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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Board of County Commissioners Stan VanderWerf, Chair

- FROM: Ryan Howser, Planner I Gilbert LaForce, PE Engineer III Craig Dossey, Executive Director
- RE: Project File #: SF-20-007 Project Name: The Reserve at Corral Bluffs Filing No. 3 Parcel Nos.: 43310-00-023, 43310-00-025, and 43320-00-016

OWNER:	REPRESENTATIVE:
Howard Kustle	David Jones,
Corral Ranches Development Company	Land Resource Associates
1830 Coyote Point Dr.	9736 Mountain Rd.
Colorado Springs, CO 80904	Chipita Park, CO 80809

#### **Commissioner District: 2**

Planning Commission Hearing Date:	2/4/2021
Board of County Commissioners Hearing Date	2/23/2021

## **EXECUTIVE SUMMARY**

A request by Corral Ranches Development Company for approval of a final plat to create six (6) single-family residential lots and one (1) tract for future development. The 59.95 acre property is zoned RR-5 (Residential Rural) and is located on the east side of Hoofprint Road, approximately one-quarter of a mile south of Blaney Road and one-half of a mile east of Meridian Road and within Sections 31 and 32, Township 13 South, Range 64 West of the 6th P.M.



COLORADO SPRINGS, CO 80910-3127 Fax: (719) 520-6695 The proposed Reserve at Corral Bluffs Filing No. 3 Final Plat is consistent with the RR-5 (Rural Residential) zoning district and the approved preliminary plan (SP-12-001). The final plat application meets the submittal and review criteria for a final plat as well as the general development standards of Chapter 6, the final plat review criteria of Chapter 7, and the subdivision design requirements of Chapter 8 of the <u>El Paso County Land</u> <u>Development Code</u> (2019).

Individual wells and onsite wastewater treatment systems (OWTS) are proposed for the lots within the subdivision.

# A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

**Request:** A request by Corral Ranches Development Group for approval of a final plat to create six (6) single-family residential lots and one (1) tract for future development.

**Waiver(s)/Deviation(s):** There are no waivers or deviations associated with this request.

Authorization to Sign: Final Plat and any other documents necessary to carry out the intent of the Board of County Commissioners.

## **B. PLANNING COMMISSION SUMMARY**

Request Heard: As a Consent item at the February 4, 2021 hearing. Recommendation: Approval based on recommended conditions and notations. Waiver Recommendation: N/A Vote: 8-0 Vote Rationale: N/A Summary of Hearing: The applicant was represented at the hearing. Legal Notice: N/A

# C. APPROVAL CRITERIA

In approving a final plat, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the <u>EI Paso County Land</u> <u>Development Code</u> (2019):

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the approved preliminary plan;
- 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;

- 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 that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)];
- 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;
- 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;
- 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;
- 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;
- 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.]

# D. LOCATION

North: A-5 (Agricultural) South: RR-5 (Residential Rural) East: A-5 (Agricultural) West: RR-5 (Residential Rural) Single-Family Residential Vacant Single-Family Residential Single-Family Residential

### E. BACKGROUND

The parcels were zoned A-2 (Agricultural) on April 13, 1983, when zoning was initially established for this area of the County. Due to changes in the nomenclature of the <u>Code</u>, the A-2 zoning district was renamed as the A-5 (Agricultural) zoning district. The parcels were rezoned to RR-5 (Residential Rural) on July 26, 2012 (Resolution No. 12-253).

On July 26, 2012, the Board of County Commissioners approved The Reserve at Corral Bluffs Preliminary Plan (SP-12-001). The proposed final plat is consistent with the configuration of the approved preliminary plan.

## F. ANALYSIS

## 1. Land Development Code Compliance

This application meets the final plat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the <u>El Paso County Land Development Code</u> (2019).

## 2. Zoning Compliance

The parcels are zoned RR-5 (Residential Rural). The RR-5 zoning district is intended to accommodate low-density, rural, single-family residential development. The density and dimensional standards for the RR-5 zoning district are as follows:

- Minimum lot size 5 acres
- Width at front setback line 200 feet
- Setbacks 25 feet from front, side, and rear lot lines
- Maximum building height 30 feet
- Maximum lot coverage 25%

The proposed final plat is in compliance with the RR-5 (Residential Rural) zoning district. Individual site plans will need to be submitted for review for each proposed single-family dwelling in order to ensure compliance with the applicable dimensional standards. Tract "A" is not eligible for building permits and will need to be replatted in the future prior to building permit issuance.

## 3. Policy Plan Analysis

The <u>EI Paso County Policy Plan</u> (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. A finding of consistency with the <u>Policy Plan</u> was previously made by the Board of County Commissioners with approval of a map amendment (rezone) from A-5 (Agricultural) to RR-5 (Residential Rural) (Resolution No. 12-253) and with

approval of the Reserve at Corral Bluffs Preliminary Plan (PCD File No. SP-12-001). The proposed final plat application is consistent with the findings of the prior approvals.

### 4. Small Area Plan Analysis

The parcels are located within the <u>Highway 94 Comprehensive Plan</u> (2003). A finding of consistency with the <u>Highway 94 Comprehensive Plan</u> was previously made by the Board of County Commissioners with approval of a map amendment (rezone) from A-5 (Agricultural) to RR-5 (Residential Rural) (Resolution No. 12-253) and with approval of The Reserve at Corral Bluffs Preliminary Plan (PCD File No. SP-12-001). The proposed final plat application is consistent with the findings of the prior approvals.

## 5. Water Master Plan Analysis

The <u>EI Paso County Water Master Plan</u> (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

**Goal 1.1** – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.

Goal 1.2 – Integrate water and land use planning.

Goal 5.4 – Promote the long-term use of renewable water.

**Policy 6.0.1** – Continue to require documentation of the adequacy or sufficiency of water, as appropriate, for proposed development.

**Policy 6.0.10** – Encourage land use proposals to expressly declare water source(s), quality, quantity, and sustainability in terms of years and number of single-family equivalents.

The parcels are located within Planning Region 4c of the <u>Plan</u>, which is an area anticipated to experience growth by 2040. The Region is identified as potentially having issues regarding long term sustainable draw from the Denver Basin aquifer. The <u>Plan</u> identifies the current demands for Region 4c to be 2,970 acre-feet per year (AFY) (Figure 5.1) with the projected need in 2040 at 3,967 AFY (Figure 5.2) and at build-out in 2060 at 4,826 AFY (Figure 5.3). Region 4c currently has 2,970

AFY in supplies, which means by 2060 there is anticipated to be a deficiency of 1,799 AFY (Table 5-2).

Decreed water rights for the parcels allow up to 1.80 AFY (0.30 AFY per lot), plus irrigation of lawns and gardens at 0.93 AFY and watering of four (4) domestic animals on each lot at 0.27 AFY for a total of 0.5 AFY per lot or a total of 3.0 AFY for the six (6) lots. The applicant proposes to draw from the Denver and Arapahoe aquifers, which have a combined availability of 28.9 AFY for 300 years.

The applicant's water resources information was reviewed by El Paso County Planning and Community Development staff, El Paso County Public Health, and the County Attorney's Office. A conditional recommendation of sufficiency regarding water quantity and dependability was made by the County Attorney's Office on September 25, 2020. EPC Public Health made a finding of water quality on April 14, 2020.

#### 6. Other Master Plan Elements

The <u>EI Paso County Wildlife Habitat Descriptors</u> (1996) identifies the parcels as having a high, moderate, and low wildlife impact potential. The EI Paso County Community Services Department, Environmental Services Division; Colorado Parks and Wildlife; Colorado State Forest Service; and Federal Natural Resources Conservation Service were each sent a referral and have no outstanding comments.

The <u>Master Plan for Mineral Extraction</u> (1996) identifies upland deposits and coal in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

Please see the Parks section below for information regarding conformance with <u>The El Paso County Parks Master Plan</u> (2013).

Please see the Transportation Section below for information regarding conformance with the 2016 <u>Major Transportation Corridor Plan</u> (MTCP).

#### G. PHYSICAL SITE CHARACTERISTICS

#### 1. Hazards

A soils and geology report was prepared and reviewed with the final plat application. The report identified potential seasonal shallow groundwater as well as areas of ponding water. These areas have been included within drainage easements and no-build areas as depicted on the final plat.

### 2. Wildlife

The <u>EI Paso County Wildlife Habitat Descriptors</u> (1996) identifies the parcels as having a high, moderate, and low wildlife impact potential.

### 3. Floodplain

The development is not impacted by any designated 100-year flood plain (Zone X) as indicated by FEMA Flood Insurance Rate Map (FIRM) panel numbers 08041C0780G, 08041C0563G and 08041C0564G, which has an effective date of December 7, 2018.

## 4. Drainage and Erosion

The parcels are located in the Curtis Ranch Drainage Basin (CHWS1000), which is an unstudied basin and has no applicable drainage or bridge fees.

The subdivision generally drains to the north. Stormwater runoff is conveyed by roadside ditches and culverts into two (2) rain gardens for water quality. These detention facilities are private and will be maintained by the property owner's association.

A grading and erosion control (GEC) plan have been approved with this application. The plan calls for permanent and construction best management practices (BMPs) to prevent sediment and debris from affecting adjoining properties before, during, and after grading activities. The implementation of the approved GEC provides the necessary BMPs for Filing Nos. 4 and 5.

The drainage letter concludes that "implementation and maintenance of proper drainage and erosion control measures will ensure that this development has no significant adverse drainage impact on downstream properties."

## 5. Transportation

The <u>EI Paso County 2016 Major Transportation Corridors Plan Update</u> does not depict roadway improvement projects in the immediate vicinity of the development.

The subdivision is accessed via the extension of Hoofprint Road. With this filing, Hoofprint Road is extended to the existing Tack House Road intersection to complete the connection. Solberg Court is a cul-de-sac constructed within this subdivision and will be used for access to the lots located within the Reserve at Coral Bluffs Filing No. 4.

The platting and development of the Reserve at Coral Bluffs Filing No. 3 will result in the dedication of 0.5 miles (Rural Local) of developer-constructed roadway for ongoing County ownership and maintenance.

Lots within the subdivision are subject to the El Paso County Road Impact Fee Program (Resolution 19-471). Fees for each lot shall be paid in full at the time of building permit issuance.

## H. SERVICES

## 1. Water

Water will be provided by individual onsite wells. Sufficiency:

Quality: Sufficient Quantity: Sufficient Dependability: Sufficient

Attorney's summary: The State Water Engineer's Office has made a recommendation regarding a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office recommends a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health has made a recommendation regarding a finding of sufficiency for water quality and has no outstanding comments.

## 2. Sanitation

Individual onsite wastewater treatment systems (OWTS) are proposed to serve the residential lots.

## 3. Emergency Services

The parcels are located within the Falcon Fire Protection District. The District was sent a referral and has no outstanding comments. The District is requiring installation of a 30,000-gallon cistern as a part of the public improvements for this filing. An easement for the cistern is provided on the north side of the proposed Lot 5. Installation of the cistern is required prior to commencement of construction of any homes within Filing No. 3 or within any future filings, including the concurrently reviewed Filing No. 4.

#### 4. Utilities

Mountain View Electric Association will provide electrical service. The parcels are not located within the service area of a natural gas provider.

#### 5. Metropolitan Districts

The parcels are not located within a metropolitan district.

## 6. Parks/Trails

<u>The El Paso County Parks Master Plan</u> (2013) does not depict any existing or planned parks or trails in vicinity of the parcels. Fees in lieu of park land dedication in the amount of \$2,082 for regional fees (Aera 4) will be due at the time of recording the final plat.

## 7. Schools

Fees in lieu of school land dedication in the amount of \$1,440 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recording.

# I. APPLICABLE RESOLUTIONS

See attached Resolution.

## J. STATUS OF MAJOR ISSUES

There are no major issues at this time.

## K. RECOMMENDED 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 <u>EI Paso County Land</u> <u>Development Code</u> (2019) staff recommends the following conditions and notations:

## CONDITIONS

- 1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
- 2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
- 3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.

- 4. The applicant shall submit the Mylar to Enumerations for addressing.
- 5. 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.
- 6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
- 7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the final plat.
- 8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
- 9. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, 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.
- 10. Park fees in lieu of land dedication for regional parks (Area 4) in the amount of \$2,082 and urban park (N/A) fees in the amount of \$0 shall be paid at the time of plat recordation.
- 11. Fees in lieu of school land dedication in the amount of \$1,440 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recording.
- 12. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

#### NOTATIONS

- 1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
- Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with the Planning and Community Development Department Inspections staff and a Construction Permit is issued by the Department.

#### L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified fifteen (15) adjoining property owners on January 13, 2021, for the Board of County Commissioners meeting. Responses may be provided at the hearing.

#### **M. ATTACHMENTS**

Vicinity Map Letter of Intent Plat Drawing State Engineer's Letter County Attorney's Letter El Paso County Public Health Recommendation Letter Planning Commission Resolution Board of County Commissioners' Resolution