



VR2313

PCD File No.:

April 27, 2023

**LETTER OF INTENT
HILL SUBDIVISION FILING NO. 1
VACATION AND REPLAT**

Owner/Applicant:

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Colorado Springs, CO 80921

Consultant:

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Please see reception #216023715 which indicates that this easement has been extinguished per the court order. revise the text accordingly.

Site Location Size and Zoning:

The proposed subdivision to be known as "Hill Subdivision Filing No. 1" is located within the North 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 29, Township 11 South, Range 65 west of the 6th principal meridian in El Paso County, Colorado. The site situated on the east side of Black Forest Road, north of Shoup Road, and south of Hodgen Road. The location of the site is within the existing subdivision "C and H Estates". The proposed subdivision includes the following lot:

<u>EPC Tax ID No.:</u>	<u>Lot & Subdivision:</u>	<u>Addresses:</u>	<u>Acreage:</u>
5129-00-4018	Lot 1, C and H Estates	6910 Alpaca Heights	14.692 ± acres

Lot 1 is currently zoned Rural Residential - 5 Acres (RR-5) with a single family residence, garage, horse stable, gravel drive, private drive, windmill, and a well & septic system. Within existing Lot 1, there are 20-foot public utility and drainage easements along the R.O.W realignment that separates Tract A and Lot 1 with additional 20-foot easements along the east lot line. Along the north and south lot lines, there are 60-foot ingress/egress & public utility easements centered on the lot lines. The private road, Alpaca Heights is situated along the south lot line's 30-foot easement and is currently the driveway for Lot 1.

Request and Justification:

The request is for approval of the Minor Subdivision to be known as Hill Subdivision Filing No. 1, containing 14.692 ± acres collectively. This proposed Minor Plat will create three new rural residential lots within existing Lot 1, to be available for single-family residential construction. Existing Lot 1 will be subdivided into three RR-5 lots with sizes of approximately than 5 acres, one of which is to contain the existing residence.

This Minor Plat for proposed Lots 1-3 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 three lots will each have a single family residence with individual well & septic.

Access for proposed Lots 1-3 shall be by way of the existing private drive named Alpaca Heights, which will be extended to connect the proposed Lot 2 & Lot 3 to Black Forest Road. This extension of the private road requires approval of an Ingress/Egress Waiver. The justification for the requested waiver is included in a separate section below.

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). Minor Subdivisions 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 located between the key areas defined as “Potential Area of Annexation” located west of Black Forest Road and the “Forested Area” of the county located east of Black Forest Road, north of Shoup Road, and south of Hodgen Road. The site is designated as a Large-Lot Residential Placetype. The Primary Land Use of this placetype is Single Family Detached Housing with Agriculture, Commercial Retail, Commercial Service, and Parks/Open Space as Supporting Land Uses. The location of this site and existing infrastructure is suited to single family residential use. 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 plat. 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 Plat 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 driveways to be used for access will have minimal impact on the existing terrain.

No new public roads are proposed with this subdivision since access for these lots are through an existing private road that will be extended to allow proposed Lots 2 and 3 to have access to Black Forest Road. In this way, lot access is provided while eliminating the need for additional access points and additional public roadway. The existing private road presents a reduced impact on the natural terrain, land forms, and vegetation. Therefore, this project's access road maintains the rural character of site and neighborhood.

The proposed subdivision is in compliance with the **2040 Major Transportation Corridors Plan (MTCP)**. Currently, Black Forest Road is a paved two-lane county road and designated as a minor arterial in the 2040 Major Transportation Corridors Plan. The proposed subdivision will not significantly impact the traffic on this roadway. Black Forest Road will be realigned and improved in the future with right-of-way adjacent to the site being already dedicated to El Paso County (2.187± acres) by the previous plat.

The proposed Minor Plat 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 plating. 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.

The proposed subdivision is in compliance with the **El Paso County Water Master Plan (2018)**. The District Court, Water Division 2 Colorado, has decreed certain water rights and approved a plan for augmentation as necessary to allow use of the existing well and the drilling of three additional wells for this subdivision in Case No. 21CW3203 recorded under reception number 222096473 of the records of El Paso County. There will be only two additional wells as it was planned to rezone/replat Tract A into a lot and was unable to be rezoned. The owner seeks a finding of sufficiency from the Colorado Division of Water Resources and the eventual granting of the two additional well permits based on the decreed water rights.

Hill Subdivision Filing No. 1 is located within Region 2 in the Water Master Plan. The region is comprised of the northwest corner of the county including the tri-lakes area. 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 2 are estimated to be 7,532 acre-feet per year, 11,713 acre-feet per year, and 13,254 acre-feet per year, respectively. The 2018/2040/2060 supplies in Region 2 are estimated to be 13,607 acre-feet per year, 20,516 acre-feet per year, and 20,756 acre-feet per year, respectively, indicating a surplus of supply for the region at each time. However, a significant portion of the supply is derived from non-renewable Denver Basin groundwater. Considering only Hill Subdivision Filing No. 1, demands are estimated to be 2.48 acre-feet of water per year for the current, 2040 and 2060 time frames, respectively. Water supply available by decree to the subdivision is 3.30 acre-feet per year for each of the current, 2040 and 2060 time frames. The decree allows up to 0.98 acre-feet of water per year for irrigation of up to 6,400 square feet of landscaping and the use of 0.72 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.

2. *The subdivision is in substantial conformance with the approved preliminary plan.*
This is a proposed Minor Subdivision and requires no Preliminary Plan for Plat approval. The subdivision will be developed in accordance with the currently proposed land use applications.
3. *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 Plat is prepared in accordance with applicable subdivision design standards. No public improvements are required for this subdivision.
4. *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.
5. *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 Water Decree.
6. *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 and downslope creep which can be satisfactorily mitigated through avoidance or proper engineering design and construction practices. Based on the proposed plat, 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 Entech Engineering, Inc.
7. *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. The owner will comply with the requirements of the drainage report.
8. *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 1-3 shall have the 30-foot easement extended to allow access to Black Forest Road via the private road Alpaca Heights found at the southeast corner of the subdivision. Alpaca Heights is to be extended approximately 470 feet east toward the southwest corner of proposed Lot 3.

9. *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. Hill Subdivision Filing No. 1 is located within the Black Forest 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, Blackhills Energy Corporation, and Lewis Palmer School District 38 which will serve the subdivision. Transportation is being facilitated by the existing adjacent roadway system.

10. *The Minor Subdivision plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code.*

Hill Subdivision Filing No. 1 is located within the Black Forest 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.

11. *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.

12. *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.

13. *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 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 3. The waiver is more fully discussed below.

14. *The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et seq.].*

Mineral estate owners have been notified of this application.

Per comments
provided elsewhere,
this will need to be
updated

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 1-3 will gain access by way of the existing private road connecting the site to Black Forest Road near the southwest corner of the site. The responsibility and maintenance of said access shall be carried out as described in a separate private access maintenance agreement.

Proposed Lots 1-3 can be connected along the existing 30-foot private ingress/egress easement found along the south lot line. Since the Land Development Code allows access for up to three lots from one private driveway, it is most practical for proposed Lots 1-3 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 roadway which would be much larger dedication and require far more disturbance than a smaller private road.

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 1-3 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 southwest portion of existing Lot 1. The only proposed facilities/improvements would be on the private road which will need to be extended approximately 470 feet east to allow access for proposed Lots 2 and 3 of this subdivision.

Total Number Of Residential Units And Densities:

The gross area of Hill Subdivision Filing No. 1 is 14.693 ± acres and the site is proposed to contain three single-family residential units. The average lot size for the three proposed lots is 4.897 ± acres. The gross density of the site is 0.20 units per acre.

Fire Protection:

The Hill Subdivision Filing No. 1 property is located within the Black Forest Fire Protection District. The Black Forest Fire Protection District already serves existing Lot 1 of C and H Estates 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 Hill Subdivision Filing No. 1 is 6910 Alpaca Heights located at the southwest corner of existing Lot 1. The existing 30-foot easement along the south lot line and its private road will be extended east to give access to proposed Lots 1, 2, and 3. The proposed road and easement will terminate at the southwest corner of proposed Lot 3.

Traffic Impact and Traffic Impact Fees:

For all proposed lots, there will be one existing and two proposed single family residential units with access to Black Forest Road. The development is expected to generate a total of 28 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 3 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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