



Letter of Intent - Plat Note Amendment

CSU Jimmy Camp Creek Properties El Paso County, Colorado

Prepared for:

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Project #: 196030004

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*El Paso County
Planning and Community Development
2880 International Circle
Colorado Springs, CO 80910*

Letter of Intent

**CSU Jimmy Camp Creek Properties – Note Amendment
TSN’s 5300000514 and 5300000515**

To whom it may concern,

As a result of extreme drought conditions and watering restrictions in 2002-2004 indicating that additional water storage was needed to ensure sufficient supply for customers, Colorado Springs City Council directed Colorado Springs Utilities (“Utilities”) to acquire property for a future terminal storage reservoir for the Southern Delivery System (“SDS”) project. The City, on behalf of Utilities, authorized the purchase of fifteen properties east of Colorado Springs to build the Jimmy Camp Creek Reservoir in conjunction with SDS.

Between 2003 and 2008, Utilities purchased the subject property in Section 36, Township 13 South, Range 65 West of the 6th Principal Meridian, in unincorporated El Paso County Colorado, for the future reservoir. In 2009, the Upper Williams Creek Reservoir (now Gary M. Bostrom Reservoir) site was approved as the SDS terminal reservoir site by the United States Army Corps of Engineers. This designation was the result of the SDS federal environmental permitting process. In its 2017 Integrated Water Resource Plan, Utilities formally announced it would not build the Jimmy Camp Creek Reservoir and indicated that it had no use for the properties and began to evaluate the possible disposal of the Jimmy Camp Creek properties. This application is regarding two of the fifteen properties.

The property acquired by Utilities, referred to as the Jimmy Camp Creek property, was a part of a larger “parent parcel” (Assessor’s Parcel 5300000171) from which the prior owner retained a part. After Utilities’ purchase of the property in 2003, Utilities filed a Subdivision Exemption with El Paso County Planning and Community Development (the “County”) for the parent parcel, thereby creating a Tract B owned by Utilities (“Utilities Tract”) and a Tract A retained by the private property owner (“Private Tract”). Assessor’s Parcel 5300000514, the Private Tract, was then purchased by Utilities from the prior owner in 2008.

The tracts are identified by County Assessor’s Parcel Nos. as follows:

- 5300000514 (no address, N. Meridian Road, Peyton, CO 80831)
 - Tract A (Private Tract)
 - 10 acres±
 - Zoned RR-5
 - Vacant land
- 5300000515 (2670 N. Meridian Road, Peyton, CO 80831)

- Tract B (Utilities Tract)
- 35 acres±
- Zoned RR-5
- Improved with a 5,200 square foot± single family dwelling
- Structures are not allowed per the recorded Exemption Plat

In 2019, the prior owner of 530000515 waived its first right of refusal (FROR) if the land was not used for a reservoir. The City of Colorado Springs Parks, Recreation and Cultural Services Department (“Parks”) has since obtained both 5300000514 and 5300000515 from Utilities.

As a result of the Subdivision Exemption, Utilities Tract has a “non-buildable” restriction described in the General Notes of the Exemption Plat. For the benefit of Utilities and Parks, Utilities seeks to proceed with a Note Amendment process through the County to remove the exemption notes and the associated restrictions from exemption plat EX-03-014 (BoCC Res 04-351). Specifically, we are requesting to vacate general note five (5) on the exemption plat, stating “Tract “A” is retained for zoned use and building purposes in accordance with all applicable federal, state and El Paso County Land Development Code regulations in effect at the time of this submittal. Tract B shall remain “Non-Buildable”. No structures or infrastructure improvements are proposed as part of this application.

CRITERIA OF APPROVAL FOR PLAT AMENDMENT

1. The plat amendment complies with this Code, and the original conditions of approval associated with the recorded plat.
 - The plat amendment does comply with this Code and the original conditions of approval associated with the recorded plat.
2. The changes to the recorded plat are insubstantial, or the plat amendment is necessary to reflect the current circumstances or restrictions.
 - The plat amendment consists of amending the note stating “Tract B shall remain “non-buildable.”” This change is not substantial.
3. The plat amendment is in keeping with the purpose and intent of this Code.
 - The plat amendment meets item #3.
4. The approval will not adversely affect the public health, safety, and welfare; and where the lots or parcels are subject to any CC&R’s or other restrictions, that any potential conflict with the CC&R’s or other restrictions resulting from the plat amendment has been resolved.
 - The plat amendment will not adversely affect the public health, safety, and welfare of the public as it consists of removal of one note.

SUBDIVISION DESIGN CONSIDERATIONS AND STANDARDS

1. Planning Considerations
2. Environmental Considerations
3. Division of Land, Block, Lot, and Tract Layout Standards
4. Transportation System Considerations and Standards

5. Drainage Considerations and Standards
6. Utilities Considerations and Standards
7. Water Supply Standards
8. Wastewater Disposal
9. Geology and Soils Standards and Reports
 - The plat amendment consists of the removal of one note from the previously approved Exemption Plat. Therefore, the above 1-9 items for the Subdivision Design Considerations and Standards are not impacted by this change and all items 1-9 are met.

There are no preliminary plans for the Project. The current zoning is RR-5. The plat amendment is consistent in the intended zoning of the property.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



John Heiberger, P.E.
Project Manager / Associate

Attachment:
Subdivision Exemption Plat