



MS224

April 14, 2022

PCD File No.: MS-22-000

Add the EPC standard engineer's and developer's certification page. See the last two bullet on ECM Appendix B Section B.8.

## Traffic Memo

Boyd Subdivision Filing No. 1

Boyd Subdivision Filing No. 1, containing 35.88± acres, proposes to establish three (3) single-family rural residential lots. The project site is located within the Southwest quarter of the Southwest quarter of Section 7, Township 11 South, Range 65 West of the 6<sup>th</sup> principal meridian in El Paso County, Colorado and has El Paso County Tax Schedule Number: 5100000433. The current address of the site is 18735 Brown Road. The site is located north of Walker Road and at the east end of the section of Brown Road that runs east and west. Brown Road terminates at the west boundary of proposed Boyd Subdivision Filing No. 1. All surrounding properties are currently not platted. However, the westerly neighboring 39.77± acre property is the proposed subdivision known as the Prairie Ridge Subdivision. The areas of the three proposed lots are 1 5.26± acres, 10.00± acres and 10.62± acres for Lot 1, Lot 2 and Lot 3, respectively. The site is zoned RR-5.

### ESTIMATED TRAFFIC VOLUMES

The three proposed single family rural residential lots will access public Brown Road with private driveways connecting to the east cul-de-sac bulb of Brown Road. The development is expected to generate a total of 28 trips per day (Average weekday trips ends) and 3 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 full 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. However, there are additional considerations due to the conditions of Brown Road.

### FUTURE BROWN ROAD IMPROVEMENTS - COST SHARING

The subdivision plat for neighboring Prairie Ridge was approved by the El Paso County Board of County Commissioners on April 24, 2008. However, the final plat expired after not being recorded in time. The subdivision is currently undergoing Reconsideration by the Board of County Commissioners to enable plat recordation. The plat approval for neighboring Prairie Ridge involved a process and negotiations to determine the appropriate equitable monetary contribution to future Brown Road improvements by those properties that are anticipated to take access from Brown Road. The results are contained within the

Supply a new cost estimate analysis for Brown Road improvements and calculate the proportional share.

Staff recommends you coordinate with the applicant for Owl Ridge Minor Subdivision (PCD File No. MS225) located directly north of Boyd Minor Subdivision in estimating the proportional share analysis. Attached is the email correspondence sent to the applicant for Owl Ridge MS.



attached email

attached October 1, 2008 BOCC Approval Letter for the Prairie

first plat approved using Brown Road as access, the agreements regarding developer payments for future Brown Road improvements and fair share contribution. It is expected by the developers of Prairie Ridge and Boyd Subdivision Filing No. 1 that any future development that takes access of any kind from Brown Road would also contribute equitable fair share funds for Brown Road improvements. They trust that the County will enforce this requirement going forward. The 2008 Prairie Ridge Conditions of Approval set the equitable fair share contribution at \$11,000 per lot with \$50,000 to be deposited in escrow at the time of plat recording. At the time sale for each of the seven (7) lots, an additional \$3,857 was to be deposited in escrow for a total of \$77,000.

The ongoing Reconsideration of Final Plat Approval for Prairie Ridge updated the total per-lot contribution amount for inflation to \$14,553 per lot with \$9,450 per lot being deposited in escrow at the time of plat recording and an additional \$5,104 per lot being deposited at the time of each lot sale (see attached). These amounts have been accepted by County Staff, but the plat approval is still in process. Proposed Boyd Subdivision Filing No. 1 is to contain three lots. Therefore, the total equitable fair share contribution to Brown Road from Boyd Subdivision is \$43,659 with 28,350.00 being deposited in escrow at the time of plat recording and \$5,103 being deposited at the time if each individual lot sale.

However, the El Paso County Road Impact Fee program was enacted after the initial approval of Prairie Ridge. We suggest that the amount per lot being deposited at time of individual lot sale be reduced by \$3,830 which is the amount of Road Impact Fees that will be collected at time of building permit. The resulting contribution for each lot at the time of individual sale is \$1,273.

The conditions of approval for Prairie Ridge contain an expiration provision for the funds in escrow which is five years from the closing date of the sale of the last lot in the subdivision or 10 years from the date of the agreement, whichever is later. If the escrow funds are not used for construction of Brown Road by the expiration date, the funds are to be returned, with accrued interest to the applicants, their heirs, successor and assigns, excluding individual lot owner successors.

Remove. The Road Impact Fee program does not include all roads in the unincorporated County such as Brown Road. The program is for road improvements identified in the MTCP.

## | Attachments

12. Compliance with all Fire District requirements shall be met. Individual lot purchasers shall provide in-house sprinklers in the construction of new homes.
13. Replace note #20 with the following:

Individual lot purchasers are responsible for constructing driveways, including necessary drainage culverts from Brown Road per Land Development Code Section 6.3.3.C.2 and 6.3.3.C.3. Due to their length, the driveways for Lots 5 and 6 will need to be specifically approved by the Tri-Lakes/Monument Fire Rescue Authority.

14. Brown Road will retain its current alignment. Prior to recording the final plat, Applicant shall enter into a Public Improvements Contribution Agreement ("Agreement") with the County in which Applicants shall agree to participate in the completion of off-site public improvements to bring Brown Road into compliance with County local road standards ("Brown Road Improvements"). Said Agreement shall require separate approval by the Board. Said Agreement shall address the following:
  - 1) Applicants' total fair, equitable, and reasonably proportional contribution to the Brown Road Improvements shall be \$11,000.00 per lot for a total of \$77,000.00 structured as follows:
    - A. Prior to recording the final plat, Applicants shall deposit the sum of \$50,000.00 with the El Paso County Treasurer, which funds the County shall maintain and deposit in a separate, interest bearing account not part of the County's operating budget.
    - C. Applicant shall require as a condition of sale and closing of each of the seven lots, at the time of closing each lot, payment by the buyer to Applicant of 1/7<sup>th</sup> of the remaining \$27,000.00 balance of the contribution, or \$3,857.00 per lot, which funds Applicants shall cause to be paid to Development Services Department who in turn will transfer the funds to the El Paso County Treasurer for deposit into the above described account. Interest shall accrue on the amount of \$3,857 per lot from the date of recording of the Final Plat at an interest rate of 5 percent per annum simple interest.
  - 2) Said funds shall only be used for the purpose of constructing, or contributing to the construction of, the Brown Road Improvements.
  - 3) On or before the expiration date, the County may use the funds, including any interest accrued thereon, only for the purpose of constructing, or contributing to the construction of, the Brown Road Improvements. The expiration date is 5 years from the closing date of the sale of the last lot in the Prairie Ridge subdivision or 10 years from the date of the Agreement, which ever is later.

Ken and Carol Rushing  
K & C Rushing LLLP  
May 19, 2008— **Corrected October 1, 2008**  
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- 4) **Should the County not use said funds on or before the expiration date, the County shall return the funds to the applicants, their heirs, successors and assigns (excluding individual lot owner successors), together with accrued interest.**
15. **A note shall be added to the Plat to place buyers on notice of their obligation to pay to the Applicant at closing 1/7<sup>th</sup> of the remaining balance of the contribution for Brown Road Improvements consistent with the terms of the Public Improvements Contribution Agreement as outlined in Condition 14 above.**

#### NOTATIONS

1. Failure to record the plat within one (1) year following Board of County Commissioner approval will require reconsideration by the Board. Said reconsideration may involve compliance with new criteria, regulations and updated fees.
2. The proposed subdivision is located entirely within the East Cherry Creek Drainage Basin (CYCY0200). This basin has not been studied and no drainage or bridge fees apply.

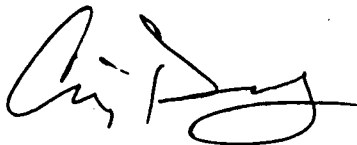
This action will not become a matter of public record, nor can building permits be issued or lots conveyed based upon this action, until the Plat has been filed with the El Paso County Clerk and Recorder. This is done through our office but, in order to accomplish such filing, it will be necessary for you to contact us regarding recording fees which must be paid and make an appointment to pay the fees and submit the plat for recordation.

Please note the El Paso County Clerk and Recorder will no longer accept documents for recording unless they have a minimum one-inch clear margin at the top of each page.

This represents the Development Services Department's understanding of the action taken by the Board of County Commissioners. A copy of their Resolution will be forwarded to you, once that document is available.

Should you have any questions, or if I can be of further assistance, please contact me at 719-520-6300.

Sincerely,



Craig Dossey, Project Manager II

ec: Pam Cherry, LDC, Inc.  
Eileen Wheeler, Deputy Clerk to the Board  
cc: Files: SP-07-014, Prompt/ SF-07-016

# **ROAD EVALUATION REPORT**

for

## **BROWN ROAD**

## **EL PASO COUNTY, COLORADO**

for the

## **PRAIRIE RIDGE SUBDIVISION**

prepared for

**Sonship Properties, LLC**  
997 Elizabeth Drive  
Rocky Ford, Colorado 81067

prepared by

**Kenneth C. Harrison, P.E.**  
**KCH Engineering Solutions, LLC**  
5228 Cracker Barrell Circle,  
Colorado Springs  
Colorado 80917

**June 2021**

**PCD File No. SF2010**

**Project No: 2019-112**

**Conditions of Approval, Item 9.2**

No changes

**Conditions of Approval, Item 9.3**

No changes

**Conditions of Approval, Item 9.4**

No changes but repeated and emphasized as follows:

Should the County not use the funds on before the expiration date the County shall return the funds to the Applicant, their heirs, successors and assigns (excluding individual lot owner successors), together with accrued interest.

**Conditions of Approval, Item 10**

No changes

**Final Plat Conditions of Approval**

All conditions are to remain the same except for the changes described below.

**Conditions of Approval, Item 14.1:**

Applicant's total fair share, equitable, and reasonably proportional contribution to the Brown Road Improvements shall be **\$14,553** (\$11,000) per lot for a total of **\$101,871** (\$77,000) structured as follows:

**Conditions of Approval, Item 14.1.A**

Prior to recording the final plat, Applicant shall deposit the sum of **\$66,150** (\$50,000) with the El Paso County Treasurer, which funds the County shall maintain and deposit in a separate, interest bearing account not part of the County's operating budget.

**Conditions of Approval, Item 14.1.C**

Applicant shall require....payment by the buyer to Applicant of 1/7<sup>th</sup> of the remaining **\$35,721** (\$27,000) balance of the contribution or approximately **\$5,104** (\$3,857) per lot.

**Conditions of Approval, Item 14.1.B revised as follows**

...at the time of closing each lot, payment by the buyer to the Applicant of 1 the remaining **\$35,721** (\$27,000) balance of the contribution, or **\$5,104** (\$3,857) per lot,

**Conditions of Approval, Item 14.2**

No changes

**Conditions of Approval, Item 14.3**

No changes

**Conditions of Approval, Item 14.4**

No changes but repeated and emphasized as follows:

**“Should the County not use the funds on before the expiration date the County shall return the funds to the Applicant, their heirs, successors and assigns (excluding individual lot owner successors), together with accrued interest.**

**Conditions of Approval, Item 15**

No changes