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**Hay Creek Subdivision**  
**Preliminary Plan and Final Plat**

**Letter of Intent**

**September 29, 2024**

3405 Hay Creek, LLC  
3405 Hay Creek Road  
Colorado Springs, CO 80921

**OWNER:** 3405 Hay Creek, LLC  
3405 Hay Creek Road  
Colorado Springs, CO 80921

**PLANNER:** Vertex Consulting Services, LLC  
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**PROPERTY LOCATION:**

On the south side of Hay Creek Road approximately one-third of a mile west of the Snow Mountain Heights and Hay Creek Road intersection.

**TAX SCHEDULE NO:**

7133007025

**ACREAGE:**

28.54 acres

**CURRENT ZONING:**

RR-5 (Residential Rural). There is a concurrent application for rezoning 3.54-acres of the parcel to the RR-2.5 (Residential Rural) zoning district.

**REQUEST AND SITE SIZE:**

Vertex Consulting Services, LLC, on behalf of 3405 Hay Creek, LLC, is respectfully submitting an application for approval of a preliminary plan and final plat for a 28.54-acre parcel to allow for the creation of six single-family residential lots. Five of the six proposed lots will include a minimum of five acres, pursuant to the existing RR-5 (Residential Rural) zoning district. The sixth lot will not include enough acreage to meet the minimum lot size of five acres in the RR-5 zoning district. Therefore, the area included within that lot (which is depicted as Lot 2) is the subject of a concurrent RR-2.5 (Residential Rural) rezoning request to allow it to be platted having 3.54 acres. The property is located approximately two miles southwest of the Baptist Road and Interstate 25 interchange on the south side of Hay Creek Road approximately one-third of a mile west of the Snow Mountain Heights and Hay Creek Road intersection.

## **WAIVER REQUEST**

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

The purpose and intent of the portions of the Code to be waived are to ensure safe, legal access. Legal access is being provided via easement. The Fire Protection District has provided a commitment letter, indicating no concern. All other aspects of the Code remain in force.

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

The waivers will not result in the need for additional waivers.

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

The proposed private road allows for safe travel by owners of the lots as well as emergency responders. The plat depicts a cul-de-sac meeting fire apparatus turning radii.

***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 proposed private roadway will serve 5 total dwelling units. Construction and dedication of a County roadway for such a small number of homes would be an undo hardship to El Paso County to maintain this dead-end cul-de-sac.

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

El Paso County has historically struggled to maintain the roads within the County. Small cul-de-sacs are typically last on the list of maintenance and improvement. El Paso County does not allow the public to maintain County roadways, even if they become in disrepair. The private roadway will be better maintained than if it were a County roadway, therefore making it a safer road.

***The waiver will not in any manner vary the zoning provisions of this Code.***

All standards of the RR-5 and RR-2.5 zoning district will be met.

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

See Master Plan section below for further information regarding how the proposed subdivision is in compliance with the Master Plan.

Below is an analysis of how the requested waiver meets the criteria specifically for Private Road Allowances included in Section 8.4.4.E of the Code:

*(1) Use of Private Roads Generally Limited. Private roads shall normally be confined to closed loops and dead-end roads not likely to be needed for the convenience and safety of the general public.*

The private road is a cul-de-sac. The private road will only be utilized by the residents within the subdivision, therefore, the road is not needed for the convenience or safety of the general public.

*(2) Private Roads Require Waiver. The use of private roads is limited and allowed only by waiver. In granting a waiver to allow private roads, the BoCC shall make written findings supporting the use of private roads and may require the owner to enter into a Private Road Maintenance Agreement or create covenants whereby the lot owners are required to maintain the private roads.*

A maintenance agreement will be established with the covenants.

*(3) Private Roads to Meet County Standards. Generally, private roads shall be constructed and maintained to ECM standards except as may be otherwise determined in the waiver. Private road waivers may only include design standards for the following:*

- *Right-of-way width where suitable alternative provisions are made for pedestrian walkways and utilities;*

Pedestrian walkways are not required for local rural roads, which is the standard being waived. Utility easements have been provided on the plat drawing.

- *Design speed where it is unlikely the road will be needed for use by the general public;*

The road will not be utilized by the general public as it is a cul-de-sac.

- *Standard section thickness minimums and pavement type where suitable and perpetual maintenance provisions are made;*

Maintenance is being provided by the property owners per the proposed covenants.

- *Maximum and minimum block lengths; and*

Not applicable.

- *Maximum grade.*

Not applicable.

### **OVERLAY ZONING:**

There is no overlay zoning applicable to the subject property.

### **COMPLIANCE WITH CRITERIA OF APPROVAL AND SUBDIVISION DESIGN STANDARDS**

The proposed subdivision meets the criteria for approval included within Section 7.2.1.D.2 and 3 of the El Paso County Land Development Code as described below:

#### Preliminary Plan Criteria for Approval

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

#### **Your El Paso County Master Plan**

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. However, that is not the case with this preliminary plan and the concurrent map amendment (rezoning) request, as identified below.

### **Chapter 3 Land Use**

#### **Key Area Analysis: “Tri-Lakes Key Area” and “Potential Areas for Annexation”**

##### **“Tri-Lakes” Key Area**

The property is located within the Tri-Lakes Key Area. The Plan describes the key area as follows:

“Tri-Lakes is the northern gateway into the County along Interstate 25 and Highway 83. It is situated between Pike National Forest, the United States Air Force Academy, and Black Forest. With significant suburban development and some mixed-use development, this Key Area supports the commercial needs of many of the residents in northern El Paso County. *Tri-Lakes also serves as a place of residence for many who commute to work in the Denver Metropolitan Area.* It is also an activity and entertainment center with the three lakes (Monument Lake, Woodmoor Lake, and Palmer Lake) that comprise its namesake and direct access to the national forest. Tri-Lakes is the most well-established community in the northern part of the County with *a mixture of housing options*, easy access to necessary commercial goods and services, and a variety of entertainment opportunities. *Future development in this area should align with the existing character and strengthen the residential, commercial, employment, and entertainment opportunities in the adjacent communities of Monument, Palmer Lake, and Woodmoor.*”

The proposed preliminary plan and final plat will help support the existing character of the Tri-Lakes Key Area by providing additional places of residence for those who commute to work in the Denver Metropolitan Area. Developing additional housing in the area will help strengthen the current residential market while staying compatible with the surrounding neighborhood, which includes RR-5 zoned lots and parcels and PUD-zoned lots having some lots less than 5 acres but larger than 2.5 acres.

##### **Area of Change Analysis: “Minimal Change: Developed”**

The subject property is identified in the Areas of Change map within the Plan as being within the “Minimal Change: Developed” area of change. Page 21 of the Plan characterizes areas of “Minimal Change: Developed” by stating:

“These areas have undergone development and have an established character. Developed areas of minimal change are largely built out but may include isolated pockets of vacant or

underutilized land. These key sites are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. For example, a large amount of vacant land in a suburban division adjacent to a more urban neighborhood may be developed and change to match the urban character and intensity so as to accommodate a greater population. The inverse is also possible where an undeveloped portion of a denser neighborhood could redevelop to a less intense suburban scale. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character can be maintained.”

The mapping of the boundary of the “Minimal Change: Developed” Area of Change on the property is appropriate given that there is an existing single family residence on the property (which is proposed to remain on Lot 1), but also considering that the current zoning of the property suggests that the property is underdeveloped so as to allow for additional subdivision and development of the property.

***Placetype Analysis: “Large Lot Residential”***

The subject property is shown on the Placetypes map of Your El Paso Master Plan as being within the Large Lot Residential Placetype.

Page 26 of the Plan identifies the following land uses as being Primary Land Uses within the Large Lot Residential Placetype:

- Single-Family Detached Residential (typically 2.5-acre lots or larger)

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

- Parks/Open Space
- Commercial Retail (Limited)
- Commercial Services (Limited)
- Agriculture

The Large Lot Residential Placetype is described further on page 28 as follows:

“The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of **2.5 acres or more**, and are generally large and dispersed throughout the area so as to preserve a rural aesthetic. The Large-Lot Residential placetype generally supports accessory dwelling units as well. Even with the physical separation of homes, this placetype still fosters a sense of community and is more connected and less remote than Rural areas. Large-Lot Residential neighborhoods typically rely on well and septic, but some developments may be served by central water and waste-water utilities.”

As discussed above, the proposed subdivision will include six lots all of which will be compromised of well over 2.5 acres and will be served by well and septic.

### **El Paso County Water Master Plan**

The subject property is located within Planning Region 2 of the Water Master Plan, pursuant to Figure 3-1 on page 25, includes several other central water providers. Table 5-3 of the Plan identifies that Region 2 has a current demand of 7,532 acre-feet per year and a current supply of 13,607 acre-feet per year, which results in current excess water supplies in the amount of 6,075 acre-feet per year. Tables 5-4 and 5-5 project Region 2 as continuing to have excess water supplies at year 2040 and at full buildout (2060) in the amount of 1,894 acre-feet and 353 acre-feet, respectively. However, none of the central water providers have existing infrastructure in relatively close proximity to the subject property. Extension of such services is not economically feasible. Instead, the lots will be served by groundwater wells pursuant to decreed water rights.

### **El Paso County Parks Master Plan**

The El Paso County Parks Master Plan (2022) does not identify any parks, trails or open space facilities located in the immediate vicinity of the subdivision. The closest facility is the New Santa Fe Regional Trail which has a trailhead located near the intersection of Baptist Road and Old Denver Highway. The Trails Master Plan depicts a “Proposed Secondary Regional Trail” in the area, but it does not provide for a specific alignment. The Open Space Master Plan depicts the overall general area, including the Forest Lakes area, as being “Candidate Open Space Lands.” This is consistent with the conservation easement applicable to property located south of the Forest Lakes development and uphill to the north/northwest of the subject parcel.

### **2016 Major Transportation Corridors Plan (MTCP)**

Map 14. The 2040 Roadway Plan (Classification and Lanes) exhibit of the 2016 El Paso County Major Transportation Corridors Plan (MTCP) identifies Hay Creek Road as a Collector level roadway. Hay Creek Road is also currently designated as a collector level roadway; therefore, no right of way or improvements are required to Hay Creek Road in association with this subdivision.

### **Other Topical Elements of the County Master Plan**

The proposed subdivision and concurrent rezone are 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.

The Master Plan for Mineral Extraction, and specifically Map 1 Aggregate Resource Evaluation, identifies the property as having “Stream Terrace Deposits” which is defined as including “Older stream deposits containing sand, gravel, silt, and clay preserved on benches or broad flat to sloping areas adjacent to streams.” Map 2 of the Plan, which is the Exclusive Version of the Aggregate Resource Evaluation, includes the same designation. Lastly, Map 3, which is the Residual Version of the Aggregate Resource Evaluation, also indicates potential Stream Terrace Deposits. Preservation

of the wetlands is required and the drainage area is being protected by designating the stream corridor, which is the same area depicted as potentially having Stream Terrace Deposits, as a no-build area thereby eliminating the potential for commercially viable mineral extraction on the property now or into the future.

The Mineral Rights Affidavit submitted in support of the preliminary plan and final plat application identifies that there is not a separate mineral rights owner(s) on the subject property that would be impacted by the approval and development of the proposed subdivision and concurrent rezoning requests.

***The subdivision is consistent with the purposes of the Land Development Code;***

The subdivision is consistent with the purposes of the Land Development Code as outlined in Chapter 1 of the Code including full implementation of the goals and policies of the Master Plan specific to the property as well as those aimed at addressing many of the housing and land use-related issues within the County. The subdivision will allow for orderly development of the property, including pursuant to the concurrently-requested rezoning.

***The subdivision is consistent with the subdivision design standards and any approved sketch plan;***

The subdivision meets all of the design standards included within Chapter 8 of the Code as well as the dimensional standards of the RR-5 (Residential Rural) zoning district and the concurrently proposed RR-2.5 zoning district, which will be exclusively applicable to Lot 2 with approval of the rezoning request. 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.

***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 finding may not be deferred to final plat if the applicant intends to seek administrative final plat approval)***

The associated water resources report identifies a sufficient water supply has been acquired in terms of quantity, quality, and dependability.

***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***

The lots are proposed to be served by onsite wastewater treatment systems (septic systems). The onsite wastewater treatment report identifies that there are at least 2 potential sites for a septic system on each lot.



***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)]***

A Soils and Geology Study, dated November 2024, was prepared by RMG. and was submitted as a supporting document to this subdivision application. The conclusion of the Study was that “Based upon our evaluation of the geologic conditions, it is our opinion any proposed future development is feasible. The geologic conditions identified are considered typical for the Front Range region of Colorado.”

***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;***

A drainage report has been submitted addressing the requirements of the Land Development Code and the Engineering Criteria Manual at the subdivision stage of development and all applicable design criteria requirements have been implemented in the associated final drainage plan.

***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***

There are no public improvements required or proposed with this subdivision. The roadway accessing the lots within the subdivision from Hay Creek Road will be private.

***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;***

As stated above, access from Hay Creek Road to all lots will be via a private road located within a shared access easement as depicted on the associated final plat.

***The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating 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; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating 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;***

Hay Creek bisects the property running from west to east. The larger lot sizes being proposed allow for the Creek to be protected from encroachment and adverse drainage impacts associated with the planned subdivision development. The Creek will be included within the acreage of the proposed lots, but will not be developable and will continue to serve as a natural amenity. The

adjacent developments are similar in density and lot size and allow for a seamless transition from the comparably-sized lots within this subdivision.

Both the US Fish and Wildlife as well as the Army Corp have provided letters indicating no concern or objection to the requested subdivision. A significant area has been identified on the plat as no-build. The property owner has chosen to include a larger area beyond the floodplain in an effort to preserve the existing natural environment.

***Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;***

The property is served by the Tri-Lakes Monument Fire Protection District, which has an obligation to provide fire protection service to the development, and is within the patrol area of the El Paso County Sheriff's Office. Mountain View Electric Association will provide electric service and Black Hill Energy will provide natural gas service to the development. The proposed private roadway providing access to the proposed lots will be adequate and allow for emergency response access to the site.

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

The internal private roadway has been designed to meet the fire apparatus turning radius requirements and minimum width requirements for two-way travel.

***The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Code;***

The proposed subdivision meets all applicable regulations included within Chapters 6 and 8. Please review the associated soils and geology report, onsite wastewater treatment system report, and drainage report which document compliance with both chapters, as applicable.

Final Plat Criteria for Approval

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

A full analysis of compliance with the County Master Plan, including the topical components of the Plan, has been provided above in association with the Preliminary Plan Criteria for Approval.

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

This application is for a combined preliminary plan and final plat; therefore, full conformance between the two applications is inherent.

***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 subdivision meets all applicable regulations included within Chapters 6 and 8 of the El Paso County Land Development Code. The plat map includes all requirements include all surveying requirements pursuant to the Land Development Code and state statute.

***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***

A finding of water sufficiency is being requested with the proposed combined preliminary plan and final plat pursuant to the associated decreed water rights owned by the applicant in support of the six lot subdivision.

***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***

As discussed above, there are no central wastewater service providers having infrastructure in the immediate vicinity of the subject property. Instead, each of the larger rural residential lots will be served by onsite wastewater treatment systems (septic systems). All septic systems will be required to comply with the design, permitting, and construction standards of El Paso County Public Health and the Colorado Department of Public Health and Environment.

***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 and Geology Study, dated November 2024, was prepared by RMG. and was submitted as a supporting document to this subdivision application. The conclusion of the Study was that “Based upon our evaluation of the geologic conditions, it is our opinion any proposed future development is feasible. The geologic conditions identified are considered typical for the Front Range region of Colorado.”

***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***

“Adequate drainage improvements” in the context of the proposed rural residential subdivision includes providing a passenger vehicle crossing over Hay Creek to access the four southernmost lots in the subdivision (Lots 3 through 6).

***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***

As stated above, access from Hay Creek Road to all lots will be via a private road located within a shared access easement as depicted on the associated final plat.

***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 already within the boundaries of the Tri-Lakes Monument Fire Protection District and will receive police protection from the El Paso County Sheriff's Office. The lots within the subdivision will be served by groundwater wells and onsite wastewater treatment systems. Hay Creek Road will provide adequate access to the subdivision.

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

Access into the subdivision will be from Hay Creek Road via a private road within a shared access easement. Design of the road, including the design of the roadway crossing over Hay Creek, has been discussed with Tri-Lakes Monument Fire Protection District. The District has consented to the design of the road and associated creek crossing.

***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***

There are no off-site impacts anticipated with this subdivision; therefore, there are no proposed off-site mitigation measures being proposed.

***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***

No public facilities or infrastructure are required to mitigate impacts associated with the proposed six lot subdivision.

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

The proposed subdivision meets all applicable regulations included within Chapters 6 and 8. Please review the associated reports which document compliance with both chapters, as applicable.

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

**COUNTY ROAD IMPACT FEE**

The proposed subdivision will be subject to the County's Road Impact Fee. Payment of fees will be required.