

Letter of Intent

# Pine View Estates

Preliminary and Final

Jolene Owens

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August 3, 2020

## PRELIMINARY PLAN AND FINAL PLAT LETTER OF INTENT PINE VIEW ESTATES

OWNER/APPLICANT: Alice Jolene Owens

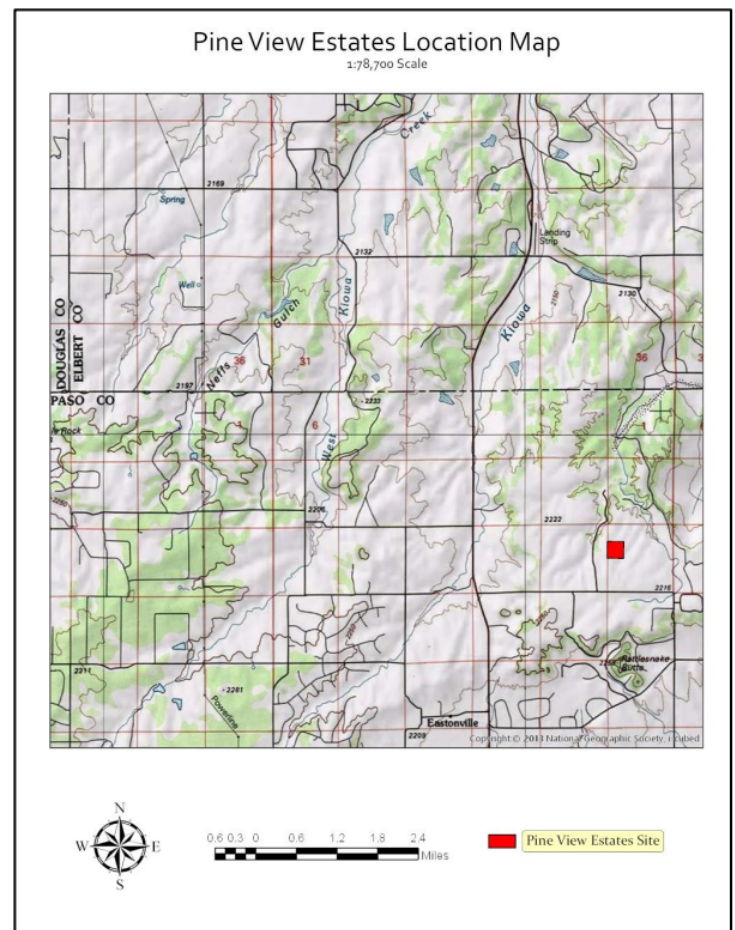
ADDRESS: 277 Turf Trail Place, Fountain, Co. 80817

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### SITE LOCATION/LEGAL

**DISCRIPTION:** SW4NW4 Sec. 12-11-64 El Paso Co. Pine View Estates is located approximately 8 miles north of Peyton, Colorado and just to the west of Red Barn Rd. in the Peyton Pines Subdivision (41000-00-428).

**REQUEST:** Alice Jolene Owens is requesting to subdivide the 38.8 acres into 7 (5 to 6 acre lots) and that would be consistent with the surrounding area. Pine View Estates would be bordered on the south side and the east side by the already existing 5-acre subdivision Peyton Pines. Land that borders Pine View Estates to the north and to the west is divided into 35+ acre parcels.



**JUSTIFICATION:** Pine View Estates would be in compliance with the Final Plat approval criteria in LDC Section 7.2.1(3)(f) as follows:

a. Pine View Estates is in conformance with the goals, objectives, and policies of the El Paso County Policy Plan and Falcon/Peyton Small Area Master Plan. The Small Area Master Plan recognizes 3 primary densities as follows:

1. Urban Density-Parcel sizes of less than 2.5 acres with the typical size being less than 1 acre.
2. Rural Residential Density-Parcel sizes of 2.5 to 5 acres with some platted lots being as much as 10 acres.
3. Rural Density-Parcel sizes of more than 10 acres and quite often being 35 acres.

Pine View Estates falls with in Rural Residential Density criteria. All lots are a minimum of 5 acres. This development does not include open space areas, but would plan to pay a reasonable Park Fee in lieu of providing open space. The Pine View Estates subdivision would promote a residential environment which perpetuates the rural-residential character of eastern El Paso County. This proposed residential subdivision also satisfies the following policies of the County policy Plan.

#### Relevant Code Policies-

#### El Paso County Policy Plan (1998):

##### Policy 6.1.3

Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access

##### Policy 6.1.8

Encourage incorporating buffers or transitions between areas of varying use or density where possible.

#### Policy 6.1.11

Plan and implement land development, so that it will be functionally and aesthetically integrated within the context of adjoining properties.

#### Policy 6.1.14

Support development which complements the unique environmental conditions and established land use character of each sub-area of the County.

#### Policy 6.2.9

Discourage high volume traffic through neighborhoods by use of innovative techniques including traffic calming.

#### Policy 6.2.11

Encourage compatible physical character, density and scale in existing neighborhoods.

#### Policy 6.4.3

Allow rural residential development in those areas with sufficient "carrying capacity" including roadway capacity, water supply, septic suitability, educational facilities and organized structural fire protection.

#### Policy 6.4.4

Encourage new rural residential subdivisions to be located within or contiguous with existing rural residential areas or to be incorporated as a buffer between higher density and undevelopable areas.

### Policy 11.3.1

Where feasible, support the use of natural or naturalistic drainage approaches rather than hard line solutions.

### Falcon/Peyton Small Area Master Plan:

- 1.3.1.3 Although the Plan may create an indirect impetus for future changes to the El Paso County Land Development Code, the Plan generally assumes the provisions of the current zoning and subdivision regulations as limiting conditions (for example- no new lots of less than 2.5 acres can be created on individual well and septic systems and, correspondingly, subdivision of non-PUD lots of 2.5 acres or greater can not be unilaterally denied on the basis of lack of central water and sewer services).
- 4.5.1.1 Require long term density transitions and buffering where developing urban areas abut existing or designated rural residential or rural areas. These transition zones are intended to protect the integrity of both urban and rural areas. The transition zone should be wide enough to meaningfully reduce the negative visual, traffic, noise, and other impacts of urban areas on rural areas as well the negative impacts of rural agricultural uses on urban residential areas (noise, dust, chemical sprays, etc.).
- 4.5.1.5 Identify basic land use expectations in the Plan, but allow for the market and the detailed site planning process to specify detailed uses within the overall character, density and timing parameters established by the Plan.
- 4.5.1.6 Avoid hard-line boundaries between designated areas for particular uses and densities unless there are sub-area characteristics that support these boundaries

- 4.5.5.4 Recognize the case-by-case utility of reducing local roadway interconnections if necessary either to avoid the need for multiple crossings of stream corridors and/or sensitive areas or to reduce the number of access points on major transportation corridors
- .5.11.1 Integrate development with natural features and natural systems with special attention toward preserving floodplains and riparian corridors

## El Paso County Water masterplan:

### Goal 1.1

Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.

### Goal 1.2

Integrate water and land use planning.

### Goal 4.3

Collaborate with the State and other stakeholders to extend the economic life of the Denver Basin aquifers.

Policy 4.3.1 – Denver Basin groundwater should be preserved as much as practical through water conservation and efficiency, extending the economic useful life.

Policy 4.3.2 – Encourage the systematic monitoring and careful administration of the bedrock aquifers to avoid over-allocation of groundwater.

Policy 4.3.3 – Incentivize the use of deeper Arapahoe and Laramie-Fox Hills aquifers by central water providers, leaving or deferring the use of the shallower aquifers for the more dispersed domestic well users.

Policy 4.3.4 – Encourage other monitoring programs and studies which could result in an increased understanding of the quality, quantity, and rate of depletion of available water supplies in the area, including but not limited to private wells.

## Goal 5.6

Protect property rights.

### Goal 6.1.2 – Promote water conservation.

Policy 6.1.2.1 – Follow best management practices to maximize aquifer recharge, including supporting the use of greenway corridors, the maintenance of drainage ways in their natural state, and the avoidance of large amounts of impervious cover for recharge areas.

Policy 6.1.2.2 – Encourage and accommodate water conservation practices for existing and new developments.

Policy 6.1.2.4 – Review and revise, as appropriate, the standards of the various zoning districts to ensure they are consistent with promoting water efficient development.

Policy 6.1.2.13 – Consider evaluating the 300-year rule to ensure that its applicability supports the goals and objectives of the Water Master Plan

### Goal 6.2.1 – Increase regional water reuse and conservation to better optimize available water supplies.

Policy 6.2.1.1 – Support efforts by water providers to effectively and environmentally implement potable and non-potable water re-use including augmentation.

Policy 6.2.1.4 – Encourage land uses which accommodate the reuse of water including capture of non-consumptively used water within the basin and use of reclaimed water for irrigation, within legal parameters and providing that water quality is maintained.

In keeping with the Land Use Code and Planning and Development processes for subdividing that have been established by El Paso, County the following technical elements will be highlighted in this Letter of Intent.

### WATER RESOURCES:

The proposed development is planned to consist of 7 residential properties which will be provided water services through individual residential wells drilled into the not-

nontributary Dawson Aquifer and wastewater served through individual on-site wastewater treatment systems (OWTS).

It is expected that each rural residential home in the proposed subdivision will require an average of 0.48 annual acre-feet of water (which uses represent annual allocations for domestic use, irrigation, replacement, and stock water). This anticipated water demand is consistent with historic needs for nearby developments in the Black Forest area. Overall annual demand is anticipated to consist of an annual average of 3.36 AF/year between the 7 proposed lots.

The estimated annual depletion to the designated basins by the end of the 300-year period is modeled as 0.214 AF/year or 6.36% overall annual pumping within the development at full buildout. Of the 0.267 AF/year estimate depletions at year 300, 0.208 AF/year is estimated to occur within the Kiowa-Bijou designated basin, 0.001 AF/year within the Upper Black Squirrel designated basin. At full buildout, return flows from the septic fields are projected to return 1.575 AF/year between the 7 proposed lots at 90% of the domestic flows. *This projected amount is more than enough to cover estimated depletions out of the designated basin alluvium by year 300.* The Water Resources report was prepared by Doug Schuenke of JDS-Hydro in Colorado Springs, Co. and Ryan Farr Water Attorney Monson, Cummins & Shohet, LLC in Colorado Springs, Co.

#### DETERMINATION OF WATER RIGHTS:

On May 20, 2008, Melissa A. Peterson, P. E. Water Resources Engineer Designated Basins Team sent a letter to Alice Jolene Owens that contained the Colorado Ground Water Commission's Findings and Order for Determination of Water Right N.. 1588-BD, for the allocation of ground water in the Dawson Aquifer. Order: *In accordance with Section 37-90-107 (7), C.R.S. and the designated Basin Rules, the Colorado Ground Water Commission orders that the application for determination of rights to designed ground water in the Dawson Aquifer underlying 74.5 acres of land, generally described as part of the W1/2 of the NW14 of Section 13, Township 11 South, Range 64 West of the 6th Principal Meridian is approved.* Conditions of the approval are found in the Complete Water Report that was submitted as one of the requirements of the Preliminary Plan and Final Plat. The 38.8 acres is a portion of the 74.5 acres.



#### DRAINAGE REPORT:

Pine View Estates consists of unplatted land to be developed into 7 rural residential lots (RR-5 zoning) . The parcel is located on a ridge within the Bijou Creek drainage. The westerly portion of the parcel sheet flows west to an unnamed tributary of West Bijou Creek within the adjacent agriculturally zoned unplatted parcel at slopes between 2% and 6%. The southeasterly portion of the parcel sheet flows east to an unnamed tributary of West Bijou Creek within adjacent 5-acre residential parcels at slopes between 2% and 5%. The northeasterly portion of the parcel sheet flows north at slopes between 2% and 5% through a historic stock pond and continues north to an unnamed tributary of West Bijou Creek. The site is located with the Bijou Creek Basin. *No Portion of the site lies within an F.E.M.A. designated floodplain per FIRM08041C035) G, effective December 07, 2018. The development of Pine View Estates will not adversely affect downstream properties or facilities.* Additional information will be found in the Drainage Report prepared by: David Mijares of Catamount Engineering in Woodland Park, Co.

#### WILDFIRE HAZARD ASSESSMENT AND MITIGATION:

According to the Wildfire Hazard Area Map (WHAM) map developed by the Colorado State Forest Service in 1974, the property to be subdivided has a low hazard for trees and grass. This information is somewhat dated (though still relevant) . It has been essentially superseded by the 2012 Colorado Wildfire Risk Assessment: (CO-WRAP). The Fire Intensity Map indicates a Moderate fire intensity for the property. Overall, the mapped wildfire hazard is low to moderate.

A field inspection of the property on Oct. 17, 2019 revealed it is used for grazing and that it is fully grass covered with scattered Ponderosa Pines throughout. Although the hazard on this parcel is relatively low, wildfires can occur and the opportunity for ignition remains. Fuels, Topography, Weather, Fuel Mitigation, and Fire Resistant Structure Construction are covered in the report completed by Jerome W. Hannigan and Associates Inc. Monument, Co.

#### FIRE PROTECTION:

Pine View Estates subdivision lies within and is served by the Peyton Fire Protection District. The District is a mixed paid and volunteer fire department providing fire, rescue and emergency medical services along with public education and covers an area of approximately 110 square miles at an average elevation of about 6500 feet in the north-central part of El Paso County. The District serves about 3500 buildings through one fire station. Personnel include 18 firefighters, all but 3 of whom are currently certified as EMT's or better. The Fire Protection Report was submitted by: Mr. Jerome W. Hannigan and Associates, Inc. Monument, Co..

#### WATER QUALITY:

Colorado Analytical in Commerce City, Co. completed a comprehensive water analysis report for Pine View Estates. This report was requested by JDS Hydro Consultants in Colorado Springs. A chemical analysis of the water to check for Bicarbonate, Calcium, Carbonate, Hydroxide, Langelier Index, ph, temperature, total alkalinity and total dissolved solids was conducted. The water quality in the Dawson Aquifer in this area has typically been suitable for residential potable use. There was only one compound that above the MCL level. Iron was reported at 1.293 mg/L which is above the Secondary MCL of 0.3 mg/L. High iron content in water is not hazardous to health but can be removed with filtration systems. Findings confirm water quality suitable for residential potable use.

#### ELECTRIC PROVIDER SERVICE COMMITMENT

Pine View Estates is within the Mountain View Electrical Association (MVEA) certificated service area. MVEA has confirmed in December 2018 a commitment to serve Pine View Estates according to their extension policy. MVEA has requested utility easements of ten (10) foot, side and rear lot line along with twenty (20) foot exterior utility easement. MVEA will request 10 (10) foot utility easements on the lot side of the ingress and egress easement for the design of electrical facilities. Additional easements may be required in order to serve the development. Cathy Hansen-Lee Engineering Administrative Assistant for Mountain View Electric provided the commitment.

#### NATURAL FEATURES:

Assessed in this report are potential wetlands and waters of the U.S., natural landscape features, threatened and endangered species and wildlife. Human-derived cultural

formation processes have left their mark on the land found in the proposed project area. Tree harvesting, farming and erosion control activities have heavily impacted and disturbed the modern ground surface and the vegetation community is now a mix of natural and introduced species. *No wetlands occur in the proposed subdivision area and no species recommended either federally or by the State of Colorado as threatened or endangered are present.* Report provided by Mark Owens, Secretary of the Interior- Qualified Archaeologist and Cultural Resources Specialist.

#### NOXIOUS WEED MANAGEMENT PLAN:

Informed by the El Paso County Noxious Weed Mitigation plan, invasive weed management for Pine View Estates includes both prevention and mitigation. Prevention focuses on avoiding the accidental introduction of noxious weeds during development. Mapping and monitoring of any existing noxious weeds provide the basis for control and elimination. Pine View Estates will utilize Integrated Weed Management (IWM) techniques that may include Cultural, Biological, Mechanical and Chemical processes as needed. Noxious Weed Management Plan submitted by Jolene Owens.

#### PEYTON FIRE DEPARTMENT COMMITMENT LETTER:

Pine View Estates is in the Peyton Fire Protection District. Fire Chief Jeff Turner confirmed on January 15, 2020 that service will be provided to the Pine View Estates subdivision and that mutual aid agreements exist with surrounding districts.

#### SOILS AND GEOLOGY:

Pine View Estates site was found to be suitable for the proposed subdivided lots. The location does not appear to be underlain with sand or gravel, so it is not a mineable site. Oil and gas wells are not located in the area, although sufficient information was not obtainable to determine the economic feasibility for oil and gas production at the site. Shrink-swell potential, frost action potential, site slopes, low bearing strength soils, and potential trench cavings are hazards which will require attention prior to and during construction process. Potential hazards can be minimized or eliminated by 1) a geotechnical investigation being performed for each subdivided property and following the recommendations in the report 2) OWTAS evaluated and sized/designed per the El Paso County Health Department, and 3) site grading and drainage. Soils and Geology report provided by W.W. Enterprises in Limon, Colorado.

## SUMMARY

Pine View Estates is in conformity with El Paso County Planning and Community Development goals and objectives as identified in the Master Plan and respectfully requests approval of the Preliminary and Final Plan. Utilities and services are available, mitigation for hazards or protected elements such as wildfire or wetlands have been addressed and the opportunity to provide homes to families in the region ...