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DEPARTMENT OF PARKS AND COMMUNITY SERVICES

March 23, 2023

Ryan Howser
Project Manager
El Paso County Development Services Department
2880 International Circle
Colorado Springs, CO 80910

Subject: Arroya Lane Subdivision Exemption (EA-22-045)

Hello Ryan,

On behalf of the El Paso County Parks and Community Services Department and in accordance with the El Paso County Land Development Code, please accept this Letter of Intent for the Subdivision Exemption for a 4-acre parcel of land.

As outlined in the Early Assistance meeting for this project, The Friends of the Black Forest Preservation Plan wish to transfer ownership of the aforementioned parcel which is currently under a Warranty Deed. Due to the manner in which it was improperly subdivided from its parent parcel (5221400002) as a Quit Claim Deed, El Paso County is applying for a Subdivision Exemption so the property can be transferred to the County.

The parcel will be utilized ultimately as a trail corridor for the proposed Sand Creek Primary Regional Trail, which will connect the extensive trail systems of the City of Colorado Springs, as well as Black Forest Section 16, Pineries Open Space, and the existing Palmer Divide Regional Trail/Woodlake Trail.

1. Owner and Applicant Contact Information:

- **Owner:**
Friends of the Black Forest Preservation Plan
Rich Mock, President
P.O. Box 88041
Colorado Springs, CO 80908
(719) 495-9669
rvmock@gmail.com



Figure 1 - Typical Terrain and Vegetation Found in the Subject Property. Vollmer Road is seen at the far left side of the photograph. Looking North

- **Applicant:**
El Paso County Parks and Community Services
Ross Williams, Park Planner
2002 Creek Crossing
Colorado Springs, CO 80905
(719) 520-6984
rosswilliams@elpasoco.com

2. Site Location, Zoning, and Acreage:

- **Site Location:** The subject property (El Paso County Assessor's Office Parcel Schedule No. 5221400003) is located immediately northeast of and adjacent the intersection of Vollmer Road and Arroya Lane in unincorporated north central El Paso County.
- **Zoning:** The subject property is zoned RR-5, Residential Rural, and no zoning change is being requested as part of this Subdivision Exemption application. Since there is no zoning change, Items 6 through 20 in the El Paso County land use application have been omitted from this Letter of Intent.
- **Acreage:** The subject property is 4 acres +/- and is currently unplatted.



Figure 2 - Existing Ranch Road at Northern End of the Subject Property. Looking North

3. Land Development Code Provisions:

Section 7.2.2 of the El Paso County Land Development Code (LDC) outlines the following provisions for the Subdivision Exemption process when related to governmental, utilities, public uses, and/or open space land uses:

- **Section 7.2.2(A) – Purpose.** The purpose of establishing standards for exemptions is to provide framework whereby the Board of County Commissioners (BoCC) may grant exemptions from the definition of the term subdivision for any division of land the BoCC determines is not within the purpose of C.R.S. § 30-28-101.
- **Section 7.2.2(A)(3) – Open Space Exemptions.** Any parcel created by the division of a parcel of land which is the direct result of an acquisition by federal, state or local government for open space or park land shall be exempt from the definition of the term "subdivision", provided that the resulting parcel is in conformance with the minimum lot area requirements for the proposed use in the zone district in which said property is located and provided that the parcel being divided was not created illegally.

As noted above, the proposed Subdivision Exemption plat does not meet the minimum lot size for the RR-5 zoning classification. However, references from the LDC are listed below which allow deviation from the Code:

- **Section 7.2.2(C)(1) – Exemption Lot and Parcel Design Standards – 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 intended purpose of this Subdivision Exemption application is for the publicly accessible Sand Creek Primary Regional Trail and Arroya Lane Primary Regional Trail corridors, as identified in the 2022 El Paso County Parks Master Plan, a part of the overall El Paso County Strategic Plan. The Sand Creek Regional Trail and Arroya Lane Regional Trail intersect at the subject property and will provide for public off-street pedestrian connections from the City of Colorado Springs to locations further north, such as Black Forest Section 16, Pineries Open Space, and the Palmer Divide Primary Regional Trail.

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

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

The acknowledgement provided by this Section shall be applicable to the division of a lot or parcel of land which is the direct result of the acquisition by condemnation or otherwise, of any federal, State or local government road rights-of-way, acquisition by federal, state, or local government of land for open space or parks, and any parcel of land divided into 2 or more separate interests, 1 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.

- **Subsection (5)(c) – Criteria for Approval**

The Planning and Community Development 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.



Figure 3 - Typical Terrain and Vegetation Found in the Subject Property. Looking South To Arroya Lane.

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

4. Request and Justification

The purpose of this Subdivision Exemption request is to create a parcel from the subject property that will be conveyed from The Friends of the Black Forest Preservation Plan to the El Paso County Parks and Community Services Department.

As noted previously, the parcel will be the eventual location of the proposed Sand Creek Primary Regional Trail and the Arroya Lane Primary Regional Trail, as proposed in the El Paso County Parks Master Plan.

As noted previously, justification for this Subdivision Exemption request is based on Section 7.2.2(B)(3) of the LDC, which states:

*Any parcel created by the division of a parcel of land which is the direct result of an acquisition by federal, state or local government for **open space or park land** shall be exempt from the definition of the term "subdivision", provided that the resulting parcel is in conformance with the minimum lot area requirements for the proposed use in the zone district in which said property is located and provided that the parcel being divided was not created illegally.*

According to Chapter 5, Use and Dimensional Standards, Table 5-1, Principal Uses, of the El Paso County Land Development Code, public buildings, parks, and open space are an allowable uses with the RR-5 zoning district. The proposed public regional trails will be located wholly within the bounds of the property and will generally parallel Arroya Lane and Vollmer Roads.

5. Existing and Proposed Facilities

The subject property is ideal for the planning and construction of an 8'-wide regional trail, consisting of rolling grades covered in natural grasses and intermittent ponderosa pine trees. An existing ranch access road winds north-south through the property and would provide for a good foundation on which to align the regional trail.

Please let me know if you have any questions or concerns.

Sincerely,



Ross A. Williams
Park Planner
Park Operations Division
Community Services Department
rosswilliams@elpasoco.com

