



January 20, 2023

Ryan Howser, Planner III
El Paso County Planning & Community Development
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Re: PCD File #MS-22-005 - Owl Ridge Minor Subdivision Letter of Intent

Dear Mr. Howser:

The property owner would like to request approval of a minor subdivision for 18885 Brown Road, Colorado Springs, CO 80908. The parcel number is 5100000447. The site is currently zoned RR-5 and would remain zoned as such with the approval of the minor subdivision. There is an existing single-family residence on the site that would remain.

The approved minor subdivision would consist of two single family residential lots of the following sizes: Lot 1: 22.0 acres and Lot 2: 5 acres. The proposed subdivision layout shown on the final plat meets the following criteria for approval of a final plat, as outlined in the El Paso County Land Development Code.

- This area is shown as Large-lot Residential Placetype in the El Paso County Master Plan adopted in 2021. Large-lot Residential Placetype is defined in the Master Plan as single-family detached typically 2.5-acres or larger. The subdivision is proposing lots greater than 2.5-acres. The proposed subdivision is not located within a Key Area and is identified as an area of minimal change per the Key Areas and Areas of Change sections of the El Paso County Master Plan. Areas of minimal change allows for development of undeveloped land with minimal change to the prioritized rural and natural environments. The proposed subdivision meets this by proposing large-lot residential and maintaining large areas of undisturbed property to maintain the rural and natural environment. The proposed development fits within the 2040 Major Transportation Corridor plan. Brown Road is shown as being a local road and will remain a local road into the future. Currently Brown Road is a gravel road, but is being improved to be a paved section meeting El Paso County standards.
- Minor subdivision is a process for smaller subdivisions in lieu of preliminary/final plat process.
- The proposed subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and survey requirements of the County.
- Water rights adjudications have been decreed by the State of Colorado Ground Water Commission Findings in Case No. 2005CW260. A replacement plan to allow the withdrawal of groundwater from the Dawson Aquifer in the Upper Black Squirrel Creek designated groundwater basin has been approved by the Colorado Groundwater Commission Findings and Order. Results from the water quality test have been submitted with the final plat application. These items satisfy the requirements outlined in Chapter 8 of the El Paso County Land Development Code.

- Individual lots within the proposed subdivision will be served by Onsite Wastewater Treatment Systems (OWTS), which complies with the requirements outlined in Chapter 8 of the El Paso County Land Development Code.
- A soils and geology report has been provided for the site and has been submitted with the final plat. The site was found to be suitable for the proposed development. Some areas of expansive soils, compressible soils, undocumented fill, faults seismicity, and radon were mentioned in the report; however, the proposed development can be achieved if these areas are avoided or properly mitigated.
- No drainage improvements have been proposed for the property. The proposed development is not anticipated to produce any adverse stormwater impacts to the surrounding properties.
- Access to the proposed subdivision will be provided by an existing driveway off of Brown Road and a new shared driveway off of Brown Road. The shared driveway will serve Lots 1 & 2 on the northern portion of the property. Maintenance responsibilities for the shared driveway have been outlined in the Access Easement and Maintenance Agreement that has been submitted with the minor subdivision application.
- The proposed subdivision will generate approximately 4 am, 4 pm, and 29 daily trips. Per the El Paso County Engineering Criteria Manual, a Traffic Impact Study is not required if daily vehicle trip is less than 100 or the peak hour trip generation is less than 10. A traffic memo has been provided.
- Necessary services including police and fire protection, recreation, utilities, and transportation systems are available to serve the proposed subdivision.
- A fire protection and wildfire mitigation report has been submitted with the final plat. The report outlines steps to be taken for fire protection and mitigation. Per Tri-Lakes Monument Fire Protection District, there is an existing fire hydrant located approximately 1.8 miles from the site at Ray Kilmer Elementary School. After discussions with the fire department, this fire hydrant is within close enough proximity that no cisterns are required for the proposed subdivision. Each driveway to a private residence shall be constructed to meet the requirements outlined in Chapter 6 of the El Paso County Land Development Code.
- There are no off-site improvements anticipated with the proposed subdivision.
- There are no adverse impacts to public facilities or infrastructure from the proposed subdivision.
- The proposed subdivision meets all other applicable sections of Chapter 6 and 8 of the El Paso County Land Development Code 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 waiver is requested with this application to allow access by one common private driveway for 3 lots (lots 1, 2, and neighboring property) without the required 30 feet of frontage for each lot. 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 lot 1 and neighboring property.
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision.
- Access and maintenance agreement for the ingress/egress easement has been provided with this subdivision submittal.
- El Paso County Road Impact Fee will be paid at the time of building permit application.
- A cost share analysis for the Brown Road Improvements was completed for the proposed subdivision. As part of this cost share analysis, it was determined that each lot within the proposed subdivision would contribute \$14,866.31 to the escrow fund to be utilized for the future improvements. However, since one lot contains an existing residence, this lot should

- be exempt from contributing to the escrow fund, similar to the County's Road Impact Fee. Therefore, Owl Ridge Subdivision should contribute \$14,866.31, equal to one lot's share, to the Brown Road Improvements Escrow Fund.
- An escrow agreement has been developed for the Brown Road Improvements Cost Share and will be recorded with El Paso County.

Requested waiver: Waiver of 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 waiver is requested with this application to allow access by one common private driveway for 3 lots (lots 1, 2, and neighboring property) without the required 30 feet of frontage for each lot. 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 Lot 1 and neighboring property.

The sharing of a common driveway is an acceptable access in the Land Development Code and Engineering Criteria Manual in rural residential communities. This proposal is a more practical and efficient layout for access rather than extending a public roadway into the site. Each criteria for approval of waivers as stated in section 7.3.3 of the El Paso County Land Development Code is listed below, along with justification.

1. The waiver does not have the effect of nullifying the intent and purpose of this code;

This request is in line with the requirements set forth in the LDC and the shared driveway complies with all applicable design standards.

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

With 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 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 ingress/egress easement 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;

The Owl Ridge Subdivision contains 27 acres and two lots. Because the site does not contain more than three lots, a shared driveway may be used to provide access to lots 1, 2, and neighboring property in lieu of a public or private roadway. Lot 1 retains direct access to Brown 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 constructed to El Paso County Standards. The public road would increase maintenance responsibility of the county, for only two large rural residential single-family lots in the RR-5 zone.

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 the 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.

Questions regarding the proposed minor subdivision can be directed to the following individuals:

Consultant

Brett Louk, P.E.
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Owner

Colt Haugen
18885 Brown Road
Colorado Springs, CO 80908
719-440-8808
colthaugen@gmail.com

The property owner would greatly appreciate your consideration of this request.

Sincerely,



Brett Louk, PE
SMH Consultants