

KNECHT SUBDIVISION

MINOR SUBDIVISION

LETTER OF INTENT

PCD FILE NO.: SF2419

SEPTEMBER 2024

APPLICANT-OWNER/CONSULTANT INFORMATION:

OWNER/APPLICANT

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PLANNING/ENGINEERING

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LOCATION, ACREAGE, PARCEL ID INFO, & ZONING

The application for a minor subdivision for Parcel Nos. 4218000002 (± 1.05 Acres), 4218000004 (± 6.91 Acres), and 4218000023 (± 13.07 Acres), located as shown in Figure 1 below. The proposed minor subdivision site is located to the southeast of Meridian Road and Latigo Boulevard. The overall acreage of the property in the proposed minor subdivision is ± 21.03 and currently zoned RR-5 (residential rural).

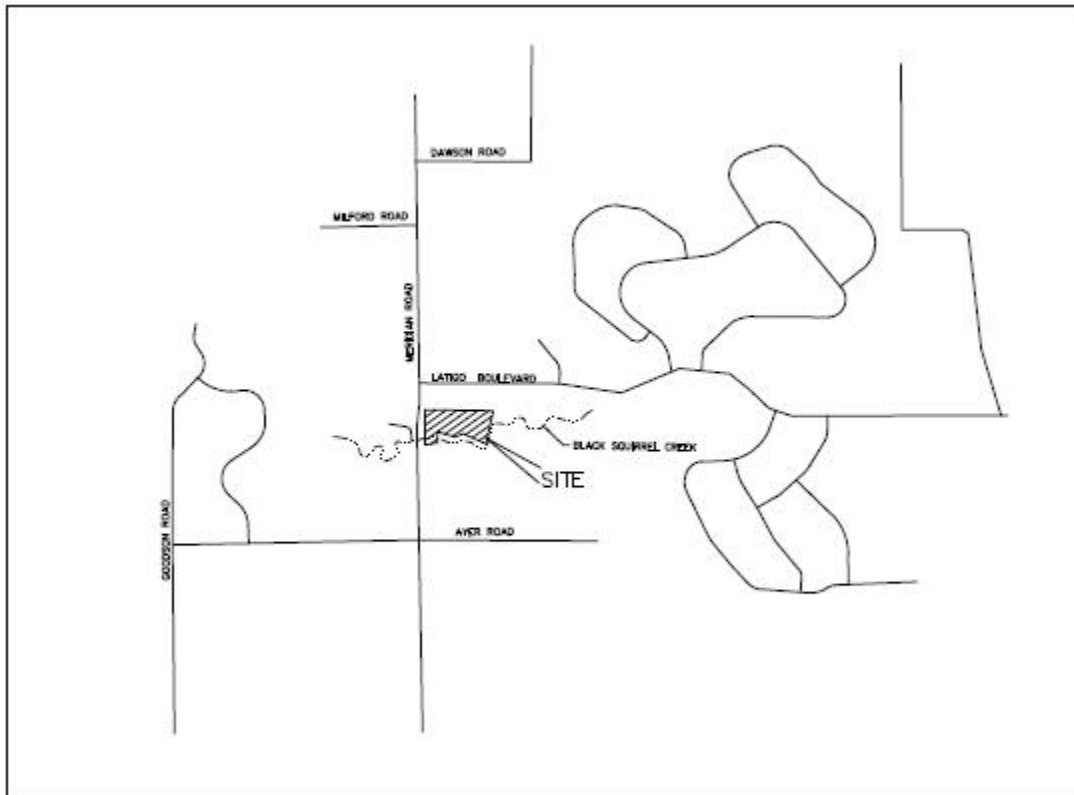


Figure 1. Vicinity Map

REQUEST

Jon Knecht (Owner/ Applicant) requests a minor final subdivision of the existing three (3) parcels into a total of five (5) parcels. The two (2) parcels north of Black Squirrel Creek [Parcel Nos. 4218000023 (± 13.07 acres) & 4218000004 (± 6.91 acres)] be subdivided into four (4) separate lots. The parcel south of Black Squirrel Creek, 4218000002 (± 1.05 Acres), will also be included in the Final Plat.

JUSTIFICATION

The overall site of Parcel Nos. 4218000002, 4218000004 and 4218000023, is currently zoned RR-5. Each parcel is intended for single-family residential use, which conforms to the El Paso County Master Plan and existing and permitted land uses.

ZONING COMPLIANCE

The site shall be in conformance with the zoning requirements of the RR-5 zone, including requirements of the Code summarized below. Please note that the site does not fall within any overlay zoning district.

- Maximum density: N/A
- Structural Setbacks (from property boundary or right-of-way):
 - Front: 25 feet
 - Side: 25 feet
 - Rear: 25 feet
- Max Lot Coverage: 25%
- Max Height: 30 feet
- Internal Landscaping Requirements:
 - N/A

Please reference the fact that one of the lots will not meet the RR-5 dimensional standards, and identify the approved dimensional variance for this site that allows the lot to be platted as is.

ACCESS AND CIRCULATION

Access to the site is proposed by two (2) existing access points. The first access is located at the northeast corner of the site off Meridian Road (currently a gravel driveway which serves existing lots north of Black Squirrel Creek) and services 12425 N Meridian Road. This will be upgraded to a private road. A waiver for the private road will be provided and it is proposed to pave the first 50' of the road and then continue with a gravel road. The second access is at the southeast corner of the site off Meridian Road (currently a gravel driveway which serves existing lots south of Black Squirrel Creek) and services 12345 N. Meridian Road. This driveway will remain. There are no additional proposed accesses to Meridian Road associated with the proposed minor final subdivision. The existing access point will remain as the only access for the proposed lots. Meridian is shown to be a future four lane minor arterial. No additional access to Meridian will be allowed in the future.

Address is 12375 on assessor page

COUNTY ROAD IMPACT FEE

The applicant will be required to participate in this program. The full amount of Road Impact Fees will be paid at the time of building permit.

please provide construction drawings for the proposed private roadway. Private roadways shall be built to County standards.

WATER

Supply for the five (5) residential lots will be met with two existing (re-permitted) and three future Upper Dawson aquifer wells. The proposed residential development is not anticipated as a source of water pollution. Individual wells are the responsibility of the property owner, and a well permit must be obtained from the State Water Engineer. Any desired treatment of existing and future wells will be the responsibility of the individual homeowner. Water storage will not be constructed (other than potential individual cisterns or pressure tanks). All water demands for the subdivision are anticipated to be met using residential wells drilled into the not-nontributary Upper Dawson aquifer, a non-renewable groundwater source. A Water Resources Report, prepared by RESPEC, is included in this submittal.

WASTEWATER

The site is considered suitable for individual on-site wastewater treatment systems (OWTS). Contamination of surface and subsurface water resources should not occur provided the OWTS sites are evaluated and installed according to El Paso County and State Guidelines and properly maintained. It is anticipated that designed systems will be required based upon the testing results. A Wastewater Study, provided by Entech Engineering, Inc. and a Wastewater Disposal Report, provided by RESPEC, is included in this submittal.

GAS

Black Hills Energy will provide a natural gas distribution system to the property, and a will-serve letter is included with this submittal.

ELECTRIC

The property is within Mountain View Electric As _____ area and they currently serve the site. A Commitment Letter is included with this submittal.

the referenced section is for water quality not detention. Please revise.

BUFFERS, TRAILS AND OPEN SPACE

Buffering is not required due to single-family-to-single-family adjacency and compatibility.

DRAINAGE

A final drainage report, provided by Kimley Horn is included in this application. The report outlines the site design for the 5-year and 100-year storm. Per Section I.7.1B, Appendix I, of the ECM, detention and water quality facilities are not required as no improvements are anticipated in association with the platting process. Furthermore, there is no additional

Please add something like: "and because the site meets the water quality exclusion outlined in the aforementioned section of Appendix I."

impervious **are** proposed with the project. Per Large Lot - Single Family Sites, the final proposed impervious area is less than 10% per each proposed lot. Ultimately, the builder will be obligated to fully adhere to the proposed final impervious area for each proposed lot. A proposed private road will serve the proposed subdivision and a proposed ditch will convey some sheet flows from the off-site basin to the north to match existing drainage patterns. All sheet flows ultimately drain to Black Squirrel Creek.

The subdivision will support the preservation of the drainageways adjacent to the site. The site is located within the Upper Black Squirrel drainage basin (CHBS2000), as shown in Figure 2 below.

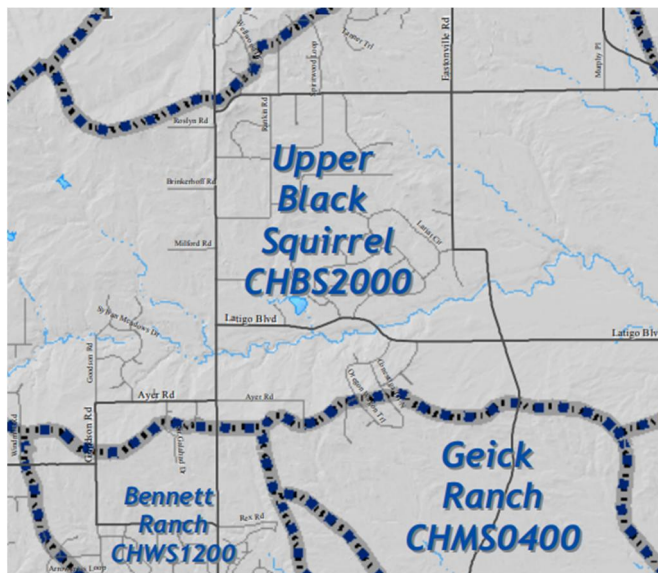


Figure 2. Drainage Basins Map, data provided by Muller Engineering Company; (1988)

FLOODPLAIN

According to the National Flood Insurance Program, Flood Insurance Rate Map Panel 08041C030G with an effective date of December 7, 2018, the subject property is located in Zone A 100-year floodplain. Draft model backed BFEs and floodplain extents for this area have been developed as part of Phase 1 for the ongoing El Paso County, CO, Risk MAP Project. The data has been reviewed and approved through FEMA’s QA/QC process (May 11, 2022) and is currently in MIP (Case No. 19-08-0037s). The Phase 1/Base Level Engineering outputs and Zone A ready deliverables are, under the following folder: K:/FY2019/19-08-0037S/Discovery - BLE - El Paso and Teller Counties, CO - FY18 - 04/Discovery Data Capture - Discovery Data Capture - El Paso and Teller Counties, CO - 01/El Paso_Discovery_1. Floodplain extents and Base Flood Elevations (BFEs) shown on the plat include the outer limits of both current and effective and CWCB Phase 1 data. The Minor

Final Plat shows desktop developed BFEs based on the draft information provided by FEMA, but does not show any FEMA approved BFEs. A request to waive the requirements of section 8.4.2.B.1.E of the Land Development Code proposed to allow for the use of the desktop BFEs in place of the officially approved FEMA BFEs. This waiver must be accepted by the Floodplain Administrator. A drainage easement will be included on the plat to limit any construction within the floodplain.

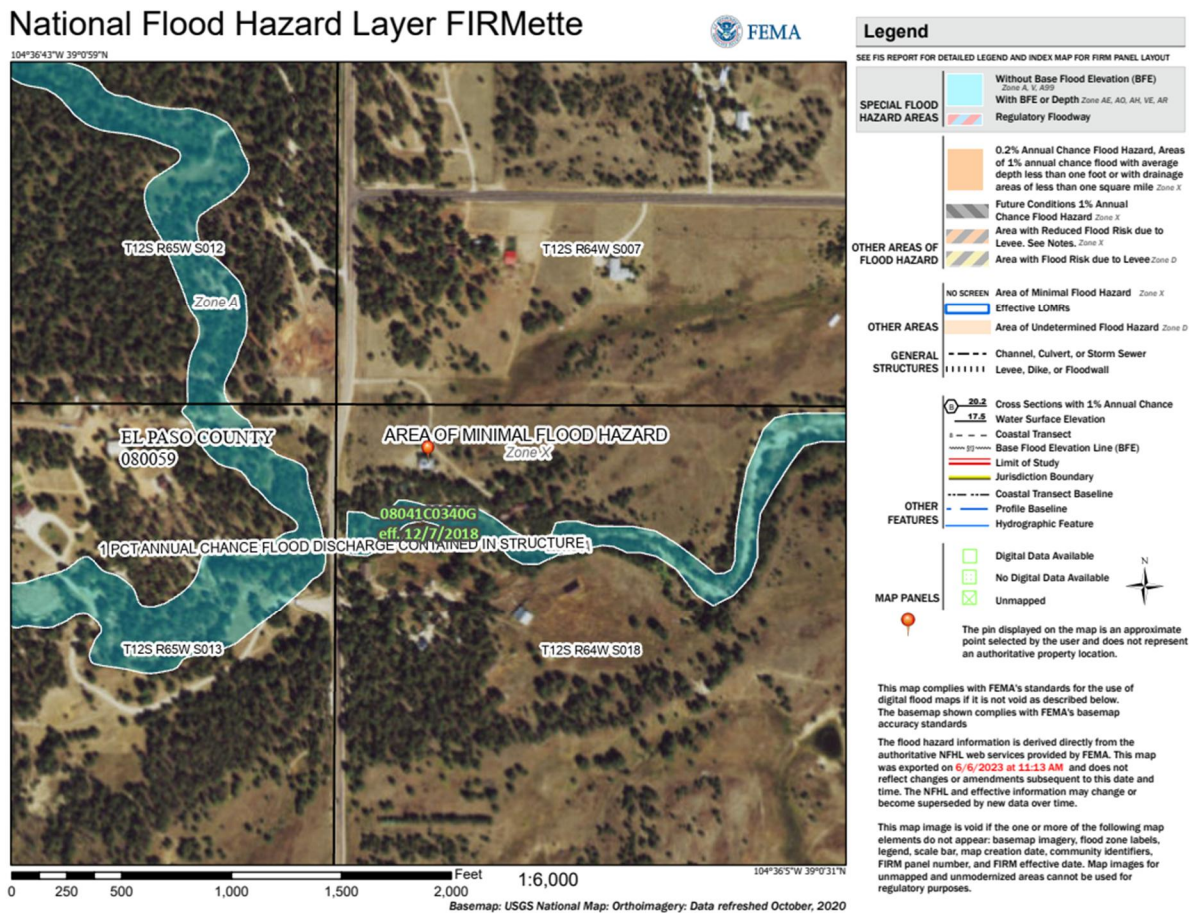


Figure 3. National Flood Hazard Layer FIRMette, data provided by FEMA; (2020)

GEOLOGIC & SOIL HAZARD

The Soils and Geology Study for the proposed residential development, prepared by Entech Engineering, Inc., is included in this submittal. Geologic hazards mentioned within the report as potentially located on the site include artificial fill, expansive soils, landslide hazard and slope stability, potentially unstable slopes, drainage and floodplain, shallow bedrock, proximity to faults, and radon. The existing geologic engineering and geologic conditions will impose

some minor constraints during construction. The majority of these conditions can be avoided by construction. Others can be mitigated through proper engineering design and construction practices. (Soils and Geology Study, prepared by Entech Engineering, Inc., July 16, 2024).

VEGETATION & WILDLIFE

The site is located within the El Paso County Conservation Area and has been identified in the Master Plan as an area of moderate/high-moderate wildlife habitat, but no significant data has been identified for the Black Forest area per the Colorado Wildlife Action Plan. The existing site is composed of developed lots with homes, and various native grasses, trees, and shrubs. Black Squirrel Creek runs through generally along the south of the project area. There are no anticipated impacts to species listed as candidate, proposed, threatened, or endangered. The proposed project area is designated by the U.S. Geological survey as an area of urban development with no significant vegetation or wildlife. A U.S. fish and wildlife clearance letter is included with this submittal.

WETLANDS

A natural resources report will be provided for clarification on the potential wetlands in the Black Squirrel Creek area. There are no proposed improvements within the channel and thus no anticipated impacts to potential wetlands.

SITES OF HISTORICAL SIGNIFICANCE

The existing home on parcel 4218000002 was built in 1931 and may have historical significance.

TRAFFIC

Based on discussions with El Paso County, no traffic study is required. The subdivision will be adding two lots to the site for a total of five lots. No traffic study is required based on the criteria provided in El Paso County ECM Appendix B.1.2.D as outlined below. (1) The proposed final plat/minor subdivision daily vehicle trip-end generation will be less than 100 and the peak hour trip generation will be less than 10. (2) There are no additional proposed minor or major roadway intersections. (3) The increase in the number of vehicular trips will not exceed the existing trip generation by more than 10 peak hour trips or 100 daily trip ends. (4) There will be no change in the type of traffic generated. (5) There is no proposed change to the LOS on the adjacent public roadway. (6) No roadway or intersection in the immediate vicinity has a history of safety or accident problems. (7) There is no change of land use.

This is not met as a new roadway intersection is proposed to Meridian Road. Although we may not require a traffic study, sight distance analysis shall be provided to ensure ECM criteria is met and the proposed roadway location is safe.

kimley-horn A deviation request for consideration by the ECM administrator is required for the proposed roadway location as it does not meet intersection spacing due to the proximity to Latigo blvd. Please submit.

COMMUNITY OUTREACH

Adjacent property owners have been provided notices to announce the plan for the submittal of this application. Notices will be provided in kind to announce any future public hearings related to this request.

WAIVERS

Two waivers are proposed with this subdivision:

You are requesting a waiver of Section 8.4.3.B.2.e, pursuant to Sec. 8.4.4.E.3.

Waiver Request #1 – A waiver from Section 8.4.4.E.3 of the Land Development Code (LDC) to allow for a private road.

Waiver Approval Criteria (Private Road/Access)

- ***The waiver does not have the effect of nullifying the intent and purpose of this Code;***

The waiver request does not have the effect of nullifying the intent and purpose of the Code, which is the preservation and improvement of the public health, safety and general welfare of the citizens and businesses of El Paso County; to ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision, and, in so doing, ensure that current residents will be required to bear no more than their fair share of the cost of providing the facilities and services by requiring the developer to pay fees, furnish land, or establish mitigation measures to cover the development's fair share of the capital facilities needs generated by the development.

The proposed private road would exist solely to serve the residents of the proposed subdivided lots (four lots in total). The proposed subdivision is isolated in nature from adjacent parcels and other potential developments. The proposed private road would not need to be maintained by El Paso County given the limited proposed private use and access easement for private maintenance, shifting the maintenance cost onto the homeowners.

- ***The waiver will not result in the need for additional subsequent waivers;***

No additional waivers are needed to support the lot access and frontage waiver.

- ***The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;***

The private road will meet all applicable dimensional criteria of the public standard for a rural local roadway. The private roadway section will be 28 ft wide (12 ft lanes and 2 ft shoulders) with a 50 ft radius turnaround cul-de-sac dead end. There is also a proposed 10 foot ditch on the north side of the proposed private road to convey stormwater runoff. Additionally, the proposed private road adheres to all applicable criteria to provide adequate turning capabilities for emergency vehicles. The first 50 feet of the private road would be paved

Who is the maintenance responsibility? You either need to set up an HOA and covenants to govern the shared road maintenance, or provide a road maintenance agreement to be recorded alongside the plat.

asphalt to mitigate gravel transport onto Meridian Rd. The remainder of the 650 foot long private road would be gravel.

- ***The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property;***

The proposed private road is intended only to serve the residents of four total lots. Public access would not be necessary or feasible given the nature of the constraints associated with a smaller subdivision. There is no benefit to the public to provide access through the proposed site as there is no efficient connectivity to other adjacent parcels or developments. These conditions create a unique, cumulative circumstance upon the property, which are not applicable to other properties.

- ***A non-economical hardship to the owner would result from a strict application of this Code;***

The requested waivers are not related to any specific economic hardships. The proposed private road will be privately maintained with a proposed access easement.

- ***The waiver will not in any manner vary the zoning provisions of this Code; and***

The waivers will not vary any zoning provisions of the Code.

- ***The proposed waiver is not contrary to any provision of the Master Plan.***

The waivers are not contrary to any provision of the Master Plan.

Waiver Request #2 – A deviation from the Land Development Code (LDC) Section 8.4.2.B.E Flood Plain Standards.

Waiver Approval Criteria

If FEMA is agreeable to you using the draft BFE's, then you do not need a waiver of this section, since they are approved BFE's. However, you must provide substantial proof that this is agreeable and then include the draft BFE's on the plat.

- ***The waiver does not have the effect of nullifying the intent and purpose of this Code;***

The waiver request does not have the effect of nullifying the intent and purpose of the Code, which is the preservation and improvement of the public health, safety and general welfare of the citizens and businesses of El Paso County; to ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision, and, in so doing, ensure that current residents will be required to bear no more than their fair share of the cost of providing the facilities and services by requiring the

developer to pay fees, furnish land, or establish mitigation measures to cover the development's fair share of the capital facilities needs generated by the development.

A request to waive the requirements of section 8.4.2.B.1.E of the Land Development Code proposed to allow for the use of the desktop BFEs in place of the officially approved FEMA BFEs. FEMA has published draft data as part of Phase 1 for the ongoing El Paso County, CO, Risk MAP Project that were used to create the desktop BFE elevations shown on the plat. The data from the FEMA Risk MAP Project aligns well with the effective floodplain existing today. There are already three existing homes along the Black Squirrel Creek top of slope that have not experienced flooding in the past. The Risk MAP Project does not show expansion to the north towards the existing homes and structures. The home located at 12375 N Meridian Drive was built in 1931 and has been preserved from flooding during that time. A drainage easement will be included on the plat to limit any construction within the floodplain.

- ***The waiver will not result in the need for additional subsequent waivers;***

No additional waivers are needed to support waiving the FEMA approved BFEs.

- ***The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;***

A drainage easement will be included on the plat to limit any construction within the floodplain. The drainage easement will help ensure that any future development will keep a buffer away from the floodplain.

- ***The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property;***

The proposed project is directly in the area of study from FEMA. BFEs have been established upstream and downstream from this property, so there is much data on Black Squirrel Creek and the floodplain limits. There are also three existing structures near the top of the slope next to Black Squirrel Creek. These conditions create a unique, cumulative circumstance upon the property, which are not applicable to other properties.

- ***A non-economical hardship to the owner would result from a strict application of this Code;***

The requested waivers are not related to any specific economic hardships.

- ***The waiver will not in any manner vary the zoning provisions of this Code; and***

A waiver is needed of Sec. 8.2.4.E.1.d, which states: Lots Less than 2.5 Acres in Size. Lots less than 2.5 acres in size are required to be located entirely outside of the 100-year floodplain. Lands within the 100-year floodplain shall be established in a tract. A special district, HOA, or other corporate entity shall be designated to maintain the tract unless otherwise provided by this Code.

The waivers will not vary any zoning provisions of the Code.

- ***The proposed waiver is not contrary to any provision of the Master Plan.***

The waivers are not contrary to any provision of the Master Plan.

PROJECT JUSTIFICATION

a. Consistency with Approved Sketch Plan

There is no approved Sketch Plan for this property. The proposed subdivision is in conformance with the subdivision design standards, which are discussed in more detail below. The subdivision design standards set out in Chapter 8 of the Land Development Code are met, including but not limited to:

- Adequate provision for traffic, drainage, open space, recreation and parks;
- Provision of properly designed roads to provide for safe and convenient vehicular circulation and identification of required road improvements;
- Adequate provision for water, sewer and other utilities;
- Ensuring that structures will harmonize with the physical characteristics of the site;
- Ensuring that land is divided into lots that are of adequate size and configuration for the purpose for which they are intended to be used; and
- Protecting the natural resources, considering the natural vegetation.

b. Consistency with Plat Approval Criteria

The Knecht Subdivision is in substantial compliance and consistent with the County's subdivision design standards and regulations. All areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and the proposed subdivision is compatible with such conditions. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.

The Fire Protection report provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code. The extraction of any known commercial mining deposit will not be impeded by this subdivision.

CRITERIA FOR APPROVAL (7.2.1.D.3.f)

In approving a final plat, the approving authority shall find that:

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
 - The subdivision meets the goals, objectives, and policies of the Master Plan, please reference criteria provided below.

Master Plan analysis has not been provided.

- The subdivision is in substantial conformance with the approved preliminary plan;
 - The subdivision is not within an approved preliminary plan, it is understood that the Final Minor Plat will be presented to Planning Commission and Board of County Commissioners for approval.

- 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 subdivision meets all planning, engineering, and survey requirements to be presented to staff from El Paso County.

- 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;
 - It is understood water and wastewater services will be provided via proposed individual on-site wells and on-site wastewater treatment systems (OWTS). All water and/or wastewater related reports, analysis, documentation, findings, decrees, and determinations required for County submittals, review, and statutory compliance will be provided by others.

- 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;
 - It is understood water and wastewater services will be provided via proposed individual on-site wells and on-site wastewater treatment systems (OWTS). All water and/or wastewater related reports, analysis, documentation, findings, decrees, and determinations required for County submittals, review, and statutory compliance will be provided by others.

- 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)];
 - Geotechnical evaluation indicates no known hazards requiring special precautions currently exist on-site. This is inconsistent with the geologic analysis provided and identified earlier in this letter.

- 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;
 - Existing and Proposed drainage improvements comply with all State Statutes, requirements of this Code, and the ECM.
- 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;
 - Access for all Parcels is provided off Meridian Road. Access to parcel no. 4218000004 can be seen in an access agreement, Reception No. 469292.
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
 - Commitment letters have been provided for services.
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;
 - Fire protection is in compliance with Chapter 6 of the code, see resources report for further information.
- 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;
 - There are no off-site improvements anticipated with the final plat submittal of this site.
- 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;
 - No know impacts to the public surrounding areas are anticipated at this time.
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.]
 - There is no known commercial mining deposits on this subdivision.
- The subdivision meets other applicable sections of Chapter 6 and 8; and
 - The subdivision meets other applicable sections of chapters 6 and 8 subject to the approval of the private road waiver and waiver for showing approved Base Flood Elevations on the Final Plat.

Access is provided via a proposed private road, correct?

Update