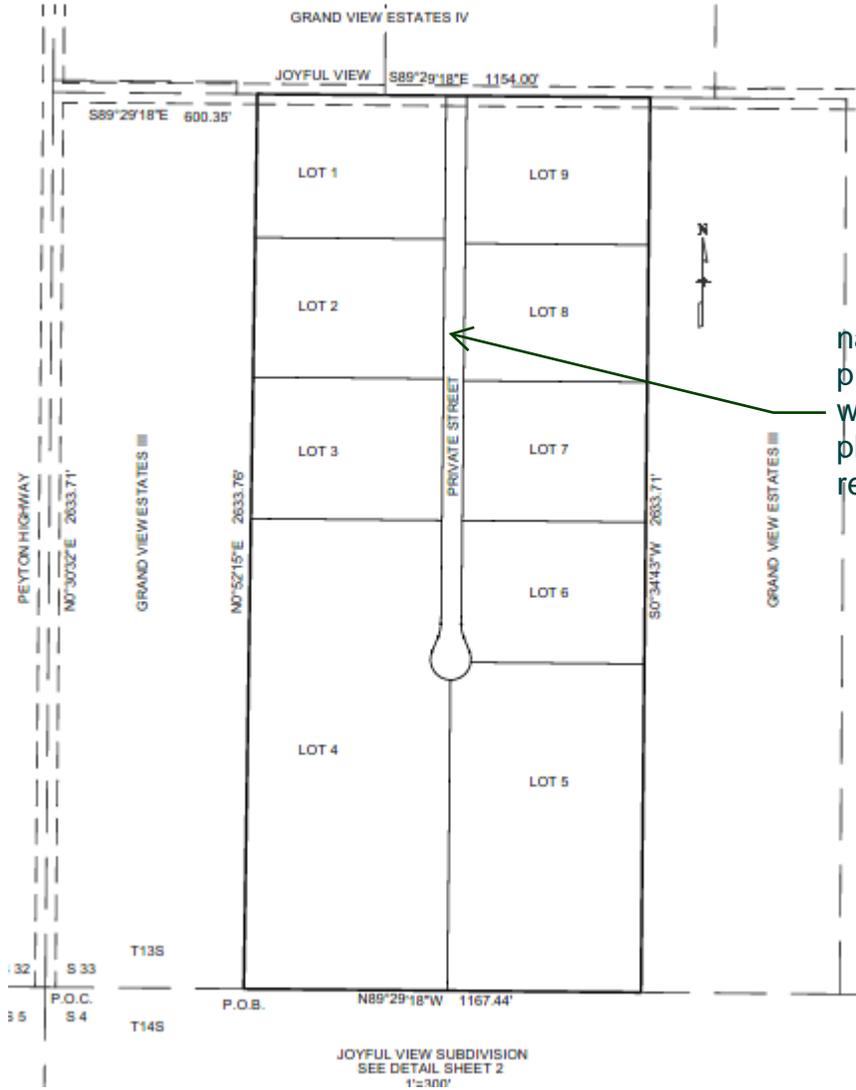


Joyful View
Subdivision
Letter of Intent

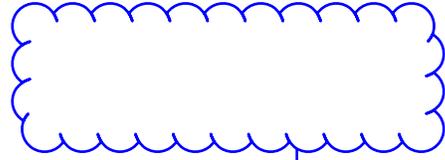
September 22, 2022



name of street,
private or public? May
want to update post
plat comment
revisions for clarity

The O'Neil Group
455 E. Pikes Peak Ave Suite 102
Colorado Springs, CO 80903

Owner/ Applicant: OGC RE2 LLC
PO BOX 1385
Colorado Springs, CO 80901
Office: (719) 445-5050



Add PCD File #
SF-22-31

Planner: Vertex Consulting Services
455 E Pikes Peak Avenue, Suite 101
Colorado Springs, CO 80903
719-733-8606 ext. 6606

Tax Schedule No: 33000-00-466, 33000-00-467

Acreage: 70 Acres

Site Location, Size, Zoning:

Vertex Consulting, on behalf of The O’Neil Group, is respectfully submitting the Joyful View 9 lot subdivision within the RR-5 (Residential Rural) zoning district. The property is located east of Peyton Highway and approximately 2 miles north of Highway 94. The property is surrounded by other RR-5 zoned properties in all directions. The proposed subdivision is consistent with the RR-5 zoning district as well as the Your El Paso Master Plan.

Have you provided the commitment letter that a propane provider can and will provide service?

Existing and Proposed Improvements.

The site is presently vacant. Proposed improvements will include the construction of a private roadway. Electric and telecommunication service points-of-connection will be extended from the roadways to all new lots. No extension of natural gas service from a utilities provider is sought. On site propane tanks will provide gas for the residences. Water will be provided by individual wells. Wastewater service will be provided by an On Site Wastewater Treatment system (OSWT). Grading and earthmoving activities will be limited to the private roadway, residential driveways, and utility construction areas. Individual lot owners will assume responsibility for grading their respective lot; no ‘overlot’ grading is proposed to occur.

Request & Justification:

water sufficiency is requested.
Deviations requested are:

The purpose of this application is to request approval of a 9-lot subdivision on approximately 70 acres within the RR-5 (Rural Residential) zoning district. The request also includes a waiver of Sections 8.4.3.A.1 and 8.4.3.B.2.e of the Land Development Code which require lots have frontage onto a public road. Joyful View is an existing private roadway, therefore, the proposed cul-de-sac cannot be a public roadway and must be private. The proposed private roadway will be constructed to County standards.

Section 7.3.3 of the Land Development Code provides the criteria for which a waiver should be approved. All of the approval criteria is met:

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

The intent and purpose of requiring all lots have access onto a public roadway is to ensure legal and safe access is maintained. Legal access will be maintained through access easements. Safe access will be maintained by the private roadway being

Add discussion detailing any proposed or approved deviations from the County's Engineering Design Standards (e.g., Engineering Criteria Manual) that were not otherwise presented with any applicable preliminary plan.

Cul-de-sac length and FD directives to mitigate

constructed to County standards.

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

No additional of subsequent waivers will be required.

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

Public safety, health, and welfare will be maintained by the private roadway being constructed to County standards.

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;

It is unique for a property to be landlocked without being immediately adjacent to a public roadway. If Joyful View were a public roadway, no waiver request would be required because the proposed roadway would qualify as a public roadway.

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

The requested waiver is not based on an economic hardship but is being requested due to the preexisting conditions of the existing access.

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

The waiver will not vary the zoning provisions.

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

The Master Plan contemplates that minor subdivisions may be access through private roadways and shared drives.

The proposed subdivision meets the criteria for approval included within Section 7.2.1.D.3.f of the El Paso County Land Development Code:

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

Please see the Master Plan analysis below.

The subdivision is in substantial conformance with the approved preliminary plan;

A preliminary plan was not required and was waived by the PCD Director.

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,

This is reviewed like a minor sub (no prelim plan); ill attach the combined prelim and plat criteria that was approved by Lori. We just omitted the repetitive prelim and plat criteria

surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;

The subdivision meets all of the design standards included within Chapter 8 of the Code as well as the minimum lot size and frontage requirements of the RR-5 zoning district. The reports and maps submitted in support of the application are in full compliance with the County, State, and Federal rules and regulations as well as the County adopted checklists, with the exception of the submitted waiver and deviation requests.

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;

The applicant requests the Board of County Commissioners make a finding of sufficiency in terms of water quantity, quality and dependability with the approval of the subdivision. The water resources report submitted in support of this application demonstrates sufficient water. Water will be provided by individual wells drawing water from the Arapahoe aquifer not to exceed 4.11 acre feet per year. The property is located within the Upper Black Squirrel Creek Designated Ground Water Basin. No augmentation plan is required for use of the Arapahoe aquifer in this location.

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 disposal is proposed to be provided by onsite wastewater treatment systems (OWTS). A OWST report was submitted in support of the subdivision. The report depicts a minimum of two potential sites for an OWTS per proposed lot.

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)];

The only potentially hazardous area is the floodplain, which has been designated as no-build.

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 drainage report submitted in support of the application demonstrates that the proposed development will result in a negligible impact to the drainage patterns and that all ECM drainage requirements will be met.

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;

Access will be provided by a private access easement identified on the plat drawing.

Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;

The property is served by the Ellicott Fire Protection District, who has provided a commitment letter. Mountain View Electric Association will provide electric service. The proposed private roadway will be adequate and be constructed to County standards.

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

A fire protection report was submitted in support of the application, which demonstrates compliance with the fire protection requirements of Chapter 6 of the Code.

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;

Offsite impacts will be minimal and are anticipated to include traffic and drainage. The traffic study and drainage report submitted in support of the application demonstrate impacts to be negligible and that those potential impacts will be mitigated.

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;

The applicant will pay fees in lieu of park and school land dedication as well as drainage and road impact fees. The applicant is not proposing to construct any public facilities, but will instead construct a private cul-de-sac.

The subdivision meets other applicable sections of Chapter 6 and 8; and

The various reports and maps submitted in support of the subdivision demonstrate compliance with drainage and floodplain (6.3.2), Fire Protection and Wildfire Mitigation (6.3.3), Grading and Erosion Control (6.3.5), Wetlands (6.3.8), Wildlife (6.3.9), Environmental Considerations (8.4.2), Division of Land, Block, Lot, and Tract Layout (8.4.3), Transportation System Considerations and Standards (8.4.4), Drainage Considerations (8.4.5), Utilities Considerations and Standards (8.4.6), Water Supply Standards (8.4.7) Wastewater Disposal (8.4.8), and Geology and Soils Standards and Reports (8.4.9),

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

Is applicant paying all road impact or will builders pay at time of permit?

Add discussion detailing all proposed public and private improvements, including onsite and offsite improvements, and the plan for ongoing ownership and maintenance of each improvement. Provide explanation on who will be responsible for maintenance of all private roads to include ~1700ft section of Joyful View along property northern property boundary.

Your El Paso County Master Plan Analysis

Chapter 1 of Your El Paso Master Plan (2021) states that the Plan is “general in nature-it cannot tackle every issue in sufficient detail to determine every type of necessary action.” In addition, Chapter 1 goes on to state that the Plan “is intended to provide clearer and more coordinated policy, resulting in a document that effectively communicates County goals and identifies specific actions to achieve both County-wide and local area objectives.” When taken together, these two statements suggest to the reader that the Plan may only address certain issues at a cursory level and that specific steps or actions for addressing such issues may not be offered within the Plan. That conclusion is certainly the case in numerous instances and with regard to a variety of topical areas. However, where that is not the case is with respect to the property that is proposed for subdivision, as identified below in an analysis of Chapter 3 of the Plan.

Key Area Analysis

The subject property is not identified in the Plan as either being within or in close proximity to a Key Area. The nearest Key Area to the subject property is the Potential Areas for Annexation Key Area, which is located over two (2) miles to the south. None of the Key Areas would be negatively impacted or otherwise affected by the subdivision.

Area of Change Analysis

The subject property is identified in the Areas of Change map within the Plan as being within “Minimal Change: Undeveloped”

Page 21 of the Plan characterizes areas of “Minimal Change: Undeveloped” by stating:

“The character of these areas is defined by a lack of development and presence of significant natural areas. These areas will experience some redevelopment of select underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale so as to not alter the essential character. New development may also occur in these areas on previously undeveloped land, but overall there will be no change to the prioritized rural and natural environments.”

(Emphasis added)

The subdivision proposed will result in an overall density of .13 dwelling units per acre with an average lot size of 7.52 acres. All of the surrounding properties are zoned RR-5, which requires a minimum lot size of 5 acres. The proposed 9-lot subdivision will not alter the essential character of the surrounding property.

Placetype Analysis

The subject property is shown on the Placetypes map of Your El Paso Master Plan as being within the Rural Placetype. Page 24 of the Plan identifies the following land uses as being Primary Land

Uses within the Rural Placetype:

- Agriculture
- Parks/Open Space
- Farm/Homestead Residential

In addition, the Placetype includes the following Supporting Land Uses:

- Estate Residential (Minimum 1 unit/5-acres)
- Institutional

The Rural placetype is further described on page 24:

” The Rural placetype comprises rangeland, farms, and other agricultural uses. The primary land use in this placetype is agriculture however residential uses such as farm homesteads and estate residential are allowed as support uses. Residential lot development within the Rural placetype typically cover 35 acres or more per two units with the minimum lot area consisting of 5-acres per unit. The Rural placetype covers most of the eastern half of the County. Rural areas typically rely on well and septic and parcels for residential development tend to be substantial in size. Rural areas are remotely located and distant from high activity areas or dense suburban or urban places, making access to regional transportation routes, such as Highway 24 and Highway 94, vital to the quality of life for rural community residents. The agricultural lands that Rural areas contain represent a valuable economic resource and unique lifestyle that should be preserved. The Rural placetype includes agricultural lands which represent a valuable economic resource and allow for a unique lifestyle that should be preserved. As growth occurs, some Rural areas may develop and transition to another placetype, however leapfrog development should be discouraged, by pro-actively permitting changing areas contiguous to existing development to another placetype.”

The placetype supports rural residential development not to exceed one dwelling unit per five acres, therefore, the proposed subdivisions is in conformance with the Placetype recommendations.

El Paso County Water Master Plan

The Executive Summary from the Water Master Plan states that “The Plan Water Master Plan (WMP) was developed for the Board of County Commissioners, El Paso County officials and staff, developers, citizens, and water providers within the County for the purpose of identifying and addressing water supply issues earlier in the land use entitlement process.” For that reason, water supply should be discussed even as early as the rezoning stage. This does not mean that a full water sufficiency finding should be made since sufficiency findings in El Paso County are made at either the preliminary plan or final plat stage of development, both of which are part of the subsequent subdivision stage of development.

The subject property is located within Planning Region 4c of the Water Master Plan, pursuant to Figure 3-1 on page 27. Region 4c, is made up of 6 central water providers, including several small

neighborhood providers such as Prairie Estates and Peyton Pines. The property is also located within the boundaries of the Upper Black Squirrel Designated Groundwater Basin.

The Plan states the following with respect to Region 4c:

“Region 4c contains one small projected growth area by 2040 located between Highway 94 and Highway 24 along the Region 8 boundary. Further development will likely be located along the Highway 94 corridor in Region 4c by 2060, due to proximity to Schriever Air Force Base. The largest development in Region 4c is expected to occur by 2060 along the west side of Meridian Road north of Fountain.”

Table 5-4 of the Plan identifies the current supply and demand forecasts at full build out (year 2060) for each of the Planning Regions. The Table indicates that the current water supply and demand for 4c is 2,970 AF per year. The proposed development will utilize groundwater wells, therefore, it will not result in a deficit water supply.

As discussed above, the water resource report submitted in support of the application demonstrate a probable positive water sufficiency finding by the State and County. For the reasons stated above, the applicant requests that the proposed service plan be found to be in compliance with the Water Master Plan.

El Paso County Parks Master Plan

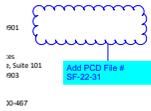
The El Paso County Parks Master Plan (2022) does not depict and existing or planned parks or trails within proximity to the proposed subdivision. The proposed map amendment is in general compliance with the El Paso County Parks Master Plan.

Other Topical Elements of the County Master Plan

The proposed subdivision is in compliance with the other topical elements of the County Master Plan including the Master Plan for Mineral Extraction, and the El Paso County Wildlife Habitat Maps and Descriptors.

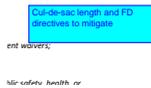
Letter of Intent V1.pdf Markup Summary 11-1-2022

eschoenheit (5)



Subject: Cloud+
Page Label: 2
Author: eschoenheit
Date: 10/24/2022 3:44:08 PM
Status:
Color: ■
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Add PCD File # SF-22-31



Subject: Text Box
Page Label: 3
Author: eschoenheit
Date: 10/24/2022 4:01:47 PM
Status:
Color: ■
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Space:

Cul-de-sac length and FD directives to mitigate



Subject: Text Box
Page Label: 3
Author: eschoenheit
Date: 10/24/2022 4:01:44 PM
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Add discussion detailing any proposed or approved deviations from the County's Engineering Design Standards (e.g., Engineering Criteria Manual) that were not otherwise presented with any applicable preliminary plan.



Subject: Cloud+
Page Label: 5
Author: eschoenheit
Date: 10/24/2022 3:54:41 PM
Status:
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Is applicant paying all road impact or will builders pay at time of permit?



Subject: Text Box
Page Label: 6
Author: eschoenheit
Date: 10/25/2022 3:17:55 PM
Status:
Color: ■
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Add discussion detailing all proposed public and private improvements, including onsite and offsite improvements, and the plan for ongoing ownership and maintenance of each improvement. Provide explanation on who will be responsible for maintenance of all private roads to include ~1700ft section of Joyful View along property northern property boundary.

dsdparsons (5)



Subject: Callout
Page Label: 1
Author: dsdparsons
Date: 11/1/2022 11:40:42 AM
Status:
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name of street, private or public? May want to update post plat comment revisions for clarity

11/1/2022 12:00:01 PM
Subject: Callout
Page Label: 2
Author: dsdparsons
Date: 11/1/2022 12:00:01 PM
Status:
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Have you provided the commitment letter that a propane provider can and will provide service?

11/1/2022 12:00:27 PM
Subject: Callout
Page Label: 2
Author: dsdparsons
Date: 11/1/2022 12:00:27 PM
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water sufficiency is requested. Deviations requested are:

11/1/2022 11:54:23 AM
Subject: Callout
Page Label: 3
Author: dsdparsons
Date: 11/1/2022 11:54:23 AM
Status:
Color: ■
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This is reviewed like a minor sub (no prelim plan); ill attach the combined prelim and plat criteria that was approved by Lori. We just omitted the repetitive prelim and plat criteria

11/1/2022 11:58:42 AM
Subject: Callout
Page Label: 3
Author: dsdparsons
Date: 11/1/2022 11:58:42 AM
Status:
Color: ■
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Space:

How many lots are currently served of of Joyful View? State what public road joyful view accesses from please. Any drive over 3 access points is a private road by definition. This may exceed the cul-de-sac requirements which may trigger Fire District requirements; please discuss those requirements if that is what was agreed to w the Fire Chief.