



## Peerless Farms

**Preliminary Plan, Pre-Development Site Grading & Wet Utilities**

**PCD File No. SP217**

**Letter of Intent**

**(Revised 09-09-23)**

APPLICANT-OWNER/CONSULTANT INFORMATION:

OWNERS

ROBERT S. WILLIAMS  
16975 FALCON HIGHWAY  
PEYTON, CO 80831-7906

WENDY K. WILLIAMS  
16975 FALCON HIGHWAY  
PEYTON, CO 80831-7906

PLANNING

KIMLEY-HORN AND ASSOCIATES, INC.  
2. NORTH NEVADA AVENUE, SUITE 900  
COLORADO SPRINGS, CO 80903

ENGINEERING

KIMLEY-HORN AND ASSOCIATES, INC.  
2. NORTH NEVADA AVENUE, SUITE 900  
COLORADO SPRINGS, CO 80903

SURVEYING

CENTENNIAL LAND SURVEYING  
6165 LEHMAN DRIVE,  
COLORADO SPRINGS, CO 80918

## PEERLESS FARMS PRELIMINARY PLAN SITE LOCATION, SIZE, & ZONING:

**Parcel ID Nos.:** 4313000001

**Area/Acreage:** ±40.01 AC

**Existing Zoning:** RR-5

**Location:** The development limits are located in the Northwest quarter (1/4) of Section 13, Township 13 South, Range 64 West of the Sixth Principal Meridian. Southwest of the Falcon Highway and Sage Creek Road Intersection.

## REQUEST

Robert S. and Wendy K. Williams' preliminary plan application includes the following requests:

- Approval to develop seven (7) single-family residential lots in the RR-5 zone and one (1) public access tract (Tract A) for public improvements, water wells, utilities and drainage;
- Findings of sufficient water quality, quantity, and dependability with the requested preliminary plan approval;
- Authorization to submit a final plat(s) for administrative approval subject to findings that the location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;
- Approval of a Waiver of Section 8.4.3.B.2.e, which requires Lots to have a minimum of 30 feet of frontage on and have access from a public road (Lots 1, 2, 4 & 7 will have frontage but no access to public roads; Lots 3, 5, & 6 will not have frontage nor access to public roads).
  - *\*Justification of the private road waivers and deviations of the standard roadway cross sections are discussed at the end of this letter report in the Preliminary Plan review and approval criteria analysis and justification.*

## PRELIMINARY PLAN SUMMARY

The development standards and layout for seven (7) detached single-family rural residential lots, subdivision access to public rights of way will include one (1) direct access from Falcon Highway, along with two (2) Access and Utility easements.

**ACCESS:** Vehicular access to the Peerless Farms development is to propose one (1) full movement accesses, extension of Sage Creek Road (South), from Falcon Highway. Two (2) private access and utility easements will service interior lots.

**LAND USE:** The minimum lot size is five (5) Acres for all lots. Some lot sizes exceed the minimum lot size due to lot configuration and private improvements contained in easements for public drainage, utilities, access and circulation and private open space

(within lot yards). Peerless Farms Subdivision will pay park fees in lieu of providing shared or public open space(s).

Permitted and accessory single-family residential uses include single-family detached dwellings, residential accessory uses (per LDC Chapter 5, Table 5-1 and 5-2 allowances), open spaces, and transportation and stormwater facilities. Separate and privately owned detached accessory structures are not permitted on individual residential lots. A complete listing of permitted uses is provided on the development plan.

Lot 3 has two (2) existing living quarters. One is primary housing, the second is accessory, which is an allowed use in the RR-5 Zone. A guest house affidavit will be completed prior to plat approval.

### **LOT DIMENSIONAL STANDARDS:**

Typical lots have been planned to meet the following dimensional standards:

- **Minimum lot size: 5 Acres**
- **Maximum Height: 35'**
- **Setbacks:**
  - **Front Yard: 25'**
  - **Side Yard: 25'**
  - **Rear Yard: 25'**

### **PUBLIC SERVICES AND UTILITIES**

Public services and utilities are, or will be, provided by the following:

- |                      |                                     |
|----------------------|-------------------------------------|
| • Water Services:    | Water Well                          |
| • Wastewater:        | Individual on-site septic           |
| • Natural Gas:       | Colorado Springs Utilities          |
| • Electric Service:  | Mountain View Electric Association  |
| • Fire Protection:   | Falcon Fire Protection District     |
| • Public Schools:    | Colorado Springs District #49       |
| • Library Services:  | Pikes Peak Library District:        |
| • Roads:             | El Paso County Road and Bridge      |
| • Police Protection: | El Paso County Sheriff's Department |

### **WATER RESOURCES:**

The proposed development is planned to have seven (7) residential properties, which will be provided with water service through private wells. See water resource report for more information.

## **DRAINAGE REPORT**

Peerless Farms consists of unplatted land to be developed into seven (7) rural residential lots (RR-5 zoning). The site is within the Haegler Ranch drainage basin (and DBPS). The proposed development is in general conformance with the DBPS and will not negatively affect downstream drainage.

The existing Project Site generally slopes from east to west as well as from the southeast to the north at grades of approximately 1.5 – 3.5%. The historical drainage patterns will be generally maintained. The Site consists of two (2) single-family homes, a large barn and some small out-buildings. The Site does not have any existing stormwater infrastructure; with the exception of a 24" culvert beneath Falcon Highway that allows the unnamed drainageway to drain from the north side of Falcon Highway to the Site.

The developed runoff from the Project will generally be collected by means of roadside ditches located adjacent to the proposed public road and private gravel driveways. The runoff collected in the roadside ditches will be conveyed to the unnamed drainageway, following historical runoff patterns.

Detention and water-quality facilities are not required for the Project as the development consists of 5-acre residential lots and as less than 1-acre of public roadway is proposed for the Site.

## **WILDFIRE HAZARD ASSESSMENT AND MITIGATION**

Peerless Farms Site is outside the wildland urban interface zone and is **not** in the mapped Wildfire Susceptibility index (very-high or moderate to very-high) zones.

According to the site planning and maintenance within defensible zones, each residential site will be encouraged to address the principles of protection zones within this grassland environment with the goal of reducing dense and tall landscape materials within the initial 15' zone around structures. This would include thinning and branching-up of existing trees and ground plain materials.

Mitigation efforts can be reviewed in the EPC Community Wildfire Protection Plan for Unincorporated El Paso County, with reference to Forest Action Plan, provided by the Colorado State Forest Service.

## **FALCON FIRE PROTECTION DISTRICT COMMITMENT LETTER**

Peerless Farms Subdivision is in the Falcon Fire Protection District. Fire Chief Trent Harwig confirmed on April 1, 2021 that service will be provided subject to the following conditions:

- All new construction, renovations or developments within the Fire Department's jurisdiction must comply with the applicable fire code and nationally recognized life-safety

standards adopted by the El Paso County Board of County Commissioners and the Fire Department's Board of Directors, as amended.

- All development, water and commercial construction plans must be reviewed and approved by the Fire Department for compliance with the applicable fire code and nationally recognized life-safety standards prior to final plat or construction permit being issued; and,
- All new development projects' accesses shall meet the fire code and nationally recognized standards pertaining to fire apparatus access.

### **ELECTRIC PROVIDER SERVICE COMMITMENT**

Peerless Farms Subdivision is located within the Mountain View Electrical Association (MVEA) service area. MVEA confirmed April 8, 2021 with the request of a ten (10) foot front, side and rear lot utility easement, along with a twenty (20) foot exterior utility easement on the plat and all tracts. They also request all existing facilities with easements on plat(s) be included.

Note: removal and relocation of existing facilities will be at the expense of the landowner(s).

### **NATURAL FEATURES:**

#### **Wildlife**

Wildlife impacts are expected to be generally low based on review of the El Paso County Wildlife Descriptors Map. Additional wildlife impacts may be identified by other entities with wildlife jurisdiction.

#### **Floodplain**

(from KH- FDR)

According to the Preliminary Drainage Report, the western portion of the Site is within Area AE, special flood hazard areas with base flood elevations and Zone X, 0.2% annual chance flood hazard, areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile.

The remaining portion of the Site is located outside of the 100-year floodplain as determined by the custom FIRMette map created on April 20, 2021 and contained with Appendix B.

(from RMG Soils Report)

According to the geology and soils report, this presence of the floodplain is not believed to pose a higher risk to this structure than to several currently existing structures in the surrounding area.

Provided that the recommendations presented herein, as well as any requirements stipulated by the governing regulatory agencies, are followed, the presence of the floodplain is not anticipated to preclude the proposed development on Lots 1 and 5 or the development as a whole.

### **Vegetation**

The Site contains two (2) single family residences located near the center of the property and a detached barn approximately 500 feet to the east of the residences. Topographically the Site consists of fairly flat to gently rolling terrain, with overall slopes less than 9 percent across the property. The overall slope is downward from the north to the south, southwest, with an elevation difference of approximately 28 to 30 feet across the Site.

An unnamed intermittent creek traverses the Site along the western portion the property. Trees only exist around the residence. Three small ponds are located east of the intermittent creek. It is uncertain at this time if the ponds are to remain or to be filled in prior to future construction. The entire Site consists of low-lying native grasses and weeds. According to the 'Geology and Soils Study' prepared by completed by RMG-Rocky Mountain Group, dated April 14, 2021, which has been included with the submittal.

### **NOXIOUS WEED**

Per the El Paso County Noxious Weed Mitigation Plan, weed management for Peerless Farms Subdivision includes both prevention and mitigation.

### **JUSTIFICATION**

Approval to develop said seven (7) single-family residential lots under the RR-5 zoning criteria set out in Section 7.2.1 (D)(f) as follows.

- **Peerless Farms Subdivision is in conformance with the goals, objectives, and policies of the master plan established by El Paso County.**

All lots will be a minimum of 5 Acres per the land development code section 3.2.2 (A)

- **Peerless Farms Subdivision does not include open space areas, but plan to pay park fees in lieu of providing open space.**
- ***The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;***

The subdivision generally conforms to the goals, objectives, and policies of the Master Plan, which includes the Your El Paso Master Plan, and Water Master Plan. Conformance with the Master Plan is discussed separately below.

Findings of Master Plan conformity regarding land use and densities have been made in support with the adjacent Developments, those being Sagecreek North and Sagecreek South Filing No. 1 with existing land uses and densities for the Peerless Farms area. This application remains consistent with those findings; and with the following policies from the Your El Paso Master Plan, County Policy Plan and County Water Master Plan:

Peerless Farms Subdivision would promote the rural-residential character of eastern El Paso County and would also satisfy the Following policies of Your El Paso County Master Plan:

Core Principle 1: Manage growth to ensure a variety of compatible land uses that preserve all character areas of the County.

Goal 1.1-Ensure compatibility with established character and infrastructure capacity.

Goal 1.2- Coordinate context-sensitive annexation and growth strategies with municipalities.

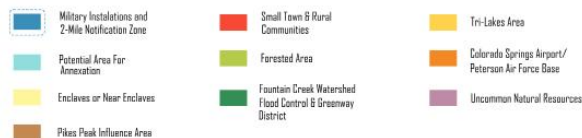
Goal 1.3- Encourage a range of development types to support a variety of land uses.

Goal 1.4- Continue to encourage policies that ensure “development pays for itself”.

## Key Areas

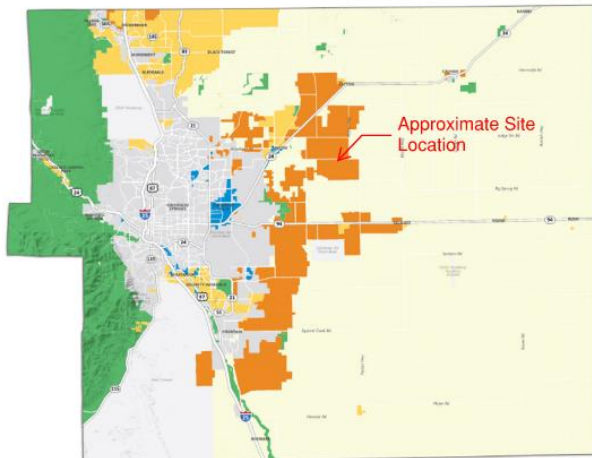


### Key Areas



This Site is not located within any Key areas

**Areas of Change**



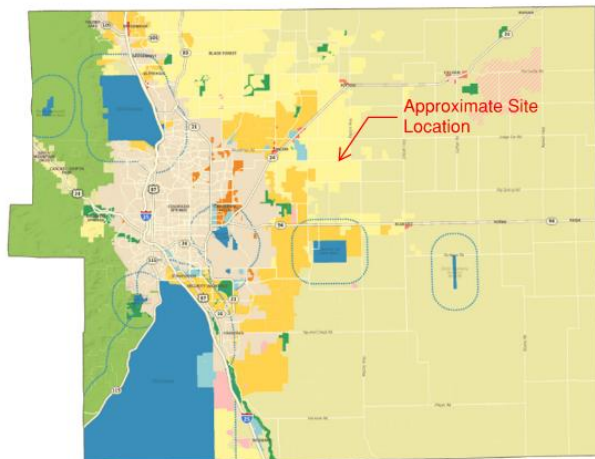
**Areas of Change**

- Protected/Conservation Area
- Minimal Change: Undeveloped
- Minimal Change: Developed
- New Development
- Transition

Peerless Farms is located in the area expected for New Development. These areas are designated to as undeveloped or agricultural areas, it is expected that these developments are to match the characteristics of adjacent properties.



**Place Type**



**Placetypes**

 Military	 Urban Residential	 Regional Open Space
 Rural	 Rural Center	 Mountain Interface
 Large-Lot Residential	 Regional Center	 Utility
 Suburban Residential	 Employment Center	 Incorporated Area

Peerless Farms is located within the Large-Lot Residential type. This land use is designated for Single-family detached residential units, 2.5 acres or larger. The large lots residential place type generally supports accessory dwelling units as well. See Chapter 5.2.1 for further details.

It has been recognized and meets the requirements from the said section. The existing accessory structure is to remain as such on proposed Lot 3, affidavit will be filed with the clerk and recorder during the Final Plat process acknowledging that the accessory living quarters may not be leased or rented.

- **The subdivision is consistent with the purposes of this Code;**

The preliminary plan is consistent with the purposes of this Code, which include development procedures and standards intended to promote safe and orderly development of land and the placement of land uses in relation to existing and predicted patterns of growth and availability of necessary services.

- **The subdivision is in conformance with the subdivision design standards and any approved sketch plan;**

The subdivision conforms with the subdivision standards of the Code if the requested waivers are approved.

- **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**

This does not track with the information included in the water resources report.

Sage Water User Authority has provided water to said existing living quarters. The additional and exiting line will not be used with the proposed lots. With the findings of water rights, all lots shall provide their own wells. See the water resource report for more information.

Water rights have been identified and approved for individual wells. See enclosed letters of Determination:

- No: 4476-BD
- No: 4475-BD
- No: 4477-BD

- **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 will be provided by way of individual on-site septic/wastewater systems. Reference the Soil and Geology Report, prepared by RMG – Rocky Mountain Group, Job No. 180213, last dated April 14, 2021

- **All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)];**

Soils and geologic hazards and constraints including floodplain have been identified on the preliminary plan. The soils and geology report has not identified any hazards

or constraints that would preclude development of the site. The subdivision has been designed to avoid and minimize impacts to identified hazard and/or constraint conditions.

Constraints and mitigation efforts can be found on line item 10.0 title Bearing of Geologic Conditions Upon Proposed Development. Under line item 11.0, "A site-specific subsurface soil investigation and OWTS evaluation and design will be required for all proposed single-family residences.

- **Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;**

Drainage improvements have been designed to adequately convey, store, treat, and release historic and developed flows onto and through the site.

- **The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;**

The public improvements (on-site and off-site) have been designed and sited to adequately serve the needs and mitigate the impacts of the development, including, roads, utilities, drainage facilities.

- **Legal and physical access is or will be 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 access is provided to the subdivision is via connection from the Sage Creek Road southerly extension to Falcon Highway. The required access meets applicable spacing criteria. Individual lot access is provided by way of both public street and private drive access points identified on the plan. Each private drive will provide access to three (3) lots. None of the proposed lots will gain direct access to Falcon Highway.

- **The proposed subdivision has established an adequate level of compatibility by incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision;**

The subdivision has been designed to minimize impact to natural features such as the noted floodplain. The Code does not have open space requirements for rural density subdivisions and no common open space is provided. Lots are large enough to provide private open spaces within each individual lot.

- **Does the plan incorporate site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County?**

The Site has been designed to provide required public services and infrastructure (transportation/utilities) consistent with rural large lot development standards.

- **Do the plan incorporate physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses?**

The plan reflects the standard transitions and buffers consistent with the EPC planning criteria.

- **Does the plan incorporate identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design?**

Environmentally sensitive features have been identified on the preliminary plan and designated as no-build areas.

- **Does the plan incorporate public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities?**

The subdivision improvements (road, utility, stormwater) have been planned to meet the demand of the subdivision and not negatively impact level of service for county services and facilities. Appropriate bridge, drainage, park, school, and traffic fees will be paid at the time of final plat recordation.

- **Are necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision?**

Services have been reviewed with identified provided and related commitment letters have been provide with this application.

- **The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and**

The fire protection requirements for access and water supply for fire suppression have been provided. Specific recommendations and requirements of the Falcon Fire

Protection District will be incorporated into the design; including required public improvements necessary for fire protection.

- **The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.**

The subdivision and application meet all other applicable sections of Chapter 6 and 8 subject to approval of the private road waiver and waiver for:

**WAIVER APPROVAL CRITERIA (Private Road/Access)**

- ***The waiver does not have the effect of nullifying the intent and purpose of this Code;***

The waiver request does not have the effect of nullifying the intent and purpose of the Code, which is the preservation and improvement of the public health, safety and general welfare of the citizens and businesses of El Paso County; to ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision, and, in so doing, ensure that current residents will be required to bear no more than their fair share of the cost of providing the facilities and services by requiring the developer to pay fees, furnish land, or establish mitigation measures to cover the development's fair share of the capital facilities needs generated by the development.

The project extends Sage Creek Road southward across Falcon Highway into the subdivision boundaries. Instead of constructing an additional 1/3 mile of public roadways that will only serve the seven (7) lots in the Peerless Subdivision the developer proposes private driveways provide access to lots from the Sage Creek Road extension. The shared driveways shift the burden of maintenance from the public to property owners within the development.

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

No additional waivers are needed to support the lot access and frontage waiver.

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

The transportation impacts were analyzed in the Crossroads Mixed Use Traffic Study Letter, prepared by Kimley-Horn dated May 24, 2021, which found the proposed private roads suitable to meet projected traffic demands of the Crossroads Mixed-Use development.

- ***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;***

Unique property conditions upon which the waiver are based include: the floodplain impacts to the western portion of the Site, horizontal orientation of the property length against Falcon Highway, the alignment of Sage Creek Road on the eastern boundary of the Site, and limitations on future individual lot access to Falcon Highway. These conditions create a unique, cumulative circumstance upon the property, which are not applicable to other properties.

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

The requested waivers are not related to any specific economic hardships.

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

The waivers will not vary any zoning provisions of the Code.

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

The waivers are not contrary to any provision of the Master Plan.

**Traffic Assessment:**

Traffic Assessment Letter presents trip generation for the proposed Peerless Farms project to be located on the southwest corner of the Falcon Highway and Sagecreek Road intersection in El Paso County, Colorado. The site is located at 16975 Falcon Highway and is proposed to include seven (7) single-family residential homes (site plan attached). Of note, one (1) single family home currently exists on the property; therefore, a net of six (6) homes are proposed to be added with this development.

Additionally, a traffic impact study is not required if all of the El Paso County ECM criteria below are satisfied: (1) there are no additional proposed minor or major roadway intersections on major collectors, arterials, or State Highways; (2) the increase in the number of vehicular trips does not exceed the existing trip generation by more than 10 peak hour trips or 100 daily trip ends; (3) the change in the type of traffic to be generated (i.e., the addition of truck traffic) does not adversely affect the traffic currently planned for and accommodated within, and adjacent to, the property; (4) acceptable LOS on the adjacent public roadways, accesses, and intersections will be maintained; (5) no roadway

or intersection in the immediate vicinity has a history of safety or accident problems; and  
(6) there is no change of land use with access to a State Highway.

**Single Family Detached Road Impact Fees:**

The Developer elects to pay the Road Impact Fees prior to/at time of recording the Final Plat.

The estimated fee is (proposed new units)  $6 \times \$3,830.00 = \$22,980.00$

One Residential Unit existing.