

El Paso County
Planning & Community Development
2880 International Circle, Suite 110
Colorado Springs, CO 80910-3127
Attn: Ryan Howser

July 15, 2020

RE: Woodmen Hills Metropolitan District
West Water Tank Site Subdivision Exemption
Letter of Intent

Dear Ryan:

As a representative of the Applicant, Woodmen Hills Metropolitan District (WHMD, the District), and in accordance with the El Paso County Land Development Code, please accept this "Letter of Intent" for the Subdivision Exemption of a 1.47-acre parcel of land.

As discussed in the Early Assistance meeting for this project, WHMD has an existing access and utility easement on a parcel of land owned by Morley-Bentley Investments, LLC. This easement is for a "tank farm," and the desire of the District is to exempt that land (currently the easement) from the overall parcel.

This letter is being submitted in accordance with the 1041 permit for the Sterling Ranch Metropolitan District to conduct designated activities of State interest in a designated area of State interest, which was issued on February 25, 2016.

The Consultant and Owner/Applicant contact information is as follows:

1. Consultant:

JDS-Hydro Consultants, Inc.
5540 Tech Center Drive, Suite 100
Colorado Springs, CO 80919
Contact: Ryan Mangino, P.E.
Telephone: (719) 227-0072
Email: rmangino@jdshydro.com

Owner/Applicant:

Woodmen Hills Metropolitan District
8046 Eastonville Road
Peyton, CO 80831
Contact: Jerry Jacobson
Telephone: (719) 495-2500
Email: Jerry@WHMD.org

2. Site Location, Size and Zoning

Site Location:

The Morley-Bentley property (EPC Parcel No. 5200000361) is located at 9275 Arroya Lane in Northern El Paso County. The "center" of this parcel is located approximately 0.75 miles east of the intersection of Vollmer Road and Arroya Lane. The proposed tank site is located in the northern portion of the existing parcel.

Zoning:

The Morley-Bentley property is zoned RR-5, Residential Rural, and no zoning change is being requested as part of this application. Since there is no zoning change, items 6 through 20 in the County land use application have been omitted from this letter of intent.

Size:

The existing parcel is roughly 278 acres and is currently un-platted. The proposed tank site is approximately 1.47 acres.

The proposed tank site does not meet the minimum lot size for an RR-5 zoning. However, references from the Land Development Code (LDC) are listed below which allow deviation from the LDC:

- Section 7.2.2(C) – Exemption Lot and Parcel Design Standards

Paragraph (1) – Comply with LDC

The resulting lots or parcels shall comply with the LDC unless: (1) a waiver or variance of one or more of the provisions of the LDC has been approved; or (2) the lots or parcels are for community facilities including utilities.

The proposed parcel is for a water storage tank that will serve a community water system.

- Section 7.2.2(E) – Standards and Criteria for Specific Exemptions

Subsection (5) – Right-of-Way, Utility, and Open Space Exemptions

Paragraph (c) – Criteria for Approval

The PCD Director, in approving a right-of-way, utility, or open space exemption, shall find:

- *The request serves a legitimate government or utility purpose; and*
- *There will be no impact on the status of the lot or parcel as a conforming lot or parcel, and if a nonconformity will result that the nonconforming lot or parcel will be deemed conforming with respect to lot size and will be eligible to apply for a variance in the event they do meet the development standards of the applicable zone district.*

The proposed parcel will be nonconforming and therefore eligible to apply for a variance.

3. Request and Justification

The purpose of this Subdivision Exemption request is to create a parcel within the Morley-Bentley property that will be conveyed to the Woodmen Hills Metropolitan District.

The parcel will contain two (2) water storage tanks that will serve WHMD but will not be connected to the existing nearby tank that currently serves Sterling Ranch.

Justification for this Subdivision Exemption request is based on Section 7.2.2 (B)(2) of the LDC which states:

Any parcel of land divided into two or more separate interests, one being the interest of the fee owner of the parcel and the other being easements or land granted for purposes of public or private utility lines entering or crossing the parcel, shall be exempt from the definition of the terms "subdivision", except when a division of land of this nature is made to avoid compliance with the provisions of C.R.S. §30-28-101, as amended.

The proposed parcel for the water storage tanks will be part of a public water system, supplementing the water capacity of the Woodmen Hills Metropolitan District, and it will not be made to avoid compliance with the provisions on Colorado Revised Statutes.

According to the El Paso County Land Development Code, public buildings and projects are allowed uses in the RR-5 zone district. The proposed tanks will be roughly 200 feet away from Sterling Ranch's existing water storage tank, and they will be designed to mimic the architectural aesthetics of the existing tank.

4. Existing and Proposed Facilities, Structures and Roads, Etc.

The proposed location for the tanks is ideal due to the elevation of the site and the existence of an equivalent facility nearby. As mentioned above, the proposed tanks will mirror the architectural aesthetics of the existing tank while maintaining a similar profile.

No new roads are being proposed, and the existing Arroya Lane is adequate for access. The overall parcel is currently secured by fencing along Arroya Lane, and that fencing will remain in place. The tanks are completely unmanned, and daily or weekly access will be made by operations staff to inspect the facility. No pumps, motors, or any other noise-making equipment will be involved with the structures.

5. Waiver Request and Justification

There are no waiver requests with this application.

6. Additional Information

The proposed location of the tank site is nearly three (3) miles (as the crow flies) from existing WHMD water infrastructure. As a result, a roughly 4-mile pipeline must be built to convey water to and from the tanks and WHMD's existing water system. Construction of the pipeline has already been permitted and received compliance with the County's MS4 permit. About one (1) mile of the pipeline has already been installed.

Along the pipeline, fire hydrants will be installed which could be used in an emergency for rural development adjacent to the pipeline.

Sincerely,
JDS-Hydro Consultants, Inc.



Ryan Mangino, P.E.