff Renehan & Julie Renehan and Brad & Sandy Renehan
c/o Jeff Renehan, 640 Southpoint Ct., Suite 150, Colorado Springs, CO 80906
719-660-6525, jjmatrenehan@aol.com

Site location: 5740 Burgess Road, Colorado Springs, Colorado 80908.

Property Tax Schedule: 6213000050

Size: 34.28 acres, Zoned RR-5



Proposed Development:

The proposed request is to subdivide a 34.28 acre parcel into three lots. The current zoning allows for 5 acre parcels within the zone district. The two current owners are brothers and would like to build homes as far back on the L shaped property as possible. To provide for reasonable equal ownership the parcel will be divided into 3 lots. One lot to the northwest section of the land, a second lot on the northeast section of the land, with the remaining land to be frontage on Burgess Road. The proposed development will include Lot 1 within the southern region of the project site of 8.62 acres, Lot 2 within the central/northeast region of the project site of 17.06 acres, and Lot 3 within the northwestern region of the project site of 8.69 acres. The site will also include a shared private driveway with access to Burgess Road and a no build wildlife easement within Lot 3 of 0.57 acres.

Configuration of the lots are shown on the Site Plan document that has been uploaded. Once approval is obtained for the final plat for this minor subdivision, the owners intend to build a home for each couple and a barn is planned for the future.

The current state water allocation will allow up to 4 wells on this parcel. The intent for the third lot will be for a barn with living quarters. The two lots on the northern portion of the property will be over the five-acre lot size of the RR-5 zone district.

The application for a minor subdivision complies with El Paso County review criteria for a minor subdivision, as stated in El Paso County Land Development Code Chapter 7 and C.R.S. 30-28-133. Relationship to surrounding land uses is compatible to adjacent properties to the west, east and south. The majority of the neighbors in this area are rural property owners, as is the current zoning on this parcel. After the subdivision application is granted, these lots will still all be rural lots with single family residences in keeping with the design intent of this portion of the County Master Plan. The property to the north is a large parcel for LaForet, a conference and retreat center. Requirements in the El Paso County Water Master plan are addressed in the Final Drainage Report prepared by Kimley-Horn, revised to address County Planning comments and reuploaded December 1, 2023. This subdivision is served by several regional County parks and open space areas, but does not impact traffic or usage of these County Parks in any significant way.

- 1) **Conformance with Master Plan.** The El Paso County Master Plan defines this parcel in Black Forest as a forested area, in a Minimal Change-Developed area of change and Large Lot Residential Placetype. As part of the Small Towns and Rural Communities Key Area, Black Forest functions as a community that supports the needs of a significant portion of the County's rural population. Our client has taken care to ensure this proposed development preserves the character of the environmentally sensitive rural character by dividing the site into 3 lots of similar size and character within the current RR5 zone. Neighboring sites range from 5 acre to 20 acre sites. The existing dirt track pathway used historically for access through the site will continue to be used for access and will become the shared private drive to the proposed sites for construction. These homes sites are to be located in open areas within the site preserving the natural forested character of the site. The area is rural residential and the subdivision of this parcel into three residential lots supports the County's plan

The forestry management is addressed in the Forestry Management Section of "Natural Resources, Forestry Management and Fire Protection Plan" by Kimley-Horn dated January 23, 2023, which was revised to address County Planning comments and reuploaded November 30, 2023.

Goal 2.2.1 The impact for development on drainage has been addressed in the Final Drainage Report by Kimley-Horn, dated January 25, 2024. The report details existing topography, drainage patterns, and erosion control for the proposed subdivision addressing the criteria in the El Paso County Drainage Criteria Manual dated October 2018.



Goal 4.1. Transportation Network. The proposed development is located to the north of Burgess Road, an east-west roadway. Additional row for future expansion to the width of Burgess Road is being provided.

Goal 5.3 Ensuring Adequate Provision of Utilities. Utilities are being provided by well water. Wells supply and meet the 300-year water supply as noted in the report prepared by Respec dated September 2023, and by the documentation from court case between the District Court, Water Division 2, Colorado and the previous property owner, Robert W. Slagle, Case number 00CW99. A copy of the Deed has been uploaded showing the Renehan family ownership of the parcel. We have also uploaded two quitclaim deeds transferring water rights from the previous owners to the Renehan's as of June 10, 2024.

Goal 5.3.1 Gas and Electric is supplied by local utility companies. Commitment letters from Black Hills Energy and Mountain View Electric Association are included in the documents contained in this submission.

Goal 5.3.2 On Site Wastewater treatment will be through individual septic systems. See OWTS Report prepared by Entech Engineering dated February 3, 2023, revised November 30, 2023 to address County Planning comments and reuploaded December 1, 2023.

Goal 5.4 Final Drainage Report by Kimley-Horn dated January 25, 2024 as mentioned previously was revised and reuploaded June 11, 2024. In the General Project Description of this report, the author describes the property to be platted as three individual lots, with a proposed wildlife protection zone and a shared private driveway with stormwater runoff outfalling to Kettle Creek. Drainage design in this report complies with the El Paso County "Drainage Criteria Manual" dated October 2018 and the El Paso County Engineering Criteria Manual, Chapter 6, as well as Section 3.2.1 of Chapter 13 of the City of Colorado Springs Drainage Criteria Manual dated May 2014. The construction of new single-family homes will be subjective to BESQCP practices.

Goal 9.1. The site has been evaluated for natural habitats of wildlife and is noted in Kimley-Horn letter to the U.S. Fish and Wildlife Service, subject: Threatened and Endangered Species Habit Assessment for Renehan Subdivision dated February 16, 2023. A conservation easement has been located on the plat for non-disturbance of those habit areas. No new construction is intended to be located close to the area.

- 2) The subdivision is consistent with the purposes of the Land Development Code ("Code"), i.e., to promote predictability, consistency and efficiency in the land development process for all residents and business interests.

Policy 1.1. Promote consistency in land development. This site is consistent with RR5 zone district and the development has lot sizes consistent with adjacent sites.

Policy 1.2. The submission for this minor subdivision as a public process provides the opportunity to protect the nearby community and neighboring residents with adjacent property notifications sent as required. To our knowledge, there have been no comments from adjacent property owners.

Policy 1.3. All policies to provide adequate water, sewerage and public access to the area surrounding this minor subdivision have been addressed in the appropriate engineering reports that are included in this application. This minor subdivision does not prevent any public health, safety or general welfare concerns for other citizens and businesses in the area. The preparation of all engineering reports and design of this minor subdivision have addressed reasonable standards for design in the County. Proper legal descriptions have been included in all



documentation, and specifically in the Plat that has been submitted as part of this application, revised to address County Planning comments and reuploaded December 1, 2023. Engineering reports prepared by Kimley-Horn included with this application address the adequacy of drainage facilities, prevention of pollutions of air and streams in the area and address the best use and management of the natural and biological resources and preservation of the integrity, stability, beauty and value of the land in the County and areas directly surrounding this minor subdivision.

- 3) The subdivision is in conformation with the subdivision design standards and regulations and meets all planning, engineering and surveying requirements of the County for maps, data, surveys, analysis, studies, reports, plans, designs, documents and other supporting materials to the best of all parties knowledge, belief and opinion, and as described in Chapter 8 of El Paso County Land Development Code ("LDC").

Specific code references that are applicable to this application are:

8.2 Conformity with Plans and Standards. The parcel being subdivided into three parcels is to stay within development standards for smaller subdivisions.

8.3 Restrictions Associated with the Plat. The access to each parcel will be by a private shared driveway that will be constructed to allow fire department access and turnaround space for fire department vehicles. The private shared drive is accessed from Burgess Road on the western property boundary going through Lot 1 to the east, lot 2 to the northeast, and ending in a roundabout at the southeastern lot line for lot 3 where it meets lot 2. Burgess Road is anticipated to be widened at some point in the future through this development. The owners are aware of such and have provided for additional R.O.W. noted on the plat. The Wildlife Protection No Build area is in the northwestern corner of Lot 3 and has been noted on the plat and addressed in detail in the document titled "Natural Resources, Forest Management and Fire Protection Plan by Kimley-Horn.

8.4 Design Considerations and Standards respectively. The site on the northwest will require the use of a flag lot stem to access the proposed residence location. The remaining two sites will be accessed directly off the private drive. The size of the private drive on this 34.28 acre site will be less than one acre to address minimal disturbance to the site and minimal required approvals. Each home site will then be constructed on an area under one acre disturbance. The private roadway access will be constructed to standards set forth by the fire department regulations and county standards for a private road.

- 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 the Code. The report titled "Water Resources Report for The Renehan Family, Renehan Subdivision, EPC Parcel # 6213000050, dated September 2023 has been submitted which addresses the requirements of quantity (already established by the Water Decree), quality and dependability for the type of subdivision proposed, along with information provided by Doug Hollister, District 10 Water Commissioner, supported by a Water Decree from District Court, Water Division 2, State of Colorado, Case No. 00CW99. Water will be provided by new wells to each lot. A Deed showing transfer of the property to the new owners is also included. Quitclaim deeds prepared by the client's water attorney and signed by the previous property owners transferring water rights to the Renehans' were uploaded June 10, 2024.
- 5) The Renehan subdivision will utilize private septic systems and leach fields to be in compliance with current El Paso County Health Department regulation and shall comply with required distances to new wells. Please see the Onsite



- 6) Wastewater Study contained within this submission from Entech Engineering dated February 3, 2023 which shows the system will comply with state and local law and regulations as shown in [C.R.S. § 30-28-133(6) (b)]. Septic permits will be obtained by the General Contractor at time of building permit to show location of wells and septic systems at time of building permit and site plan review by El Paso County.
- 7) All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)]. As shown in the Soils and Geology Study dated February 3, 2023 prepared by Entech Engineering, Inc. the site was found to be suitable for the proposed development. Areas were encountered where the geologic conditions will impose some minor constraints on development and land use. A full analysis of these constraints is discussed in the above-mentioned report. The developer of the site and property owners are aware of these constraints and will mitigate these conditions during home construction as well as take these constraints into consideration with the design of structures for the lots. Additionally, general site conditions, soils, topography and geologic conditions have been addressed by Entech Engineering in the Onsite Wastewater Study dated February 3, 2023. All soil, topographical conditions and drainage requirements have been addressed by reports submitted from Entech Engineering and Kimley-Horn respectively.
- 8) Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM") are provided by the design and described in detail in the Final Drainage Report dated January 23, 2023 prepared by Kevin Kofford, P.E. of Kimley-Horn and Associates, Inc. (revised November 30, 2023).
- 9) This proposed subdivision will not have any public improvements. The access is by private drive which will be constructed to Fire Department access standards within El Paso County drainage criteria.
- 10) Burgess Road is a County maintained road that can be accessed directly from the roadway being created with the plat. The current site entrance will be private drive access from Burgess Road. Fire Department access will be provided by Knox Box at any private gate access.
- 11) A traffic report titled Trip Generation Traffic Assessment Letter dated January 19, 2023 prepared by Kimley-Horn has been uploaded with the other requirements to the County's EDARP website. The current access to the property is more of historic use and aligns beside a current driveway that accesses the property to the west. The use of three lots generates minimal additional traffic to the proposed subdivision. The proposed private drive will contain proper visibility triangles for the residences on this parcel. The entrance way will be constructed in accordance with El Paso County Engineering Criteria Manual "ECM".
- 12) All necessary services, including police and fire protection, recreation, utilities, and transportation system, are or will be available to serve the proposed subdivision. This is a small, 3 lot minor subdivision with a private shared driveway with minimal traffic to include homeowners and guests only. Police and fire protection are covered by El Paso County. Electric utilities will be provided by Mountain View Electric Association ("MVEA"). Electrical is currently overhead and underground. Mountain View Electric will address transformers and power locations such that underground power to each home may be achieved. Natural gas to be provided by Black Hills Energy. This will occur as part of the home construction process. The property has been allocated use of four wells within the State's allocation with a three-lot subdivision. The water will meet the 300-year criteria and meets the need for each residence. See Water Supply Information Summary form.

The Fire Protection for the site meets Section 6.3.3 of the El Paso County Land Development Code. Black Forest Fire District requirements are shown and addressed in Kimley-Horn's report titled Natural Resources, Forestry Management, and Fire Protection Plan, revised November 30, 2023. The drive lanes and turnaround area are in conformance with El Paso County Engineering Criteria Manual, Chapter 5. At the time of the home construction, the proposed homes will be constructed in accordance with the Adopted fire and Building Code Standards. All site



mitigation for vegetation around the homes being constructed shall be in accordance with: *Plans shall utilize the Colorado State University (CSU) Guidelines and NFPA Standards, as appropriate.*

- 13) As detailed in Kimley-Horn's report titled Natural Resources, Forest Management and Fire Protection Plan Appendix D, according to the CSFS Colorado Wildfire Risk Map, the site is at low to moderate risk for wildfire. Appendix E of the same report also references the Wildland Urban Interface (WUI) Worksheet. This report also details the locations, equipment and staffing of the Black Forest Fire Department. The owners have contracted with local companies to clean and clear site to be in compliance with Firewise policies with mitigation recommendations shown in the same report mentioned above. Forestry Management criteria outlined in LDC Section 6.3.4 is outlined and addressed in this report as well.
- 14) 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 of the Code. Drainage requirements that address off-site impacts are defined in the Drainage report prepared by Kimley-Horn mentioned previously. Soils and geology concerns and mitigation are addressed in the Soils and Geology report prepared and submitted by Entech Engineering referenced previously in paragraph 6.
- 15) As there are no added public facilities or infrastructure in this proposed minor subdivision, we believe there is no need for financial guarantee through SIA or mitigation of financial impacts.
- 16) There are no known commercial mining deposits to be extracted from this parcel/subdivision and as such this shall not impede any commercial mining deposits, as referenced in [C.R.S. §§ 34-1-302(1), et seq.].

We have made every effort to address all requirements for this request but our entire team is available to answer any additional questions that may arise from the County on any aspects of this request for a minor subdivision.

Respectfully,

A handwritten signature in black ink, appearing to read "Larry Gilland".

Larry Gilland, NCBDC, FIABD, LEED AP
President