

January 17, 2024

PCD File No. VR2311

**Letter of Intent
High Forest Estates Subdivision
Minor Subdivision**

Owner:

Paula Donohoo, Mardelle Frazier and Brian Frazier
8855 Walker Road
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Applicant:

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Site Location Size and Zoning:

The proposed subdivision to be known as “High Forest Estates Subdivision Filing No. 1” is located within the southwest one-quarter of Section 10, Township 11 South, Range 65 West of the 6th principal meridian in El Paso County, Colorado. The property consists of Lot 1, Block 7, Willow Springs Estates having El Paso County Tax Schedule No. 5110001009. The current address of the site is 8855 Walker Road, Colorado Springs. The eastern portion of the site currently contains a residence, outbuilding, well and septic systems, and a gravel drive in the northern portion of the site connected to Walker Road. The site is 13.81± acres in area and is zoned RR-5 (Residential Rural – 5 Acre).

The site is situated on the east side of Walker Road, north of Lot 1, Block 6, Willow Springs Estates (Zoned RR-5) with existing single-family residential development and Barn. The site is south of Lot 2, Block 7, Willow Springs Estates (Zoned RR-5) with existing single-family residential development. Walker Road, a public road with 60 ft right-of-way, is adjacent to the western edge of the site on the east and an unplatted 200-acre agricultural property (Zoned RR-5) on the west. Lot 3, Block 7, Willow Springs Estates (Zone RR-5) is east of the site with existing single-family residential development.

Access to the lots will be from Walker Road, which is the existing gravel public road located along the west edge of the site. Driveway Access for both proposed lot 1 and lot 2 are proposed to be accessed by private driveways connecting to Walker Road.

Request and Justification:

The request is for approval of the Minor Subdivision Plat of High Forest Estates Subdivision Filing No. 1, containing 13.81± acres. This proposed Minor Subdivision will create two (2) rural residential single-family lots in the RR-5 zone (Residential Rural – 5 Acre), each with lot areas of 5.0 acres or more. A

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waiver from LDC section 8.4.3 (B) 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” is also requested. Instead of road frontage, access to lot 2 shall be through the proposed common access easement connecting the site to Walker Road. The justification for the requested waiver is included in a separate section below.

This Minor Subdivision plat is consistent with the requirements of the existing RR-5 zoning with respect to the layout, land use (single-family residential), lot size, minimum building setbacks, water supply and wastewater disposal. The existing residence and auxiliary structures and facilities are to be contained within proposed Lot 2.

The proposed Minor Subdivision is compatible with the surrounding land uses and coincides with the adjacent zoning and platted lot sizes on the north, south, east, and west, all being approximately 5 acres or larger.

The request satisfies and is in compliance with all of the **criteria of approval listed in Section 7.2.1(C) (1)(c) in Chapter 7 of El Paso County Land Development Code (2021)**:

A minor subdivision shall be required to conform to all preliminary plan and final plat requirements including the criteria for approval, except to the extent that those requirements are modified by this Code or the Procedures Manual.

Section 7.2.1(D)(2)(b) of the El Paso County Land Development Code (LDC) discussing Preliminary Plan Applicability states that “*The preliminary plan applies to all subdivisions except those that can be classified as minor subdivisions.*” This subdivision is classified as a minor subdivision and includes only two (2) lots. Conformance to the Final Plat Criteria of approval as outlined in **Section 7.2.1(D)(3)(f) in Chapter 7 of El Paso County Land Development Code** are addressed below:

The subdivision is in conformance with the goals, objectives, and policies of the Master Plan

The El Paso County Master Plan (“*Your El Paso Master Plan*” adopted on May 26, 2021) is a comprehensive document communicating a vision for many factors that influence the quality of life 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.

According to the Master Plan the project site is located within the ***Large-Lot Residential placetype***. The Primary Land Use of this placetype is Single Family Detached housing with Agriculture, Commercial Retail, Commercial Service and Parks and Open Space as Supporting Land Uses. The location of this site and existing infrastructure is suited to single family residential use. The existing roadway layout in the immediate area is not suitable for Commercial Service and Commercial Retail uses. 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 will not 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 roadways or public facilities. Goal 2.2 is “Preserve the character of rural and environmentally sensitive areas”. The proposed subdivision will keep the natural landscape of the area intact, and 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 a residence on the site. The private driveway to be used for access will have minimal impact on the existing terrain. No new roads are proposed with this subdivision since all access is proposed to be provided by a single low-impact driveway connecting to Walker Road. In this way, lot access is provided while eliminating the need for additional access points and addition public roadway. The driveway will present a reduced impact on the natural terrain, landforms and vegetation. The project maintains the rural character of the site and neighborhood.

This request is in general conformance with the *County Water Master Plan*. The property is located in region 2 on the Master Plan’s *Planning Regions Map*, which encompasses the northwest corner of the county including the tri-lakes area. The site is not located in a 2040 or 2060 designated Growth Area as determined in the Water Master Plan. The Water Master Plan (WMP) 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. According to the Water Master Plan, water providers within region 2 include Woodmoor WSD, Donala WSD, Triview MD, Town of Monument, Town of Palmer Lake, Forest View Acres WD, Academy WSD, Walden WSD, Park Forest WD, Forest Lakes MD, Palmer Lake Mobile Home Ranch, Grandview MHP, Pioneer Lookout WD, Elephant Rock MHP, Peak Shadow, and Pinon Pines MD. The Region 2 Expected Growth Areas Map provided in the WMP shows that the subject site and its immediate surroundings are not currently located in any *estimated area of development* or within any *district boundaries*.

The District Court, Water Division 1 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 a second well for the subdivision in Case No. 20CW3077 recorded under reception number 221037735 of the records of El Paso County. The owner seeks a finding of sufficiency from the Colorado Division of Water Resources and the eventual granting of one additional well permit based on the decreed water rights.

Both the existing residence and any new single-family residence on the proposed 5 acre lot will utilize onsite wastewater treatment systems which will provide “Return Flows” the environment as a condition of the groundwater findings and order and the well permit. ***Policy 62.1.2*** of the WMP – ***Encourage re-use of treated wastewater for irrigation and other acceptable uses when feasible.***

The referenced decree requires use of metering for the wells to ensure compliance with the terms of the permit, satisfying ***Policy 4.1.3*** of the WMP – ***Support enhanced monitoring of sources of surface and tributary groundwater in the County***. The proposed uses of the property do not require extensive utility improvements, extensive site grading, or significant water consumption, satisfying ***Goal 5.3*** of the WMP – ***Reduce overall water consumption per end user in the County***. The proposed use of the site is not anticipated to generate additional demand beyond the projected 2060 groundwater “Build-Out Supplies”.

This request is in general conformance with the *2016 Major Transportation Corridors Plan Update*.

Relevant *2040 Roadway Improvement Projects* include the P2 Project on Walker Road beginning at Black Forest Road and ending at Meridian Road, which runs west of the property. The *Bicycle and Pedestrian Network and Improvements* shows a proposed Bicycle Route and Roadway Upgrades and Widening planned on Walker Road. Walker Road is a 2 lane rural, gravel, unimproved county maintained major collector.

This request is in general conformance with the *El Paso County Parks Master Plan* which does not appear to call for trails or parks in the site vicinity. The *Trails Masterplan* map shows a proposed Bicycle Route on Walker Road adjacent to the property to the west, conforming to the MTCP masterplan. The *Trails Visioning* map shows apportionment of the site within a 5-mile trailhead catchment Palmer Divide numbered 26 on the map. Any required Park Fees will be paid at the time of plating.

This request is in general conformance with the *Master Plan for Mineral Extraction*. Two (2) severed mineral right owners were found and notified after research of the records of El Paso County Clerk and Recorder, and an affidavit to that effect, stamped by a notary public, is being submitted with this request. The proposed use of this property does not include any mineral or natural resource extraction operations.

The subdivision is in substantial conformance with the approved preliminary plan

As discussed above, section 7.2.1(D)(2)(b) of the El Paso County Land Development Code (LDC) discussing Preliminary Plan Applicability states that “The preliminary plan applies to all subdivisions except those that can be classified as minor subdivisions.” This subdivision is classified as a minor subdivision and includes only two (2) lots.

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.

Either 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, or, with respect to applications for administrative final plat approval, such finding was previously made by the BoCC at the time of preliminary plan approval

Water service is to be provided by individual on site wells operated under the aforementioned State approved Water Augmentation Plan.

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.

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 in the report. Areas were encountered where the geologic conditions will impose some constraints on development and land use. These include areas of artificial fill, expansive soils, potentially seasonally high groundwater, seasonal shallow water, areas of potentially unstable slopes which can be satisfactorily mitigated through avoidance or proper engineering design and construction practices. Based on the proposed plat, 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. The seasonally high ground water area indicated in said report is included in the drainage no-build area shown on the plat, and areas requiring mitigation or avoidance are mentioned on the plat notes.

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 proposed with this development. The owner will comply with the requirements of the Final Drainage Report.

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

All proposed lots will be accessed via the existing Walker Road. The existing residence and the new lot will utilize the existing driveway access onto Walker Road. New driveways will be extended from the existing connection giving access from Walker Road. Access easements are provided on the Final Plat and a private access and maintenance agreement will be established to facilitate common access.

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. High Forest Estates Subdivision Filing No. 1 is located within the Elbert Fire Protection District which is providing fire protection for the site and has agreed to serve this subdivision. Water and sanitary sewer provisions are discussed above. The property is located within the service areas of Lewis Palmer School District 38 and Mountain View Electric Association, which will serve the subdivision. Transportation is being facilitated by the existing adjacent roadway system.

The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code

High Forest Estates Subdivision Filing No. 1 is located within the Elbert Fire Protection District which provides 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.

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 off-site impacts are determined to be insignificant with the addition of one residence to the site already containing one residence. The owner will be responsible for paying Park, School, and Traffic Impact fees. There are no Drainage Fees charged in the major Drainage Basin in which this project is located.

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, and Traffic Impact fees due for this project.

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 two 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 2. The waiver is more fully discussed below.

A Natural Features and Wildlife Habitat Assessment has been prepared for the site. No impacts to protected wildlife are anticipated as a result of the proposed Minor Subdivision and no mitigation is required. Following the recommendations of said report, the areas identified as wetlands are included in the drainage no-build area shown on the plat. Further details can be found in the Natural Features and Wildlife Habitat Assessment produced by ERO Resources Corporation.

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. It is unlikely that mineral extraction operations would be feasible in this area.

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 lot 1 will gain access to Walker Road through the existing private driveway and satisfies the frontage requirement. It is proposed that lot 2 will gain access by way of a common access easement connecting proposed lot 2 to Walker Road near the northwest corner of the site. The plat shall show the proposed 35-foot access easement running along the entire northern edge of the property line.

The responsibility and maintenance of said access shall be carried out as described in a private access maintenance agreement. The property is rectangular in shape with the shorter sides oriented on the west and east sides adjacent to Walker Road. The natural terrain on the site lends to lots that are parallel to Walker Road with the eastern lot not connecting to Walker Road. Since the Land Development Code allows access for up to three lots from one private driveway, it is most practical to all access by a single drive, rather than extending a public roadway into the site.

The sharing of a common driveway is an acceptable and valid mode of access in the Land Development Code and Engineering Criteria manual, especially in rural residential environments. The arrangement is the most practical and efficient solution for access for this subdivision 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 two rural residential single family lots. Private access drives, coupled with private maintenance agreements have been shown to be effective and efficient modes of access 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 and require far more disturbance.

Each criterion 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:

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.

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

With the approval of this waiver the lots will each be provided with 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.

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.

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 High Forest Estates Subdivision Filing No. 1 contains 13.81± acres and two (2) lots. Because the site 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.

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 be accessed by a public roadway in a 60' right-of-way constructed to El Paso County standards. The public road would significantly increase disturbance of the natural terrain as well as the impervious area of the site while increasing the maintenance responsibility of the county.

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.

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:

The existing improvements within this parcel are related to the existing residential use of the site, located in the eastern portion of the property. The new vacant lot will be located in the western portions containing 5.00± acres. There are no required public subdivision improvements required for this site.

Total Number of Residential Units and Densities:

The gross area of High Forest Estates Subdivision Filing No. 1 is 13.81± acres and the site is proposed to contain two (2) single-family residential units. The average lot size for the 2 proposed lots is 6.91± acres. The gross density of the site is 0.14 units per acre.

Fire Protection:

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The High Forest Estates Subdivision Filing No. 1 property is located within the Elbert Fire Protection District. Elbert Fire Protection District already serves the property 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 High Forest Estates Subdivision Filing No. 1 is the existing driveway access for the existing residence at 8855 Walker Road located less than 10 feet south of the northwest corner of the subdivision. Only one access point from Walker Road will be allowed for the subdivision due to the roadway classification. Access for all proposed lots will be from Walker Road through a joint access easement that runs along the north property line of proposed Lot 1.

Traffic Impact and Traffic Impact Fees:

For all proposed lots, there will be one (1) existing and one (1) proposed single family residential units with access to Walker Road. The development is expected to generate a total of 19 trips per day based on 9.44 trips per unit for Single Family Detached Housing (Average weekday trips ends), 2 trips in the peak AM Hour (0.75 trips/unit for AM), and 2 trips in the peak PM hour (1.00 trips/unit for PM) according to Trip Generation, 10th Edition, 2017 by the Institute of Transportation Engineers. The proposed subdivision will not change the type or amount of existing traffic by more than the County threshold of 100 trips per day or 10 trips 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. Traffic Impact Fees will be paid at time of building permit. Walker Road is anticipated to be improved to a Rural Major Collector cross section per the 2040 Major Transportation Corridors Plan. The County is requesting a 15' right of way reservation along Walker Road. This ROW reservation shall be shown on the Plat.

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