

# EL PASO



# COUNTY

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Board of County Commissioners  
Darryl Glenn, President**

**FROM: Kari Parsons, PM/Planner II  
Gilbert LaForce, PE Engineer II  
Craig Dossey, Executive Director**

**RE: Project File #: SP-17-006  
Project Name: Settlers View Preliminary Plan  
Parcel No.: 61000-00-463**

OWNER:	REPRESENTATIVE:
Gary and Brenda Brinkman 4507 Silver Nell Drive Colorado Springs, CO. 80908	Jerome Hannigan and Associates, Inc. 19360 Spring Valley Road Monument, CO. 80132

**Commissioner District: 1**

Planning Commission Hearing Date:	3/20/2018
Board of County Commissioners Hearing Date	4/10/2018

## EXECUTIVE SUMMARY

A request by Gary and Brenda Brinkman for approval of a preliminary plan for the Settlers View subdivision to authorize the development of 14 single-family lots located on 40.61 acres. The site is located north of Hodgen Road, south of Silver Nell Drive, East of the Walden Development and west of Stepler Road and is within Section 23, Township 11 South, Range 66 West of the 6<sup>th</sup> P.M. The parcel is included within the boundaries of the Black Forest Preservation Plan (1987) area. A rezone (map amendment) application from RR-5 (Residential Rural) to RR-2.5 (Residential Rural) is being concurrently reviewed with this application.

The preliminary plan meets the submittal and review criteria for a preliminary plan as well as the general development standards of Chapter 6, the preliminary plan review

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criteria of Chapter 7, and the subdivision design requirements of Chapter 8 of the El Paso County Land Development Code (2017), if the waiver of Section 8.4.4.D.2, which requires a maximum of 25 lots on a dead end roadway, is approved. The need for the waiver is anticipated to be temporary until Silver Nell is extended to Settlers Ranch Road. The developers of Grandview Subdivision to the north constructed an extension of Silver Nell Drive, a County owned and maintained right of way, to the northern property boundary of the subject parcel in anticipation of development. The applicants will be required to construct an additional extension of Silver Nell Drive to the eastern boundary of the property and dedicate it as County at the time of final plat. The Abert Ranch Subdivision is anticipated to connect to Silver Nell Drive, thereby creating a permanent second access point.

Water is proposed to be served by individual wells. Individual onsite wastewater treatment systems (OWTS) are proposed to serve the development. A finding of water sufficiency is not requested with this preliminary plan application. A finding of water sufficiency will be required at the time of the final plat approval.

#### **A. REQUEST/WAIVERS/AUTHORIZATION**

**Request:** A request by Gary and Brenda Brinkman for approval of a preliminary plan for the Settlers View subdivision to authorize the development of 14 single-family residential lots on 40.61 acres.

**Waiver(s):** The applicant is requesting a waiver of Section 8.4.4.D.2, a maximum of 25 lots on a dead end roadway.

*The Section 8.4.4.D.2 Code states that where more than 25 lots would front and take access to a dead-end road, a second means of access shall be provided. The second access shall be either public road or a road located within an easement specifically constructed for emergency purposes.*

The need for the waiver is anticipated to be temporary until Silver Nell is extended to Settlers Ranch Road. The Abert Ranch development to the east, currently under review proposes to make a connection to Silver Nell Lane which will provide a second access point to this development. The connection to Silver Nell Drive through the Abert Ranch Subdivision is proposed to Settlers Ranch Road to the south. The Planning and Community Development Director has no objection to this waiver request due to the anticipated temporary nature of the proposed condition.

#### **Criteria for Approval of Waivers**

A waiver from standards shall be approved only upon the finding, based upon the evidence presented in each specific case, that:

- The waiver does not have the effect of nullifying the intent and purpose of this Code;
- The waiver will not result in the need for additional subsequent waivers;

- The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;
- 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;
- A particular non-economic hardship to the owner would result from a strict application of this Code;
- The waiver will not in any manner vary the zoning provisions of this Code; and
- The proposed waiver is not contrary to any provision of the Master Plan.

**Authorization to Sign:** There are no items requiring signature associated with this request.

## **B. PLANNING COMMISSION SUMMARY**

**Request Heard:** March 20, 2018 as a regular item

**Recommendation:** Approval, subject to the conditions and notations. A copy of the Planning Commission Resolution is included as an attachment.

**Waiver Recommendation:** Approval

**Vote:** 5 to 1, Mr. Curry voted nay.

**Vote Rationale:** N/A

**Summary of Hearing:** See attached minutes for March 20, 2018

**Legal Notice:** N/A

## **C. APPROVAL CRITERIA**

In approving a preliminary plan, the following findings shall be made in accordance with Section 7.2.1.D.2 of the Code:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of this Code;
- The subdivision is in conformance with the subdivision design standards and any approved sketch plan;
- 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 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;

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

**D. LOCATION**

North: PUD (Planned Unit Development)	Grandview Subdivision/single-family
South: PUD (Planned Unit Development)	Settlers Ranch Subdivision/single-family
East: RR-5 (Residential Rural)	Proposed Abert Ranch Rezone (RR-2.5)
West: RR-5 (Residential Rural)	Unplatted/single-family

**E. BACKGROUND**

The County initiated the zoning of this area from unzoned to A-5 (Rural) in 1965. Subsequent nomenclature changes have renamed the A-5 zoning district to RR-3

(Residential Rural) in 1991, and then to RR-5 (Residential Rural) in 2007. The property remains undeveloped and unplatted.

The developers of the Grandview Subdivision to the north constructed an extension of Silver Nell Drive, a County owned and maintained right-of-way to the northern boundary of the subject parcel in anticipation of development. The applicants will be required to construct an additional extension of Silver Nell Drive to the eastern boundary of the property and dedicate it as County at the time of final plat. There are 17 single-family residential lots that take access from Silver Nell Lane within the Grandview Subdivision. Section 8.4.4.D.2 of the Code states, "that where more than 25 lots would front and take access to a dead-end road, a second means of access shall be provided. The second access shall be either public road or a road located within an easement specifically constructed for emergency purposes." Recommended Condition of Approval No.6 requires the applicant to extend Silver Nell Drive to its' eastern boundary at the time of final plat. No phasing is proposed within the preliminary plan map. If the preliminary plan is phased into multiple final plat filings, the requirement to extend Silver Nell to the eastern edge of the property shall be at the time of the first plat.

A map amendment (rezoning) and preliminary plan for the property to the east, which is known as Abert Ranch, is currently in review. The Abert Ranch property is anticipated to connect Silver Nell Drive to Settlers Ranch Road, which lies within the approved Settlers Ranch Development. Settlers Ranch Development is anticipated to be completed within five (5) years. Settlers Ranch Road will connect to Hodgen Road to the south and Stepler Road to the east through the Settlers Ranch Development.

A deviation from the Engineering Criteria Manual (2016), Section 2.3.8., Roadway Terminations, has been approved by the County Engineer. The deviation allows the length of Silver Nell Drive to be approximately 3,755 feet where 1,600 linear feet is the standard. The deviation is anticipated to be an interim condition based on the proposed connection to the east. The connection will provide a second access to this development via proposed County right-of-way. The Tri-Lakes Monument fire Protection District did not object to the deviation.

## **F. ANALYSIS**

### **1. Land Development Code Compliance**

This preliminary plan application meets the preliminary plan submittal requirements, the General Development Standards of Chapter 6, the Standards for Divisions of Land in Chapter 7, and the Standards for Subdivision in Chapter 8 of the Code.

### **2. Zoning Compliance**

This preliminary plan request is consistent with the density and dimensional standards established within the RR-2.5 zoning district as identified in Chapter 5, Table 5-4 of the Code are as follows:

- Minimum lot size – 2.5 acres
- Setbacks – 25 feet front and rear, 15 feet side
- Maximum building height – 30 feet
- Maximum lot coverage – none
- Minimum width at front setback- 200 feet

### 3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues, and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

***Policy 6.1.3-*** Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use, and access.

***Policy 6.1.8-*** Encourage incorporation of buffers or transitions between areas of varying use or density where possible.

***Policy 6.1.14-*** Support development which complements the unique environmental conditions and established land use character of each sub-area of the County.

***Goal 6.1 A-*** Encourage patterns of growth and development which complement the regions' unique natural environments and which reinforce community character.

The applicants are proposing a minimum of 2.5 acre lots, including 3 acre lots at the northeastern boundary, as depicted on the requested preliminary plan. The platted single-family lots to the north in the Grandview Subdivision have an average lot size of 2.75 acres and the Settlers Ranch development to the south includes an average lot size of 2.5 acres. The Walden Preserve development to the northwest has an average lot size of a one-half (1/2) acre. The lots to the west, which are also located within the Walden Preserve development, have an average lot size of 2.5 acres, which was intended to serve as a transition between the Walden Preserve development and the remaining RR-5 zoned land in the area, which would include this proposed development. The average 2.5 average lot size of this proposed development is consistent with the transition provided with Walden Preserve development to the west and the remaining RR-5 properties in the area.

Access has been provided via dedicated right-of-way through the Grandview and Walden Preserve developments. Provision of access to this development through adjoining developments indicates anticipated development of the subject

property, which, as proposed, continues the existing pattern of growth in the area. Staff has no concerns with compatibility, density transitions, or patterns of growth with this request.

#### 4. Small Area Plan Analysis

The property is within the Black Forest Preservation Plan (1987) area and, more specifically, within Planning Unit 5, The Spruce Hill/Highway 83 Corridor Sub-Area and the northeastern corner of the property is within Planning Unit 6, Northern Grasslands Sub-Area. The Plan identifies the drainage basin boundary line between the East Cherry Creek Basin and the West Cherry Creek Basin as the dividing line between the two sub-areas. The Spruce Hill/Highway 83 Corridor Sub-Area is “characterized by undulating stair step topography which gradually rises in an easterly direction.” Much of the area is forested. The Plan includes policies applicable to the Planning Unit 5, The Spruce Hill / Highway 83 Corridor, that state as follows:

- “Emphasis in this unit should be on residential uses which preserve and compliment these unique landscape features by focusing on the forested rather than the open areas. To accomplish this clustering should be encouraged, and large scale tract houses should be avoided. Densities comparable to those in the Walden III Subdivision (one (1) dwelling unit / one (1) acre) would be appropriate if carefully sited and adequate services can be provided.”
- “Uses within this planning unit should be consistent with the non-urban development...”

Planning Unit 6, Northern Grasslands Sub-Area is “characterized as open undulating grasslands. The southern half of the area is more open and views in this portion tend to be longer.” In contrast to Planning Unit 5, the Plan includes a policy applicable to the Planning Unit 6, Northern Grasslands Sub-Area, that state as follows:

- “The entire area is not recommended for development or subdivision at this time. If low density residential development does take place overall density should be strictly held to one (1) dwelling unit / per five (5) acres. ”

The applicant is proposing minimum lot sizes of 2.5 acres as required by the Land Development Code (2017) pursuant to the Density and Dimensional Standards of the RR-2.5 zoning district as listed above in Section F.2 of this report. The RR-2.5 zoning district requires a minimum lot size of 2.5 acres, which is less dense than the recommended density of one (1) dwelling unit/one (1) acre identified in The Spruce Hill/Highway 83 Corridor Sub-Area policy above.

The applicants propose individual well and onsite wastewater treatment systems (OWTS), which are permissible on 2.5 acre lots.

As mentioned above, a portion of the area proposed to be rezoned is within the Northern Grasslands Sub-Area. The boundary between the two Sub-Areas is defined by the meandering drainage basin line between the Cherry Creek and West Cherry Creek Drainage Basins (see basin map below), with The Spruce Hill/Highway 83 Sub-Area being west of the boundary and the Northern Grasslands Sub-Area being east of the boundary. The applicants are proposing to plat lots within the Northern Grasslands Sub-Area at minimum lot size of three (3) acres, which is below the recommended lot size of 5 acres. The proposed transition incorporated in this plan for development is consistent with the developed Grandview Subdivision to the north and with the Settlers Ranch development to the south. Staff finds the request to be generally consistent with the Plan.

#### **5. Other Master Plan Elements**

The proposed preliminary plan is consistent with or does not create negative impacts to elements depicted on the El Paso County Wildlife Habitat Descriptors Map (1996), the El Paso County Community Services Parks Master Plan (2014), the Master Plan for Mineral Extraction (1996), and the El Paso County 2016 Major Transportation Corridors Plan Update, which is further addressed below.

### **G. PHYSICAL SITE CHARACTERISTICS**

#### **1. Hazards**

A geology and soils report, dated February 2, 2017, was submitted by Entech Engineering, Inc., in support of the preliminary plan application. The report provides a geologic hazards evaluation and preliminary geotechnical investigation of the plan area. The report identified shallow groundwater, seasonally shallow groundwater, perched groundwater and erosion in some areas. The report concludes that mitigation measures identified in the report can be completed so as to not preclude development.

The applicant has identified the areas that will need to be mitigated on the preliminary plan in the notes section, as well as depicting the areas of concern on the preliminary plan map.

#### **2. Wildlife**

Potential impacts to wildlife are moderately low as depicted in the El Paso County Wildlife Descriptors Map (1996).

#### **3. Floodplain**

The site is not within or near a FEMA floodplain as designated on the FEMA Floodplain Insurance Rate Map (FIRM) panel number 08041C0325F for El Paso County.



#### **4. Drainage and Erosion**

The proposed subdivision is located partially within the West Cherry Creek drainage basin (CYCY0400) and partially within the East Cherry Creek drainage basin (CYCY0200). These basins have not been studied and no drainage or bridge fees have been adopted. Runoff from the portion of the property located within the West Cherry Creek Basin generally flows to the west and will utilize roadway ditches, and existing natural swales to convey runoff onto a proposed full spectrum detention pond which releases at 90 percent of predevelopment rate. The proposed detention pond will be privately owned and maintained by the subdivision homeowners association. Runoff within the East Cherry Creek Basin generally flows to the east onto the adjoining proposed Abert Ranch Subdivision and will utilize existing natural swales and downstream drainage ways. The development plans for the proposed Abert Ranch Subdivision upgrades an existing stock pond to meet stormwater detention for the Abert Ranch site, including the minimal developed drainage contribution from Settlers View. The engineering consultant's drainage report concludes that this development will not adversely affect downstream or surrounding areas.

Preliminary Grading and Erosion Control plans were received with the submittal. These plans identified permanent and temporary best management practices (BMPs) to prevent sediment and debris from affecting adjoining properties and the public drainage system before, during, and after construction. The applicant will need to obtain appropriate County permits, including an Erosion and Stormwater Quality Control Permit, for any proposed grading activity, along with any State-required permits, prior to construction. Pre-site development grading is not requested with this request. The drainage improvements to be constructed are not anticipated to be eligible for reimbursement.

#### **5. Transportation**

The applicants are not proposing to construct or include access to a road identified in the El Paso County Major Transportation Corridors Plan Update (2016), 2040 Major Transportation Corridors Plan (MTCP). The Grandview Subdivision to the north provided an extension of Silver Nell Drive, a County owned and maintained road to this property in anticipation of development. This property will be required to extend Silver Nell Drive to the eastern boundary of the subject property. Recommended Condition of Approval No. 6 ensures the construction of Silver Nell Lane to the eastern boundary with the first final plat. The development of Settlers View proposes to dedicate 0.337 lane miles of developer-constructed roadways to the County for ownership and maintenance.

The development of the property to the east, Abert Ranch, which is also currently in review, is anticipated to connect Silver Nell Drive to the future extension of Settlers Ranch Road which is a roadway located within the approved Settlers Ranch development. The Settlers Ranch development is anticipated to be

completed within five (5) years. Settlers Ranch Road will connect to Hodgen Road to the south and Stepler Road to the east through the Settlers Ranch development.

Stepler Road north of Silver Nell Drive is currently a gravel road that has exceeded the designed capacity of the road (design = 200 daily trips, existing = 265 daily trips). With the addition of Settlers View, Abert Ranch, and Settlers Ranch, off-site improvements to Stepler Road would be needed. Analysis of off-site improvements to Stepler Road shall be provided at the time of the final plat. Escrow or construction of a portion of Stepler Road may be required. The El Paso County Road Impact Fee will be applicable to final plats within the development.

## **H. SERVICES**

### **1. Water**

Sufficiency: Insufficient

Quality:

Quantity:

Dependability:

Attorney's summary: A finding of water sufficiency is not requested with this preliminary plan request. Individual wells are anticipated to serve the development. Recommended Condition of Approval No. 7 requires a finding of water sufficiency for water quality, quantity, and dependability at the time of final plat approval.

### **2. Sanitation**

Individual onsite wastewater treatment systems are anticipated to serve the development.

### **3. Emergency Services**

The requested development is within the Tri-Lakes Monument Fire Protection District. The District received a referral to review the application and did provide a letter committing to serve the development.

### **4. Utilities**

The requested development is within the electrical service area of Mountain View Electric Association, and the natural gas service area of Black Hills Energy. Both agencies have committed to serve the development.

### **5. Metropolitan Districts**

The property is not within a metropolitan district.

**6. Parks/Trails**

El Paso County Community Services, Parks Division, did not identify any planned parks or trails in or adjacent to the property. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$5698.00 shall be paid at time of final plat recordation.

**7. Schools**

The site is within the boundaries of Lewis Palmer School District No. 38. Fees in lieu of school land dedication shall be paid to El Paso County for the benefit of Lewis Palmer School District No. 38 at time of final plat recordation.

**I. APPLICABLE RESOLUTIONS**

See Attached Board of County Commissioners Resolution

**J. STATUS OF MAJOR ISSUES**

There are no major issues or concerns with this development.

**K. CONDITIONS AND NOTATIONS**

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2016) staff recommends the following conditions and notations:

**CONDITIONS**

1. Applicable traffic fees shall be paid with each final plat.
2. Applicable school and park fees shall be paid with each final plat.
3. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 12-382), as amended, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

5. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
6. The applicant shall construct Silver Nell Lane to the eastern edge of the subject property as depicted on the preliminary plan map with the first final plat.
7. A finding of sufficiency for water quality, quantity and dependability shall be required at the time of final plat approval.
8. Development of the property shall be in accordance with the preliminary plan. Minor changes in the preliminary plan, including a reduction in residential density, and lot line adjustments may be approved administratively by the Director of the Planning and Community Development Department consistent with the Land Development Code. No decrease in lot size is permitted. Any substantial change will require submittal of a formal preliminary plan amendment application.

#### **NOTATIONS**

1. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a final plat has been approved and recorded or a time extension has been granted.
2. Preliminary Plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.
3. The applicants may be responsible for constructing or providing escrow toward offsite improvements to Stepler Road with the appropriate final plat as identified in the traffic impact study.

#### **L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified 11 adjoining property owners on February 28, 2018, for the Planning Commission hearing. Responses will be provided at the hearing.

#### **M. ATTACHMENTS**

Vicinity Map  
Letter of Intent  
Preliminary Plan Drawing  
Planning Commission Resolution  
Board of County Commissioners Resolution

# El Paso County Parcel Information

File Name: P-17-004/SP-17-006

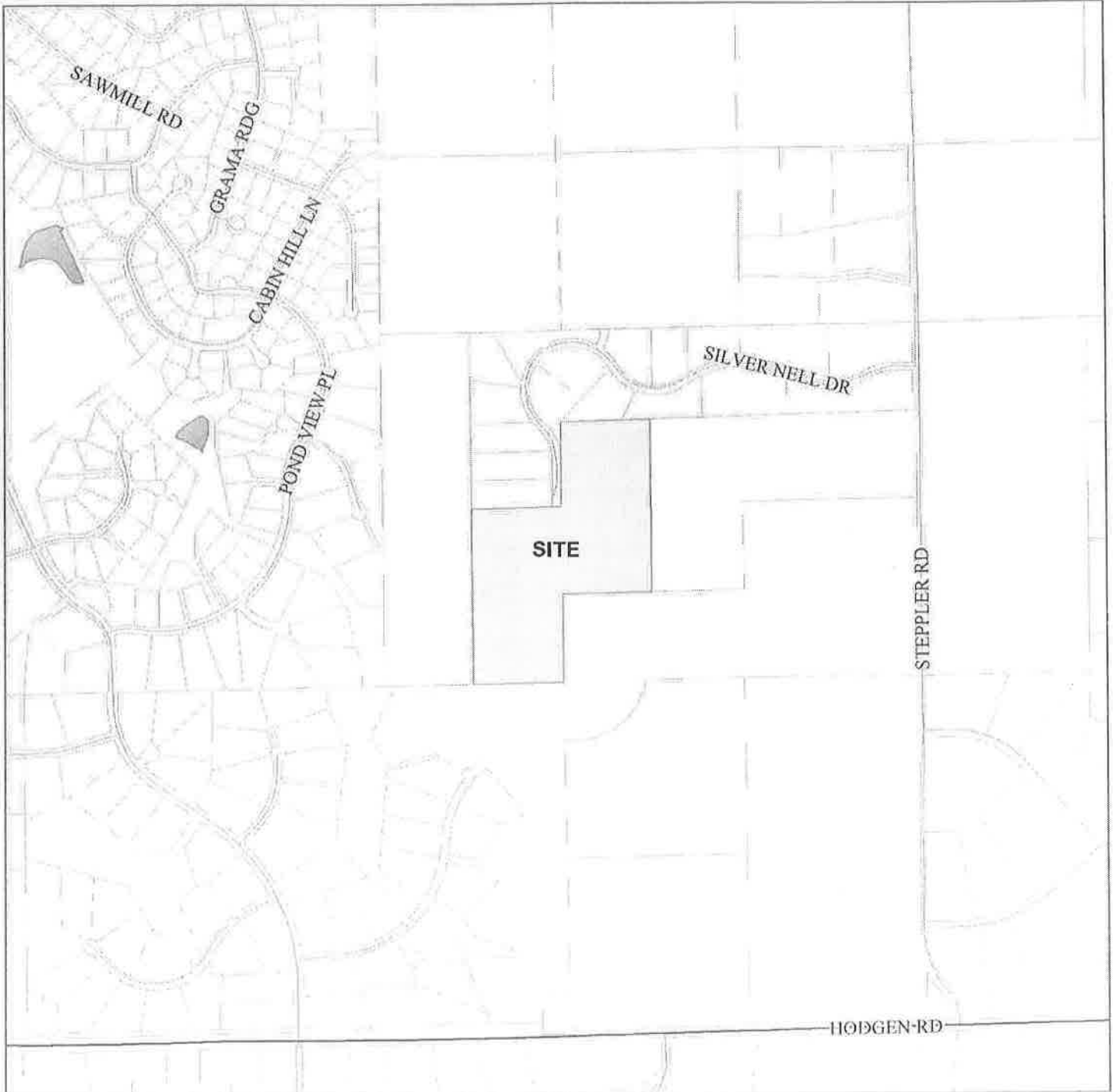
PARCEL	NAME
6100000463	BRINKMAN GARY L

Zone Map No.: --

Date: February 28, 2018

ADDRESS	CITY	STATE
4507 SILVER NEEL DR	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80908	5307



Please report any parcel discrepancies to:  
 El Paso County Assessor  
 1675 W Garden of the Gods Rd  
 Colorado Springs, CO 80907  
 (719) 520-6600



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Jerome W.  
**HANNIGAN and ASSOCIATES, INC.**  
Land Planning • Land Surveying • Land Development Consulting

June 13, 2017  
Rev: 1-08-18  
Job No. 16-025

### **PRELIMINARY PLAN LETTER of INTENT SETTLERS VIEW SUBDIVISION**

Settlers View Subdivision (no relation to Settlers Ranch to the south) is a proposed 14 lot residential subdivision in Section 23, T11S, R66W of the 6th P.M., El Paso County, Colorado. More generally, the property lies east of Highway 83, south of Walker Road, west of Stepler Road and at the south end of Silver Nell Drive, which is the access road through Grandview Subdivision. The property is 40.61 acres in area, originally zoned RR-5 and currently zoned RR-2.5 and includes the owners' home on the northern portion. Proposed lots vary in area from 2.52 acres to 3.14 acres with an overall density of 1 dwelling unit per 2.90 acres. The property has long been used (and remains) as grazing land for cattle. This tract is one part of the earlier Hodgkin Ranch property that has been divided among family heirs and is now transferring to a non family member.

This proposed residential subdivision is both suitable and compatible with the surrounding neighborhood. Additionally, the proposal is in general conformance with the goals, objectives and policies of the Master Plan, which in this area is the Black Forest Preservation Plan.

In reviewing a Preliminary Plan, consideration focuses on the more technical items necessary to establish that the subdivision can be completed as proposed. Water, sufficient in quality and quantity to satisfy the County's 300 year rule must be available. In this case, water for 15 lots (one more than proposed) has been adjudicated and an augmentation plan has been approved by the Water Court. Individual Sewage Disposal Systems (ISDS) are proposed for each of the lots and preliminary on site testing has determined that soils are suitable for those systems. As with all systems permitted by the Health Department, individual testing will be required at the specific leach field location on each lot to determine field sizing and design. Further soils studies have been done to evaluate their other characteristics with respect to this residential use including roadway construction and homes. Specific engineering criteria result that are used in those designs.

Topography consists of gentle slopes, ideal for residential use. Surface drainage is a consideration that is accounted for and the low density and gentle slopes combined with reasonable vegetative cover results in minimal developed flows. The southern portion of the property is subject to offsite flows that are carried in a swale to a detention pond. Other onsite flows are carried there through the use of roadside ditches and appropriate culverts. Water quality is enhanced before leaving the property at no more than historic flows. The pond and it's maintenance will be a responsibility of the Homeowners Association.

Access is necessary for each proposed lot and it must be suitable. The proposed roadway design is both efficient and considerate of the topography while providing good lot design and roads that provide a logical extension of the existing Silver Nell Drive. The existing cul-de-sac will be removed and the area restored.

(2)

As often occurs with small developments such as this, roads cannot provide a direct secondary access or loop to tie into a collector. The property simply isn't large enough. Consequently the road system is designed giving consideration to how that connectivity will occur through adjacent properties. In this case, Silver Nell will continue into the adjoining proposed Abert Ranch Subdivision to Abert Ranch Road and then connects south to the planned and platted Settlers Ranch Road which connects to Stepler Road thus completing the loop that starts at Silver Nell and Stepler about a quarter mile to the north. Computed levels of service through these connections are all excellent. Because Silver Nell is currently a cul-de-sac road which exceeds the standard permitted length and because connection to Stepler must occur through another property, our extension will, of necessity, end in a temporary cul-de-sac and require a Deviation for the additional roadway length and number of lots. This is part of the request in order to further the goal of connecting to Stepler Road. The required roadway cross section is a 28 foot wide asphalt pavement within a dedicated 60 foot wide right of way which is recognized as a County Rural Local Roadway.

Two of the proposed lots will access with a short "flag" configuration. One occurs because of the geometry of the existing roadway and the owners house location and the second occurs because of an existing 30 foot wide perpetual ingress-egress easement that must be respected. That access easement serves a single residence on the adjoining Morehead property. The owner of that property and access easement concurs with this design and supports the proposed subdivision. As is normal, the flag configuration requires a waiver to the usual 60 foot minimum road frontage which is also part of this request.

Utilities are necessary, of course, to serve the planned homes and all are either adjoining or already onsite serving the existing Brinkman residence. Extensions will occur as required by the individual utilities and easements are provided to accommodate them. Police services are available from the El Paso County Sheriffs office. Fire protection and emergency medical services are provided by the Tri Lakes Fire Protection District who has agreed to continue to serve the property. Their Station Number 2 is the closest at Highway 105 and Roller Coaster Road, perhaps 5 minutes away.

In summary, Preliminary Plan approval requires a more technical evaluation of the proposed subdivision which necessitates various studies, reports and plans. We have on file a Drainage Study, Preliminary Grading and Erosion Control Plan, Soil, Geology, Geologic Hazard and Wastewater Study, Natural Features Report including wetlands and wildlife impacts, A Wildfire Hazard Assessment and Mitigation Report, and of course, the Traffic Impact Study. Water is adjudicated and an augmentation plan approved. All indicate that this property is suitable for development into residential lots as planned and proposed. All proposed lots can and will comply with the requirements of the Land Development Code for the proposed subdivision.





PRELIMINARY PLAN (RECOMMEND APPROVAL)

Commissioner Lucia-Treese moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION  
OF THE COUNTY OF EL PASO  
STATE OF COLORADO  
RESOLUTION NO. SP- 17-006**

WHEREAS, Gary and Brenda Brinkman did file an application with the El Paso County Planning and Community Development Department for the approval of a preliminary plan for the proposed Settler's View Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on March 20, 2018; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission.
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons and the general public were heard at that hearing.
4. All exhibits were received into evidence.
5. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is consistent with the purposes of the Land Development Code.
7. The subdivision is in conformance with the subdivision design standards and any approved sketch plan.

8. 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 the Land Development Code.
9. 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 the Land Development Code.
10. 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.W. §30-28-133(6)(c)].
11. Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and the Engineering Criteria Manual are provided by the design.
12. 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 the Land Development Code and the Engineering Criteria Manual.
13. 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 encouraging 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 therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.
14. Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
15. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
16. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.

17. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.
18. That the proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
19. That for the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends approval of the application for a preliminary plan of the Settler's View Subdivision.

AND BE IT FURTHER RESOLVED that the Planning Commission recommends approval of the following requested waiver(s):

The applicant is requesting a waiver of Section 8.4.4.D.2, a maximum of 25 lots on a dead end roadway.

AND BE IT FURTHER RESOLVED that the Planning Commission recommends the following conditions and notation(s) be placed upon this approval:

**CONDITIONS**

1. Applicable traffic fees shall be paid with each final plat.
2. Applicable school and park fees shall be paid with each final plat.
3. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 12-382), as amended, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
5. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

6. The applicant shall construct Silver Nell Lane to the eastern edge of the subject property as depicted on the preliminary plan map with the first final plat.
7. A finding of sufficiency for water quality, quantity and dependability shall be required at the time of final plat approval.
8. Development of the property shall be in accordance with the preliminary plan. Minor changes in the preliminary plan, including a reduction in residential density, and lot line adjustments may be approved administratively by the Director of the Planning and Community Development Department consistent with the Land Development Code. No decrease in lot size is permitted. Any substantial change will require submittal of a formal preliminary plan amendment application.

**NOTATIONS**

1. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a final plat has been approved and recorded or a time extension has been granted.
2. Preliminary Plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.
3. The applicants may be responsible for constructing or providing escrow toward offsite improvements to Stepler Road with the appropriate final plat as identified in the traffic impact study.

BE IT FURTHER RESOLVED that the Resolution and recommendations be forwarded to the El Paso County Board of County Commissioners.

Commissioner Dillon seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Egbert	aye
Commissioner Dillon	aye
Commissioner Lucia-Treese	aye
Commissioner Curry	nay
Commissioner Friedman	aye
Commissioner Wood	aye

The Resolution was adopted by a vote of 5 to 1 by the El Paso County Planning Commission, State of Colorado.

DATED: March 20, 2018

## **EXHIBIT A**

### **LEGAL DESCRIPTION**

The Southwest one quarter of the Northeast one quarter of the Northeast one quarter together with the Northwest one quarter of the Southeast one quarter of the Northeast one quarter and together with the East half of the Southwest one quarter of the Northeast one quarter of Section 23, Township 11 South, Range 66 West of the 8<sup>th</sup> Principal Meridian, El Paso County, Colorado. Containing 40.61 acres, more or less.

RESOLUTION NO. 18-

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EL PASO, STATE OF COLORADO

APPROVE PRELIMINARY PLAN REQUEST FOR SETTLER'S VIEW (SP-17-006)

WHEREAS, Gary and Brenda Brinkman did file an application with the El Paso County Planning and Community Development Department for the approval of a Preliminary Plan for Settler's View Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on March 20, 2018, upon which date the Planning Commission did by formal resolution recommend approval of the subject application with conditions and notations; and

WHEREAS, a public hearing was held by this Board on April 10, 2018; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Planning Commission and Board of County Commissioners.
2. Proper posting, publication and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons were heard at those hearings.
4. All exhibits were received into evidence.
5. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is consistent with the purposes of the El Paso County Land Development Code.

7. The subdivision is in conformance with the subdivision design standards and any approved sketch plan.
8. 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 statutory water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Land Development Code.
9. A public sewage disposal system has been established or, 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 the Land Development Code.
10. 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.W. §30-28-133(6)(c)].
11. Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and the Engineering Criteria Manual are provided by the design.
12. 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 encouraging 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 therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.
13. Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
14. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.

15. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
16. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.
17. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
18. For the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the El Paso County Board of County Commissioners of El Paso County, Colorado, hereby approves the request by Meadowbrook Crossing, LLC, for a preliminary plan of the Meadowbrook Crossing for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference.

BE IT FURTHER RESOLVED that the following conditions and notations shall be placed upon this approval:

**CONDITIONS**

1. Applicable traffic fees shall be paid with each final plat.
2. Applicable school and park fees shall be paid with each final plat.
3. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 12-382), as amended, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
5. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.



6. The applicant shall construct Silver Nell Lane to the eastern edge of the subject property as depicted on the preliminary plan map with the first final plat.
7. A finding of sufficiency for water quality, quantity and dependability shall be required at the time of final plat approval.
8. Development of the property shall be in accordance with the preliminary plan. Minor changes in the preliminary plan, including a reduction in residential density, and lot line adjustments may be approved administratively by the Director of the Planning and Community Development Department consistent with the Land Development Code. No decrease in lot size is permitted. Any substantial change will require submittal of a formal preliminary plan amendment application.

#### NOTATIONS

1. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a final plat has been approved and recorded or a time extension has been granted.
2. Preliminary Plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.
3. The applicants may be responsible for constructing or providing escrow toward offsite improvements to Stepler Road with the appropriate final plat as identified in the traffic impact study.

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 10<sup>th</sup> day of April, 2018, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

By: \_\_\_\_\_  
President

By: \_\_\_\_\_  
County Clerk & Recorder

**EXHIBIT A**

**LEGAL DESCRIPTION**

The Southwest one quarter of the Northeast one quarter of the Northeast one quarter together with the Northwest one quarter of the Southeast one quarter of the Northeast one quarter and together with the East half of the Southwest one quarter of the Northeast one quarter of Section 23, Township 11 South, Range 66 West of the 8<sup>th</sup> Principal Meridian, El Paso County, Colorado. Containing 40.61 acres, more or less.