

Letter of Intent

Revise Final Plat of Silverado Ranch Filing No. 1 to Permit Private Gravel Roads

Owner/Applicants: Silverado Ranch Inc. (Stan Searle and Gary Lake) and other property owners within Filing 1 Silverado Ranch (see application form). Telephone: (719) 649-9590; email:

stansearle@gmail.com

Consultant: Peter Patten, Patten Associates, Inc. (970)846-9111; ppatten@pattenassociates.com

Attorney: Duncan Bremer

Property Address: 20005 Silverado Hill Loop (and surrounding property addresses in Filing 1)

Parcel Number: 3516003005 (and parcel numbers of surrounding properties in Filing 1)

Current Zoning and Acreage: PUD/106.4 acres in Filing 1

Background: Silverado Ranch is a rural equestrian-oriented PUD of 64 2.5-acre minimum lots (5 acre average density) southeast of Schriever AFB, bordered on the north by Drennan Road (a gravel road) and on the west by Peyton Highway (an asphalt road). The PUD zoning and Preliminary Plan were approved in 2008. Filing No.1 Final Plat (10 lots) was approved in 2018. Filing #1 of 10 lots was allowed to proceed with gravel roads, but with the condition (plat note #29) that Filing 1 roads be paved concurrent with the construction of the second filing, and that all subdivision roads be paved beginning with Filing 2.

The PUD is planned as an equestrian-friendly rural community. It is designed with trails and open space suitable for recreational uses, especially equestrian uses. It is designed and marketed to appeal to families who want a rural lifestyle, including well-maintained local gravel roads.

The applicant is attempting to supply the market with a choice of a relatively affordably priced home in a rural setting. All current residents and owners support these requests and have signed the application form. We think El Paso County is ideally suited to offer such homes. Our product is intended to be different and to fill a certain niche in the market. We hope you will permit us to offer this choice to the citizens of the County.

Specific Requests: There are 3 specific requests: a Plat Amendment (Vacate/Replat) to Amend Silverado Ranch Filing No. 1 Final Plat to allow private gravel roads maintained by the Silverado Ranch Homeowners Association (SRHOA) within Filing 1 and all future subdivision filings, and 2 Waivers: one for approval for private roads and one to allow crushed asphalt on the roads. Specifically, the applicant proposes the following:

A. Vacate and Replat the Final Plat of Silverado Ranch Filing No. 1 to:

- a. Delete the Current Plat Note #29 that requires all the roads be paved with asphalt beginning with Filing 2 and that EPC will maintain the roads.** This plat note reads as follows:

“29. ROADS IN THIS FILING OF THE SILVERADO SUBDIVISION SHALL BE CONSTRUCTED TO EL PASO COUNTY STANDARDS WITH A GRAVEL SURFACE, WITH MAINTENANCE BEING THE RESPONSIBILITY OF THE OWNER. AT THE TIME OF SUBSEQUENT FILINGS AND CONSTRUCTION OF FUTURE

ROADWAYS, ALL ROADS SHALL BE CONSTRUCTED TO EL PASO COUNTY STANDARDS, INCLUDING FILING 1, AND PAVED WITH AN ASPHALT SURFACE. UPON INSPECTION AND APPROVAL OF THE CONSTRUCTED ROADWAYS WITH AN ASPHALT SURFACE, MAINTENANCE SHALL BECOME THE RESPONSIBILITY OF EL PASO COUNTY.”

b. Replace Current Plat Note #29 with new Plat Note that reads as follows:

“ROADS IN THIS FILING OF SILVERADO RANCH SUBDIVISION, AND ALL SUBSEQUENT FILINGS, SHALL BE PRIVATE AND CONSTRUCTED TO EL PASO COUNTY STANDARDS, INCLUDING APPROVED WAIVERS, WITH MAINTENANCE BEING THE RESPONSIBILITY OF THE SILVERADO RANCH HOMEOWNERS ASSOCIATION. ALL ROADS WILL BE ACCESSIBLE TO THE PUBLIC.”

c. Add the following Plat Note regarding private roads:

“THE PRIVATE ROADS AS SHOWN ON THIS PLAT WILL NOT BE MAINTAINED BY EL PASO COUNTY.”

B. Waiver to allow all subdivision roads to be private.

The applicant requests that all roads in the subdivision be private and maintained by the SRHOA. Currently, the Filing 1 Plat requires the roads to be dedicated to EPC and maintained by EPC.

C. Waiver to utilize crushed asphalt road surfacing instead of compacted gravel.

The applicant requests that the subdivision roads be allowed to be constructed with crushed asphalt surfacing instead of the approved compacted gravel

Based on comments by the 911 Authority and Pikes Peak Regional Building Department/Enumerations staff, the Applicant agrees to change the two street names in the subdivision to conform with allowable private street suffixes. Street names will be revised as follows: Silverado Hill Loop to Silverado Hill View and Drover Canyon Loop to Drover Canyon View.

Justification for the Requests:

The applicant believes that the result will be a better outcome for the County and the subdivision residents for the following reasons:

- A. **SAFETY:** Drivers on gravel roads seem to respect equestrians and pedestrians walking on the roads. Asphalt roads, on the other hand, are quite dangerous to horses and riders. Horses easily slip on asphalt. And drivers are more likely to speed on asphalt roads and to view pedestrians and equestrians as intruding on the driver’s right of way. Dr. Vicki Wynn, a local veterinarian writes (see attached letter):

“I am writing to discuss the safety of road materials for horses and their riders. Several factors should be considered, including comfort and injury possibilities for the horse, and fall injuries for both the horse and rider. A surface with a cushion and some give is ideal. Certainly, a crushed asphalt mixture is safer than loose gravel (which is safer than a hard surface like concrete or regular asphalt) as it will provide both give for the weight of the horse and rider, less chance of hoof and leg injury, and less chance of serious injury should there be a fall. When properly maintained, the crushed asphalt would provide the best surface for both horse and rider’s safety.”

- B. **The County will avoid any cost burden of road maintenance** but will still collect the same amount of property tax.
- C. **Well-maintained gravel roads are an amenity to rural, equestrian-oriented communities** such as Silverado Ranch.
- D. **The residents will be able to maintain the private roads to a standard they choose** for an equestrian-oriented community. All current residents and owners are fully supportive of having private gravel roads maintained by the HOA and have signed the Plat Amendment Application Form.
- E. **Silverado Ranch’s primary access is off Drennan Road which is a gravel road** and is likely to remain gravel for some years. It is the applicant’s understanding that there is no present timetable nor dedicated funding for transforming Drennan Road into a fully ECM compliant asphalt paved road.
- F. **Silverado Ranch’s private roads will remain publicly accessible**, especially for the properties to the south and east that have access easements between their properties and Silverado Ranch.
- G. **Roads will be built to ECM standards for gravel roads with the exception of crushed asphalt** to replace compacted gravel.
- H. **Crushed asphalt has increased surface stability vs. gravel** and other benefits (see below). This is important for Silverado Ranch’s location in a significantly windy area of the County.
- I. **Crushed (screened) asphalt is accepted as class six material by most everyone** except El Paso County. The surface packs tighter and remains smoother longer.

Compliance with Criteria of Approval

1. Filing 1 Plat Amendment (Vacate/Replat)

A. Criteria of Approval for Replat in Chapter 7

- The replat complies with this Code, and the original conditions of approval associated with the recorded plat;

The Replat complies with the LUC except for the requested Waivers. The Replat also complies with all original conditions of approval (most of which have been completed) except for #12 which is the subject of the Replat (road surfacing, ownership and maintenance).

- No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;

None of the lots are impacted by the proposed Replat.

- The replat is in keeping with the purpose and intent of this Code;

Again, the proposed amendment to the plat does not change the original plat’s conformance with the LUC or the “keeping with the purpose and intent” of the LUC.

- The replat conforms to the required findings for a minor or major subdivision, whichever is applicable;

The road surfacing and ownership change does not impact the original plat’s conformance with the major subdivision findings.

- 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;

Legal and physical access is provided to all parcels by private roads that are owned and maintained by the SRHOA. The private roads within SR will be publicly accessible, maintaining the potential access for



properties south and east (see recorded PUD). Roads will be in compliance with the Code with the exception of the 2 requested Waivers.

- The approval will not adversely affect the public health, safety, and welfare; and The approval will likely improve public (and horse) safety by providing roads that are more conducive and safer for an equestrian community.
- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved. CC&R's will be amended accordingly for the private gravel roads owned and maintained by the SRHOA.

B. Subdivision Design Standards Chapter 8

The only relevant criteria to these proposals in Chapter 8 are the following:

(E) Continuation of Roads and Other Linear Facilities

Divisions of land shall be designed to accommodate the continuation of roads, trails, pedestrian access, utilities and drainage facilities into adjacent property unless there is sufficient justification for an alternative design. The connection shall provide a logical, safe and convenient circulation link for vehicular, bicycle, pedestrian, or equestrian traffic with existing or planned circulation routes and, in particular, to destinations such as schools, parks and business or commercial centers.

The PUD Development Plan includes two connections to adjacent properties that are labeled "Proposed 70' ROW to Adjacent Land". These connections are from Silverado Hill Loop to the property to the east, which currently has a single family house with access off Drennan Road, and to the south, vacant land owned by the State Land Board. If constructed, these connections would occur in future filings or upon development of the adjacent parcels.

(E) Private Road Allowances

(1) Use of Private Roads Generally Limited

Private roads shall normally be confined to closed loops and dead-end roads not likely to be needed for the convenience and safety of the general public.

Silverado Hill Loop is a loop road that only services the Silverado Ranch subdivision, with the possible future connections mentioned above as well as the existing connection to Drennan Road and a future connection with Peyton Highway. Silverado Hill Loop and all other roads within the subdivision, although private, will be accessible by the public. No gate is proposed. The result is that the needs of the "general public" will be served even though the roads are private.

(2) Private Roads Require Waiver

The use of private roads is limited and allowed only by waiver. In granting a waiver to allow private roads, the BoCC shall make written findings supporting the use of private roads and may require the owner to enter into a Private Road Maintenance Agreement or create covenants whereby the lot owners are required to maintain the private roads.

The Waiver Request for Private Roads can be found below in #2.

(3) Private Roads to Meet County Standards

Generally, private roads shall be constructed and maintained to ECM standards except as may be otherwise determined in the waiver. Private road waivers may only include design standards for the following:

- Right-of-way width where suitable alternative provisions are made for pedestrian walkways and utilities;

- Design speed where it is unlikely the road will be needed for use by the general public;
- Standard section thickness minimums and pavement type where suitable and perpetual maintenance provisions are made;
- Maximum and minimum block lengths; and
- Maximum grade.

The requested Waiver for “pavement type” can be found below in #2.

(4) Private Roads Determined to Comply with Access Requirements

In cases where private roads are approved, the private roads shall be deemed to comply with the access and frontage requirements of this Code as if the private roads were public roads.

The private roads, if approved, will comply with the access and frontage requirements of the Code as if the private roads were public roads.

(5) Private Roads Posted

Private roads shall be posted and identified on the plat.

Private roads will be posted and identified on the plat.

C. Plat Amendment Consistency with Preliminary Plan and PUD

The applicant has reviewed the Silverado Ranch Preliminary Plan and PUD approved and recorded in 2008 and finds the current proposals to be consistent with those approvals.

2. Waivers: 1) Private Roads and 2) Crushed Asphalt instead of Compacted Gravel

Note: The Waiver Criteria for Approval are the same for both requested Waivers so responses for each Waiver will be made following each criteria.

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 stated purpose of the LUC begins with:

“1.4. PURPOSE

This Code is adopted for the purpose of preserving and improving the public health, safety and general welfare of the citizens and businesses of El Paso County.”

Private Roads Waiver: The private crushed asphalt roads will improve public safety by providing road surfacing and maintenance customized for an equestrian community.

Crushed Asphalt Waiver: The crushed asphalt will improve public health and safety by minimizing dust blowing and a better surface (vs. asphalt paving) for horses.

- The waiver will not result in the need for additional subsequent waivers;

Private Roads Waiver: The applicant requests private roads for all filings of Silverado Ranch, so no subsequent waivers are anticipated.

Crushed Asphalt Waiver: The applicant will utilize crushed asphalt on all existing and future roads in SR.

- The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;

Private Roads Waiver: Public (and horse) safety will be improved as drivers on gravel roads respect equestrians and pedestrians walking on the roads. Asphalt roads, on the other hand, are quite dangerous to



horses and riders. Horses easily slip on asphalt. And drivers are more likely to speed on asphalt roads and to view pedestrians and equestrians as intruding on the driver's right of way. Current residents are fully supportive of having private gravel roads maintained by the HOA and have signed the Plat Amendment Application Form.

Crushed Asphalt Waiver: Crushed asphalt will not be detrimental to the public safety and health as it has increased surface stability vs. gravel. Crushed asphalt will enhance the health of the residents by reducing inhalation of the blowing gravel road dust in a windy area. Other jurisdictions have embraced crushed (screened) asphalt as an accepted as class six material.

- 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;

Private Roads and Crushed Asphalt Waivers: As an equestrian-oriented community, SR is in a unique position to provide private, crushed gravel roads maintained by its own HOA, relieving EPC from the financial and staffing burden of maintaining the roads and providing "custom" roads that increase public (and horse) safety.

- A particular non-economical hardship to the owner would result from a strict application of this Code;

Private Roads and Crushed Asphalt Waivers: Paved roads would present a hardship and safety risk to horses and the people who ride them.

- The waiver will not in any manner vary the zoning provisions of this Code; and

Private Roads and Crushed Asphalt Waivers: Neither requested Waiver affects the zoning provisions of the LUC.

- The proposed waiver is not contrary to any provision of the Master Plan.

Private Roads Waiver: This Waiver is consistent with the "Your El Paso Master Plan" in that it assists EPC's current financial burden relating to the cost of road maintenance. The plan states, on page 83:

Lack of Funding

Roughly 4,335 lane miles of bridges and roads are owned by the County and managed by the Department of Public Works (DPW). This includes 266 bridges, about 109,000 linear feet of drainage ditches, over 382,000 feet of drainage pipe, over 24 miles of guardrail, 29,000 traffic control signs, 92 traffic signals, and over 22,000 acres of right-of-way. To properly maintain this extensive network the DPW needs to conduct pavement overlays on approximately 70 to 100 miles of road per year (about 10 percent of the system). Currently the DPW has funding to conduct payment overlays on about 20 miles of road each year. As the roadway network expands, DPW's capacity to fund maintenance projects will become even more strained. Currently, roadway needs exceed available funding.

Crushed Asphalt Waiver: There is no impact to the Master Plan with this Waiver.

Community Outreach Efforts

A SRHOA meeting was held on February 4, 2023 in which the applicant/owner made a presentation regarding the requests herein. All property owners signed the application form.