

Les Gruen



October 21, 2021

Mr. Ryan Howser
Planner
El Paso County Planning and Community Development
2880 International Circle
Colorado Springs, CO 80910

Re: **White Cottage Farm – Minor Subdivision Application Letter of Intent**

Dear Mr. Howser:

On June 2, 2021 an application was filed on behalf of the owner of White Cottage Farm for the approval of a minor subdivision, site development plan and variance request to allow a *business event center* and *bed and breakfast* uses on the subject property. In light of neighborhood opposition, the owner has decided against pursuing its earlier application and intends to list the property for sale.

Staff research undertaken during the pre-application process determined the property had never been legally subdivided. While a site development plan and variance of use request are not required for use of this property as a single family dwelling in an RR-5 zone, the owner intends to proceed with its minor subdivision application. Property, ownership and applicant information is attached to this LOI.

For approval of a preliminary development plan and minor subdivision, the El Paso County Development Code requires conformance to the criteria listed below. In addition, approval requires conformance to the El Paso County Master Plan and Water Master Plan. This application conforms to each of these county plans, as required. Short explanations of how this application meets each of the criteria established by code is provided in italics following each of the criteria for Preliminary Plan and Minor Subdivision approval.

The subject 8.02 acre parcel, characterized by rural residential use, is entirely consistent with large lot residential uses identified in the County Master Plan and meets the requirements for approval outlined therein. Documentation that accompanies this letter of intent has also been provided that proves the subject property has adequate water resources to serve proposed uses, as required by the El Paso County Land Development Code.

Criteria for Approval of a Preliminary Plan

In approving a preliminary plan, the BoCC shall find that:

The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;

The proposed White Cottage Farm subdivision is in general conformance with the goals, objectives and policies of the Master Plan. The subject site is classified as a Large-Lot Residential Placetype. The already developed property exemplifies the rural character of El Paso County and contributes to its surrounding unique and desirable neighborhood. (There is no key area the property is located within.) The Area of Change category of the subject site under the Master Plan is Minimal Change: Developed. While no new development is anticipated on the subject site, there are vacant parcels surrounding this property that are likely to be developed or add new buildings in the future.

This already developed property is not within a key area. Therefore it will not affect the unique identity or character of any key area.

The proposed use of the property is consistent with the level of change identified in the Areas of Change map and falls within the primary land use within the Large-Lot Residential Placetype. The existing use, which is unchanged from the proposed use, is consistent with the character and objectives of the Placetype.

This property is not located within a Priority Annexation Area, Housing Priority Development Area, Commercial Priority Development Area or an Employment Priority Development Area.

There is no existing infrastructure to which the development can connect. It has been served by well and septic for decades.

The minor subdivision proposal does not trigger the need for pedestrian or multimodal connections. No substantive increase in traffic over what is currently generated will occur, nor is there any pedestrian or multimodal traffic in this area.

No new development is proposed in connection with this minor subdivision application. As such, conservation design principles, furthering the County's objective of meeting the vision, principles, goals and objectives of the Master Plan as well as implementing the objectives and specific strategies of the Master Plan are met,

The subdivision is consistent with the purposes of this Code;

This application for a minor subdivision is to legalize an existing use, consistent with the purposes of the LDC.

The subdivision is in conformance with the subdivision design standards and any approved sketch plan;

No sketch plan has been approved for this project, nor is one required. Therefore, this criteria is not applicable

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;

A final decree (Case # 2021CW3016) has been issued by the courts and recorded with El Paso County as required by the ruling. In addition, a copy of this ruling has been provided in association with this application. The decree provides for use of 1.4 acre-feet and approves an augmentation plan.

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;

The subject property is served by an operating septic system that is maintained on a regular basis. The system complies with State and local laws and regulations.

All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)];

A geologic hazard study has been undertaken that has shown no soil or topographical conditions that present hazards. No new development has been proposed in connection with this minor subdivision application.

Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;

No drainage improvements are proposed for the subject site. Drainage patterns do not currently adversely impact adjacent properties and since there will be no new construction on the property, drainage patterns will continue to have no adverse impact on adjacent properties.

Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;

Legal access to the subject site already exists via Thompson Road.

The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;

The proposed subdivision has been occupied for over 100 years. It was originally a dairy that fell into disrepair over the years. A variety of buildings had been added to the property during the time it was a dairy. The current owner has undertaken substantial renovation to the existing buildings on the property during the two years of ownership. The property is entirely compatible with surrounding properties in terms of topography, drainage, uses, intensity of use, utility service, access. Approving the property as a subdivision will not in any way negatively impact the levels of service of County services and facilities.

Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;

Police protection is provided by the El Paso County Sheriff's Department. Electric service is provided by Mountain View Electric. Inclusion to the Black Forest Fire and Rescue Protection District has been approved by the board and awaits court approval.

Criteria for Approval of a Final Plat

In approving a final plat, the BoCC shall find that,

The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;

The proposed White Cottage Farm subdivision is in general conformance with the goals, objectives and policies of the Master Plan. The subject site is classified as a Large-Lot Residential Placetype. The already developed property exemplifies the rural character of El Paso County and contributes to its surrounding unique and desirable neighborhood. (There is no key area the property is located within.) The Area of Change category of the subject site under the Master Plan is Minimal Change:Developed. While no new development is anticipated on the subject site, there are vacant parcels surrounding this property that are likely to be developed or add new buildings in the future.

This already developed property is not within a key area. Therefore it will not affect the unique identity or character of any key area.

The proposed use of the property is consistent with the level of change identified in the Areas of Change map and falls within the primary land use within the Large-Lot Residential Placetype. The existing use, which is unchanged from the proposed use, is consistent with the character and objectives of the Placetype.

This property is not located within a Priority Annexation Area, Housing Priority Development Area, Commercial Priority Development Area or an Employment Priority Development Area.

There is no existing infrastructure to which the development can connect. It has been served by well and septic for decades.

The minor subdivision proposal does not trigger the need for pedestrian or multimodal connections. No substantive increase in traffic over what is currently generated will occur, nor is there any pedestrian or multimodal traffic in this area.

No new development is proposed in connection with this minor subdivision application. As such, conservation design principles, furthering the County's objective of meeting the vision, principles, goals and objectives of the Master Plan as well as implementing the objectives and specific strategies of the Master Plan are met,

The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and

The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

The subdivision is in substantial conformance with the approved preliminary plan;

There is no approved preliminary plan for the subject site, so this does not apply.

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;

This subdivision is consistent with subdivision design standards and regulations and meets County requirements.

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;

A final decree (Case # 2021CW3016) has been issued by the courts and recorded with El Paso County as required by the ruling. In addition, a copy of this ruling has been provided in association with this application. The decree provides for use of 1.4 acre feet and approves an augmentation plan.

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;

The subject property is served by an operating septic system that is maintained on a regular basis. The system complies with State and local laws and regulations.

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)];

A geologic hazard study has been undertaken that has shown no soil or topographical conditions that present hazards. No new development has been proposed in connection with this minor subdivision application.

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;

No drainage improvements are proposed for the subject site. Drainage patterns do not currently adversely impact adjacent properties and since there will be no new construction on the property, drainage patterns will continue to have no adverse impact on adjacent properties.

Pursuant to EA-20158 El Paso County Planning staff does not require a drainage report since no improvements are proposed and the development is located within the East Cherry Creek Basin, which is not part of the EPC Drainage Fee Program.

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; Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision; The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;

Legal access to the subject site already exists via Thompson Road. Police protection is provided by the El Paso County Sheriff's Department. Electric service is provided by Mountain View Electric. Inclusion to the Black Forest Fire and Rescue Protection District has been approved by the board and awaits court approval.

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 is no new development connected with this proposed minor subdivision. The minor subdivision, if approved, would legalize a property that was never legally subdivided prior to the sale to the current owner. Any off-site impacts of this site are unchanged from those that have existed for decades.

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 new public facilities or infrastructure are required due to the impacts of this proposed subdivision since no new development or intensity of use is proposed for the property.

The subdivision meets other applicable sections of Chapter 6 and 8; and

The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1- 302(1), et seq.]

The extraction of no known commercial mining deposits will not be impeded by this subdivision.

Other Considerations

There is no Driveway Permit on file for the existing driveway. An application for a Driveway Permit will be filed with the County once the proper location for a new curb cut has been established.

In conclusion, the application seeks approval for a minor subdivision to correct an oversight where the property had been previously conveyed as unplatted. Proposed uses are unchanged from historic uses are consistent with the County Master Plan and existing zoning on the property and meet the criteria necessary for BoCC approval of a minor subdivision.

Sincerely,



Les Gruen

**White Cottage Farm
Minor Subdivision Application
Property, Owner and Applicant Information**

Property Information

Property Address	16910 Thompson Road CSC 80908
Parcel ID Number	51190-00-007
Owner Name	Shawna Shotanus
Owner Address	19770 Capella Dr. Monument, CO 80132
Owner Phone Number	719.209.0625
Owner Email Address	missshawna@comcast.net

Applicant Information

Applicant	Les Gruen
Company Name	Urban Strategies, Inc.
Applicant Address	26 S. Tejon, Suite 200 CSC 80903
Applicant Phone	719.227.7777
Applicant Email	urbanstrategies@msn.com