

LETTER OF INTENT

Johnson Estates Filing No. 1

Minor Subdivision – Final Plat

Owner: ***Delroy Johnson***
14502 Highway 83
Colorado Springs, CO 80921
(719) 352-9833

***Applicant/
Consultant:*** ***Classic Consulting, LLC***
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Tax Schedule No. 61000-00-157

REQUEST:

Minor Subdivision/Final Plat containing four rural residential lots on 28.65 ac. All lots will be 5.0 ac. minimum in size per the current RR-5 zoning. All lots will access a single paved driveway within a 30' private access and public utility easement. The current CDOT permit allows for the proposed four lots to access at the current location at Highway 83. Previously approved waivers related to private access and lot configuration support this request. This request meets all other intent of the LDC for a Minor Subdivision and the current RR-5 zoning as follows: (Reference the Justification portion of this letter)

LDC 7.2.1.C.1 Applicability – This final plat will result in the creation of four lots that do not discernably impact the surrounding properties, environmental resources or public facilities. No land use change is proposed and the large lot rural residential use is consistent with the surrounding properties.

El Paso County Policy Plan – This minor subdivision and final plat remains consistent with the County's Policy Plan for land use of large lot rural residential RR-5 zoning.

Small Area Plan - This minor subdivision and final plat remains consistent with the Tri-Lakes Small Area Plan showing land use of large lot rural residential within the current RR-5 zoning district.

El Paso County Water Master Plan – This minor subdivision meets all requirements of the County Water Master Plan as prepared by Forsgren Associates, Inc.

SITE DESCRIPTION:

This letter is prepared to provide sufficient information in support of a Minor Subdivision – Final Plat for a 28.65 acre parcel. Four total rural residential lots are planned for the property which currently has the owners home and a single driveway connection to Highway 83. The three additional residential homes proposed will take access from the same driveway and all lots be a minimum of 5.0 ac. in size. No land use change proposed.

The site is located in a portion of section 34, township 11 south, range 66 west of the sixth principal meridian, El Paso County, Colorado. More specifically, located 0.64 miles north of the intersection of Highway 83 and Old North Gate Rd., west side of Highway 83, south of unplatted residential property (zoned RR-5) and due east of the Rosholt Retreat Subdivision (zoned RR-5). The entire property is zoned RR-5.

The property is dimensionally constrained, with only 575 feet of frontage to Highway 83 and the remaining 4,600+ feet perimeter of the property being adjacent to private residential land with no other access to a public road. It is also limited to the current single access point to Highway 83. Given these constraints and to meet the intent of the zoning code dimensional standards, one lot will have direct frontage to Highway 83 while the other three will not have direct frontage to a public roadway. Ownership and maintenance of a private driveway with access to all four lots will be handled with special agreement prepared with the Minor Subdivision - Final Plat.

In November 2020, three subdivision waivers for this property were approved by BOCC. (See Resolution 20-393 under reception number 220182496) The approved waivers include the following:

- Waiver 1: Waiver for private road (per definition, a driveway cannot serve more than 3 lots – LDC 8.4.4.E.2) Proposing 4 lots
- Waiver 2: Waiver for private roads to meet County standards (LDC 8.4.4.E.3) Proposing private road design criteria similar to driveway criteria
- Waiver 3: Minimum lot frontage (8.4.3.C.2.E) Not all lots will have direct frontage to Highway 83 based on shape of property and limited access allowed to Highway 83.

The intent of the waivers is to provide a safe, reasonable private access to four rural, heavily forested residential lots without significant disturbance to the natural setting. Thus, these waivers only deal with private access and lot configuration and meet all other intent of the LDC. Based on these waiver approvals, this subdivision remains consistent with the County Subdivision Design Standards and regulations and meets all planning and engineering requirements.

PROJECT DESCRIPTION:

Lot 1 will contain the current property owner's home, well/septic and paved driveway. This lot will be about 13.0 ac. in size. Lots 2, 3 and 4 will be 5.0 ac. minimum in size with a single home planned on each. The existing paved driveway will be extended further west within a 30' private access and public utility easement to provide access to the three additional lots. This private access is required to have a street name and all four lots will be addressed off this private access. The current owner on Lot 1 will be required to process an address change form with RBD. Construction, ownership and maintenance of the driveway will be described in a special agreement recorded with the Final Plat.

TRAFFIC

The property frontage adjacent to Highway 83 is approximately 575 feet. Currently, there exists a single paved driveway to the property along the west side of Highway 83 accessing one single family residence. CDOT has recently approved an updated access permit allowing up to 5 residential lots from this single driveway. (See CDOT Permit No. 220062) This permit is based on meeting all criteria as found in the State Highway Access Code. Also, the following El Paso County criteria seems to be met for not requiring a TIS as found in ECM Appendix B (B.1.2.D):

Vehicular traffic

- 1) Daily trip generation is less than 100 (consistent with CDOT criteria for no study)
- 2) No additional intersections with State Highway – none proposed
- 3) Increase in trips does not increase by more than 100 daily trips – less than 100 trips total
- 4) No change in traffic type – proposed residential use
- 5) Acceptable LOS on adjacent roadways is maintained – proposed traffic increase vs. existing trips on Highway 83 is negligible
- 6) No accident or safety problems on adjacent roadway in immediate vicinity – none documented
- 7) No change in land use with access to State Highway – none proposed

Pedestrian/Bicycle traffic

No existing or new pedestrian/bicycle facilities or traffic is required along Highway 83

UTILITIES

Lot 1 (current owner's residence) already has its own well and septic system permitted

Lots 2-4 responsible for providing their own well and septic system

Per the Water Resources Report, prepared by JDS Hydro Consultants, Inc., these lots meet all the requirements regarding water supply in terms of quantity, quality and dependability and methods of sewage disposal per the LDC Chapter 8.

All lots served by Mountain View Electric taken from overhead along Highway 83
All lots served by Black Hill Energy (gas) taken from separate service lines from the gas main crossing the site

Wescott Fire Protection District will provide fire protection

El Paso County Road Impact Fee method: Each lot will pay full fee of \$3,830 at building permit

SOILS, GEOLOGIC HAZARDS & DRAINAGE

Per the Soils, Geology and Geologic Hazard Report prepared by Entech Engineering, Inc., this subdivision will adequately mitigate all topographical conditions and soil hazards as presented. These site-specific areas will be cited on the plans and Final Plat and notated as “no-build” areas. All lots will be able to provide their own well and septic system within each individual lot. All natural drainageways within the site conveying 15 cfs or more will be placed in drainage easements as shown in the Final Drainage Report and on the Final Plat.

JUSTIFICATION:

Conformance with the El Paso County Policy Plan

Johnson Estates Filing No. 1 conforms to the following goals and Policies of the El Paso County Policy Plan in the following manner:

Policy 2.1.11 Encourage approaches to natural system preservation and protection which also accommodate reasonable development opportunities. ***Development proposal is based on existing RR-5 Zoning.***

Policy 2.2.3 Evaluate the impact from proposed developments on watersheds and wildlife habitat with appropriate government agencies early in the development process. ***The drainage Report, the Wildfire Hazard Report and the Water Resources Report address this policy.***

Policy 2.3.1 Preserve significant natural landscapes and features. ***The most significant natural features of the site are the natural drainageways within the Ponderosa Pine forest and meadow area closer to Highway 83. These features are respected by the Plan by providing associated drainage easements and no proposed development of the natural meadow area.***

Policy 2.3.7 Encourage the mitigation of visual impacts caused by construction including road cuts, utility lines, outside storage, water tanks and building scale. ***Visual impacts are addressed by the plan as the proposed lots off an extension of the existing driveway and are not visible from Highway 83.***

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 0.395 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 run off of natural soils, as chemical compounds that may result from the proposed uses including pesticides, herbicides and hydrocarbons. ***Given the 5-ac. min. lot development and driveway extension disturbing less than 1-ac., WQCV is not required and stormwater runoff reduction for these large rural single family lots does not required detention. However, sediment basins are planned to control potential erosion during construction.***

Policy 6.1.6 Direct development toward areas where the necessary urban-level supporting facilities and services are available or will be developed concurrently. ***While this is a rural subdivision, it will be served with urban fire protection services by Wescott Fire District.***

Policy 6.1.7 Encourage infill development which complements existing uses, is consistent with Small Area and other adopted plans. ***This plan is consistent with the Tri-Lakes Comprehensive Plan as detailed below.***

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 uses in the Plan are 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 respects the access plan for Highway 83 corridor and utilizes the single existing access point with CDOT approval.***

Policy 11.1.14 Require development plans to effectively address both quantitative and qualitative impacts of drainage within the project site. ***The Drainage Plan addresses this policy and meets all requirements per the DCM and ECM.***

Policy 11.3.1 Where feasible, support the use of natural or naturalistic drainage approaches rather than hard line solutions. ***The Drainage Plan addresses this policy with the use of runoff reduction techniques.***

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 Drainage Plan addresses this policy and incorporates the use of such facilities.***

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 Drainage Plan addresses 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 Drainage Plan addresses this policy by utilizing sediment basins and rock check dams.***

Policy 12.1.3 Approve new urban and rural residential development only if structural fire protection is available. ***This site is located less than a mile away from the Wescott Fire Station No. 2 off Highway 83. Fire protection is available.***

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 Minor 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 fee of \$3,830 at building permit.***

Conformance with the Tri-Lakes Comprehensive Plan

Johnson Estates Filing No. 1 is located in the Ponderosa Breaks Sub Area 9 and conforms to the following goals and Objectives of the Tri-Lakes Comp. Plan in the following manner:

Objective 1.1.4. Consider the erosive characteristics of the coarse-grained soils and define and govern measures necessary to prevent erosion or to contain soils with construction limits. ***Stormwater runoff reduction techniques are being utilized along with construction of sediment basins and rock check dams to help mitigate erosion during construction.***

Objective 1.2.1. Carefully consider the possibility for property damage or personal injury resulting from geological and other environmental hazards that exist in the planning area. ***Minimal disturbance is planned for the driveway extension and building sites. Erosion control techniques will be implemented as discussed above.***

Objective 3.2. To ensure the adequate fire protection and emergency services are available at levels commensurate with local needs and circumstances. ***This site is located less than a mile away from the Wescott Fire Station No. 2 off Highway 83. Fire protection is available.***

Objective 4.1. To promote comprehensive planning and management approaches to preserve or improve the integrity of the drainage basins and minimize long-term system-wide environmental impacts. ***The Drainage Plan addresses this objective by providing stormwater runoff reduction techniques and utilizing sediment basins and rock check dams.***

Objective 5.2. To reduce the adverse impacts of existing and future transportation systems through a combination of careful planning and mitigation techniques. ***This development plans to utilize the single existing access point to Highway 83 with CDOT approval of the revised Access Permit.***

Objective 7.1.14. Encourage carefully planned residential development that is consistent with adjacent developments in the unincorporated planning area. ***This plan is consistent with the surrounding RR-5 zoning and the adjacent property uses.***

Conformance with the El Paso County Water Master Plan

Johnson Estates Filing No. 1 lies in the Water Master Planning Area Region 2 and conforms to the following goals and Policies in the following manner:

Policy 4.1.2. Encourage more systematic monitoring and reporting of water quality in individual wells. ***This plan and its water resources report conforms to this policy by requiring all new wells to be drilled, screened, test pumped and completed in accordance with the Colorado Division of Water Resources Rules and Regulations.***

Policy 4.3.6. Encourage well monitoring throughout the County, with an emphasis on the Denver Basin aquifer fringe areas. ***As described in the Water Resources Report, this plan conforms to this policy.***

Policy 5.3.2. Promote water conscious developments through improved land-use policies. ***This development proposes 5-ac. lots within the RR-5 zoning area within Black Forest with reduced need for outside watering requirements.***

Policy 6.0.1. Continue to require documentation of the adequacy or sufficiency of water, as appropriate, for proposed developments. ***This plan is consistent with this policy per the water resources report, as it provides adequate water sufficiency and reliability.***

Reports Included by Reference

- Soil, Geology, Geologic Hazard Study, Johnson Estates Filing No. 1 by Entech Engineering, Inc.
- OWTS Wastewater Study by Entech Engineering, Inc.
- Water Resources Report for Delroy Johnson Subdivision by JDS Hydro Consultants, Inc.
- Final Drainage Report for Johnson Estates Filing No. 1 by Classic Consulting
- Wildfire Hazard and Mitigation Report by Steve Spaulding, Forestry Consultant