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Colorado Springs City Councilman 1993-2001
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URBAN PLANNING | COMMUNITY DESIGN | LANDSCAPE ARCHITECTURE | ENTITLEMENT COORDINATION



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EL PASO COUNTY

LETTER OF INTENT FOR: ESTEBAN RODRIGUEZ SUBDIVISION SKETCH PLAN

TSN # 4300000534, 4300000537, 4300000538

EXISTING ZONE: A-35. ANTICIPATED ZONE: RR-2.5, RR-5, CC-COMMERCIAL COMMUNITY, AND
PARKS AND OPEN SPACE

OWNER/APPLICANT, AND PLANNING CONSULTANT:

Owner: Brent Houser Enterprises, LLC
c/o Esteban Rodriguez
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El Paso County Planner: Ryan Howser, Senior Planner
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Property Address: Judge Orr Road, Peyton, CO 80831

TSN: 4300000534, 4300000537, 4300000538

Current Zoning:	A-35 Agriculture
Proposed Zoning:	RR-2.5 Residential Rural 2-1/2acre min. lot size RR-5.0 Residential Rural 5.0acre min. lot size CC Commercial Community

There are no known overlay zone districts on the property.

PROJECT LOCATION/DESCRIPTION AND HISTORY OF PROPERTY:

The three properties included within the **Esteban Rodriguez Subdivision Sketch Plan** application are in El Paso County in Peyton, CO, approximately 22 miles east of downtown Colorado Springs, situated on Judge Orr Road east of Colorado State Highway 24 and south of Judge Orr Road, approximately two miles east of Hwy24 and 1-1/2 miles west of Peyton Highway. The site roughly extends from Elbert Road east along Judge Orr Road and has approximately 2,630 feet of frontage along Judge Orr Road.

The **2021 Your El Paso County Master Plan** identifies the Placetype of this development as “*Large Lot Residential.*” The primary land use in this Placetype is Single-Family Detached Residential. Agriculture, Commercial Retail/Commercial Services, and Parks and Open Space are also allowed as support uses. Residential lot development, within the Large Lot Residential Placetype, allows for lots having a minimum area consisting of 2.5 acres or more. This Placetype is more connected and less remote than the *Rural* Placetype that comprises the larger eastern half of the county. The Esteban Rodriguez Subdivision Sketch Plan proposes for up to 142 single family residential lots of 2.5 and 5.0 acres each and three smaller parcels totaling 15.07 acres with frontage onto Judge Orr Road as *CC-Commercial Community*. These would primarily serve residents within or near the Esteban Rodriguez Subdivision and nearby communities.

The Master Plan identifies the entire Esteban Rodriguez Subdivision property as being within the ***Large-Lot Residential Priority Development Areas***. Highway 24 is a major roadway that connects the northeastern part of the County to Colorado Springs. Significant growth is expected along the corridor between Falcon and Peyton not only to connect the existing subdivisions, but also to capitalize on proximity to the Highway and the Falcon Regional Center. The Master Plan suggests for an overall density of 2.5 acres per lot to be maintained within this area, consistent with the Large-Lot Residential Placetype, although denser development within this area of the Falcon/Peyton areas are allowed.

Based on FEMA FIRM number 08041CO5596 dated December 7, 2018, the large drainageway crossing the site is a Zone A FEMA floodplain. Zone A is defined as an area within the Special Flood Hazard Area (SFHA) with no base elevations determined. This is a no-build area, identified on the Sketch Plan as Public Open Space. Walking paths, trails, and other designated routes as

indicated will be provided within. Additional access and extensions with connectivity to recreational spaces will be provided when development occurs.

***Core Principle 7: Maintain and expand the County's recreation and tourism options.
Goal 7.3 - Plan for and provide a variety of parks, trails, and open space within the region.***

Large-Lot Residential Within the Large-Lot Residential Placetype, conservation design should be primarily utilized for preserving El Paso County's rural character, defined by large swaths of open space with minimal development. Additionally, some Large-Lot Residential parts of the County include environmentally sensitive areas that need to be protected. Development should not be allowed within a certain distance of the critical natural assets to ensure they are not negatively impacted by future development. Protecting farmland and scenic views is also an important component of conservation design within Large-Lot Residential areas. The County should evaluate new developments on a case-by-case basis to determine their impact on these natural assets.

DEVELOPMENT REQUEST

Sketch Plan approval of this property is being sought without any waiver or deviation requests. The zoning would be changed from the current A-35 agricultural zoning to RR-2.5, RR-5 and CC. That is, residential rural 2.5 acres, residential rural 5.0 acres and Commercial Community respectively. In accordance with County standards, the minimum lot sizes proposed within the property will not be less than 2.5 acres and 5.0 acres for each respective zone district.

The residential density proposed in this Sketch Plan is .29 dwellings units per acre.

Pursuant to this Sketch Plan application, the applicant proposes to develop the site with up to one hundred and forty-two (142) new single-family residential lots, three (3) commercial support lots, and Parks and Open Space. Large Lot Single-Family detached residential dwelling units best recognize and respect the character of the surrounding rural area. The total acreage of the proposed Esteban Rodriguez Subdivision development is approximately 493.21 acres.

Infrastructure to serve the new lots, including roadways, driveways, drainage improvements, and utilities will all be constructed in compliance with applicable county standards, regulations, and criteria in effect at the time of this application. This is in keeping with the rural character of the surrounding Falcon/Peyton communities.

Surrounding properties are largely rural, single-family homesites with some farm homesteads. Land use within these properties has traditionally been ranchland with some farming. Existing Planned Unit Development (PUD) is also located within a 2-mile radius of the site.

JUSTIFICATION FOR REQUEST

This request is consistent with the purposes of the **2021 Your El Paso Master Plan**. The Sketch Plan is in conformance with subdivision design standards and establishes an adequate level of compatibility with surrounding areas of the site already constructed and other known surrounding areas currently proposed for development, particularly the existing 816-acre *Saddlehorn Ranch* (e.g., 218 lots zoned RR-2.5) at Judge Orr Road and Curtis Road immediately west of and adjacent to the subject property, and the proposed 398.91-acre *Jane Davis Ranch* (e.g., pending application in progress to approve approximately 92 lots to be zoned RR-2.5 and RR-5.0) also immediately north of the subject property.

EXISTING AND PROPOSED IMPROVEMENTS

The property is vacant, and no improvement has been made to it. The owner intends to be the developer of the site and will be responsible for construction of new internal roads, drainage structures, utilities, and other infrastructure as required by the county.

Electric and telecommunication service points-of-connection will be extended from the roadway to all new lots. Extension of natural gas service will be sought from Colorado Springs Utilities. Water will be provided via individual on-site wells and individual septic systems will be provided per lot in accordance with El Paso County Department of Health policy guidelines. Both are acceptable by the county for lot sizes 2.5 acres and larger.

Incorporating Water-saving Actions in Land Use & Development Planning in El Paso County
Discourage individual wells for new subdivisions with average lot sizes smaller than 2.5 acres when there is a reasonable opportunity to connect to an existing central system or construct a new central water supply system when the economies of scale to do so can be achieved, especially in the Laramie-Foxhills, Lower Arapahoe, Denver and Lower Dawson aquifers.

Grading and earthmoving activities will be limited to internal residential streets, driveways, drainage, and utility construction areas. Individual lot owners will assume responsibility for grading their respective lot; no 'overlot' grading is proposed to occur over most of the site.

As such, prior to construction of proposed residences, lot-specific subsurface soil investigations will be performed to determine whether shallow groundwater, hydro-compacted soils, and/or potentially expansive soils are present on the lot, and to determine an appropriate foundation design, basement, or crawl-space suitability, and/or lot-specific recommendations are necessary to mitigate these conditions. Language requiring lot-specific subsurface soil investigation will appear as a Note on the future Final Plat.

NO-BUILD / OPEN SPACE / RESIDENTIAL LOT OPEN SPACE EASEMENTS

The Esteban Rodriguez Subdivision Sketch Plan provides areas denoted as Public Open Space. Public Open Space includes a Park site, Floodplain Areas, Detention Pond parcels, and 8' trail

easements located within certain Buffer Areas to provide connectivity to Public Open Space areas.

Public Park: 8.52 ac (Public Open Space)
Detention Ponds: 5.90 ac (Public Open Space)
Trail Easements: 0.94 ac (Public Open Space)
Floodplain Areas: 41.00 ac (Public Open Space)

Total: 56.36 ac (Public Open Space)

12.8% Total Open Space provided.

The Public Open Space areas will be maintained by the Esteban Rodriguez Subdivision Metropolitan District or HOA, yet to be established. The HOA or Metropolitan District will need to be established prior to preliminary plan approval.

**ADHERENCE WITH THE 2021 YOUR EL PASO MASTER PLAN, AND WATER
MASTER PLAN**

Land Use & Development, Core Principle: Manage growth to ensure a variety of compatible land uses that preserve all character areas of the County.

The **2021 Your El Paso Master Plan** (the “Master Plan”) addresses issues directly related to the Esteban Rodriguez Subdivision Sketch Plan and development. Policies specifically related to this Sketch Plan request include:

Goal 1.1 - Ensure compatibility with established character and infrastructure capacity

The Sketch Plan proposed for new Large Lot Single Family Residential lots is compatible with the other larger existing adjacent residential lots in the Judge Orr Road corridor. New lots will be similar in character to existing lots and paved roads serving the new lots will be compatible with the types of roadways in nearby adjacent neighborhoods.

Goal 1.4 – Continue to encourage policies that ensure “development pays for itself.”

The Esteban Rodriguez Subdivision is proposed as a development of Large Lot Single-Family residences within a non-urban density area (Large Lot Residential Placetype) of the Falcon/Peyton community. Utilities and road infrastructure needed to serve the new lots, such as new roads, drainage and detention facilities, erosion control, etc. will be constructed as part of this development.

Housing & Communities, Core Principle: *Preserve and develop neighborhoods with a mix of housing types.*

Goal 2.2 – *Preserve the character of rural and environmentally sensitive areas.*

The subdivision design with RR-2.5, RR-5 and CC zoning for the site is harmonious and compatible with the lower density character of adjacent and nearby neighborhoods that are also zoned RR-2.5, RR-5.0, A-35, and A-5. The Applicant proposes to avoid overlot grading across the entire 493.21 acre site, and instead will limit grading to driveways and drainage infrastructure in keeping with the established land use character of surrounding sub-areas of the county. A lower density will help to sustain the appearance and unique environmental conditions of adjacent properties. The Commercial Community zoning will allow the establishment of retail sales and service establishments that will serve the neighborhood.

Transportation & Mobility, Core Principle: *Connect all areas of the County with a safe and efficient multimodal transportation system.*

Goal 4.1–*Establish a transportation network that connects all areas to one another, emphasizing east-west routes, reducing traffic congestion, promoting safe and efficient travel.*

The design of the Esteban Rodriguez Subdivision will locate new home driveways with direct access onto proposed paved rural minor collector, and rural local streets. Up to 142 proposed residences will have driveways off these streets for access; no direct driveway access for any new lot is planned for Judge Orr Road to minimize any increased traffic load from new lots onto these existing arterials.

Community Facilities & Infrastructure, Core Principle: *Continue to coordinate with local and regional agencies to provide well-managed, high-quality community facilities and services.*

Goal 5.3 – *Ensure adequate provision of utilities to manage growth and development.*

Regarding utilities, future Development Plan/Final Plat submittals of the Esteban Rodriguez Subdivision will seek commitment letters for delivery of electrical service and natural gas from established utility providers in the vicinity. On-site wells will provide water to each new lot and wastewater will be accommodated by individual on-site wastewater treatment systems. Based upon evaluation by environmental and geotechnical engineers for this Sketch Plan application, it has been determined that the site is suitable for individual on-site wastewater treatment systems without contamination of surface and subsurface water systems.

Goal 5.4–*Use best management practices to protect water quality, conserve water, minimize impacts of flooding, and beautify El Paso County.*

The submitted drainage report specifically details a four step process to minimize adverse impacts of development. The process includes reducing runoff volume, stabilizing drainageways, treating the water quality capture volume (WQCV), and considers the need for Industrial Commercial best management practices (BMPs).

Environment & Natural Resources, Core Principle: Prioritize and protect the County's natural environment.

Goal 9.2- *Promote sustainable best practices with regard to development and infrastructure.*

The area surrounding the property has sufficient carrying capacity to support the new development about roadway capacity, water supply, septic suitability, educational facilities, and organized structural fire protection. Commitment Letters from entities that would supply this development with essential services will be sought and provided at future levels of Development Planning/Final Platting.

The Esteban Rodriguez Subdivision Sketch Plan design, which provides for up to 142 homes on 2.5 and 5.0 acre lots, Commercial/Retail/Commercial Services, and Parks and Open Space uses ensures that development of this site will remain compatible and contiguous with existing larger lot low-density residential areas within the nearby community. With a density of .29 DU/AC, the Esteban Rodriguez Subdivision is compatible with numerous other subdivisions adjacent to and within a 2-mile radius of the property.

GAS SERVICE

The applicant will seek natural gas service by utility service providers already established in the vicinity at future levels of Development Plan/Final Platting.

WATER SERVICE

The following information is provided by request of El Paso County per the *El Paso County Water Master Plan, Chapter 7, Implementation*:

Water Quality, Quantity and Dependability:

A water resources report and water supply information summary have been provided to the County with this Sketch Plan application.

The water resource report provides data for the Planning Commission and the Board of County Commissioners (BoCC) which confirms the proposed water supply for all of the Rodriguez Subdivision is sufficient in terms of quality, quantity and dependability for the proposed subdivision. The report includes documentation that the proposed water supply is sufficient in terms of quantity, dependability, and quality for the proposed subdivision.

The Esteban Rodriguez Subdivision is a proposed single family residential and commercial development located east of Peyton, CO. The proposed development is comprised of three different existing parcels which are currently owned by Esteban Rodriguez. The total acreage encompassed by these three parcels is 493.21 acres. The subdivision is proposed to be subdivided into one hundred and forty-two (142) residential lots and three (3) commercial lots. All 142 residential lots and 3 commercial lots are to be served by on-site residential and commercial wells drilled into the not-nontributary Denver aquifer below the Esteban Rodriguez property. The proposed subdivision lies within the Upper Black Squirrel Creek Designated Groundwater Basin and is managed by the Upper Black Squirrel Creek Groundwater Management District.

The not-nontributary Denver Aquifer, which will serve as the water source for the Esteban Rodriguez Subdivision, is estimated to provide a 300-year supply of 55.61 AF/year of water. Each residential lot is assumed to require 0.288 AF/year/lot of water, totaling 41.472 AF/year of residential demand at full build-out. The three commercial properties are estimated to demand 13.838 AF/year of water at full build-out. Therefore, total demand at full build-out is estimated to total 55.353 AF/year, which is less than the 300-year supply out of the Denver Aquifer to the Rodriguez Subdivision.

Maximum depletions to the alluvium from pumping out of the Denver aquifer in this area amount to 4% of pumping from the aquifer. Using the demands listed above, maximum depletions at full build-out are estimated to be 2.214 AF/year by the year 300 of pumping. Replacement flows back to the alluvium will be returned at 90% of indoor and domestic uses from the residential and commercial properties. Total indoor usage from the residential and commercial properties are estimated to be 51.22 AF/year at full buildout. The corresponding return flows back to the alluvium via non-evaporative septic systems is assumed to result in an annual volume of 46.100 AF/year, which is well in excess of the estimated depletions to the alluvium, which is calculated above.

The water quality in the Denver aquifer formation in this area has typically been suitable for residential potable use. Water samples were obtained from the existing well (well permit #163012-F) constructed via an exterior hose bib existing on the side of the house located at 9350 Elbert Road. Water samples were obtained from this tap on 04/04/2023, with water quality testing performed Colorado Analytical Laboratories and Hazen Research, Inc., per the El Paso County Land Development Code section 8.4.7(B). All results were found to be below primary and secondary Maximum Contaminant Limits (MCLs).

Because of the absence of any and all evidence of fecal contamination in the form of E. Coli or Total Coliform, or that all sampled and analyzed constituents were below all primary and secondary standards, the proposed water source emanating from the Denver Aquifer is deemed safe for public consumption.

TRANSPORTATION

The Esteban Rodriguez Subdivision Sketch Plan provides for two separate points-of-access from Judge Orr Road into the community. No lots adjacent to Judge Orr Road are proposed to have direct access/egress onto Judge Orr Road and will be accessed via internal roadways.

***Subdivision Access** Local access is key to connecting residents to the region and residents have identified subdivision access as a primary concern. Input received as part of Your El Paso County outreach process cited a need for subdivision communities to have two points of access, or two ways in and out. Generally, single access subdivisions create points of high traffic and congestion where they join the primary street network and are disconnected from other neighborhoods by roads that dead end at cul-de-sacs. Having two points of access allows for a more contiguous street network and would remove these barriers.*

Walking trails indicated within the Sketch Plan (8' wide trail easements are proposed) help to provide connectivity throughout the Esteban Rodriguez Subdivision, and to encourage walking and bicycling in the community while effectively reducing vehicular travel – especially to Park and Open Space and the Commercial Retail/Commercial Service areas.

***Providing multiple points of access to a subdivision** also improves efficiency in emergency response times and allows for better pedestrian and bicycle access across neighborhoods. Better access can be the difference between a resident or visitor choosing to walk over drive to their destination. Increased access especially with multimodal options for walking and biking could reduce vehicular travel and ultimately congestion and stress on roadway infrastructure.*

TRANSPORTATION IMPACT STUDY GUIDELINES

A Master Transportation Impact Study (TIS) is submitted for this project based upon the El Paso County Engineering Criteria Manual (ECM) per ECM appendix B.1.1, since this project is a residential development exceeding 100 acres and is phased over a multi-year build-out.

ROAD IMPACT FEES

Per resolution 19-471 Road Impact Fees are applicable and due for this project.

CHAPTER 7 AND CHAPTER 8 OF THE LAND DEVELOPMENT CODE CRITERIA FOR APPROVAL

In approving this Sketch Plan, the BoCC will find that:

The proposed subdivision is in general conformance with the goals, objectives, and policies of the **2021 YOUR EL PASO MASTER PLAN, AND WATER MASTER PLAN**, as described in Pages 5-9 of this Letter of Intent.

The proposed subdivision is in conformance with the requirements of this Code; no waivers or deviations from the Code are requested or proposed.

*The proposed subdivision is compatible with existing and proposed land uses within and adjacent to the Sketch Plan area; as previously described, The Sketch Plan is in conformance with subdivision design standards and establishes an adequate level of compatibility with surrounding areas of the site already constructed and other known surrounding areas currently proposed for development, particularly the existing 816-acre *Saddlehorn Ranch* (e.g., 216 lots zoned RR-2.5) at Judge Orr Road and Curtis Road immediately west of and adjacent to the subject property, and the proposed 398.91-acre *Jane Davis Ranch* (e.g., pending application in progress to approve approximately 92 lots to be zoned RR-2.5 and RR-5.0) also immediately north of the subject property.*

Furthermore, the subdivision design with RR-2.5 and RR-5 zoning for the site is harmonious and compatible with the lower density character of adjacent and nearby neighborhoods that are also zoned RR-2.5, RR-5.0, A-35, and A-5.

The water supply report provides sufficient information to identify probable compliance with the water supply standards and identifies any need for additional water supplies; A water resources report and water supply information summary have been provided to the County with this Sketch Plan application.

The Water Resource Report prepared for the Esteban Rodriguez Subdivision provides data for the Planning Commission and the Board of County Commissioners (BoCC) which confirms the proposed water supply for all of the Rodriguez Subdivision is sufficient in terms of quality, quantity and dependability for the proposed subdivision. The report includes documentation that the proposed water supply is sufficient in terms of quantity, dependability and quality for the proposed subdivision.

Services are or will be available to meet the needs of the subdivision including, roads, police and fire protection, schools, recreation facilities, and utility service facilities.

The soil is suitable for the subdivision and any geologic hazards do not prohibit the subdivision and can be mitigated; A Geological Hazard Report and Soils Report has been provided and submitted for the Esteban Rodriguez Subdivision Sketch Plan. No known geological hazards are present which may preclude the site from development as proposed. As described previously, existing drainageways will be mitigated and preserved as Public Open Space easements, all of which will be designated as no-build areas.

The subdivision will not interfere with the extraction of any known commercial mining deposit [C.R.S. §§ 34-1-302(1), et seq.]. No known commercial mining operations exist on the site.

The design of the subdivision protects the natural resources or unique landforms; existing natural resources and unique landforms will be protected and designed to be within no-build areas.

The proposed methods for fire protection are adequate to serve the subdivision; the Peyton Fire Protection District will extend service within the Esteban Rodriguez Subdivision Sketch Plan area. A Letter of Intent to Serve this subdivision will be provided by the Peyton Fire Protection District at a future level of planning and submittal.

The subdivision is appropriate, and the design is based on mitigating the constraints of topography, soil types, geologic hazards, aggregate resources, environmental resources, floodplain, airplane flight overlays, or other constraints; there are no known environmental or other constraints that would preclude development of this site as proposed in the Sketch Plan. Topography, soil types and geologic hazards and other environmental resources are not compromised by development of this site. The entire property is outside of any airport overlay zone, including Meadow Lake Airport and the Colorado Springs Municipal Airport (Note: despite this, the owner is agreeable to including a Notice of Avigation Easement to the Sketch Plan and plans advising potential homebuilders of the site's proximity to an airport).

END