Vertex Consulting Services, LLC
719-733-8605

Sundance West

Letter of Intent

June 17, 2025

Matthew Dunston & Gene Dunston
1230 Scarsbrook Court
Monument, CO 80132
mattdunston@hotmail.com
719-339-2410

OWNER: Matthew Dunston & Gene Dunston
1230 Scarsbrook Court
Monument, CO 80132

APPLICANT: Vertex Consulting Services, LLC
5825 Delmonico Drive, Suite 320
Colorado Springs, CO 80903
303-906-8800

PROPERTY LOCATION: 5525 Hodgen Road
Southeast of the Hodgen Road and Farrar Road intersection

TAX SCHEDULE NOS: 6125001003

ACREAGE: 19.51 acres

CURRENT ZONING: RR-5 (Residential Rural)

PROPOSED ZONING: RR-2.5 (Residential Rural)

OVERLAY: None

none of the lots will take physical access from a public roadway so the waiver is for the entire subdivision

SITE SIZE, ZONING, AND LOCATION:

The 19.51-acre property is located on the south side of Hodgen Road at the southeast corner of the Hodgen Road and Farrar Road intersection. A concurrent request has been made to rezone the property from the RR-5 zone district to the RR-2.5 zone district.

UTILITY SERVICE:

Mountain View Electric Association (MVEA) provides electric service and Black Hills Energy provides natural gas service to the area. Water and sewer will be provided by onsite groundwater wells and onsite wastewater treatment systems (OWTS).

REQUEST:

1. A request for approval of a vacation replat to create 7 lots.
2. A request for a finding of water sufficiency in terms of water quality, quantity, and dependability.
3. A request for approval of a waiver of Section 8.4.3, Minimum Frontage, for Lots 4, 6, and 7.

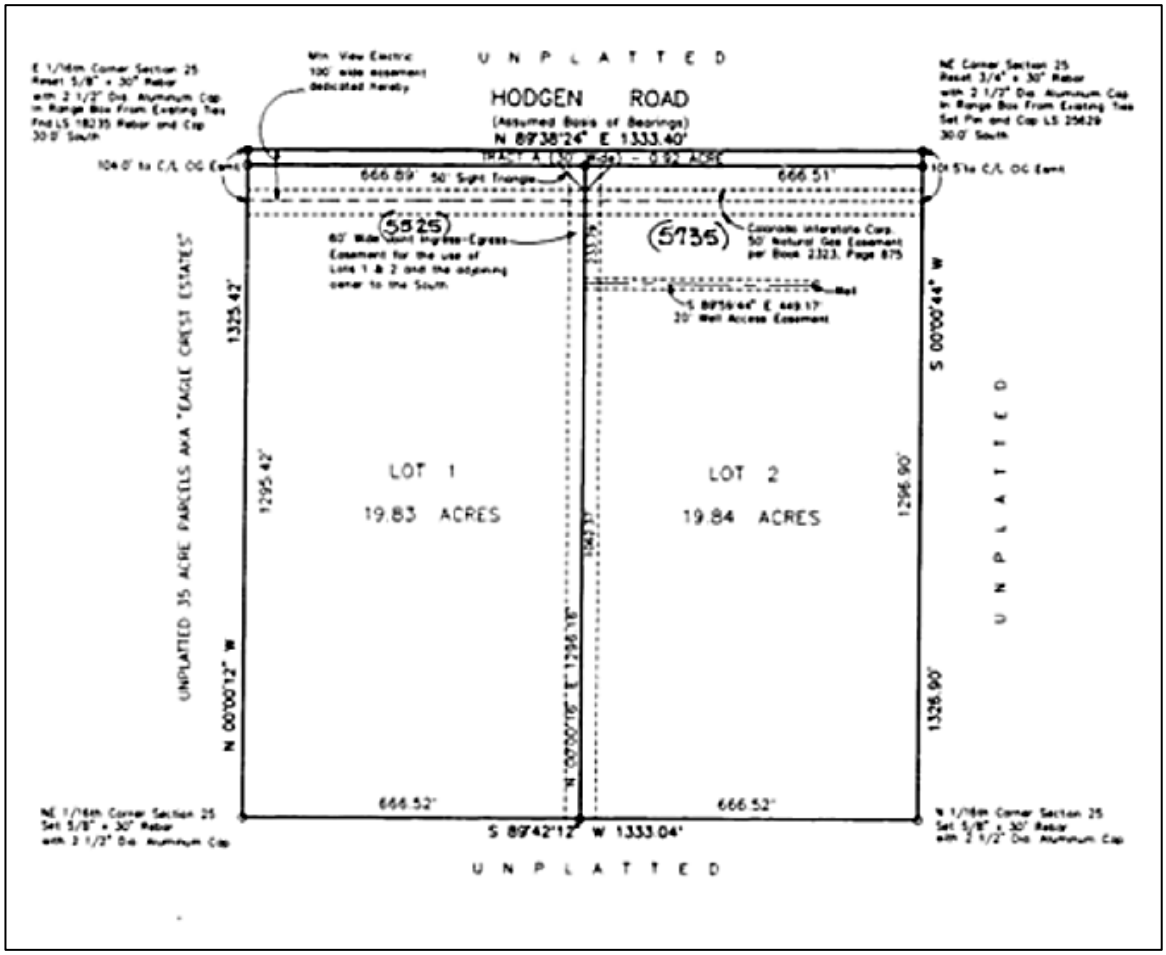
Background

The 19.51-acre property is currently zoned RR-5 (Residential Rural) and was previously platted as Lot 1 of the Thal Subdivision. A concurrent request has been made for a map amendment (rezoning) request is to rezone the property from RR-5 to RR-2.5 (Residential Rural) to allow for subdivision of the property to create 2.5-acre or larger single family residential lots.

Current Zoning



As Platted – Thal Subdivision Plat (subject property is lot 1)



Analysis and Justification:

REPLAT CRITERIA

The following is an analysis of the replat criteria included within Section 7.2.3.C of the El Paso County Land Development Code and justification for approval:

REPLAT CRITERIA #1: *The replat complies with this Code, and the original conditions of approval associated with the recorded plat;*

The requested replat complies with the Code, provided the requested waiver is approved. The only conditions of approval for the current Thal Subdivision were requirement of payment of impact fees and statutory recording requirements (PCD File No. MS99012).

REPLAT CRITERIA #2: *No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;*

There are no nonconformities currently. The replat will not result in any new nonconformities being created if the waivers are approved. The existing building will meet all setback requirements of the RR-2.5 zone district.

REPLAT CRITERIA #3: *The replat is in keeping with the purpose and intent of this Code;*

Section 1.4, Purpose, of the Code states "This Code is adopted for the purpose of preserving and improving the public health, safety and general welfare of the citizens and businesses of El Paso County." The replat does not conflict with the purpose statement of the Code.

REPLAT CRITERIA #4: *The replat conforms to the required findings for a minor or major subdivision, whichever is applicable;*

The subdivision analysis has been included below.

REPLAT CRITERIA #5: *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;*

Lots 6 and 7 do not have frontage onto dedicated right-of-way and will gain access from a shared access easement depicted on the vacation replat drawing. All other lots have direct access to county dedicated right-of-way via either Hodgen Road (only lot 5 via existing access easement) or Farrar Road.

Unresolved:
Due to the roadway classification, no direct access will be permitted to Hodgen Road. Proposed Lot 5 shall take access to Farrar Road and the existing access shall be closed. Please revise.

REPLAT CRITERIA #6: *The approval will not adversely affect the public health, safety, and welfare; and*

The replat will not adversely affect public health, safety, and welfare. A traffic study, soils and geology report, onsite wastewater treatment report have been submitted in support of the application and demonstrate no adverse effects.

REPLAT CRITERIA #7: *Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved.*

There are no current CC&Rs. No such conflict exists.

WAIVER CRITERIA:

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 an easement to a dedicated roadway. 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.

Safe, legal access will be gained to a dedicated roadway via a 30' shared access easement. The fire department will review and approve the shared driveway construction at the time of building permit. The grading and erosion control plan submitted with the replat application depicts a shared driveway meeting fire apparatus turning radii. Lots 4, 6, and 7 will share the maintenance responsibilities equally.

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 existing parcel is deep with limited frontage onto a County roadway. Reconfiguring the subdivision would likely have resulted in flag lots, which are not preferred by El Paso County Planning.

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

As stated above, reconfiguring the lots would result in flag lots.

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

All standards of the 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.

FINAL PLAT CRITERIA:

The pages that follow address each one of the criteria included within Section 7.2.1 (subdivision) of the El Paso County Land Development Code.

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

Please review the Master Plan analysis below.

The subdivision is consistent with the purposes of the Land Development Code ("Code").

Section 1.4 of the Land Development Code identifies the purpose of the Code. Below is the Code citation with the italic wording indicating how the proposed subdivision furthers the intended purpose.

"This Code is adopted for the purpose of preserving and improving the public health, safety and general welfare of the citizens and businesses of El Paso County. More specifically, it is the purpose of this Code to:

- Implement the Master Plan and related elements.
  See the Master Plan section below for an analysis of how the proposed subdivision conforms to the Master Plan.
- Promote predictability, consistency and efficiency in the land development process for residents, neighborhoods, businesses, agricultural and development interests.
  The application has been submitted and reviewed in compliance with the Land Development Requirements and applicable procedures.
- Ensure appropriate opportunities for participation and involvement in the development process by all affected parties.
  Adjacent property owners will be notified of the request by El Paso County upon submission. Any responses received will become a part of the public record.
- Be fair to all by ensuring due consideration is given to protecting private property rights, the rights of individuals and the rights of the community as a whole.
  The requested subdivision will not infringe upon the rights of the surrounding properties.
- Guide the future growth and development of the County in accordance with the Master Plan.

See the Master Plan section below for an analysis of how the proposed subdivision conforms to the Master Plan.

- Guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
  Please review the submitted traffic study. The water and wastewater reports submitted with the subdivision application demonstrate sufficient water and that wastewater can be treated with an onsite wastewater treatment system. Park and school fees will be paid at the time of plat recordation.
- Establish reasonable standards of design and procedures for subdivision and resubdivision in order to further the orderly layout and use of land and to ensure proper legal descriptions and monumenting of subdivided land.
  All standards are being met.
- Ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision, and, in so doing, ensure that current residents will be required to bear no more than their fair share of the cost of providing the facilities and services by requiring the developer to pay fees, furnish land, or establish mitigation measures to cover the development's fair share of the capital facilities needs generated by the development.
  Commitment letters have been submitted for fire protection, electric service, and natural gas service. The road impact fee will be paid at the time of building permit for any new dwelling proposed.
- Prevent the pollution of air, streams, and ponds; assure the adequacy of drainage facilities; and encourage the wise use and management of natural and biological resources throughout the County in order to preserve the integrity, stability, and beauty of the community and the value of the land."
  There are no significant natural features within the subdivision that should be preserved. The drainage report identifies that the existing natural drainage onsite will not be significantly impacted by the proposed subdivision and that no additional improvements are required.

Unresolved: Comments have been provided on the drainage report and private improvements are required because of the amount of existing disturbance. Please revise as needed once drainage report comments have been addressed.

The subdivision is in conformance 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.

El Paso County has requested submission of closures sheets, plat drawings, legal description, wastewater report, title commitment, PBMP applicability form, commitment letters, final drainage report, fire protection report, natural features report, soils and geology report, water resources report, and water quality report. All requested studies, reports, and documents have been drafted in compliance with the adopted checklists and criteria. Pursuant to County procedure, all outstanding comments have been addressed prior to the plat being scheduled for Planning Commission and Board of County Commissioner hearings. Additionally, all design considerations listed in Section 8.4.1 of the Land Development Code have been met, with the exception of the

requested waiver.

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 the Code.

The water resources report prepared by Hayes Poznanovic Korver LLC recommends sufficient water in terms of water quantity, quality, and dependability. Sufficient water supply has been secured for the subdivision, and is summarized in the Colorado Ground Water Determination of Water Rights, as provided to the County. Individual wells shall provide each property with its water supply.

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 the Code.

An onsite wastewater treatment system report prepared by Entech has been submitted and supports the proposed lots being served by individual septic systems.

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 Geology and Soils Report, as well as an Onsite Wastewater Treatment System Report, have been prepared by Entech and submitted to the County. The report identified seasonally wet and potentially seasonally shallow groundwater areas. The following plat note has been added:

> Lots 3, 4, 6, and 7 have been found to be impacted by geologic hazards. Mitigation measures and a map of the hazard area can be found in the report "Soils and Geology Study Hodgen Road 7-Lot Subdivision" by Entech Engineering Inc, (job no. 250183) in file number SF2527 available at the El Paso County Planning and Community Development Department:
>
> - Seasonally High Groundwater
> - Potentially Seasonally High Groundwater
>
> Additional Soil-related plat notes:
> When seasonal groundwater levels are within three feet of basement floor elevations, the foundation design must incorporate perimeter drainage systems, waterproofing, sump-pumps, or other lot-specific groundwater mitigation measures.
>
> There shall be a minimum 4-foot vertical separation between OWTS leach fields and seasonal high groundwater levels. If monitoring shows the separation is insufficient, elevated or mounded OWTS designs will be necessary, with leach fields relocated away from drainage swales.

Each lot must undergo a geotechnical assessment that specifically addresses seasonal groundwater, expansive soils, shallow bedrock, uncontrolled fill, and foundation drainage before building permits are issued.

All structures must maintain recommended positive drainage slopes (minimum 5% for at least 10 feet from foundations) and limit concentrated infiltration near structures to avoid exacerbating perched groundwater conditions.

A public sewage disposal system shall not be provided. Subsurface conditions will be reevaluated upon development of each individual lot. A private, engineered onsite wastewater treatment system will be designed by a Colorado Licensed Engineer and installed, per the reports submitted to the County. The proposed new lots are anticipated to be suitable for individual onsite wastewater treatment systems; it should be noted each lot has sufficient space for both primary and alternate OWTS locations.

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 Engineering Criteria Manual ("ECM").

The drainage report prepared by JPS Engineering identifies no drainage improvements are required for the proposed subdivision.

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.

Due to the size and scale of the subdivision, impacts related to the proposed subdivision will be negligible, therefore, no public improvements are required.

Legal and physical access is or will be provided to all parcels by public ri easement, acceptable to the County and in compliance with the Code ar

Unresolved:
No direct access to Hodgen will be permitted. Lot 5 shall take access to Farrar and existing access from Hodgen shall be closed.

Legal physical access is being provided to each lot from existing roads, Hodgen Road and Farrar Road, as well as from a shared access easement. A 25-foot trail easement for the benefit of El Paso County has been depicted on the northern end of the subdivision. The dedication of open space is not required for this 7-lot subdivision.

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

The property is within the Black Forest Fire Protection District limits. No hydrants or cisterns are being proposed unless the Fire Department identifies a desire for the developer to construct one with this subdivision. Commitment letters have also been provided by Mountain View Electric Association as well as Black Hills Energy. The existing County roadway network is capable of handing the anticipated additional 60 Average Daily Trips.

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

The Fire Protection Report meets all requirements of Section 6.3.3, Fire Protection and Wildfire Mitigation.

The proposed subdivision meets other applicable sections of Chapters 6 and 8.

With approval of the requested waiver, the proposed subdivision meets all applicable sections of Chapters 6 and 8 of the Code including drainage, fire protection and wildfire mitigation, transportation systems, water supply, wastewater disposal, and geology and soils standards.

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.

The only anticipated off-site impact is additional traffic, however, the six additional dwellings will not generate a significant amount of traffic and the existing roadway network can easily handle the additional traffic. See the traffic study for further analysis.

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 proposed subdivision will be served by individual driveways and will not require any public infrastructure improvements.

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

The mineral rights have not been severed from the land.

Your El Paso County Master Plan

MASTER PLAN ELEMENTS:

Below is an analysis of the various El Paso County Master Plan elements.

Your El Paso County Master Plan Analysis

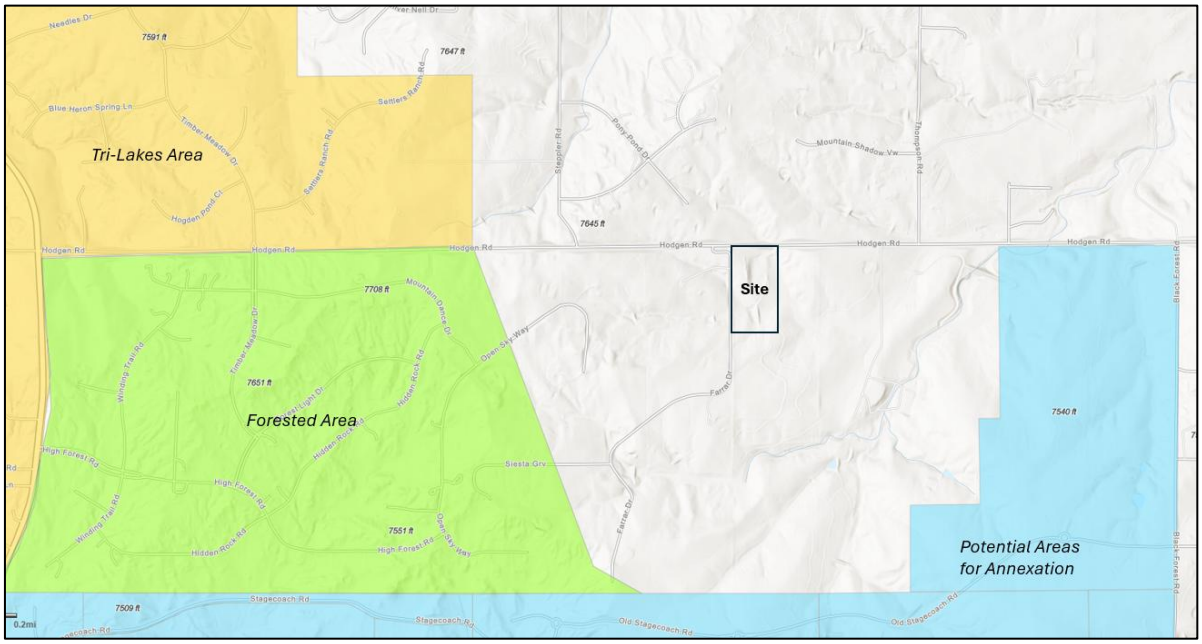
Chapter 1 of Your El Paso Master Plan (2021) states that the Plan is "general in nature-it cannot tackle every issue in sufficient detail to determine every type of necessary action." In addition, Chapter 1 goes on to state that the Plan "is intended to provide clearer and more coordinated policy, resulting 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 requested map amendment (rezoning) to the RR-2.5 zoning district and replat, as identified below.

Chapter 3 Land Use

***Key Area Analysis*: Not included within an identified Key Area**

The property is not included within a mapped Key Area of the Master Plan, as depicted in the map below:



Area of Change Analysis: "Minimal Change: Developed"

The subject property is identified on the Areas of Change map as being within the "Minimal Change: Developed" area of change (see the map on the next page).

"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 an 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 almost 20-acre property is currently developed with only one single-family residential dwelling, which makes the property considerably underdeveloped when compared to many other properties in the area. Developments such as High Forest Ranch to the west, Settlers Ranch to the northwest, and Flying Horse North to the east and south have developed or are currently developing with much smaller lot sizes, ranging from approximately 2.5 acres down to one-third of an acre. Even some of the smaller developments in the area, such as Longview Estates to the northwest and Providence Point Estates to the west, include smaller single-family lots, with some being less than five (5) acres in size. The presence of these developments clearly justifies the "Developed" label of the Area of Change designation, while the underdeveloped nature of the subject property is indicative of the "Minimal Change" opportunity that still remains for a variety of properties in the area.

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 26 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 commu-nity and is more connected and less remote than Rural areas" (emphasis added).

A review of this area of the County in the context of the mapped Placetypes in the County Master Plan reveals an expectation of a relatively homogenous character given that all of properties in the

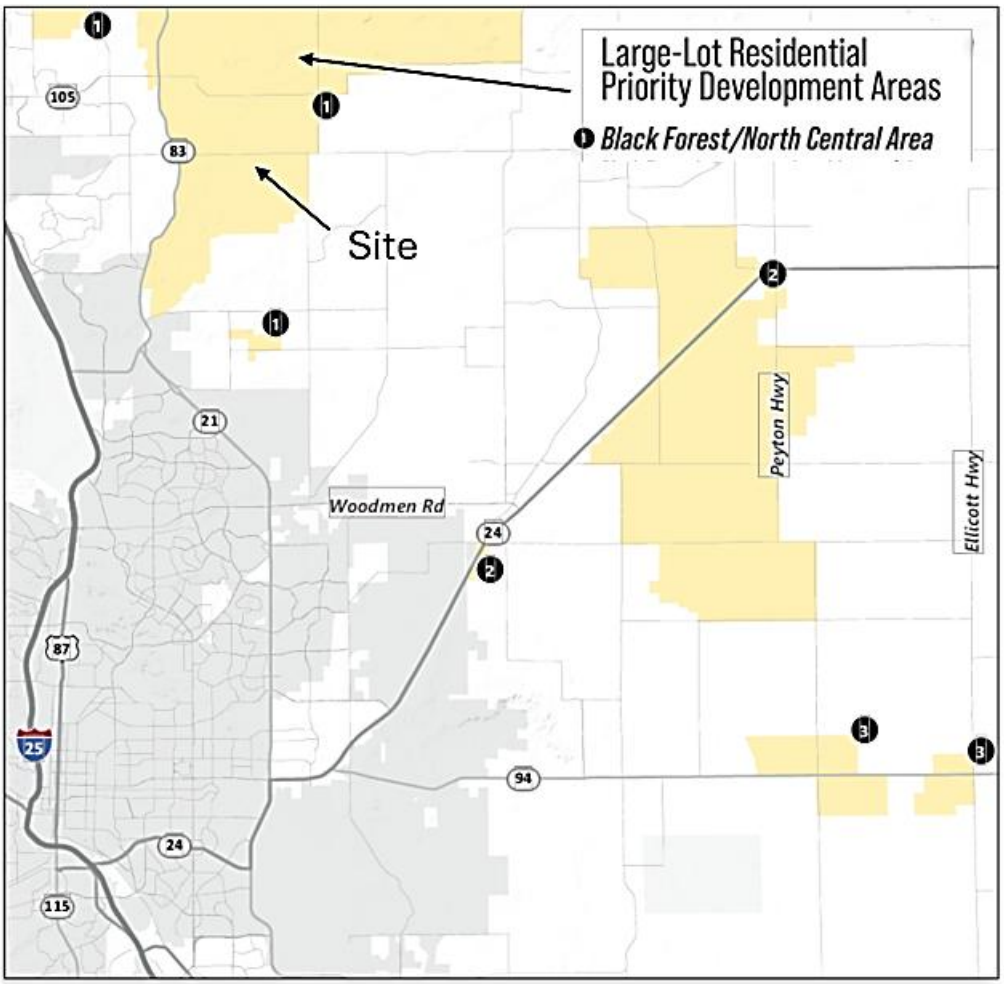
area that are located within a radius of over 1.5 miles from the subject property are all within the Large-Lot Residential Placetype. This designation ultimately sets the standard for subdivision of land in this area at lot sizes of 2.5-acres or larger. One exception to this standard, however, is the Flying Horse North development located just over one-half mile south and east of the subject property which includes areas that are approved for lot size of one-third of an acre. All other developments in the area are consistent with the 2.5-acre minimum lot size standard established within the Large-Lot Residential Placetype. The proposed replat includes 7 lots all sized 2.5 acres or greater.

Chapter 4 Housing & Communities

In addition to supporting and being in compliance with the applicable Areas of Change, Key Area, and Placetype designations and policies in Chapter 3 of the Master Plan, the proposed rezoning is also in total alignment with the Residential Priority Development Area designation found in Chapter 4 of the Plan. The property is identified as being within the Black Forest/North Central Priority Development Area (see map below). Page 54 of the Plan describes this area as follows:

> "Black Forest is a community with one of the strongest and most well-established characters in El Paso County. This area is built around protecting the forest and preserving its rural quality. Due to this natural amenity, many new residents seek to live in this area when moving to the County."

The description goes on to say that "The County should maintain existing and **expand the Large-Lot Residential Placetype in this area** in a development pattern that matches the existing character of the developed Black Forest Community." (Emphasis added) The proposed rezoning and replat would expand the recent trend of establishing the Large-Lot Residential Placetype as can be seen in the High Forest Ranch and Settlers Ranch development, which are also located along Hodgen Road. These development, like the one being proposed with this rezoning, generally feature single-family residential lots comprise of a minimum of 2.5 acres, which is consistent with the Large-Lot Residential Placetype.



Large-Lot Residential Priority Development Areas

El Paso County Water Master Plan

The Executive Summary from the Water Master Plan (2018) 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." A water sufficiency finding is being requested with subdivision. It should be noted that the Water Master Plan only contemplates centralized providers and did not provide an analysis for individual well, as is proposed here.

The subject property is located within Planning Region **2** of the Water Master Plan, pursuant to Figure 3-1 on page 25. The Plan provides an analysis of water supply for central water providers, not for developments served by individual wells. Central water service is not proposed and water is to be provided by individual wells.

A Water Resources Report has been submitted with the subdivision application. The report identifies there is sufficient water in terms of water quantity, quality, and dependability for the lots included in the subdivision.

El Paso County Parks Master Plan

The El Paso County Parks Master Plan (2022) depicts the Fox Run Primary Regional Trail on the northern portion of the subject property. A 25' trail easement for the benefit of El Paso County has been added to the concurrently reviewed subdivision application. Land dedication, or fees in lieu of land dedication will be provided at the time of plat recordation.

2024 Major Transportation Corridors Plan (MTCP)

The subject property is adjacent to Hodgen Road to the north and Farrar Drive to the west. Access to the site is from Farrar Drive to the west. The 2024 MTCP depicts Hodgen Road as a rural minor arterial and Farrar Road as a non county-maintained roadway. A 20 foot right-of-way dedication is required for Hodgen Road, as depicted on the Final Plat drawing. A traffic memo was prepared by LSC and details the potential traffic impacts of the proposed development.

Other Topical Elements of the County Master Plan

The proposed rezone 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.

Community Outreach

No neighborhood meeting has occurred, nor has one been required or recommended by El Paso County. The owner has discussed the replat with several individual surrounding property owners. None of the surrounding property owners have objected to the replat to date.

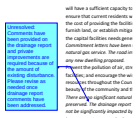
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CDurham (5)



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Unresolved:
Due to the roadway classification, no direct access will be permitted to Hodgen Road. Proposed Lot 5 shall take access to Farrar Road and the existing access shall be closed. Please revise.



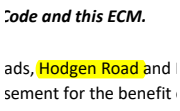
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Comments have been provided on the drainage report and private improvements are required because of the amount of existing disturbance. Please revise as needed once drainage report comments have been addressed.



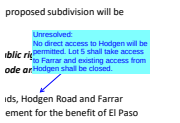
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The drainage report identifies that the existing natural drainage onsite will
not be significantly impacted by the proposed subdivision and that no additional improvements are required.



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Hodgen Road



Subject: Callout
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Author: CDurham
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Unresolved:
No direct access to Hodgen will be permitted. Lot 5 shall take access to Farrar and existing access from Hodgen shall be closed.

Lacey Dean (1)



Subject: Planner
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none of the lots will take physical access from a public roadway so the waiver is for the entire subdivision