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**Deim Subdivision
Letter of Intent**

February 5, 2025

PCD File # SF2515

Connie & Josh Deim
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Castle Rock, CO 80104

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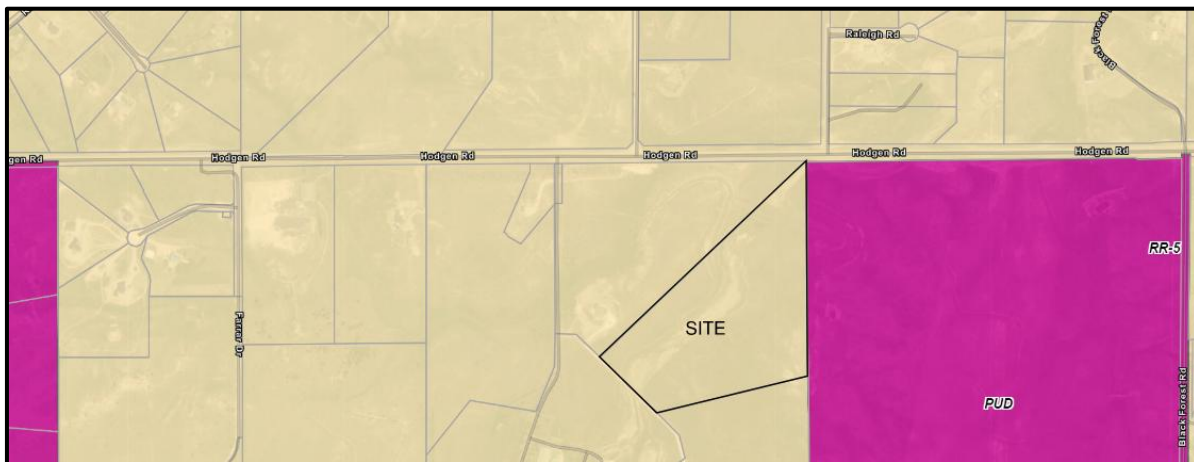
Tax Schedule No: 5100000509

Acreage: 35.05 Acres

Zoning: RR-5 (Residential Rural)

Site Location, Size, Zoning:

Vertex Consulting Services, LLC, on behalf of Josh & Connie Deim, is respectfully submitting an application for a 4-lot subdivision within the RR-5 zoning district. The proposed subdivision is compatible with the surrounding planned and existing developments and is consistent with the Your El Paso Master Plan.



Utilities

Mountain View Electric Association (MVEA) provides electric service and Black Hills Energy provides natural gas service to the area and have provided commitment to serve the lots within the subdivision. The new dwelling will be served by an individual onsite wastewater treatment system and individual well. The Onsite Wastewater Treatment System (OWTS) Report demonstrates the soils are suitable for OWTS design and construction. The Water Resources Report prepared by Monson, Cummins, Shohet & Farr, LLC identifies there is adequate water in terms of quantity, quality, and dependability to support the BoCC making a finding of sufficiency.

Request:

1. A request for approval of a 4-lot minor subdivision within the RR-5 zoning district.
2. A request for a waiver of Sections 8.4.4 (C), 8.4.4 (C) which requires all lots to gain access from a public roadway and that private roads be constructed to County standards.

Justification:

The pages that follow address each one of the criteria included within Sections 7.3 (waiver), and 7.2.1 (minor subdivision) of the El Paso County Land Development Code.

Waiver

Section 8.4.4 (E) of the Code requires all lots to be served by a public road. The Land Development Code defines a public road as:

“Road, Public — A road located in a public right-of-way or easement and open to the public for travel and accepted for maintenance by El Paso County or another governmental jurisdiction.”

The plat depicts a 60-foot right-of-way being dedicated to El Paso County at the request of the Department of Public Works. However, El Paso County will not accept this right-of-way for ownership and maintenance until the adjacent property owners have also dedicated right-of-way to El Paso County from Hodgen Road to the subject property and the roadway is brought up to County standards.

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 existing private road is a well-constructed gravel road meeting all fire apparatus radii. Two of the eight parcels taking access off of the private road are owned by the Cherokee Metropolitan District. The well and tank site is located at the terminus of the private road. The road has been constructed and maintained to allow the Cherokee machinery and staff to access the two parcels for regular inspection and maintenance of their critical infrastructure. All other aspects of the Code remain in force. A maintenance agreement has been submitted with this subdivision.

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.

Sundance Ranch Lane is an existing private road. The existing private road is accessible by emergency responders and meets the turning radius for a fire truck.

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.

Sundance Ranch Lane is a private loop road serving 8 parcels. The 8 parcels include 2 parcels with dwellings, 2 Cherokee Metropolitan District parcels, and 4 vacant parcels. Converting this existing roadway from a private to public roadway would require either condemnation by El Paso County or that all parcel owners dedicate right-of-way and participate in the construction of the road. Not all parcel owners are in agreement today, therefore, it is not possible for the owners of the proposed Subdivision to cause the conversion.

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

As stated above, it is not possible for the applicant to cause the private roadway to become public without consent from all lot owners.

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

All standards of the RR-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 an existing dead-end private road. The private road will only be utilized by those 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.

There is an existing property owners association maintenance agreement in place.

(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 private loop road utilized by only those addressed off of Sundance Ranch Lane.
- *Standard section thickness minimums and pavement type where suitable and perpetual maintenance provisions are made;*
Maintenance is being provided by the property owners who are addressed off of Sundance Ranch Lane per the maintenance agreement.
- *Maximum and minimum block lengths; and*
Not applicable.
- *Maximum grade.*

Not applicable.

Minor Subdivision (Preliminary Plan & Final Plat Criteria)

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 were notified of the request by El Paso County. No responses have been received to date.
- 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.
The proposed subdivision will result in an additional 30 ADT, which the surrounding roadway network can handle. Please review the traffic impact study submitted in support of the subdivision for further analysis. The proposed lots will each have their own access points onto the private road. 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. A 25 foot trail easement has been depicted on the final plat at the request of El Paso County Parks. 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 floodplain and jurisdictional dam areas have been preserved as no-build on the final plat.

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, analysis, studies, reports, plans, designs, documents, and other supporting materials.

All design considerations listed in Section 8.4.1 of the Land Development Code have been met. The floodplain has been depicted as a no-build area on the plat.

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 James Tilton recommends sufficient water in terms of water 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 the Code.

An onsite wastewater treatment system report has been submitted and identifies the proposed lots may be 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)].

The floodplain has been depicted as a no-build area on the plat. A soils and geology study was prepared by Entech Engineering Inc. (Job No. 241868). Figure 6 of the report depicts potentially hazardous areas of Artificial Fill of Holocene Age, Recent Alluvium of Holocene Age, Colluvium of Quaternary Age overlaying the Dawson Formation of Tertiary to Cretaceous Age, Floodplain, and Seasonally Shallow Groundwater. All potential hazard areas are included within the no-build areas.

Adequate drainage improvements complying with State law [C.R.S. § 30-28- 133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM") are provided by the design.

The drainage report prepared by All Terrain 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 rights of-way or recorded easement, acceptable to the County and in compliance with the Code and the ECM. 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 therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.

Legal physical access is being provided to each lot from an existing private road. The plat depicts a 60-foot right-of-way dedication to El Paso County for Sundance Ranch Lane. Please review the traffic impact study submitted in support of the subdivision for further analysis regarding the negligible traffic impacts. A 25-foot El Paso County trail easement has been depicted along Hodgen

Road at the request of El Paso County Parks.

Natural features on the subject property include the floodplain as well as wetlands. These natural features have been preserved as a no-build area on the plat. US Fish and Wildlife has determined the project is of no concern and has provided clearance.

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 Black Fores Fire Protection District has provided a commitment letter. 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 handling the anticipated additional 30 Average Daily Trips.

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

The Fire Protection Report meets all requirements of Section 6.3.3, Fire Protection and Wildfire Mitigation. The subject property is not treed and does not require wildfire thinning. Pursuant to BoCC resolution 13-503 minor subdivisions are exempt from the IFC and requirement to provide cisterns.

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

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 of the Code.

The only anticipated off-site impact is additional traffic, however, the three additional dwellings will not generate a significant amount of traffic and the existing roadway network can easily handle the additional traffic. Please review the traffic impact study submitted in support of the subdivision for further analysis regarding the negligible traffic impacts

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 the existing private road 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.].

It was verified that the mineral rights have not been severed from the land upon consultation with El Paso County.

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 subdivision, as identified below.

Key Area Analysis

The subject property is not identified in the Plan as being within a Key Area.

Priority Development Areas

In addition to supporting and being in compliance with the applicable Areas of Change and Placetype designations and policies in Chapter 3 of the Master Plan, the proposed subdivision is also in total alignment with the Large Lot Priority Development Area designation found in Chapter 4 of the Plan.

Page 49 of the Plan explains the importance of establishing Priority Development Areas:

“El Paso County is expecting significant growth over the next 20 years. While large expanses of undeveloped land exist throughout the County, particularly in the Rural Placetype, development should be prioritized elsewhere to efficiently utilize and extend existing infrastructure, conserve water resources, and strengthen established neighborhoods. This framework identifies specific locations throughout the County that should be prioritized first for new residential development to help accommodate growth. While some priority development areas may be made up of a mix of placetypes, each area is driven by a predominant placetype that defines most of the area. The map shows some gaps between priority development areas and municipal boundaries. These areas are largely developed already and will continue to develop as necessary. In the following section, numbers are only intended to connect recommendations to the corresponding locations in the County.

They are not a hierarchy of priority.”

The specific Large-Lot Residential Priority Development Area the subject property is within the “Black Forest/ North Central Area” subsection. This area is further defined on page 54:

“Black Forest/North Central Area

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.

- Careful planning is required to promote health of natural areas, especially the forest, while accommodating new development for future residents.
- 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.
- Commercial nodes should be considered where appropriately served by the transportation network in the northern area to provide commercial goods and services within closer proximity to the population in this area. This would reduce unnecessary travel to other parts of the County and establish key commercial areas within the communities that need them.”

The subject property is not treed, however, the property does include a floodplain. The floodplain has been preserved in a no-build area. As discussed above, the proposed minimum lot size of 5-acres and overall density of one dwelling unit per 8.76 acres is consistent with the existing surrounding character.

Key Area Analysis

The subject property is not within a key area.

Area of Change Analysis

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 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.” (Emphasis added)

The subject property is currently vacant and is surrounded by other 35-acre parcels immediately adjacent to the west and south. Immediately adjacent to the north is the High Plains subdivision, with lot sizes approximately 5-acres in size. Immediately adjacent to the east is the Flying Horse North development, which is a large master planned development with lot sizes ranging from 14,000 square feet to 5 acres. The Flying Horse Sketch Plan depicts densities adjacent to the Deim Subdivision as one dwelling unit per 5-acres. The proposed subdivision includes lot sizes ranging in size from 5 acres to 15 acres in size. The Master Plan anticipates some redevelopment as long as the character can be maintained. As discussed above, the proposed subdivision is in conformance with the existing rural residential densities of the surrounding properties.

Placetype Analysis

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
- Commercial Service
- 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 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 wastewater utilities. If central water and wastewater can be provided, then lots sized less than 2.5 acres could be allowed if; 1.) the overall density is at least 2.5 acres/lot, 2.) the design for development incorporates conservation of open space, and 3.) it is compatible with the character of existing developed areas.

Conservation design (or clustered development) should routinely be considered for new

development within the Large-Lot Residential placetype to provide for a similar level of development density as existing large-lot areas while maximizing the preservation of contiguous areas of open space and the protection of environmental features. While the Large-Lot Residential placetype is defined by a clear set of characteristics, the different large-lot areas that exist throughout the County can exhibit their own unique characters based on geography and landscape.” (emphasis added)

The placetype specifically identifies lot sizes of 2.5 acres or greater as being supported within the placetype. The proposed lots significantly exceed the 2.5 acre limitation. Additionally, the drainageway and floodplain have been depicted on the plat as no-build, preserving the natural beauty.

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 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 supplies for Region 2 amounts to 13,607 AF of water per year with 2060 being 20,756 AF of water per year; therefore, there is projected to be a surplus supply of water for central water providers in this region of the County.

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 Fox Run Trail along Hodgen Road. A 25 foot wide El Paso County trail easement was requested and has been depicted on the final plat drawing. Fees in lieu of dedication will also be provided with the subdivision.

2024 Major Transportation Corridors Plan (MTCP)

The 2024 MTCP depicts Hodgen Road as a Major Collector roadway with an ultimate right-of-way width of 180 feet (2065 MTCP). Adequate right-of-way dedication has been included in the plat drawing. Right-of-way dedication has been added for Sundance Ranch Lane to allow the roadway to become public in the future, if desired by future subdividers of adjacent parcels. A traffic impact study was not required pursuant to ECM Appendix B, ECM Chapters 1.6 and 1.16 as the proposed

subdivision will not result in traffic in excess of 100 ADT or 10 trips at the peak hour, there are no additional minor or major roadways being proposed, there will be no change in the type of traffic to be generated, the subdivision will not result in a change to the LOS for Hodgen Road, and there is no proposed access onto a State Highway. However, a Traffic Memo was prepared to analyze the existing private road to ensure no safety hazards exist.

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.