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URBAN PLANNING | COMMUNITY DESIGN | LANDSCAPE ARCHITECTURE
ENTITLEMENT COORDINATION | CONTRACT

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EL PASO COUNTY

LETTER OF INTENT FOR: ESTEBAN RODRIGUEZ SUBDIVISION REZONE PLAN; RESIDENTIAL RURAL RR-5 TSN # 4300000537, 4300000538

OWNER/APPLICANT, AND PLANNING CONSULTANT:

Owner: Brent Houser Enterprises, LLC
c/o Esteban Rodriguez
11890 Garrett Road
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El Paso County Planner: Ryan Howser, Senior Planner
El Paso County Development Services
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Property Address: Judge Orr Road, Peyton, CO 80831

TSN: 4300000537, 4300000538

Current Zoning: A-35 Agriculture

Proposed Zoning: RR-5 Residential Rural 5-acre min. lot size

Proposed Acreage: 49.0959 (of 493.21 total)

There are no known overlay zone districts on the property.

PROJECT LOCATION/DESCRIPTION AND HISTORY OF PROPERTY:

The property included within this **Esteban Rodriguez Subdivision RR-5 Rezone Plan** application is 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 Community - 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 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 RR-5 Rezone Plan proposes for single family residential lots 5 acres each.

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 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 Preliminary 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

The RR-5 Rezone Plan approval of this 49.0959-acre portion of the overall 493.21-acre property is being sought without any waiver or deviation requests. The zoning would be changed from the current A-35 agricultural zoning to RR-5. In accordance with County standards, the minimum lot sizes proposed within the property will not be less than 5 acres each.

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 RR-5 Rezone Plan, 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 Rezone 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, the proposed 398.91-acre *Jane Davis Ranch* (e.g., pending application in progress to be zoned RR-2.5 and RR-5.0 immediately northwest of the subject property, and the proposed 86.78-acre *Pikes Peak Board of Cooperative Educational Services (PPBOCES)* immediately north of the subject property .

EXISTING AND PROPOSED IMPROVEMENTS

The property is vacant, and no improvements have 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 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.

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

The Esteban Rodriguez Subdivision RR-5 Rezone Plan provides areas denoted as Public Open Space. Public Open Space includes Floodplain Areas, Detention Pond parcels, and 8' trail easements located within certain Buffer Areas to provide connectivity to Public Open Space areas.

Public Open Space areas will be maintained by the Esteban Rodriguez Subdivision Metropolitan District or HOA. The HOA or Metropolitan District will be established prior to Final Plat 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 Preliminary Plan and development. Policies specifically related to this Sketch Plan request include:

Goal 1.1 - Ensure compatibility with established character and infrastructure capacity

The RR-5 Rezone Plan proposed for new Large Lot Single Family Residential lots is compatible with the other larger existing adjacent residential zone districts in the Judge Orr Road corridor. New lots to be developed within this proposed RR-5 zone district 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 proposed RR-5 Rezone Plan 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 of this portion of the site with RR-5 zoning is harmonious and compatible with the lower density character of adjacent and nearby neighborhoods that are also zoned RR-5, RR-2.5, A-35, and A-5. The Owner/Developer 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.

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 RR-5 Rezone Plan portion of the Esteban Rodriguez Subdivision will locate new home driveways with direct access onto proposed paved rural minor collector, and rural local streets. No direct driveway access for any new lot within the RR-5 rezone Plan will be from 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.*

Future Final Plat submittals of the RR-5 Rezone Plan portion 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 for new lots to be developed within the RR-5 Rezone Plan and wastewater will be accommodated by individual on-site wastewater treatment systems. Based upon evaluation by environmental and geotechnical engineers for this 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.

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 proposed RR-5 Rezone Plan has sufficient carrying capacity to support the proposed development's 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 Development RR-5 Rezone Plan ensures that development of this site will remain compatible and contiguous with existing larger lot low-density residential areas within the nearby community. The RR-5 portion of 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 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 subdivision's Preliminary Plan application.

The Water Resource Report prepared for the Esteban Rodriguez Subdivision Preliminary Plan, of which the RR-5 Rezone Plan will be part, provides data 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.

TRANSPORTATION

The Esteban Rodriguez Subdivision RR-5 Rezone Plan provides for three separate points-of-access from Judge Orr Road (e.g. two from Judge Orr Road, and one from La Noria Way from the adjacent Saddlehorn Ranch community. No residential 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 RR-5 Rezone Plan (8' wide trail easements are proposed) will 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 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 Transportation Impact Study (TIS) was submitted with the Esteban Rodriguez Subdivision Sketch Plan (SKP237) and the Esteban Rodriguez Subdivision Preliminary Plan (SP245) 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 RR-5 Rezone Plan, the county 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**.

The proposed RR-5 Rezone Plan 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 Esteban Rodriguez Subdivision community; as previously described, The RR-5 Rezone 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. The RR-5 Rezone Plan is harmonious and compatible with the lower density character of adjacent and nearby neighborhoods that are also zoned RR-5, RR-2.5, A-35, and A-5.

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 RR-5 Rezone Plan portion of 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 RR-5 Rezone Plan; the Peyton Fire Protection District will extend service within the Esteban Rodriguez Subdivision. A Letter of Intent to Serve this subdivision is provided with this Preliminary Plan application by the Peyton Fire Protection District.

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 RR-5 Rezone Plan. Topography, soil types and geologic hazards and other environmental resources are not compromised by the development of this site.

The entire RR-5 Rezone Plan portion of the Esteban Rodriguez Subdivision property is outside of any airport overlay zone, including Meadow Lake Airport and the Colorado Springs Municipal Airport (*Note: despite this, the Owner has included a Notice of Avigation Easement to the RR-5 Rezone Plan and will advise potential homebuilders of the site's proximity to an airport*).

END