



May 7, 2021

PCD File No. SF2010

**LETTER OF INTENT
PRAIRIE RIDGE
RECONSIDERATION FOR A FINAL PLAT**

Owner:

Sonship Properties LLC
P.O. Box 511
Rocky Ford, CO 81067
(719) 241-0022, Justin Ensor

Applicant:

M.V.E., Inc.
1903 Lelaray Street, Suite 200
Colorado Springs, CO
(719) 635-5736, David Gorman

Site Location Size and Zoning:

The Prairie Ridge subdivision was previously approved by the El Paso County Board of County Commissioners on April 24, 2008. However, the final plat was not recorded at that time and it has expired. The owner is seeking reconsideration of the previously approved Final Plat.

The proposed subdivision to be known as "Prairie Ridge" is located within the southeast one-quarter of Section 12, Township 11 South, Range 66 west of the 6th principal meridian in El Paso County, Colorado. The property has El Paso County Tax Schedule No. 61000-00-483. The site has no currently assigned address, but is located on Brown Road in northwestern El Paso County. There are no existing improvements on the property. The site is 39.769± acres in area and is zoned RR-5 (Residential Rural – 5 Acre).

The site is situated on the south and east sides of Brown Road which makes right angle turn at its northerly extent. Brown Road is a gravel, County maintained road but is not platted right-of-way. Walker Road is located approximately 0.5 miles to the south and Black Forest Road is located approximately 1.3 miles to the west. Unplatted 35-acre to 80-acre parcels, all zoned RR-5, surround the site.

Request and Justification:

The request is a reconsideration of a previously approved final plat. The proposed subdivision is to create seven (7) single-family rural residential lots from the 39.769± acre property. All proposed lots exceed 5.0 acres in area in accordance with the RR-5 zoning. The subdivision will also be compatible with the RR-5 zone with respect to land use (single-family residential), minimum building setbacks, water supply and wastewater disposal. The plat will dedicate 1.199± acres as right-of-way for existing Brown Road. The previously approved subdivision had a Subdivision Improvements Agreement associated with the approval. The proposed reconsideration includes an updated Subdivision Improvements Agreement.

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Access for the lots will be from Brown Road, which is the existing gravel public road located along the north and west edges of the site. Brown Road connects to Walker Road approximately one-half mile south of the site and has an existing 60 foot long asphalt apron as a transition from the Walker Road pavement to the Brown Road gravel surface. The property owner will place up to 1 inch of additional gravel material in the locations identified in the Road Conditions Report in order to provide a total of 6” thick gravel surface from Walker Road and all along the project frontage.

Driveway Access for all proposed lots are by private driveways connecting to Brown Road. Three of the seven lots are flag lots with flag stem extensions connecting to Brown Road. Flag lot access is appropriate for this subdivision due to the five-acre rural residential lot size and the constraints of the natural features of the site. In this case, it would be impractical to extend public road right-of-way and county maintained infrastructure to the interior 5.0 acre rural residential lots from gravel Brown Road. A public or private roadway would require the crossing and disturbance of the natural drainageway in order to serve all the lots. The proposed flag lot configuration provides adequate and efficient private access to the three lots in a way that minimizes potential disturbance of the natural features of the site.

The proposed Subdivision is compatible with the surrounding land uses and neighborhood. Some of the surrounding unplatted parcels contain agricultural and single family residential structures. The proposed Minor Subdivision application is in conformance with the goals, objectives, and policies of the Master Plan including the Policy Plan and the Black Forest Preservation Plan discussed below.

This application meets the Minor Subdivision submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivisions in Chapter 8 of the El Paso County Land Development Code (2016). Minor Subdivisions are reviewed and approved in consideration of the review criteria found in the El Paso County Land Development Code. Each criteria is listed below followed by the appropriate justification.

1. *The subdivision is in conformance with the goals, objectives, and policies of the Master Plan.* The Master Plan is comprised of several elements. One of the elements is the El Paso County Policy Plan (1998), which does not include site-specific land use policies, but establishes broad policies and goals which are intended to serve as a framework for decision-making regarding development of the County. The project satisfies the following policies from the Policy Plan as they specifically relate to this request:

Goal 6.1 a – “Encourage patterns of growth and development which compliment the regions’ unique natural environments and which reinforce community character.” and Policy 6.1.14 – “Support development which compliments the unique environmental conditions and established land use character of each sub-area of the County.”; This area of the County is conducive to rural residential development. The five acres lot density has reduced impact on environmental conditions. The existing community character is preserved with this proposed plat. 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 the residential lots on the site. The proposed plat is consistent with the Black Forest Preservation Plan as it applies to the Northern Grasslands sub-area which is discussed in the section below.;

Goal 6.4 – “Develop and maintain rural residential areas in a manner which protects their integrity, addresses the carrying capacity of the natural environment and provides for an adequate level of non-urban facilities and services.” and “Policy 6.1.3 - Encourage new development which is contiguous and compatible with previously

developed areas in terms of factors such as density, land use and access.” The proposed plat will not create the need for additional roadways or public facilities. The site will remain rural residential and is surrounded by existing agricultural and rural residential development on the north, south, east, and west sides.; *Policy 6.4.4 - “Encourage new rural residential subdivisions to be located within or contiguous with existing rural residential area or to be incorporated as a buffer between higher density and undevelopable areas.”*; The proposed subdivision plat is in an area adjacent to existing RR-5 zoned property with rural residential and agricultural land use to the north, west, south and east.

Another element of the Master Plan is the Small Area Plan. Prairie Ridge is located within the area of the Black Forest Preservation Plan (1987), specifically within the “Northern Grasslands” sub-area of the plan. The small area plan is significantly outdated and does not take into account the land use trends and events of the last 34 years in this rapidly developing portion of the county. However, the northern grasslands area specifies that low density residential development should be strictly held to one dwelling unit per five acres, which is consistent with the proposed subdivision. The small area plan also specifies that roads should be aligned “with topography to preserve visual character and reduce drainage problems”. No new roads are proposed with this subdivision since all access is proposed to be provided by low-impact driveways connecting to Brown Road. In this way, lot access is provided while eliminating the need for roadway crossings or driveway crossings of significant natural drainageways. The natural drainageways are also designated to be no build areas. The proposed Minor Plat is consistent with the Black Forest Preservation Plan.

The proposed plat is in compliance with the Parks Master Plan, which does not appear to call for trails or parks in the site vicinity. Any required Park Fees will be paid at the time of plating. The proposed subdivision is also in compliance with the 2040 Major Transportation Corridors Plan (MTCP) and Master Plan for Mineral Extraction as no separate mineral estate owners were found for the property and the existing development on surrounding properties is not compatible with any potential mineral extraction operations.

The proposed subdivision is in compliance with the El Paso County Water Master Plan (2018). The District Court, Water Division 1 Colorado, has decreed certain water rights and approved a plan for augmentation as necessary to allow the drilling of seven residential use wells for the subdivision in Case No. 06CW100. The owner seeks a finding of sufficiency from the Colorado Division of Water Resources and the eventual granting of well permits based on the decreed water rights.

Prairie Ridge is located within Region 2 in the Water Master Plan. This is comprised of the northwest corner of the county including the tri-lakes area. The site is located in a 2060 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 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. Considering only the Prairie Ridge subdivision, demands are estimated to be 7.00

acre-feet of water per year for the current, 2040 and 2060 time frames, respectively. Water supply available by decree to the subdivision is 7.00 acre-feet per year for each of the current, 2040 and 2060 time frames. From that total 7.00 acre-feet, the decree allows up to 2.1 acre-feet per year to be withdrawn for indoor domestic and incidental commercial uses. The remaining 4.90 acre-feet per year may be used for landscape irrigation, livestock watering, fountains, decorative ponds, swimming pools, hot tubs fire fighting dust suppression and augmentation purposes. In practice, it is expected due to the nature of the development, that the amount of landscape irrigation will be minimized and the other allowed uses will not be common in number or frequency.

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.* All new single-family residence 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.

2. *The subdivision is in substantial conformance with the approved preliminary plan.*
The Prairie Ridge Preliminary Plan (SP-07-014) was approved by the Board of County Commissioners on April 24, 2008. The Final Plat is in compliance with the approved Preliminary Plan. The subdivision will be developed in accordance with the approved Preliminary Plan and with current Land Development Code.
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 subdivision plat is prepared in accordance with applicable subdivision design standards. No public improvements are required for this subdivision except for the enhancement of the Brown Road gravel surface as detailed in the Road Conditions Report
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 a State approved Water Augmentation Plan. A prior finding of water sufficiency was made with the prior approval of the plat by BOCC. Furthermore, updated Water Resources and Water Quality Reports are provided in support of water sufficiency.
5. *A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code.*
Waste water is intended to be treated via individual on site septic systems designed, constructed and operated under State and County Health Department rules and regulations and in accordance with the Water Decree.

6. *All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)].*

A soils report has been prepared for the site and the owner will comply with the recommendations of the report.

7. *Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM.*

The proposed Minor Subdivision is consistent with the submitted Final Drainage Report. There are not Drainage facilities needed or proposed with this development. The the owner will comply with the requirements of the 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 access existing public Brown Road. New private driveways will be established for each new proposed lot and Driveway Permits for each lot will be obtained.

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. Prairie Ridge is located within the Tri-Lakes Monument Fire Protection District which is providing fire protection for the site and has agreed to serve this subdivision. Water and sanitary sewer provisions are discussed in items 4 & 5 above. The property is located within the service areas of Mountain View Electric Association, Blackhills Energy Corporation, Centurylink Telephone, and Lewis-Palmer School District 38, 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.*

Prairie Ridge is located within the Tri-Lakes Monument Fire Protection District which is providing fire protection for the site and has agreed to serve this subdivision. Building permits for each structure shall be in accordance with the requirements of the Fire District as administered by the Pikes Peak Regional Building Department.

11. *Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8.*

All Offsite impacts are determined to be insignificant with the addition of one residence to the site already containing one residence. The owner will be responsible to pay park, school, drainage and Traffic Impact fees.

12. *Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated.*

There are no public facilities or infrastructure required or proposed for this subdivision. The platting of the site will include the collection of the applicable School Fees, Park Fees, Drainage Fees and Traffic Impact fees due for this project.

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

The subdivision meets the requirements of the Land Development Code.

14. *The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et seq.].* No Mineral estate owners have been identified in association with this application.

Existing and Proposed Facilities:

Existing improvements and facilities include the adjacent public roadway of Brown Road. There are no public subdivision improvements required for this site.

Total Number Of Residential Units And Densities:

The gross area of Prairie Ridge is 39.796+/- acres and is proposed to contain 7 rural residential Single Family Units. An area of 38.570+/- acres will be single-family residential lots. The average lot size in the subdivision is 5.510 acres. The gross density of the site is 0.14 units per acre.

Fire Protection:

The Prairie Ridge subdivision property is located within the Tri-Lakes Monument Fire Protection District. The lots and homes are subject to the codes and policies adopted by the District regarding fire protection.

Proposed Access Locations:

The access locations for Prairie Ridge are the seven (7) proposed driveway access points onto Brown Road which will be made in a locations to be determined in accordance with the County's access policies.

Traffic Impact and Traffic Impact Fees:

The seven (7) proposed single family residential units will access public Brown Road, which connects to Walker Road on the south. The development is expected to generate a total of 66 trips per day (Average weekday trips ends) and 7 trips in the peak hour based on 9.44 trips per unit for Single Family Detached Housing (according to Trip Generation, 10th Edition, 2017 by the Institute of Transportation Engineers). This number of trips is below the County threshold of 100 trips per day or 10 trip 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. The owners have elected to not be included in any Public Improvements District. Traffic Impact Fees will be paid at time of building permit.