



December 6, 2023

PCD File No.: MS237

**LETTER OF INTENT
GRAUPNER SUBDIVISION
MINOR SUBDIVISION**

Owner/Applicant:

Garrett Graupner
14710 Tanner Trail
Elbert, CO 80106

Consultant:

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Site Location Size and Zoning:

The proposed subdivision to be known as "Graupner Subdivision" is located within the South ½ of Section 32, Township 11 South, Range 64 West, of the 6th Principal Meridian in Colorado Springs, Colorado. The site is situated west of Eastonville Road and north of Murphy Road. The site is made up of a single unplatted 41.021 ± parcel having El Paso County Tax Assessor's Schedule Number: 41320-00-010. The unplatted parcel is zoned Rural Residential - 5 Acres (RR-5) with an existing single family residence, garage, horse stable, and a well & septic system located in the east portion of the site. Access for the existing buildings is from an existing gravel driveway connected to Tanner Trail found on the south and west property lines.

Request and Justification:

The request is for approval of a Minor Subdivision to be known as "Graupner Subdivision", containing 41.021 ± acres collectively. This proposed Minor Subdivision will create four new rural residential lots to be available for single-family residential construction. Specifically, there will be three lots containing 5 acres and one 26 ± lot containing the existing structures.

This minor subdivision for proposed Lots 1-4 are consistent with the requirements of their respective zoning such as: land use (single-family residential), lot size, minimum building setbacks, water supply, and wastewater disposal. The proposed lots are compatible with the surrounding land uses and neighborhood and coincides with the adjacent zoning and platted lot sizes found in all directions being approximately 5 acres or larger. All four lots will each have a single family residence with individual well & septic.

Proposed Lot 1 will have immediate access to Tanner Trail with a gravel driveway. Proposed Lots 2, 3, & 4 will access Tanner Trail via the existing gravel driveway which is located within the existing Access and Utility Easement (Reception No. 622524). An Ingress/Egress Waiver is requested to provide access to proposed Lots 2-4 along said private driveway. The justification for the requested waiver is included in a separate section below.

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This application meets the Minor Subdivision submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivisions in Chapter 8 of the El Paso County Land Development Code (2021). Final Plats are reviewed and approved in consideration of the review criteria found in the El Paso County Land Development Code. Each criteria is listed below followed by the appropriate justification.

1. *The subdivision is in conformance with the goals, objectives, and policies of the Master Plan. “Your El Paso Master Plan” (2021)* is a comprehensive document communicating a vision for many factors that influence the quality of in El Paso County, including Land Use. The Master Plan provides a strategy to achieve the vision by putting forth goals and policies that can be used as a framework for decision-making regarding development of the County.

The site is not located within a key area according to the Master Plan. The placetype for this area is “Rural” with primary land uses of Agriculture, Farm/Homestead and Parks & Open Space. Estate Residential with minimum area of 5 acres per unit is the supporting land use in this place type. The proposed plat contains one lot of 25.989 acres which contains the existing farmstead use along with three 5.000 acre lots comprising the Estate Residential use. The proposed subdivision is in compliance with the intended place type shown in the master plan. Additionally, each lot is in compliance with the existing zone of the property, which is RR-5. The site is in an area of Minimal Change: Undeveloped. The proposed development represented by this plat will maintain the existing rural character of property and is compatible with the surrounding land uses. In the Land Use category, Goal 1.1 is “*Ensure compatibility with established character and infrastructure capacity*”. This area of the County is conducive to rural residential development that allows residential use of property but preserves the natural character of the landscape. The proposed subdivision is compatible and identical to the existing neighborhood and surrounding development. The existing community character is preserved with this proposed minor subdivision. The proposed density is less than allowed by zoning. The proposed density is unlikely to overburden the existing roadway infrastructure or capacity of the land to support the water and wastewater needs of the development. The proposed minor subdivision will not create the need for additional public roadways or facilities. Goal 2.2 is “*Preserve the character of rural and environmentally sensitive areas*”. The proposed subdivision will keep the forested nature of the area intact. The five-acre lot density has reduced impact on environmental conditions. Density and land use are compatible with the surrounding area and the natural features of the site will remain preserved, even with the addition of three more residences on the site. The private driveway to be used for access, which already exists, will have minimal impact on the existing terrain.

No new public roads are proposed with this subdivision since access for these lots will be from the proposed private driveway connected to Tanner Trail. An existing Access and Utility Easement (Reception No. 622524) along said gravel driveway along the west and south property lines will provide access for proposed Lots 2-4. The advantage of private driveways is lot access is provided while eliminating the need for additional access points and additional public or private roadway. The existing private driveway presents a reduced impact on the natural terrain, land forms, and vegetation. Therefore, this project's private access driveway maintains the rural character of site and neighborhood.

The proposed subdivision is in compliance with the **2040 Major Transportation Corridors Plan (MTCP)**. Currently, the major roads west and east of the site, Meridian Road and Eastonville Road are paved two-lane county roads and designated as unimproved county roads in the 2040 Major Transportation Corridors Plan. The proposed subdivision will not significantly impact the traffic on these roadways.

The proposed minor subdivision is in compliance with the **Parks Master Plan**, which does not call for trails or parks in the site. Any required park fees will be paid at the time of plat recording. The

proposed subdivision is also in compliance with the Master Plan for Mineral Extraction and the severed mineral right owners for this property have been notified.

2. The proposed subdivision is in compliance with the **El Paso County Water Master Plan (2018)**. The Colorado Ground Water Commission performed a Groundwater Determination for Dawson, Laramie Fox Hills, Denver, and Arapahoe aquifers. In this determination, the total number of wells (existing & proposed) was eight to originally accommodate eight proposed lots. In this proposed minor subdivision, there will be four wells in total. These groundwater determinations are recorded under reception numbers: 221185794, 221185791, 221185792, 221185793, 221185794, 221185795 of the records of El Paso County for Dawson, Laramie-Fox Hills, Arapahoe, Denver, Dawson, and Dawson Replacement Plan respectively. The owner seeks a finding of sufficiency from the Colorado Division of Water Resources and the eventual granting of the three additional well permits based on the groundwater determination.

Graupner Subdivision is located within Region 4c in the Water Master Plan. The region is comprised of the southwest portion of Peyton and north of Falcon. The site is not located in a designated Growth Area as determined in the Water Master Plan. The Water Master Plan contains estimates of the demands and available supply by region at the years 2018, 2040 and 2060 Build-Out. The 2018/2040/2060 demands in Region 4c are estimated to be 2,970 acre-feet per year, 3,967 acre-feet per year, and 4,826 acre-feet per year, respectively. The 2018/2040/2060 supplies in Region 4c are estimated to be 2,970 acre-feet per year, 3,027 acre-feet per year, and 3,027 acre-feet per year, respectively, indicating a shortage of supply for the region at each time.

However, a significant portion of the supply is derived from non-renewable Dawson Basin groundwater. Considering only Graupner Well No. 1, demands are estimated to be 0.485 acre-feet of water per year for the current, 2040 and 2060 time frames, respectively. Water supply available by groundwater determination to the subdivision is 9.67 acre-feet per year for each of the current, 2040 and 2060 time frames for the use of eight lots. However the subdivision will utilize 1.94 acre-feet per year for 300 years for the use of four lots. The owner intends to install three new wells to pump 0.485 acre-feet of water per year each for the three 5 acre lots for a combined total of 1.94 acre-feet of water per year for the subdivision. For each lot, the determination describes to 0.260 acre-feet of water per year for residential use and 0.105 acre-feet for either irrigation of up to 1,800 square feet of landscaping and the use of 0.12 acre-feet per year for watering of livestock. In practice, every lot owner may not keep livestock and residents in the county limit water use for landscape irrigation in favor of natural grasses.

A listing of some of the policies of the Water Master Plan that are supported by the proposed development follow: *Policy 4.1.3 – Support enhanced monitoring of sources of surface and tributary groundwater in the County.* The referenced decree requires use of metering for the wells to insure compliance with the terms of the permit; *Policy 6.2.1.2 – Encourage re-use of treated wastewater for irrigation and other acceptable uses when feasible.* Both the existing residence and the new single-family residences on all proposed lots will utilize onsite wastewater treatment systems which will provide “Return Flows” to the environment as a condition of the groundwater findings and order and the well permit.

3. *The subdivision is in substantial conformance with the approved preliminary plan.*
This is a proposed Minor Subdivision and requires no Preliminary Plan for approval. The subdivision will be developed in accordance with the currently proposed land use applications.
4. *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.*
The proposed Minor Subdivision is prepared in accordance with applicable subdivision design standards. No public improvements are required for this subdivision.

5. *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.*
Water service is to be provided by individual on site wells operated under a State approved Water Augmentation Plan.
6. *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.*
Wastewater is intended to be treated via individual on site septic systems designed, constructed and operated under State and County Health Department rules and regulations and in accordance with the Groundwater Determination or future water decree.
7. *All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)].*
A soils report has been prepared for the site and the owner will comply with the recommendations of the report. Areas were encountered where the geologic conditions will impose some constraints on development and land use. These include areas of potentially seasonal shallow groundwater, potential expansive soils, locations of On-site Wastewater Treatment Systems (OWTS), and radon which can be satisfactorily mitigated through avoidance or proper engineering design and construction practices. Based on the proposed minor subdivision, it appears that these areas will have minor impacts on the development. These conditions are discussed in further detail in the Soil, Geology, and Geologic Hazard Study produced by Rocky Mountain Group (RMG).
8. *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.*
The proposed minor subdivision is consistent with the submitted Final Drainage Report. There are no Drainage facilities needed or proposed with this development at this time. The owner will comply with the requirements of the drainage report.
9. *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.*
Lots 2-4 shall have access to Tanner Trail along an existing gravel driveway which is located within an existing access and utility easement on the property (Reception No. 622524). The responsibility and maintenance of said access shall be carried out as described the separate private access maintenance agreement. Lot 1 will have direct access to the Tanner Trail cul-de-sac bulb via a separate gravel driveway.
10. *Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.*
The site is located within the jurisdiction of the El Paso County Sheriff's Office. The sheriff's office currently provides police protection for the site and surrounding area. Graupner Subdivision is located within the Falcon Fire Protection District which already provides fire protection for the site and has agreed to serve this subdivision. Water and sanitary sewer provisions are discussed in items 4 & 5 above. The property is located within the service areas of Mountain View Electric Association and El Paso County School No. 49 which will serve the subdivision. Future owners will utilize propane instead of a natural gas line as a natural gas main is not located within 1 mile of the subdivision. Transportation is being facilitated by the existing adjacent roadway system.

11. *The Minor Subdivision plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code.*
Graupner Subdivision is located within the Falcon Fire Protection District which is providing fire protection for the site and the surrounding area. The district has agreed to serve this subdivision. Building permits for each structure shall be in accordance with the requirements of the fire district as administered by the Pikes Peak Regional Building Department.
12. *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.*
All offsite impacts are determined to be insignificant with the addition of two residences to the site already containing one residence. The owner(s) will be responsible to pay park, school, drainage and Traffic Impact fees.
13. *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.*
There are no public facilities or infrastructure required or proposed for this subdivision. The platting of the site will include the collection of the applicable School Fees, Park Fees, Drainage Fees and Traffic Impact Fees due for this project.
14. *The subdivision meets other applicable sections of Chapter 6 and 8.*
Upon approval of a waiver to the LDC section 8.4.3 (B) stating “Lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads are approved by the BoCC pursuant to waiver granted under Section 8.4.4 (E)” , the subdivision will meet the requirements of the Land Development Code. The subdivision is in accordance with the Land Development Code with respect to zoning, lot size, building setbacks, provision of utilities and storm drainage. The waiver is requested with this application to allow access by one common private driveway for the three proposed lots. The code allows up to three lots to access one driveway, however the waiver is needed to address the lack of road frontage onto a public roadway for proposed Lots 2,3, and 4. The waiver is more fully discussed below.
15. *The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et seq.].*
There are no Mineral estate owners found for this site.

Requested Waiver:

As previously mentioned, a waiver from LDC section 8.4.3 (B) is requested. The provision requires that “Lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads are approved by the BoCC”. Proposed Lots 2-4 will gain access by way of the existing driveway which is located within an existing Access and Utility Easement (Reception No. 622524) which connects the site to Tanner Trail near the northwest gravel driveway corner of the site. Proposed Lot 1 will have direct access to Tanner Trail at the existing cul-de-sac bulb. The responsibility and maintenance of said access shall be carried out as described in a separate private access maintenance agreement.

Proposed Lots 2-4 area to be connected along the existing private gravel driveway which is located within the existing Access and Utility Easement found along the west and south subdivision boundary lines. Since the Land Development Code allows access for up to three lots from one private driveway, it is most practical for proposed Lots 2-4 to be able to access by a single drive, rather than extending a public roadway into the site. The arrangement eliminates the need for additional public right-of-way and additional public maintenance to serve the three large lot rural residential single family lots. Private access drives, coupled with private maintenance agreements have been shown to be effective and efficient modes of access for up to three lots within the county. The driveway will also have a much

diminished impact on the natural terrain and landscape of the site compared to a public or private roadway which would be much larger land dedication and require far more disturbance than a smaller private driveway.

Each criteria for approval of waivers as stated in section 7.3.3 of the El Paso County Land Development Code (2021) is listed below followed by the appropriate justification.

1. *The waiver does not have the effect of nullifying the intent and purpose of this code;* The request for a waiver of the LDC section 8.4.3 (B) does not go against the intent and purpose of this code. This request is in line with the requirements set forth in the LDC, and the shared driveway will comply with all applicable design standards.
2. *The waiver will not result in the need for additional subsequent waivers;* With the approval of this waiver the lots will each be provided the required access necessary for their development. There will be no need for additional waivers as all applicable requirements of the El Paso County Land Development Code will be met.
3. *The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;* The proposed shared driveway will be constructed to provide safe and reliable access to each lot on the site. The responsibility and maintenance of said driveway shall be carried out as described in a private access maintenance agreement. The driveway will not pose a threat to the public safety, health, or welfare, nor will it be injurious to any other property.
4. *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;* Because proposed Lots 2-4 are adjacent to each other and does not contain more than three lots, a single driveway may be used to provide access to the entire site in lieu of a public road.
5. *A particular non-economical hardship to the owner would result from a strict application of this code;* With strict application of this code, the subdivision would be required to access by a public roadway in a 60-foot right-of-way constructed to El Paso County standards. The public road would significantly increase disturbance of the natural terrain and forest as well as the impervious area of the site while increasing the maintenance responsibility of the county.
6. *The waiver will not in any manner vary the zoning provisions of this code;* The proposed shared driveway will comply with all zoning provisions of this code.
7. *The proposed waiver is not contrary to any provision of the master plan;* The proposed shared driveway is in harmony with the goals of the master plan with regard to preserving place type characteristics and preserving natural features.

Existing and Proposed Facilities:

Existing improvements within these parcels are related to the existing residential use of the site, located in the center-south portion of proposed Lot 4. There are no proposed facilities/improvements as the existing gravel driveway already connects the existing buildings in proposed Lot 4 to Tanner Trail.

Total Number Of Residential Units And Densities:

The gross area of Graupner Subdivision is 41.021 ± acres and the site is proposed to contain four single-family residential units. The average lot size for the four proposed lots is 10.255 ± acres. The gross density of the site is 0.097 units per acre. Each lot meets the minimum lot size of 5 acres or greater.

Fire Protection:

The Graupner Subdivision property is located within the Falcon Fire Protection District. The Falcon Fire Protection District already serves existing parcel and has sent a Service Commitment Letter for the

proposed lots. The lots and homes are subject to the codes and policies adopted by the said district regarding fire protection.

Proposed Access Locations:

The current access location for Graupner Subdivision is 14710 Tanner Trail located at the northwest property corner of the existing parcel. The existing gravel driveway along the west and south property lines serves as the current access for the existing buildings in proposed Lot 4 and for future lots 2, 3, 4 and 5. Proposed Lot 1 will have a separate gravel driveway with direct access to Tanner Trail at the northwest corner of said lot. Proposed Lots 2-4 will be accessed via the existing gravel driveway which is located in an existing Access and Utility Easement.

Traffic Impact and Traffic Impact Fees:

For all proposed lots, there will be one existing and three proposed single family residential units with access to Tanner Trail. The development is expected to generate a total of 38 trips per day based on 9.44 trips per unit for Single Family Detached Housing (Average weekday trips ends), 3 trips in the peak AM Hour (0.75 trips/unit for peak AM traffic), and 4 trips in the peak PM hour (1.00 trips/unit for peak PM traffic) according to Trip Generation, 10th Edition, 2017 by the Institute of Transportation Engineers. This number of trips is below the County threshold of 100 trips per day or 10 trip during the peak hour. Therefore, a Transportation Impact Study (TIS) is not required for the project. This development is subject to fees established by the El Paso County Road Impact Fee Program per El Paso County Resolution Number 19-471. The owners have elected to not be included in any Public Improvements District. Traffic Impact Fees will be paid at time of building permit.

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