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URBAN PLANNING | COMMUNITY DESIGN | LANDSCAPE ARCHITECTURE | ENTITLEMENT

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EL PASO COUNTY

LETTER OF INTENT FOR: 2275 McDANIELS ROAD MINOR SUBDIVISION

TSN # 3400000295 REZONE FROM A-35 TO RR-5

PCD FILE NUMBER P-22-006

OWNER/APPLICANT, AND PLANNING CONSULTANT:

Owner/Applicant:

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PROJECT LOCATION/DESCRIPTION AND HISTORY OF PROPERTY:

The 2275 McDaniels Road property for this Final Plat application is located in El Paso County in Peyton, CO, approximately 22 miles east of downtown Colorado Springs, situated west of North Log Road and south of McDaniels Road. The site is bordered by McDaniels Road to the north. It

is approximately 700 feet west of North Log Road, 1 mile west of North Ellicott Highway and 1 mile north of state highway 94.

The site is located in the UESPA Level III Ecoregion: 26 Southwestern Tablelands, Level IV Ecoregion: 26j Foothill Grasslands (Chapman et al, 2006), which is primarily comprised of sub-humid grassland and semiarid rangeland. More specifically, the site is located in the Foothills Grassland sub-region (26j) which is known to contain a mix of grassland types with some small areas of isolated tallgrass prairie species that are more common much farther east. More loamy, gravelly, and deeper soils are able to support more tallgrass and midgrass species than neighboring short-grass ecoregions. Big and little bluestem, yellow indiagrass and switchgrass are known to occur in this ecoregion, along with foothill grassland communities. The annual precipitation of 14 to 20 inches tends to be greater than in regions farther east. Soils are loamy, gravelly, moderately deep, and mesic. Rangeland and pasture uses are common. Urban and suburban development has increased in recent years, expanding out from Colorado Springs.

The CNHP Survey of Critical Biological Resources, El Paso County, Colorado (CNHP, 2001a), Ecoregions of El Paso County figure illustrates that the site is situated within the Central Shortgrass Prairie ecoregion and states that this ecoregion is “characterized by rolling plains and tablelands dissected by streams, canyons, badlands, and buttes and dominated by shortgrass, midgrass, and sand-sage prairie. Small patches of remnant tallgrass prairie occur along the base of the foothills and in other areas where the soils and moisture regime are appropriate.”

The CNHP Potential Conservation Areas in El Paso County reference report does not place the Site within a Potential Conservation Area (PCA). The closest PCAs to the site are the Schriever Playas approximately 6.5 miles to the southwest, overlapping the northwest corner of Schriever Air Force Base and Signal Rock Sandhills approximately 5.25 miles to the southeast. Both of these PCAs are rated as a “B2: Very High Biodiversity Significance”.

The site is generally characterized as gently sloping from northwest to the southeast. Site topography ranges from a high elevation of approximately 6090 feet above mean sea level (AMSL) in the northwestern corner to a low elevation of approximately 6070 feet in the southeast corner.

USGS mapping show an intermittent creek that drains the site in a southeasterly direction. This tributary appears to be primarily a sandy wash with several upland breaks prior its confluence with Black Squirrel Creek farther southeast and offsite. Aerial imagery and on-site observations indicate that this drainage is not an intermittent creek and is better characterized as an ephemeral (precipitation driven) swale. During high precipitation events, portions of this ephemeral swale are likely tributary to Black Squirrel Creek, a perennial stream that flows into Chico Creek and on to the Arkansas River.

According to the environmental impact study authored by Ecosystem Services, a single feature with wetland potential was identified via the Colorado Wetland Inventory Mapping Tool. This was the aforementioned ephemeral swale. Pursuant to this potential finding, an onsite investigation was undertaken.

The ephemeral swale was analyzed at the site, and the seasonally-flooded feature does not meet the criteria to establish it as a wetland. It is isolated and with no defined or continuous surface connection to downstream traditional navigable waters (TNWs) or relatively permanent waters (RPWs).

Ephemeral Drainage: This seasonally-flooded, ephemeral swale does not meet any of the 3 parameters to be considered jurisdictional wetland habitat. It does not meet indicators of hydric soil, wetland vegetation or sustaining hydrology. The soils logs taken along the length of the swale (refer to Figure 7) all indicate well-drained to excessively well-drained sand, gravelly sand and gravelly sandy loam with matrix chroma of 10YR4/2, 6/2 and 6/3 and no mottling or concretions. While riparian-wetland vegetation is present in two isolated patches, this swale supports a 12 greater prevalence of upland, mixed-grass prairie vegetation. Hydrology is obviously precipitation- and seasonally-driven and is insufficient to sustain persistent wetland habitat throughout this excessively well-drained swale.

The swale drains through a culvert under McDaniels Road immediately west of the Site prior to entering the northwestern Site corner. Thereafter, the upper 2/3 of the drainage is well-defined by historic banks until the lower 1/3 becomes nebulous, spreads out into a sandy wash (refer to Figure 7). Even within the upper, defined reach there is no evidence of a low-flow channel, drainage patterns or other field indicators of persistent hydrology. The continuity of this swale downstream is interrupted in several locations, including North Log Road on the southeastern Site boundary, which has no culvert to allow surface flow to pass downstream. Ecos followed this ephemeral drainage downstream to see if it had a continuous connection to Black Squirrel Creek and other WOTUS. We observed and marked several “breaks” in downstream continuity (refer to Figure 8 – WOTUS Breaks Map) where the channel loses a define bed or bank. If this swale did meet the 3 criteria to be deemed jurisdictional wetland habitat, ecos believes it would still be isolated WOTUS because of the upland breaks between the Site and the downstream receiving TNW and/or RPWs of Black Squirrel Creek, Chico Creek and the Arkansas River.

The ephemeral swale does not meet the criteria that the USACE uses to assert jurisdiction, as it does not constitute:

- Traditional navigable waters;
- Wetlands adjacent to traditional navigable waters;
- Non-navigable tributaries of traditional navigable waters that are relatively permanent where the tributaries typically flow year-round or have continuous flow at least seasonally (e.g., typically three months); and

- Wetlands that directly abut such tributaries.

Furthermore, this ephemeral swale is not considered to be jurisdictional “tributary”, as “a tributary includes natural, man-altered, or man-made water bodies that carry flow directly or indirectly into a traditional navigable waters.”

According to Federal Emergency Management Agency (FEMA), the swale which cuts across the property is considered as a special flood hazard area. According to FEMA Flood Map 08041CO81OG, the swale is a regulatory floodway, Zone AE (1% annual chance of flooding), without Base Flood Elevation (BFE). The preliminary plan recognizes and notes the floodway boundary as a no-build area. There is no intention of impact or construction within the floodway. The infrequency of flood events will likely allow the area to be used for passive recreation (e.g. hiking, horseback riding.)

Regarding protected species Ecosystem Services ran an assessment of Federal Listed Species. The site specific analysis looked at the probability of Federal Listed Species on this site. It was found that the likelihood of the site directly or indirectly (by the effects of the project) affecting a Federal Listed Species is very low to none.

- Greenback cutthroat trout – threatened status, no probability of impact by project due to no suitable habitat existing on-site.
- Pallid sturgeon – endangered, no probability of impact by project, the proposed project is not within the watershed for any of the listed river basins.
- Eastern Black Rail-threatened, no probability of impact by project, the proposed project is not within the watershed for any of the listed river basins.
- Piping plover-threatened, no probability of impact by project, the proposed project is not within the watershed for any of the listed river basins.
- Whooping crane-endangered, no probability of impact by project, the proposed project is not within the watershed for any of the listed river basins.
- Preble’s meadow jumping mouse-threatened, no probability of impact by project due to no suitable habitat existing on-site.
- Ute ladies tresses orchid-threatened, very low probability of impact as the site does not support the quality of palustrine emergent wetland habitat in which this species is found (i.e., the sustaining hydrology is absent). However, surveys in the 2 isolated riparian wetland patches within the ephemeral swale should be implemented during the blooming period if and only if these areas will be subject to disturbance during the subdivision process.
- Western prairie fringed orchid-threatened, no probability of impact by project as it will not alter or deplete flows to the South Platte.

According to the 2021 Your El Paso County Master Plan, the Placetype of this development is “Rural”. 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 covers 35 acres or more per two units with the minimum lot area consisting of 5 acres per unit. This Rural Placetype covers most of the eastern half of the county.

The applicant proposes to develop the site as four (4) new lots. A single-family detached residential dwelling unit that recognizes and respects the character of the surrounding rural area will be provided on each. The total acreage of the proposed 22755 McDaniels Road development is approximately forty (40) acres.

Infrastructure to serve the new lots, including driveways, drainage improvements, and utilities will all be constructed in compliance with applicable county standards, regulations and criteria in effect at the time of this application. This is in keeping with the rural character of the surrounding Calhan, Ellicott and Falcon communities.

Surrounding properties are rural, single family homesites and farm homesteads. Land use within these properties has traditionally been used as ranchland, with some farming. Two parcels one half mile to the east are A-5 zoning with single family homes on the property, an exception to the general A-35 zoning predominant in the area.

DEVELOPMENT REQUEST

The Owner and Applicant request approval of a Final Plat for the development of 4 rural residential single family residential lots on approximately 40 acres (e.g. .1 DU/Acre density).

TOTAL NUMBER OF ACRES IN THE PRELIMINARY PLAN AREA: 40 acres single family residential.

TOTAL NUMBER OF ACRES WITHIN THIS APPLICATION: 40 acres.

JUSTIFICATION FOR REQUEST

This request is consistent with the purposes of the Your El Paso Master Plan. The Preliminary Plan is in conformance with subdivision design standards and establishes an adequate level of compatibility with surrounding areas of the site already constructed and other known surrounding areas currently proposed for development.

EXISTING AND PROPOSED IMPROVEMENTS

Proposed improvements will include the construction of drainage and storm water detention facilities will be constructed and maintained in conformance with County standards and specifications. Electric and telecommunication service points-of-connection will be extended from the roadways up 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 via wells. Individual septic systems will be provided via an On Site Wastewater Treatment system (OSWT) prepared by the Owner in accordance with El Paso County Department of Health policy guidelines.

Grading and earthmoving activities will be limited to residential driveways, drainage and utility construction areas. Individual lot owners will assume responsibility for grading their respective lot; no 'overlot' grading is proposed to occur over most of the site.

As such, prior to construction of proposed residences, lot-specific subsurface soil investigations will be performed to determine whether or not shallow groundwater, hydro-compacted soils, and/or potentially expansive soils are present on the lot, and to determine an appropriate foundation design, basement or crawl-space suitability, and/or lot-specific recommendations are necessary to mitigate these conditions. Language requiring lot-specific subsurface soil investigation will appear as a Note on the Final Plat.

As stated previously, the preliminary plan recognizes and notes the floodway boundary as a no-build area. FEMA considers the swale which cuts across the property as a special flood hazard area, Zone AE, with a 1% annual chance of flooding. There is no intention of impact or construction within the floodway. The infrequency of flood events will likely allow the area to be used for passive recreation (e.g. hiking, horseback riding) by the property owners.

ADHERENCE WITH THE 2021 YOUR EL PASO MASTER PLAN, AND WATER MASTER PLAN

Land Use & Development, Core Principle: Manage growth to ensure a variety of compatible land uses that preserve all character areas of the County.

The 2021 Your El Paso Master Plan (the "Master Plan") addresses issues directly related to the Preliminary Plan and development of the *22755 McDaniels Road* development. The policies specifically related to the Preliminary Plan request include:

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

The Preliminary Plan proposed for the new single family rural residential lots is compatible with the existing adjacent rural residential lots in the McDaniels Road corridor. New lots will be similar in character to existing lots and roads serving the new lots will be compatible with the types of rural roadways in nearby adjacent neighborhoods.

Goal 1.4 – *Continue to encourage policies that ensure "development pays for itself"*.

22755 McDaniels Road is proposed as a development of single family rural residences within a non-urban density area (Rural Placetype) of the Elbert community. Utilities and road

infrastructure needed to serve the new lots, such as new roads, drainage and detention facilities, erosion control, etc. will be constructed as part of this development.

Housing & Communities, Core Principle: Preserve and develop neighborhoods with a mix of housing types.

Goal 2.2 – *Preserve the character of rural and environmentally sensitive areas.*

The Preliminary Plan with RR-5 zoning for the site is harmonious and compatible with the rural character of adjacent and nearby neighborhoods that are zoned A-35, and A-5. The Applicant proposes to avoid overlot grading across the 40 acre site, and instead will limit grading to driveways and drainage infrastructure in keeping with the established land use character of surrounding sub-areas of the county. Low density will help to sustain the appearance and unique environmental conditions of adjacent properties.

Transportation & Mobility, Core Principle: Connect all areas of the County with a safe and efficient multimodal transportation system.

Goal 4.1-*Establish a transportation network that connects all areas to one another, emphasizing east-west routes, reducing traffic congestion, promoting safe and efficient travel.*

The design of this subdivision will relocate the existing home's driveway to the east of its existing access point. While this will maintain its access from McDaniels Road, the slight shift east will allow the development of four equally sized lots for the residents. *No access is sought from Log Road.* The three (3) proposed residences will have driveways off McDaniels Road for access.

Per the El Paso County Engineering Criteria Manual, appendix B.1.2.D, no Traffic Impact Study (TIS) is required if all of the criteria below are satisfied:

- Vehicular Traffic: (1) Daily vehicle trip-end generation is less than 100 or the peak hour trip generation is less than 10; (2) there are no additional proposed minor or major roadway intersections on major collectors, arterials, or State Highways; (3) 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; (4) 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; (5) acceptable LOS on the adjacent public roadways, accesses, and intersections will be maintained; (6) no roadway or intersection in the immediate vicinity has a history of safety or accident problems; and (7) there is no change of land use with access to a State Highway.

- Pedestrian Traffic: Paved pedestrian facilities exist or will be constructed on, or adjacent to, the site; or, the proposed use will not generate any new pedestrian traffic.

With the above criteria in mind, the addition of three new homesites fall below the threshold to generate a TIS.

County Road Impact Fees will be paid at time of building permit.

Community Facilities & Infrastructure, Core Principle: Continue to coordinate with local and regional agencies to provide well-managed, high-quality community facilities and services.

Goal 5.3 – Ensure adequate provision of utilities to manage growth and development.

Concerning utilities, 22755 McDaniels Road has been provided a commitment letter for delivery of electrical service by Mountain View Electrical Association. Individual propane tanks will provide natural gas to the homes. On-site wells will provide water. Wastewater will be accommodated by individual on-site wastewater treatment systems. Based upon evaluation by our environmental and geotechnical engineers, it has been determined that the site is suitable for individual on-site wastewater treatment systems without contamination of surface and subsurface water systems.

Goal 5.4-Use best management practices to protect water quality, conserve water, minimize impacts of flooding, and beautify El Paso County.

The submitted drainage report specifically details a four step process to minimize adverse impacts of development. The process includes reducing runoff volume, stabilizing drainageways, treating the water quality capture volume (WQCV), and consider the need for best management practices (BMPs). A grading and erosion control plan and a stormwater management report have been submitted with the FDR.

As stated previously, the preliminary plan recognizes and notes the floodway boundary as a no-build area. FEMA considers the swale which cuts across the property as a special flood hazard area, Zone AE, with a 1% annual chance of flooding. There is no intention of impact or construction within the floodway. The infrequency of flood events will likely allow the area to be used for passive recreation (e.g. hiking, horseback riding) by the property owners.

Per Section 8.4.2. of the El Paso County Land Development Code, Environmental Considerations subsection (B)(1) (b) Minimize Flood Damage, Divisions of land shall be designed and constructed to minimize potential flood damage to properties and public utilities and facilities such as sewer, gas, electrical, and water systems. Development in the floodplain shall be limited to uses compatible with the flood hazard and shall specifically exclude residential uses, sewage and water treatment plants, commercial shopping areas,

and industrial sites. All residences on the lot layout are outside of the floodplain, and the plan specifies the area as a “no-build” area. The area will be used for light recreation by the residents.

Per 8.4.2. (B)(1)(d) Lots Greater than 2.5 Acres in Size. Lots 2.5 acres and larger are required to provide drainage easements for the 100-year floodplain with the restriction of "No Build" and "No Storage of Materials". As mentioned prior, the plan designates the area as “no-build” on our plans. Drainage easement shall be provided for this area.

Environment & Natural Resources, Core Principle: Prioritize and protect the County’s natural environment.

Goal 9.2- *Promote sustainable best practices with regard to development and infrastructure.*

The surrounding area of the Preliminary Plan has sufficient carrying capacity to support the new development with regard to roadway capacity, water supply, septic suitability, educational facilities, and organized structural fire protection. Commitment Letters from entities that would supply this development with essential services have been submitted with this Preliminary Plan application.

The Preliminary Plan design, which includes 9.7 acre home sites, ensures that development of this site will remain compatible and contiguous with existing rural residential areas. With a density of .1 DU/Ac, 22755 McDaniels Road is compatible with numerous other subdivisions adjacent to and within a 2 mile radius of the property.

WATER DEPENDABILITY

The following information was provided by request of El Paso County per the El Paso County Water Master Plan, Chapter 7, Implementation:

A water resources report and water supply information summary have been provided to the County for this development.

The water resource report provides data for the Planning Commission and the Board of County Commissioners (BoCC) to determine whether the proposed water supply is sufficient in terms of quality, quantity and dependability for the proposed subdivision. The report includes adequate documentation that the proposed water supply is sufficient in terms of quantity, dependability and quality for the proposed subdivision.

Gas service:

Gas service will be provided by individual propane tanks adjacent to residences.

Water Service:

Water shall be provided via four on-site wells.

The on-site existing well case number is 227502 Arapahoe (existing – serves existing residence). The designated basin is the Upper Black Squirrel within the Upper Black Squirrel Management District. The water source on-site originates from the Upper Arapahoe (NNT) and Laramie-Fox Hills (NNT).

- The Upper Arapahoe provides a total appropriated volume of 578 acre feet, with a 100 year annual appropriation of 5.78 acre feet per year. The 300 year annual appropriation is 1.93 acre feet per year.
- The Laramie-Fox Hills provides a total appropriated volume of 1176 acre feet, with a 100 year annual appropriation of 11.76 acre feet per year. The 300 year annual appropriation is 3.92 acre feet per year.

Based on the 300 year annual appropriation:

Water Supply and Demand Summary

LOTS	Total Supply (AF/Year)	Total Demand (AF/Year)
4	5.85	1.34

Water Quality:

The water quality in the Arapahoe aquifer in this area has been typically suitable for residential potable use. Water samples were obtained from the existing well (well permit #227502) constructed via an exterior water tap serving the existing residence (22755 McDaniels Road). Water samples were obtained from this tap on July 16th 2021, with the water quality testing performed by Colorado Analytical Laboratories and ACZ Laboratories, per the El Paso County Land Development Code section 8.4.7(B). Final results from this water quality testing were received on August 26th, 2021. All results were found to be below primary and secondary Maximum Contaminant Limits (MCLs).

Because of the absence of any and all evidence of fecal contamination in the form of *E. Coli* or Total Coliform, or that all sampled and analyzed constituents were below all primary and secondary standards the proposed water source emanating from the Arapahoe Aquifer is deemed safe for public consumption.

END

