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May 27, 2026

VIA electronic submittal

El Paso County Planning and Community Development Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Re: Letter of Intent for Preliminary Plan application for Ben Lomand Mountain Village Subdivision, Northwest El Paso County (along County Line Road).

To whom it may concern:

Our firm represents the United Congregational Church (“CHURCH”), the owner of approximately ±341.1 acres of land (“CHURCH PROPERTY”) located within northwest El Paso County, Colorado. The Church Property is located in portions of Sections 3, 4 & 5, Township 11 South, Range 67 West of the 6th P.M., immediately East of the Town of Palmer Lake and South of County Line Road (PINs 7103000028, 7104000001, 7104000002, 7104001010, 7104200012, 7104237002, and 7105424044). The Church Property is commonly known as 3195 County Line Road, Monument, Colorado 80132.

On behalf of the Church, we respectfully submit this letter of intent for a preliminary plan for a major subdivision on the Church Property, in anticipation of developing the Ben Lomand Mountain Village Subdivision.

A. Contact Information

Contact information for the owner, applicant, and project team is as follows. The applicant requests that all members of the project team be copied on all correspondence related to this project.

<u>Owner / Applicant</u>	<u>Engineer</u>	<u>Attorney</u>
United Congregational Church Pastor Roger Sung and Mary Sung 3195 County Line Rd. Monument, CO 80132 ptggmountain@gmail.com (719) 332-2607	Atwell Daniel J. Madison, PE, 7600 E. Orchard Rd., Ste. 150 N Greenwood Village, CO 80111 dmadison@atwell.com (303) 531-3217	Fairfield and Woods, P.C. Todd G. Messenger, Esq., 1801 California St., Ste. 2600 Denver, CO 80202 tmessenger@fwlaw.com (303) 894-4469

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B. Current Zoning of the Property

The Church Property consists of seven parcels, all of which are zoned RR-2.5.

Parcel ID	Area (acres)	Jurisdiction	Existing Zoning
7105424044	14.3	Unincorporated El Paso County	RR-2.5
7104200012	147.1	Unincorporated El Paso County	RR-2.5
7104237002	0.9	Unincorporated El Paso County	RR-2.5
7104000002	38.2	Unincorporated El Paso County	RR-2.5
7104000001	49.2	Unincorporated El Paso County	RR-2.5
7104001010	45.7	Unincorporated El Paso County	RR-2.5
7103000028	45.7	Unincorporated El Paso County	RR-2.5

C. Details of the Specific Request

The Church Property comprises approximately ±341.1 acres of land. The proposed subdivision will result in: (1) 72 single-family residential lots ranging from 2.05 acres to more than 2.5 acres (two of which will be set aside for United Congregational Church facilities during development of the subdivision); (2) two lots (Lots 1 and 1A) for a new Religious Institution or potentially Community Building (as those terms are defined in the El Paso Land Development Code (“LDC”) at Section 1.15); (3) tracts for private roads, stormwater retention, and drainage, and (4) approximately 100 acres of conservation area that will serve as a sanctuary for wildlife (Tract A).¹ Individual lots will be served by individual wells and on-site wastewater treatment systems (“OWTS”). The anticipated subdivision will be accessed from multiple intersections on County Line Road on the north side of the Church Property. The existing fire road access locations will remain in place. The proposed Lots 34 and 36 are currently developed with a church building and related youth center, respectively. However, the preliminary plan contemplates that they will ultimately be redeveloped with single-family detached dwellings.

Several deviations from County engineering standards are necessary to accomplish the conservation design of the proposed subdivision, provide access for fire suppression and fuels management, and minimize cuts and fills in a way that respects the existing topography and blends in with surrounding residential development on steep lots on the South side of the ridge. Justifications for those deviations are provided in this letter as well.

¹ See Preliminary Plan Set, Ben Lomand Mountain Village.

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D. Overlay Zoning

The Church Property is not located within any of El Paso County's overlay zones.

E. Chapter 7 Approval Criteria

El Paso County Land Development Code (“LDC”) § 7.2.1. addresses the review process for subdivisions of land. Preliminary plan criteria are set forth in LDC § 7.2.1.(D)(2)(e). The proposed subdivision is in conformance with these criteria as follows:

1. The Proposed Subdivision Is in General Conformance With the Goals, Objectives, and Policies of the El Paso County Master Plan.

The proposed subdivision creates 72 lots for single-family detached dwellings, ranging from 2.05 acres to more than 2.5 acres (two of which will be set aside for United Congregational Church facilities during development of the subdivision), two lots (Lots 1 and 1A) for a new Religious Institution or (potentially) Community Building, and a tract of approximately 100 acres in area for a wildlife sanctuary. The design intent of the subdivision is low-density, rural, single-family detached residential development designed with conservation in mind.

According to the El Paso County Master Plan (“MASTER PLAN”), the “County will need to accommodate growth in specific areas of the County while maintaining the special character, unique places, and environmental and natural amenities that have helped define the region.”² The proposed subdivision will accommodate relatively low density residential development in a suburban context adjacent to a rural landscape (it is across from vast open space in Douglas County) and the development is anticipated to include a wildlife sanctuary of approximately 100 acres. The anticipated development in the subdivision will add to the County's housing stock³ and “preserve the character of rural and environmentally sensitive areas,” advancing Goals 2.1 and 2.2 of the Master Plan.⁴

The proposed development is also compatible with the established character of its surroundings (which include large areas of RR-2.5 zoning and low density single-family detached dwellings), will rely on individual wells and OWTS, and will connect to the state highway system at County

² Master Plan, Vision, at 13.

³ The Master Plan provides that “the County should focus detached housing development in Large-Lot Residential and Suburban Residential areas,” which include the Church Property. Master Plan at 57.

⁴ Master Plan at 14.

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Line Road (which is designated as a collector roadway at this location). As such, the proposed subdivision also advances Master Plan Goals 1.1 and 1.4.

The anticipated wildlife sanctuary implements Master Plan Goal 7.3, which calls for the provision of a variety of open spaces within the region, Objective E1-1, which calls for the establishment of “wildlife sanctuaries,” and Master Plan Objective HC2-7, which calls for a “conservation design” approach to new development.⁵ Finally, the proposed subdivision will allow for development of the Church Property with a responsible natural resource stewardship approach that implements Master Plan Goals 9.1, 9.2, and 10.1.⁶

As to future land use, the Church Property is located in the Tri-Lakes Area, which is the “the northern gateway into the County along Interstate 25 and Highway 83.”⁷ According to the Master Plan, “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.”⁸

Additionally, most of the Church Property is also located in an “area of change” in which “new development” is anticipated.⁹ This particular “area of change” is surrounded by developed areas with similar land use and the Town of Palmer Lake (with more intensive zoning). While a portion of Church Property (“Disconnected Property”) does not have a designation in the Master Plan (due to its recent disconnection from Palmer Lake it was not subject to County planning jurisdiction at the time the Master Plan was adopted), its former incorporation into Palmer Lake suggests that further residential development of the Disconnected Property is appropriate. Part of the Church

⁵ It will also directly advance the Master Plan’s objectives regarding wildlife protection and management, including, “Establish or expand public or private neighborhood parks, reserves, and other protected (e.g., wildlife sanctuaries and private reserves)” and “Manage protected areas and other resource lands for conservation.” See Master Plan at 130.

⁶ Master Plan Goal 9.1 states, “Consider the environmental impacts related to natural resource conservation, air quality, water quality, wildlife habitat, and waste management during any planning process.” Master Plan Goal 9.2 states, “Promote sustainable best practices with regard to development and infrastructure.” Master Plan Goal 10.1 states, “Prioritize hazard mitigation as growth and development occurs.” See also Master Plan at 65, regarding conservation design in suburban residential placetypes; and Master Plan at 131 regarding conservation design generally.

⁷ Master Plan at 17, 19.

⁸ Master Plan at 19, 149.

⁹ Master Plan at 20. The “new development” designation refers to “[u]ndeveloped portions of the County,” which, where “adjacent to a built out area will be developed to match the character of that adjacent development . . .” Master Plan at 21.

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Property is also designated for “protection” or “conservation” by the Master Plan.¹⁰ This area roughly corresponds with the area that the Church intends to protect as a wildlife sanctuary.

The Church Property is located within the “Suburban Residential” placetype, in which single-unit detached residential, institutional uses (*e.g.*, places of worship), and open spaces are appropriate. Residential density in this placetype is expected to be within the range of five units per acre to 2.5 acres per unit. The Church Property is a “priority development area” among the suburban placetypes.¹¹ According to the Master Plan, this area has largely developed with a suburban residential pattern, “and should continue to do so without impediment.”¹²

The Church Property is located within 2018 Water Study Planning Area 2, which is the only water study planning area in the County that has an average year surplus of water (estimated at 353 acre-feet). Municipal water and sewer services are not available at this location, and the proposed rezoning will facilitate development according to the trend in similar locations: “to develop 2.5- to 5-acre lots with individual onsite wells and septic systems.”¹³

2. The Proposed Subdivision Is Consistent with the Purposes of the LDC.

LDC § 1.4 addresses the purposes of the LDC. As applicable to the proposed subdivision, the purposes of the LDC are to: (1) “implement the Master Plan” with regard to future growth and development in the County; (2) guide private action to provide “adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities”; (3) “further the orderly layout and use of land and to ensure proper legal descriptions and monumenting of subdivided land”; (4) “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”; and (5) “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.”

The proposed subdivision is consistent with these purposes. The proposed subdivision implements the Master Plan with regard to future growth and development, as discussed in Part E.1., *supra*. The proposed subdivision provides for efficient transportation and public improvements through

¹⁰ Master Plan at 20.

¹¹ Master Plan at 49.

¹² Master Plan at 52.

¹³ Master Plan at 101.

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dedication and improvement of right-of-way, dedication of easements for improvements, improvement of highway connections along County Line Road, and improvement of stormwater conveyances.

The application for the preliminary plan is being undertaken pursuant to applicable procedures in the LDC, thereby ensuring that the proposed subdivision furthers the orderly layout of subdivided land and is adequately and duly recorded with proper legal descriptions and monumentation. The public facilities and services are planned to be available concurrently with development of the individual lots and construction of single-family homes, ensuring that the development will pay its own way. Finally, drainage easements and detention ponds are designed for proper function and maintenance, and located to ensure that the proposed subdivision continues to provide appropriate stewardship of natural and biological resources.

3. The Subdivision Is in Conformance with the Subdivision Design Standards and Any Approved Sketch Plan.

There is no sketch plan associated with this proposed subdivision.

Part F, *infra*, provides narrative regarding conformance with LDC Chapter 8 subdivision design standards.

4. 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 and the Requirements of Chapter 8 of the LDC.

Water supply is sufficient in terms of quantity, quality, and dependability. Part F.6., *infra*, and the Water Resources Report that is included with the application materials provide narrative regarding compliance with the requirements of LDC Chapter 8 with respect to water supply, and Part H, *infra*, provides narrative about quantity, quality, and dependability in the context of water utilities.

5. All Areas of the Proposed Subdivision, which May Involve Soil or Topographical Conditions Presenting Hazards or Requiring Special

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Precautions, Have Been Identified and the Proposed Subdivision Is Compatible with Such Conditions.

No soil or topographical conditions present hazards within the proposed subdivision.¹⁴ As appropriate from an engineering standpoint, significant areas that are graded, filled, or cut will be stabilized by retaining walls.¹⁵ Hybrid local roadway sections are proposed in areas with steeper slopes to reduce grading impacts.¹⁶

6. Adequate Drainage Improvements Complying with State Law and the Requirements of the El Paso County Code and the El Paso County Engineering Criteria Manual Are Provided by the Design.

State law requires subdividers to provide “[m]aps and plans for facilities to prevent storm waters in excess of historic runoff, caused by the proposed subdivision, from entering, damaging, or being carried by conduits, water supply ditches and appurtenant structures, and other storm drainage facilities.”¹⁷ Preliminary maps and plans describing the subdivision drainage concept are included with this letter of intent.¹⁸

Detention ponds and their appurtenant stormwater infrastructure within the proposed subdivision are designed in accordance with the requirements of the El Paso County Engineering Criteria Manual (“ECM”). The stormwater infrastructure includes full-spectrum detention facilities that maintain or improve pre-development hydrologic conditions.¹⁹ The drainage system is designed to allow stormwater to be safely conveyed through and away from the proposed subdivision without negatively impacting downstream properties.²⁰

¹⁴ See generally Ben Lomand Conceptual Grading Plan.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ C.R.S. § 30-28-133(3)(c)(VIII).

¹⁸ See Ben Lomand Conceptual Grading Plan; and Ben Lomand Preliminary Drainage Report

¹⁹ See Ben Lomand Preliminary Drainage Report, at 6-9.

²⁰ *Id.* at 17.

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7. 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.

The public improvements proposed in connection with the proposed subdivision are as follows: (1) improvements to fire access and forest maintenance roads, for which an easement will be granted to the County; (2) dry utility and proposed improvement easements along all internal roads, dedicated to the County; (3) a 35-foot drainage easement along County Line Road, dedicated to the County; (4) a 30-foot landscaping easement, dedicated to the County; and (5) detention ponds within two tracts set aside for drainage and detention (which connect to permanent engineered channels, outlet control structures, and spillways, that collectively maintain or improve pre-development hydrologic conditions).²¹

The proposed transportation facilities and associated easements are private roads that will provide circulation throughout the proposed subdivision, vehicular access to every parcel created in the subdivision, and service of necessary utilities to those parcels. The proposed roads improve connectivity to the subdivision by removing and replacing the two existing private access points along County Line Road with three appropriately spaced new roadway connections. This improved connectivity meets the needs of the subdivision and aligns with County planning principles.²² A traffic impact study is included with the application materials. *See also* Part J, *infra*.

The stormwater and drainage improvements meet the needs of the subdivision and mitigate the effects of the development, as discussed in Parts E.6 and F.4., *supra*.

8. 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 the LDC and the ECM.

The proposed subdivision ensures that all parcels are served by private roads connected to County Line Road (a public right-of-way).²³ Physical access to the individual parcels will be provided concurrently with development of the individual parcels.

A waiver request to authorize the proposed private roads is presented in **Appendix F**.

²¹ See Preliminary Plan Set, Ben Lomand Mountain Village at 18-23; *see also* Preliminary Drainage Report at 6-8.

²² Master Plan at 82 (county planning policy is to encourage subdivision to have multiple access points for purposes of reducing traffic congestion and promoting connectivity).

²³ See *generally* Preliminary Plan Set, Ben Lomand Mountain Village.

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9. The Proposed Subdivision Has Established an Adequate Level of Compatibility.

- i. The proposed subdivision has established an adequate level of compatibility by incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision.*

The proposed subdivision sets aside approximately 100 acres that will serve as an open space sanctuary for wildlife. This area roughly corresponds with the area that the County has designated for “protection” or “conservation” in the Master Plan.²⁴ The area set aside for wildlife sanctuary represents a substantial portion of total Church Property and comprises the most striking and sensitive natural environment of the site. The wildlife sanctuary represents an expansive open space visual and buffering amenity for the anticipated large-lot residential subdivision.

The site layout, lots, and roads conform to the natural topography, and anticipated retaining walls are proposed only where necessary along the anticipated private rural local roadway sections.

- ii. The proposed subdivision has established an adequate level of compatibility by 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.*

The proposed subdivision provides for vehicular circulation to all individual lots.²⁵ Fire access and forest maintenance roads provide access to the wildlife sanctuary for management and emergency services.

²⁴ Master Plan at 20.

²⁵ In accordance with County plans, sidewalks are not provided for this non-clustered development subdivision, Master Plan at 86 (“Large-lot Residential placetypes only feature sidewalks in clustered development. . .”).

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- iii. *The proposed subdivision has established an adequate level of compatibility by incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses.*

The proposed subdivision incorporates landscape buffering, including planting and a decorative wall, along its northern and western borders.²⁶ This buffering creates an appropriate transition and barrier between the development anticipated within the subdivision and the Douglas County open space to the north, and the more intensive land uses within the boundaries of Palmer Lake to the West. The roughly 100 acres of preserved open space also acts as a buffer and transition to the denser and more intensely zoned subdivisions of Palmer Lake to the South and West.

Steep grades between the proposed subdivision and the existing large lot residential subdivision to the East preclude the establishment of similar landscape buffering. However, the steep grades provide a natural transition between the two subdivisions. Additionally, due to comparable lot sizes and land uses, there is little need for buffering to the East.

- iv. *The proposed subdivision has established an adequate level of compatibility by incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design.*

The proposed subdivision sets aside two tracts for detention ponds.²⁷ The proposed detention ponds will have a minor impact on existing wetlands on the Church Property. The existing wetlands on Church property are generally located along County Line Road and are the likely result of the drainage interventions made along County Line Road.²⁸ The Church will address wetland dredge-and-fill impacts as may be required by the recently promulgated Regulation 87 (the State of Colorado dredge-and-fill permitting system), and there is a material probability that some or all of the identified wetlands are exempt from state permitting under 5 CCR § 1002-87:87.3(6)(d), (e), and / or (i).²⁹ Although wildlife are known to inhabit the surrounding area, no mapped wildlife corridors or Colorado Parks and Wildlife-identified high-priority habitats are

²⁶ See generally Ben Lomand Mountain Village Landscape Plans

²⁷ Ben Lomand Conceptual Grading Plan at 1.

²⁸ See Ben Lomand Preliminary Drainage Report, Map 1.

²⁹ The current version of Regulation 87 is quite new, and the Church is considering seeking a voluntary determination on these issues from the Colorado Water Quality Control Commission pursuant to 5 CCR § 1002-87:87.3(7)(b) in due course.

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coextensive with Church Property. Nonetheless, the proposed subdivision incorporates the conservation of wildlife through the preservation of approximately 100 acres of wildlife sanctuary.

- v. *The proposed subdivision has established an adequate level of compatibility by 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.*

The provision of public facilities and infrastructure is discussed in Part E.7., *supra*.

10. Necessary Services, Including Police and Fire Protection, Recreation, Utilities, Open Space and Transportation System, Are or Will Be Available to Serve the Proposed Subdivision.

Fire protection and utilities are discussed in Part H, *infra*. Police protection is anticipated to be provided by the County Sheriff's department. The subdivision is proposed to be served by an internal private road network. *See* Parts E.7. and E.9.ii, *supra*; Appendix F.

The approximately 100-acre preserved wildlife sanctuary will serve as an open space amenity, and an appropriate level of recreation is readily available, both on-site (on large lots) and nearby for the anticipated intensity of use. Regional recreation areas located in Palmer Lake, Monument, El Paso County, and Douglas County are also available to serve the proposed subdivision.³⁰

11. The Subdivision Provides Evidence to Show That the Proposed Methods for Fire Protection Comply with Chapter 6 of the LDC.

LDC § 6.3.3. sets forth general environmental standards for fire protection and wildfire mitigation. Fire risk mitigation at the Church Property has historically been coordinated with the Colorado State Forest Service.³¹ Fire access and forest maintenance roads are already in place, and the proposed subdivision improves the connection between County Line Road and the ridgeline of Ben Lomand Mountain. The Church engages in fuels mitigation on the Church Property on a regular basis. Not only will development of the Church Property as proposed upgrade a key existing fire access route, it will also provide additional infrastructure for fire suppression, and

³⁰ Including but not limited to the Palmer Lake Regional Recreation Area, Santa Fe Open Space, the Palmer Lake Reservoir, Fox Run Regional Park, and the Santa Fe Regional Trail.

³¹ *See* Forestry Management Plan, at 5, 32-36, 50-52.

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long-term funding for continuation of fire risk mitigation activities, both on subdivision lots and within the approximately 100-acre forested wildlife preserve.

LDC § 6.3.3.(B)(2) requires a fire commitment letter. A fire commitment letter is provided as part of this application.

LDC § 6.3.3.(B)(1) and (D)(2) require a Fire Protection Report and a Wildland Fire and Hazard Mitigation Plan. A Wildfire Hazard and Mitigation Report that provides all of the information required by the referenced subsections is provided as part of this application.

12. The Proposed Subdivision Meets Other Applicable Standards of Chapters 6 and 8 of the LDC.

This Part E.12. discusses compliance with applicable sections of Chapter 6 of the LDC that are not discussed in Part E.11., *supra*. Compliance with Chapter 8 requirements is discussed in Part F, *infra*.

LDC § 6.3.1. sets forth air quality management standards for construction and requires an air quality management plan for sketch plans. Since this application does not involve a sketch plan, LDC § 6.3.1. is not applicable.

LDC § 6.3.2. sets forth standards for drainage and floodplain impact management and report requirements. A preliminary drainage report is included with this application. Drainage is discussed in part E.6, *supra*. The Church Property does not include any regulatory floodplains.

LDC § 6.3.4. sets forth standards for forestry management and requires a Forestry Management Plan. A Forestry Management Plan as required in LDC § 6.3.4.(B)(4), which complies with the above-referenced standards, considerations, and requirements for homeowner, builder, and developer responsibilities (which are set forth in LDC § 6.3.4.(B)(3)) is provided with this application. LDC § 6.3.4.(B)(2) requires the Forestry Management Plan to follow Colorado State University guidelines, which state that forestry plans should discuss inventory of forest resources, convey landowner objectives, proposed methods of management, and a 10-year plan for implementation of the management plan.³² LDC § 6.3.4.(B)(1) requires El Paso County Environmental Services Department (“EPCESD”) input to be reflected in the plan. However, it appears that EPCESD no longer exists. Consequently, its input was not obtained.

The Forestry Management Plan demonstrates that the proposed preliminary plan meets State requirements as set forth in C.R.S. § 39-1-12, and the goals of the plan align broadly with County

³² Management Plan Guidelines and Checklist, Colorado Forest Agriculture Program at 2 (revised 2018).

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objectives for improving health of forest stands, decreasing the effects of insect and disease outbreaks, improving and maintaining habitat and wildlife diversity, minimizing wildfire threat, maintaining aesthetic forest conditions, and practicing sustainable natural resource management.

LDC § 6.3.5. and the ECM set forth standards for grading and erosion control. A waiver from LDC standards is requested with regard to lot slopes.³³ A deviation from ECM standards is requested with regard to road slopes.³⁴ A conceptual grading plan demonstrating compliance with all other standards is provided with this application.

LDC § 6.3.7. sets forth standards for noxious weed management. The standards require that noxious weeds as described in C.R.S. § 33-5.5-101, *et seq.*, as amended, be identified on the subject property. No noxious weeds from Colorado Noxious Weed List A are present on Church Property. Noxious weeds on Colorado Noxious Weed List B have been observed on Church Property. A Noxious Weed Management Plan is provided with this application. The Noxious Weed Management Plan describes the extent of infestation and methods of management, including biological, mechanical, and chemical management techniques.

LDC § 6.3.8. sets forth standards for wetland identification and impact mitigation. A Wetland Report is provided with this application. Impact mitigation of wetlands is discussed in Part E.9.iv., *supra*. It is not clear whether the wetlands are continuously connected to waters of the United States, and therefore they may be outside of the jurisdiction of the U.S. Army Corps of Engineers.³⁵ As discussed more fully in Part E.9.iv., *supra* the wetlands may be subject to the recently promulgated Regulation 87, administered by the Colorado Water Quality Control Division, and the Church will evaluate the need for an official determination in due course.

LDC § 6.3.9. sets forth standards for wildlife and wildlife habitat conservation. It applies to land “identified on the Wildlife Habitat Map as significant wildlife habitat.” The Wildlife Habitat Map does not identify “significant wildlife habitat” on the Church Property. Accordingly, LDC § 6.3.9. is not applicable.

³³ See Appendix A: Request for Waiver Regarding Building Lot Slope.

³⁴ See Appendix B: Request for Deviation from Maximum Road Slope.

³⁵ See generally, *Sackett v. Environmental Protection Agency*, 598 U.S. 651 (2023).

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F. Chapter 8 Approval Criteria

LDC Chapter 8 applies to all divisions of land resulting in the creation of new lots.³⁶ LDC § 8.5 sets forth standards for dedication and fee requirements, which apply to final plat approval and recordation and are therefore not germane to this application for preliminary plan approval. LDC §§ 8.4.1. through 8.4.9. set forth the general design considerations and standards applicable to subdivision. This Part F discusses how the proposed subdivision complies with those standards.

1. LDC § 8.4.1. Planning Considerations

i. Land Found Unsuitable for Development.

LDC § 8.4.1.(A) prohibits divisions of land where land is unsuitable for development unless mitigating measures are taken to make the land suitable. LDC § 8.4.2.(B)(3) sets forth characteristics that render a building site unsuitable:

- Areas not suitable for location of water or sewage disposal systems as determined by State and County health regulations.
- Areas where slopes are greater than 30 percent.
- Areas of identified or designated geologic, soil, or natural hazards as identified in the geology and soils report or designated in the El Paso County hazard identification inventory; provided that the limitations cannot be overcome through the application of specialized engineering or mitigation.
- Areas within the 100-year floodplain as reflected on FEMA Flood Insurance Rate Map (FIRM), within proposed boundaries as reflected in LOMR/CLOMR, or as determined by a flood study as approved by the Floodplain Administrator.
- Areas within easements, without the permission or release from the beneficiary of the easement holder.

The Church Property is suitable for development and safe for its anticipated and intended purpose of large-lot residential development, religious institutional use, and wildlife preserve (open space). The Church Property is primarily meadow lowland with grades ranging between five to 15 percent on the Northern portion of the property and slopes ranging from 15 to 50 percent on the Southern portion of the property.³⁷

³⁶ LDC § 8.1.2.

³⁷ See Ben Lomand Preliminary Drainage Report at 1.

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Development of the Church Property will be generally allocated along its flatter Northern portion. The steepest areas of the Church Property are not designated for development. Instead, they are preserved as part of the wildlife sanctuary. As evidenced by the built context along the ridgeline, the relatively few building sites that include grades over 30 percent (located in the Southerly portion of the Church Property) are suitable for development of large-lot residences utilizing best engineering practices and grading methods.³⁸ No portion of Church Property falls within a geologic hazard area, a regulatory floodplain, or easements that are not subject to release.

ii. Safe for the Intended Purpose.

LDC § 8.4.1.(B) requires that land be divided in a manner allowing it to be used safely for its intended purpose, without posing a danger to public health and safety from hazards. The Church Property land is suitable for development and safe for its anticipated and intended purpose of large lot residential development, religious institutional, and open space. There are no geologic hazards on the Church Property. A Wildfire Hazard and Mitigation Report is included in this application. It shows wildfire risk is present but can be mitigated using best management practices. No portion of the Church Property is within a regulatory floodplain.

iii. Topography to be Considered.

LDC § 8.4.1.(C) requires consideration of topography and in general, disallows building sites on slopes of 30 percent or more. The proposed subdivision grading concept has minimized cut and fill to the extent possible and anticipates the need for retaining walls only where necessary. Waiver of the prohibition on building sites on steep slopes is requested in Appendix A. The proposed building sites that are the subject of the requested waiver conform to the historic pattern of development along the ridgeline and nearby ridgelines (particularly along Capella Drive, Cathedral Drive, Hamal Drive, and Hamal Circle), which includes a number of examples of safely developed slopes that are steeper than those proposed on the preliminary plan.

iv. Planning Required for Remainder Parcels.

LDC § 8.4.1.(D) subjects any remainder parcels to certain limitations. Remainder parcels are defined in LDC § 1.15 as “[a] part of a larger parcel that is not platted during the subdivision of that larger parcel and which is described by metes and bounds.” The preliminary plan encompasses the entire Church Property. No remainder parcels are proposed. Consequently, LDC § 8.4.1.(D) is not applicable.

³⁸ See Appendix A for request for waiver regarding building sites on steep slopes.

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v. *Continuation of Roads and Other Linear Facilities.*

LDC § 8.4.1.(E) requires divisions of land to be designed to consider opportunities to connect roads, trails, access, and utilities with adjacent property. The proposed subdivision provides for new connections to County Line Road. Continuation of the North-South road alignments across County Line Road to the North is unlikely due to the conservation easement on that property. With the exception of fire access roads (which will be maintained as such), other connections are foreclosed by topographic constraints and the potential for physical and functional incompatibility with neighboring undeveloped municipal land to the west, which is currently zoned industrial (M1), and for which no current development plans are available to the Church.

vi. *Lot Layout, Design and Configuration.*

LDC § 8.4.1.(F) requires divisions of land to provide for lots that are of an appropriate size and configuration for the site characteristics and intended uses; adequate buffering from the adverse impacts of adjoining uses through lot orientation, setbacks, landscaping or other appropriate methods; conservation of water, land and energy resources; conveniently located recreation facilities within the development; minimal grading, road cuts and fills; and a road system designed to preserve the integrity and function of the arterial and local roadway network.

The size and configuration of the lots are appropriate for the Church Property inasmuch as similar development on land with similar characteristics along its Southern and Eastern boundary has already occurred, and those lots are also within the County's RR-2.5 zoning district. The anticipated large-lot residential, religious institutional, and wildlife preserve (open space) development will have appropriately low impact on the Church Property. The configuration of lots within the proposed subdivision is designed to concentrate development on the Northern portion of the Church Property.

Lots are oriented away from County Line Road. Landscape buffering will be provided along the North and West boundaries of the Church Property, thereby separating the large-lot residential development within the proposed subdivision from more intensive land uses (and more intensive zoning where land is currently vacant) in Palmer Lake. Water-wise landscaping and water conservation principles have been considered in designing the landscape buffering.

The preserved wildlife sanctuary is an open space amenity for the subdivision, and there is ready access to trails and open space adjacent to and in close proximity to the proposed subdivision. The design of the proposed subdivision minimizes grading, and cut and fill impacts are mitigated throughout the subdivision. The roadway network in the proposed subdivision is appropriately

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connected to the adjacent collector roadway (County Lind Road) with adequate spacing of intersections located to maximize visibility and minimize congestion.

vii. Preservation of Natural Landscape.

LDC § 8.4.1.(G) requires divisions of land to consider the preservation and enhancement of the natural landscape and vegetation. The layout of the proposed subdivision minimizes impact on natural wetlands and forested areas. Approximately 100 acres of forested area along the southern ridge of the proposed subdivision is set aside as the wildlife sanctuary tract, which preserves the most sensitive and distinctive topographical features of the Church Property. Additionally, most of the land area that is within identified wetlands is located within drainage tracts, and to the extent required by state law, impacts to wetlands will conform to Regulation 87.

viii. Preservation of Historical and Archaeological Sites.

There are no historical or archaeological sites on the Church Property.

2. Environmental Considerations

i. Miscellaneous Environmental Requirements

LDC § 8.4.2.(A)(1) encourages planting or screening buffers along abutting collectors, arterials, and expressways and between different types of uses. Landscape buffering will be provided along the North and West boundaries of the Church Property, thereby separating the large-lot residential development within the proposed subdivision from County Line Road and the more intensive land uses in Palmer Lake.³⁹

LDC § 8.4.2.(A)(2) requires central sewage collection systems for multifamily residential lots. No multifamily residential lots are proposed on the Church Property. Consequently, LDC § 8.4.2.(A)(2) is not applicable.

LDC § 8.4.2.(A)(3) encourages locating residential lots in such a way to minimize adverse influence from airports and airport operations. The Church Property falls outside the impact areas of all regional airport noise contour maps and master plans.⁴⁰ Consequently, LDC § 8.4.2.(A)(3) is not applicable.

³⁹ See Ben Lomand Mountain Village Landscape Plans.

⁴⁰ See Colorado Springs Airport and Peterson Space Force Base Noise Contours, Meadow Lake Airport Master Plan, and El Paso County Master Plan at 88.

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LDC § 8.4.2.(A)(4) requires consideration of threatened and endangered species. No specific impact on threatened and endangered species is anticipated as a result of future development on the Church Property. Additionally, the proposed subdivision promotes wildlife stewardship values by way of the preservation of approximately 100 acres of wildlife sanctuary.

ii. Hazards

LDC § 8.4.2.(B) prohibits divisions of land unless hazards on those lands have been removed or mitigated. No hazards related to geological conditions, soils, floods, high water table, polluted waters, airports, major utility facilities, or landfill contamination exist on the Church Property. The wildfire hazard and mitigation report shows wildfire risk is present but can be mitigated through the application of best management practices.

LDC § 8.4.2.(B)(2) requires subdivisions to be designed to minimize the impact of noise pollution on residents. The proposed subdivision incorporates landscape buffering along its Northern and Western borders.⁴¹ This buffering establishes appropriate transitions between the development anticipated within the subdivision and the Douglas County open space to the north, and the more intensive land uses within (and that could occur within) the boundaries of Palmer Lake. A noise study is not required by LDC § 8.4.2.(B)(2)(b)(iii) because the proposal does not adjoin an arterial roadway.

LDC § 8.4.2.(B)(3) requires identification of no-build areas on the plat.⁴² The preliminary plan provided in this application meets this requirement.

iii. Snow Drift Areas

LDC § 8.4.2.(B)(4) requires additional design features where the subdivision is adjacent to arterial roads subject to snow drifting problems as identified in the ECM. While a portion of County Line Road adjacent to Church Property is identified in the ECM as a “Road with Snow Drifting Problems,” the road is already equipped with snow fencing.⁴³ Moreover, County Line Road is classified as a collector along this segment. Accordingly, snow drift requirements set out in the ECM do not apply to the development of the Church Property.

⁴¹ See generally Ben Lomand Mountain Village Landscape Plans.

⁴² See Part F.1.i., *supra*, for discussion regarding areas deemed unsuitable for development.

⁴³ ECM at 2-91, Figure 2-42.

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3. Division of Land, Block, Lot, and Tract Layout Standards

i. Minimum Frontage

LDC § 8.4.3.(A)(1) requires divisions of land have a minimum of 60 feet of public road frontage. All individual lots within the proposed subdivision have a minimum of 60 feet of frontage on a improved private road right-of-way.

ii. Lot Design

LDC § 8.4.3.(B)(1) requires all lots to be buildable lots unless approved and restricted by a plat note. All individual lots are proposed as buildable lots.⁴⁴

LDC § 8.4.3.(B)(2) sets forth lot area and dimensional standards. The Church Property is within the El Paso County RR-2.5 zoning district, which requires a minimum lot size of 2.5 acres and a minimum width of 200 feet at the front setback line. The RR-2.5 zone district requires 25-foot front and rear setbacks and 15-foot side setbacks.⁴⁵ All individual and corner lots accommodate rear and side setback dimensional standards. All individual lots conform to the dimensional standards for lots using OWTS, which requires such lots to be minimum 2.5 acres with a minimum of 1 acre of buildable area. Individual lots have adequate area to allow for both a single-family home and residential parking facilities. Side lots lines are designed to be substantially at right angles or radial to road right-of-way. Irregular and wedge-sharped lots are used sparingly (generally to accommodate existing fire access roads or natural topography) and designed to have sufficient width at the front setback line to accommodate construction of a home that also meets side setback requirements.

LDC § 8.4.3.(B)(3) discourages double frontage and reverse frontage lots. The proposed subdivision does not make use of double frontage and reverse frontage lots. LDC § 8.4.3.(B)(4) discourages flag lots. The proposed subdivision does not make use of flag lots.

LDC § 8.4.3.(B)(5) prohibits lots from being divided by a road, alley, other lot, political boundaries (municipal, county, zoning, districts), drainage and irrigation ditches, and easements. No lots on the Church Property are divided by such natural or man-made features.⁴⁶

⁴⁴ See Preliminary Plan Set, Ben Lomand Mountain Village, which depicts front, rear, and side setback lines on each individual lot, thereby creating sufficient building envelope for residential development on each building site.

⁴⁵ See LDC Chapter 5, Table 5-4 for RR-2.5 zoning district dimensional standards.

⁴⁶ Lots 1 and 1A are anticipated to be functionally related, but they are separate lots.

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iii. Tracts

LDC § 8.4.3.(C) sets forth requirements for non-buildable tracts. Three tracts (Tract A, Tract B, and Tract C; ±100.8 acres, ±1.6 acres, and ±4.5 acres, respectively, as shown on the proposed preliminary plan) are proposed. Tract A is designated as a wildlife sanctuary with improvements limited to fire access and forest maintenance. Tracts B and C are tracts designed for stormwater detention and drainage as discussed in Part. F.5, *infra*. All tracts have the minimum required 30-foot frontage along private roads. Tracts A and B are accessed from improved roads within the proposed subdivision. Tract C is accessible from the public road (County Line Road) along the north boundary of the Church Property. No tracts are divided by County boundaries or zoning district boundaries.

4. Transportation System Design Standards

LDC § 8.4.4.(A) requires transportation systems to be designed in accordance with the ECM, the Major Transportation Corridors Plan (“MTCP”), and accompanied by a Traffic Impact Study prepared in accordance with the ECM.

LDC § 8.4.4.(B) requires location of roads within dedicated right-of-way. All proposed roads are located in rights-of-way. LDC § 8.4.5.(C) requires divisions of land to be served by public roads. All lots and tracts are served by new private roadways constructed as part of the proposed development, which connect to the collector along the northern boundary of the Church Property (County Line Road). A waiver for the use of private roads in lieu of public roads is presented in Appendix F.

LDC § 8.4.4.(D) prohibits more than 25 lots from being located on dead-end roads. There are five dead-end roads within the proposed subdivision. The greatest number of lots served by any proposed dead-end road is eight.⁴⁷ The maximum allowed length of a dead-end road is 1,600 feet in rural conditions.⁴⁸ Four out of the five cul-de-sacs are less than 1,600 feet in length. One proposed cul-de-sac, which also serves as the connection point to the proposed fire access and forest maintenance road, is 1,725 feet in length. A waiver is requested with respect to this road in Appendix D.

LDC § 8.4.4.(E) allows private roads only by waiver. As more fully set out in Appendix D, the proposed roads are private, as they are not likely to be needed for the convenience or safety of the

⁴⁷ The easternmost road on the proposed subdivision is a dead-end road serving lots 37 through 44. *See* Preliminary Plan Set, Ben Lomand Mountain Village.

⁴⁸ ECM 2.3.8(A) at 2-61.

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general public. The subdivision is rural in nature and generally disconnected from other areas of the County due to topographic constraints. Given the connectivity constraints, the general public will not use the subdivision roads for local circulation or regional access. The private roads will be identified on the plat, constructed in accordance with appropriate County engineering standards,⁴⁹ and a private road maintenance agreement or covenants may be created to ensure that the private roads are adequately maintained after construction. The private nature of the subdivision roads will not impede emergency access.

5. Drainage Considerations and Standards

LDC § 8.4.5.(A) requires the design and operation of drainage facilities to ensure historic flow patterns are maintained to preserve natural character of the site; that peak runoff conforms to the ECM; that low points are ensured adequate drainage; and that the drainage system accommodates the drainage basin as a whole, including upstream areas outside the subdivision. The proposed subdivision maintains the planned off-site flow through the site and attenuates runoff in proposed detention ponds, thereby releasing “at or below historic rates” through two existing corrugated metal pipe culverts located at the low points of the Church Property.⁵⁰ Thus, the historic flows of the site will be unimpeded, the natural character of the site will be preserved, and the low points of the site are adequately drained. The proposed drainage concept improves downstream water quality.⁵¹ Due to the topography of the Church Property, upstream drainage into the subdivision is not anticipated.

LDC § 8.4.5.(B) requires lots and tracts to be laid out to provide positive drainage away from building sites. Building site drainage will be coordinated with overall site drainage and flood control systems.

LDC § 8.4.5.(C) requires drainage facilities to comply with the Code and the ECM. The drainage system has been designed in accordance with applicable standards.⁵²

LDC § 8.4.5.(D) requires that provision for the maintenance of drainages areas be provided as part of the subdivision and easement documents. These documents will be developed concurrently with the final plat.

⁴⁹ Including standards pertaining to the approval of deviations from the engineering standards, which are addressed in Appendices B, C, and D, *infra*.

⁵⁰ See Ben Lomand Preliminary Drainage Report, at 1-2

⁵¹ *Id.* at 16.

⁵² *Id.*

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LDC § 8.4.5.(E) contains requirements for lands along watercourses subject to flooding and lands downstream of a jurisdictional dam. The proposed subdivision does not contain land subject to these requirements.

LDC § 8.4.5.(F) requires detention ponds to be located in separate tracts or permanent easements. The detention ponds proposed in the subdivision are located in tracts that are separate from individual lots.⁵³

LDC § 8.4.5.(G) contains requirements for drainage easements where the site is traversed by a watercourse. The proposed subdivision does not contain land subject to these requirements.

6. Utilities Considerations and Standards

LDC § 8.4.6.(B) requires utilities to be located underground wherever possible, extended to each lot, placed within rights-of-way, and identified on the plat. The proposed subdivision anticipates that water will be provided by individual wells. Wastewater will be treated using below-grade OWTS. Therefore, water and wastewater utilities will not be located in rights-of-way.

Electric service will be provided by Core Electric Cooperative via its existing facilities along County Line Road. Natural gas service will be provided by Black Hills Energy via its existing infrastructure along County Line Road. Telecommunication services will be provided as contracted between the owner and the selected communications service provider. A 10-foot dry utility easement on either side of the improved right-of-way is identified on the plat. The 10-foot dry utility easement is anticipated to be utilized for underground electric, telecommunications, and natural gas utilities.

7. Water Supply Standards

LDC § 8.4.7 requires a Water Resource Report that demonstrates that the water supply for the subdivision is sufficient in terms of quality, quantity and dependability for the proposed subdivision. The required technical documentation demonstrates compliance with these requirements. The required report is provided with this application. It concludes that “The decreed water rights and augmentation plan pending approval for the subject parcels are adequate to meet the needs of the proposed development on a 300-year basis. Sufficient water quantity, quality, and dependability have been documented.” In an abundance of caution, the Water Resource Report contemplated up to 77 single-family detached residential lots, and the proposed preliminary plan includes only 72.

⁵³ See Preliminary Plan Set, Ben Lomand Mountain Village at 12.

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8. Wastewater Disposal Standards

LDC § 8.4.8.(B)(1)(a) requires central wastewater collection and treatment in new subdivision with a density greater than one dwelling per 2.5 acres. The anticipated density of the proposed subdivision is one dwelling per 4.8 acres (based upon 72 dwelling units on the roughly 341-acre Church Property). Accordingly, central wastewater collection and treatment is not required.

LDC § 8.4.8.(C) requires the applicant to show that an OWTS meets the spirit and intent of the Code with reports, data, and other evidence, and LDC § 8.4.8.(E)(2)(d) requires a OWTS report to accompany a preliminary plan. An OWTS report prepared by RMG Engineers is provided as part of the application materials. RMG Engineers determined that the Church Property has suitable soils for the use of OWTS.

9. Geology and Soils Standards and Reports

LDC § 8.4.9. requires a geology and soils report. A geology and soils report is provided as part of the application materials.

G. Consistency with County Plans

Part E.1, *supra*, provides an analysis of consistency with the El Paso County Master Plan.

The proposed subdivision is consistent with the goals and policies set forth in the El Paso County Water Master Plan (2019) (“WATER MASTER PLAN”). The proposed subdivision plan, through the submission of applicable water supply studies, data, and information ensures that each new residence will have an adequate water supply in terms of quantity, dependability, and quality for the anticipated development prior to the development of such residences. This aligns with Goal 1.1, to “[e]nsure an adequate water supply in terms of quantity, dependability and quality for existing and future development,” Goal 1.2, to “[i]ntegrate water and land use planning,” Goal 5.5, to “[i]dentify any water supply issues early on in the land development process,” and Goal 6.0 “[r]equire adequate water availability for proposed development.”⁵⁴ The proposed landscape buffering and planting plans further the policies of the Water Master Plan through the inclusion plantings with only low to moderate irrigation needs. This furthers Goal 6.1.2, “promote water conservation,” and Policy 6.0.2, “[e]ncourage developments to incorporate water efficiency principles.”⁵⁵

⁵⁴ Water Master Plan (2019) at 122, 126

⁵⁵ *Id.* at 126-27.

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The proposed subdivision is consistent with the goals and policies set forth in El Paso County Community Services Department Parks Master Plan Update (2022) (“PARKS MASTER PLAN”). The conservation of approximately 100 acres of wildlife sanctuary open space is not a public park, but is nonetheless a benefit for the residents of the proposed subdivision and El Paso County in terms of scenic value, habitat preservation, and natural resource stewardship. Because the proposal adds no new public parks to the County’s park assets, no new expenses are placed on County budgets. That aligns with Goal 5, to “[p]rioritize taking care of and maximizing current assets over acquiring new assets to better serve El Paso County Residents.”⁵⁶

At the same time, the approximately 100-acre wildlife sanctuary aligns with Goal 2, to “[b]alance passive/active use of county parks and open space and determine what is most appropriate for individual sites based on community need and master planning processes.”⁵⁷ With regard to the natural features and geography conserved by the proposed wildlife sanctuary, its conservation aligns with Goal 10, to “[p]rotect and enhance El Paso County’s legacy of unique natural features and areas and cultural resources, working in collaboration with others to conserve high priority open space areas in the county.”⁵⁸ Approval of this subdivision would align broadly with the goals that are set out in the Parks Master Plan, which encourage collaboration with private partners to enhance open space, provide high quality outdoor amenities, and maintain the county’s legacy of conservation.

H. Utilities

Water will be provided by individual wells. Wastewater will be treated using OWTS. Additional details are provided in Section F.7. and F.8., *supra*, and the Water Resources Report and Onsite Wastewater Treatment System Report that are provided with the application materials.

Fire protection services will be provided by Tri-Lakes Monument Fire Protection District. Electric service will be provided by Core Electric Cooperative via connections to its existing facilities along County Line Road. Natural gas service will be provided by Black Hills Energy via its existing infrastructure along County Line Road. Telecommunication services will be provided as contracted between the individual property owners and their selected communications service providers.

⁵⁶ Parks Master Plan (2022) at 7.

⁵⁷ *Id.*

⁵⁸ *Id.*

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I. Hazards and Potentially Sensitive Natural Features

Potential hazards on Church Property are discussed in Part F.2, *supra*. Potentially sensitive areas on Church Property are discussed in Parts E.6 (drainage), E.9.iv (wetlands), and F.1.vii (natural landscape), *supra*.

J. Traffic Impact Study

A Traffic Impact Study and supporting information is provided with the application materials.

K. County Road Impact Fee

The El Paso County Road Impact Fee Schedule for dwelling units not within a Public Improvement District is \$4,101.⁵⁹ The Applicant anticipates 72 single-family detached dwellings within the proposed subdivision. Accordingly, the County Road Impact Fee totals \$295,272, which will be paid at the appropriate time as provided in the County's adopted impact fee schedule.

L. Public and Private Improvements

Public improvements and their maintenance are discussed in Parts E.7 and F.5, *supra*. Anticipated privately maintained private improvements include OWTS and wells.

M. Waivers

Three waivers are requested:

- A request for waiver of the maximum building lot slope;⁶⁰
- A request for relief from dimensional standards (minimum lot width and minimum lot area);⁶¹ and
- A waiver to allow for private internal subdivision roads (as discussed in Part F.4, *supra*).⁶²

⁵⁹ Road Impact Fee Study Update, Aug. 2024, at 3.

⁶⁰ See Appendix A: Request for Waiver Regarding Building Lot Slope.

⁶¹ See Appendix E: Request for Relief from Density and Dimensional Standards with Regard to Minimum Lot Area and Minimum Lot Width

⁶² See Appendix F: Request for Waiver to Authorize Private Roads.

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The criteria for approval of waivers are set forth in LDC § 7.3.3. The criteria for approval of relief from density and dimensional standards are set forth in LDC § 5.5.1. A discussion that applies the approval criteria to each requested waiver is included in Appendices A, E, and F.

N. Deviations From County Engineering Design Standards

The Applicant requests three deviations from the ECM: road grades,⁶³ cul-de-sac length,⁶⁴ and road centerline radius.⁶⁵ ECM § 1.9 sets forth criteria for approval of requested deviations. The requests are discussed in detail in Appendices B, C, and D.

O. Community Outreach

An Early Assistance meeting, lasting approximately one hour, was held on Tuesday, January 7, 2025. This meeting was recorded and virtually attended by El Paso County planning and engineering staff, as well as representatives of United Congregational Church. Topics discussed during this comprehensive meeting included conceptual development planning, zoning, site characteristics, districts, water and wastewater, parks and trails, the El Paso County Master Plan, drainage, traffic, and County codes and criteria.

The United Congregational Church has not formally engaged in community outreach with regard to this subdivision application. That said, the Church is a public-facing community institution that has positive relationships with its neighbors, and a number of the neighbors are aware of this request. Additionally, the Church has been planning for residential development of the Church Property for several years, including a petition for annexation of its unincorporated properties into the Town of Palmer Lake—an application that was publicly vetted. Ultimately, the Church and the Town of Palmer Lake did not reach acceptable terms in an annexation agreement, and the Town consented to judicial disconnection of the portion of the Church Property that was formerly within its jurisdiction. After the disconnection was finalized, on April 10, 2025, the Board of County Commissioners of El Paso County approved an initial zoning of RR-2.5 for the formerly incorporated Church Property.

⁶³ ECM § 2.3.2, Table 2-5.

⁶⁴ ECM § 2.3.8(A).

⁶⁵ ECM § 2.3.2, Table 2-5.

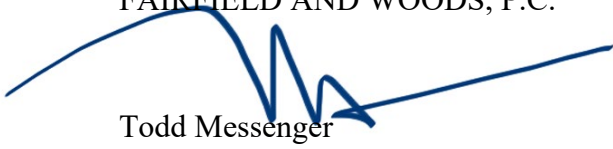
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We look forward to working with you to process this application. If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,
FAIRFIELD AND WOODS, P.C.



Todd Messenger

TGM:ds

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APPENDICES

Appendix	Topic
A	Request for Waiver Regarding Building Lot Slope
B	Request for Deviation from Maximum Road Slope ⁶⁶
C	Request for Deviation from Minimum Road Centerline Radius ⁶⁶
D	Request for Deviation from Maximum Cul-de-sac Length ⁶⁶
E	Request for Relief from Density and Dimensional Standards with Regard to Minimum Lot Area and Minimum Lot Width
F	Request for Waiver to Authorize Private Roads

REFERENCES

Application Documents Referenced in this Letter of Intent
Preliminary Plan Set, Ben Lomand Mountain Village Ben Lomand Conceptual Grading Plan Ben Lomand Preliminary Drainage Report Ben Lomand Mountain Village Landscape Plans Fire Commitment Letter Forestry Management Plan Noxious Weed Management Plan Wetlands Report Wildfire Hazard and Mitigation Report Water Resources Report Onsite Wastewater Treatment System Report Geology and Soils Report Ben Lomand Mountain Village Traffic Impact Study

⁶⁶ These appendices are identical to the separate request for ECM deviations. They are provided in this Letter of Intent for the reader’s convenience.

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Appendix A - Request for Waiver Regarding Building Lot Slope

A waiver of LDC standards is requested pursuant to the standards set forth in LDC § 7.3. The property's topography creates a limited need for targeted relief from the slope-related standard that building sites not be located on land with a slope of 30 percent or greater.⁶⁷

1. The Waiver Does Not Have the Effect of Nullifying the Intent and Purpose of the LDC.

The overall purpose and intent of the LDC is to implement the Master Plan, promote predictability consistency and efficiency for the development process, ensure involvement in the development process by all affected parties, ensure due consideration of private property rights and rights of the community as a whole, guide future growth in accordance with the Master Plan, guide public and private policy and action to provide adequate public facilities and amenities, establish reasonable standards for design and subdivision for orderly layout and use of land, ensure adequate services and developed concurrently with new construction, and encourage wise use and stewardship of natural resources.⁶⁸ The purpose of the LDC's rules governing divisions of land is to provide efficient review, determination and compliance procedures, ensure proper legal description, identification, monumentation, and recording of property boundaries, ensure adequate access, prevent haphazard division of land and inadequate provision of physical improvements, ensure that land divisions comply with pertinent regulations, ensure safe and convenient traffic control, prevent flooding, provide adequate drainage, ensure installation of adequate facilities, and ensure compliance with state and county subdivision and master planning policies.⁶⁹

The waiver of the requirement to prohibit development on slopes greater than 30 percent grade does not nullify these purposes. Waiver of this requirement allows for the development of Church Property, and such development furthers the Master Plan, as discussed in Part E.1, *supra*. The development of Church Property would be similar in scale and impact as surrounding properties to the South and East along the ridgelines. Homes on these lots were constructed on slopes exceeding 30 percent grade, sometimes quite significantly, and they have stood safely in place for many years.⁷⁰ As such, the strict application of code requirements to Church Property and the

⁶⁷ See LDC § 8.4.1(C).

⁶⁸ See LDC § 1.4.

⁶⁹ See LDC § 7.1.

⁷⁰ See Conceptual Site Layout With Steep Slopes.

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proposed preliminary plan would lead to inconsistent application of LDC requirements in this area of the County.

2. The Waiver Will Not Result in the Need for Additional Subsequent Waivers.

The requested waiver is narrowly tailored to address the site's topographic constraints. While other waivers are requested, they are independent of this request. That is, they do not stem from or necessitate the waiver from the lot slope limitation. Approval of the requested waiver will not create the need for additional waivers, variances, or modifications.

3. The Granting of the Waiver Will Not Be Detrimental to the Public Safety, Health, or Welfare or Injurious to Other Property.

The granting of this waiver is not detrimental to public safety, health, or welfare because the use of best available engineering practices will ensure safe construction, access, and drainage on all proposed lots. Moreover, the granting of the waiver furthers public health and safety by allowing for passive and informal surveillance of an area of the Church Property that is presently (and has historically been) susceptible to trespass and mischief.

The applicant has found evidence that people have trespassed into the forested and hilltop portion of Church Property to use illicit drugs use and intentionally or unintentionally set fires. Moreover, trespassers who attempt to climb certain steep slopes on the South side of the ridge (particularly along Tract A) may be injured or killed. The applicant's purpose in developing a small number of steep lots on the South side of the ridge is to provide a permanent residential presence on the South side of the ridge that will discourage trespassers. It is expected that this passive strategy will substantially promote County interests in fire safety, law enforcement, and wildlife stewardship.

4. 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 request is site-specific and based on unique topographic conditions and security concerns not generally applicable to other properties in the RR-2.5 zoning district. The unique topography and forestry situated on steep slopes is physically attractive to trespassers who tend to misuse the natural area. Although the building sites to the South and East of the Church Property are on similarly steep (and in some cases, steeper) slopes, the request for waiver of the slope requirement on Church Property is further supported by the property's current vulnerability to trespass and mischief. These security concerns are unique to Church Property and not self-created. Development of a small number of lots on the South side of the ridge would be compatible with

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adjacent development and allow for mitigation of the issues that are particular to Ben Lomand Mountain.

5. A Particular Non-Economical Hardship to the Owner Would Result from a Strict Application of the LDC.

Strict application of the LDC effectively prevents reasonable use of a key portion of the Church Property and creates extraordinary practical burdens because of unique physical conditions of the site. The proposed subdivision responds to the topography and resources on the Church Property by clustering the majority of building sites along the moderately sloped terrain on the Northern side of Ben Lomand Mountain. Only 13 of the 72 residential lots (roughly 18 percent) would contain a building site affected by slopes in excess of 30 percent.⁷¹

Creation of lots on the steeper areas of the Church Property is necessary to provide presence on the portion of the property most susceptible to trespassing and mischief. The Church has had significant issues with undetected trespassing, facilitated by the natural screening that is provided by both topography and forest cover. The Church requests relief from the strict application of the LDC to develop a lots on the southern portion of Church Property in order to create a security perimeter of informal and passive surveillance by residents, thereby conserving county-provided law enforcement resources, as well as fire district resources.⁷²

6. The Waiver Will Not in Any Manner Vary the Zoning Provisions of the LDC.

The zoning provisions of the LDC remain unchanged if the requested waiver is granted.

7. The Proposed Waiver Is Not Contrary to Any Provision of the Master Plan.

Approval of the proposed waiver is not contrary to any provision of the Master Plan. Indeed, approval of the proposed waiver furthers the Master Plan by allowing development of appropriately scaled residential and institutional use in an area of the County contemplated for future growth and development, as discussed in Part E.1, *supra*.

⁷¹ See Preliminary Plan Set, Ben Lomand Mountain Village (Lots 1 through 10, and lots 38, 39, and 42).

⁷² See Jane Jacobs, *The Death and Life of Great American Cities* (safety is maintained by people who live and spend time in a neighborhood, acting as the “eyes and ears” of the street).

Appendix B - Request for Deviation from Maximum Road Slope

A deviation from ECM standards is requested pursuant to the standards set forth in ECM § 1.9. The maximum allowable road slope is eight percent, and 10 percent is permitted at the County's discretion.⁷³ The proposal includes slopes up to 12 percent without accounting for intersection tabling and vertical curves.⁷⁴ The inclusion of intersection tabling and vertical curves may require slopes up to 16 percent in certain areas, which is consistent with certain segments of nearby Capella Drive (LIDAR flown to evaluate the Church Property showed a slope of 16.4% on a segment of Capella Drive). The proposal meets the requirements for a deviation from the ECM, as follows.

1. The Deviation Will Achieve the Intended Result with a Comparable or Superior Design and Quality of Improvement.

The proposed roadway alignments have been specifically designed to respond to the Church Property's natural terrain while minimizing excessive grading, slope disturbance, and retaining wall impacts. The requested deviation allows the roadway to follow existing contours—and existing fire access and forest maintenance routes—in a manner that reduces cut-and-fill activity and preserves natural landforms. The proposed roadway will have site-appropriate pavement design, drainage infrastructure, and roadway safety measures that collectively achieve a comparable or superior design outcome relative to strict compliance. The roadway configuration represents an integrated engineering solution tailored to the site's unique physical conditions while maintaining high-quality infrastructure improvements and improving fire access.

2. The Deviation Will Not Adversely Affect Safety or Operations.

The proposed road grades will not adversely affect public safety or roadway operations. The roadways have been designed to maintain adequate sight distance, emergency vehicle access, and safe vehicular circulation. Road sections are designed to reduce icing and runoff impacts. The roadways that are the subject of the request align with or improve existing emergency access / forestry management roads, and requirements and turning movements have been evaluated and can be accommodated without additional deviations. The deviations will allow for improvements to existing fire access roads, which will improve public safety.

⁷³ ECM § 2.3.2, Table 2-5.

⁷⁴ See Preliminary Plan Set, Ben Lomand Mountain Village, at 14-17.

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3. The Deviation Will Not Adversely Affect Maintenance and Its Associated Cost.

The proposed deviation will not adversely affect roadway maintenance or increase long-term maintenance costs beyond those typically associated with hillside roadway infrastructure. The roadway design incorporates standard construction materials and accepted engineering practices suitable for steep terrain applications. Drainage improvements, pavement specifications, and slope stabilization measures are designed to support long-term durability and maintenance efficiency. The proposed roadway can be maintained using conventional maintenance practices and equipment.

4. The Deviation Will Not Adversely Affect Aesthetic Appearance.

The proposed deviation results in a roadway alignment that better preserves the site's natural topography and visual character than a strictly compliant alternative. By reducing the need for extensive grading and large retaining structures, the proposed design minimizes visual scarring and disturbance of existing landforms. The roadway design is sensitive to the surrounding hillside environment and reduces the visual impacts typically associated with excessive earthwork. This is because an alternative design that complied with the ECM would require switchbacks that would create a significant amount of scarring and deforestation on the North side of Ben Lomand Mountain. In sum, the proposed deviation is necessary to protect and preserve the visually striking features of the Ben Lomand Mountain area.

5. The Deviation Meets the Design Intent and Purpose of the ECM.

The proposed deviation satisfies the underlying intent and purpose of the ECM by providing safe, functional, and durable roadway infrastructure appropriate for the site conditions. Although the roadway exceeds the standard maximum grade in limited areas, the design continues to support safe access, enhance emergency response capability, support and enhance forestry management, and provide for orderly development. Strict application of the standard would require disproportionate grading and site disturbance inconsistent with the broader objectives of sound hillside design and environmental stewardship. Moreover, the proposed road grade is consistent with the grade of nearby Capella Drive, a road that carries higher volumes of traffic.

6. The Deviation Meets the Control Measure Requirements of Part I.E.3 and Part I.E.4 of the County's MS4 Permit, As Applicable.

The proposed roadway design complies with all applicable stormwater permit control measure requirements associated with both construction activities and long-term roadway operation and

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maintenance. The deviation will not impair the Church's ability to implement or maintain required erosion control, sediment control, drainage, or water quality measures required under the applicable stormwater permit.

Construction-phase best management practices ("BMPs"), including stabilized construction entrances, inlet protection, sediment basins, perimeter controls, temporary stabilization, and phased grading measures, will be implemented to minimize erosion and sediment transport associated with hillside construction activities. The proposed roadway alignment reduces excessive grading and disturbed land area, thereby limiting erosion potential and improving the effectiveness of stormwater control measures during construction.

Post-construction stormwater facilities have been designed to safely convey runoff from the roadway improvements while maintaining long-term water quality treatment and drainage performance. Permanent stabilization measures, drainage infrastructure, and maintenance access have been incorporated into the design to support ongoing compliance with stormwater permit obligations and roadway maintenance requirements.

Appendix C – Request for Deviation from Minimum Road Centerline Radius

A deviation from ECM standards is requested pursuant to the standards set forth in ECM § 1.9. The applicant requests approval of a deviation from the minimum road centerline radius requirement to allow reduced horizontal curvature in limited roadway segments due to the site's constrained hillside topography. The minimum centerline radius is 300 feet.⁷⁵ The proposal includes an 80-foot radius road leading to southern portions of Church Property, which connects to roads having 150-foot and 175-foot radii.⁷⁶ The proposal meets the requirements for a deviation from the ECM, as follows.

1. The Deviation Will Achieve the Intended Result With a Comparable or Superior Design and Quality of Improvement.

The proposed roadway curvature has been carefully designed to follow the site's natural contours and minimize environmental disturbance. The deviation reduces the need for excessive grading, retaining walls, and vegetation removal that would otherwise result from strict compliance with the prescribed centerline radius standard. The proposed road layout on the hillside and hilltop follows the existing fire access and forest maintenance roads. By utilizing the existing road alignments, the design reduces the impact to the existing natural features of the land and reduces the number of trees impacted. In sum, the proposed roadway design achieves a high-quality improvement responsive to the site's physical characteristics while maintaining functional and safe roadway infrastructure.

2. The Deviation Will Not Adversely Affect Safety or Operations.

The reduced centerline radius will not adversely affect roadway safety or operations. The proposed private roadway has been designed for low-speed residential traffic conditions consistent with the character and expected traffic volumes of the development. Appropriate sight distance, roadway width, signage, pavement markings, and emergency vehicle maneuverability have been incorporated into the design. The proposed curvature encourages reduced vehicle speeds and supports safe roadway operations within the hillside setting.

⁷⁵ ECM § 2.3.2, Table 2-5.

⁷⁶ See Preliminary Plan at 7-9 (streets B, E, and F having centerline radii less than 300').

3. The Deviation Will Not Adversely Affect Maintenance and Its Associated Cost.

The proposed roadway alignment will not create unusual maintenance demands or additional long-term maintenance costs. The roadway can be maintained using conventional methods and equipment consistent with standard private roadway maintenance practices. The deviation reduces excessive grading and slope stabilization requirements that could otherwise increase long-term maintenance obligations associated with hillside disturbance.

4. The Deviation Will Not Adversely Affect Aesthetic Appearance.

The proposed roadway alignment better preserves the natural terrain, visual character, and natural resource values of the site by reducing unnecessary earthwork and disturbance. A strictly compliant roadway radius would require broader cuts into existing slopes and increased alteration of natural landforms. The proposed design provides a more context-sensitive roadway layout that integrates with the surrounding topography. Moreover, the proposed deviation is necessary to protect and preserve the visually striking features of the Ben Lomand Mountain area.

5. The Deviation Meets the Design Intent and Purpose of the ECM.

The proposed deviation continues to satisfy the fundamental intent of the ECM by providing safe and functional vehicular access appropriate for the anticipated traffic conditions and terrain constraints. The roadway design reflects accepted engineering principles for low-speed hillside roadway systems. The deviation represents the minimum necessary relief to accommodate the property's unique physical conditions while preserving the overall objectives of the standards.

6. The Deviation Meets the Control Measure Requirements of Part I.E.3 and Part I.E.4 of the County's MS4 Permit, As Applicable.

The proposed deviation satisfies all applicable Stormwater Permit control measure requirements for both construction-phase and post-construction stormwater management activities. The reduced centerline radius will not adversely affect implementation, operation, or long-term maintenance of required stormwater BMPs or drainage infrastructure.

The roadway alignment has been designed to minimize grading disturbance and preserve existing hillside conditions to the greatest extent practicable, thereby reducing erosion potential and sediment generation during construction. Required construction-phase stormwater control measures, including erosion-control BMPs, sediment containment practices, temporary

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stabilization measures, and runoff management controls, will be implemented in accordance with the approved stormwater permit and erosion-control plans.

Post-construction drainage facilities, conveyance systems, and water-quality treatment measures have been integrated into the roadway design to ensure safe runoff management and continued compliance with applicable stormwater regulations. The deviation reduces unnecessary land disturbance and supports effective long-term maintenance of roadway drainage and stormwater control facilities.

Appendix D - Request for Deviation from Maximum Cul-de-sac Length

A deviation from ECM standards is requested pursuant to the standards set forth in ECM § 1.9. The Applicant requests approval of a deviation from the maximum permitted cul-de-sac length requirement to allow an extended cul-de-sac necessary to provide access to development areas constrained by the site's topography and environmental conditions. The maximum cul-de-sac length is 1,600 feet in rural conditions.⁷⁷ The proposed plan includes a cul-de-sac length of 1,736.06 feet.⁷⁸ The proposal meets the requirements for a deviation from the ECM, as follows.

1. The Deviation Will Achieve the Intended Result With a Comparable or Superior Design and Quality of Improvement.

The proposed cul-de-sac configuration provides an efficient and context-sensitive roadway design that minimizes unnecessary grading, roadway construction, and environmental disturbance. Extending the cul-de-sac length allows development to occur in a manner responsive to the site's physical constraints while reducing impacts to adjacent slopes and natural features. The roadway design includes a fully compliant turnaround area and associated infrastructure improvements that provide functionality equivalent to or better than a strictly compliant alternative roadway configuration. Strict application of the code would result in additional, and more severe grading to provide additional connectivity within the site.

2. The Deviation Will Not Adversely Affect Safety or Operations.

The proposed cul-de-sac length will not adversely affect public safety or roadway operations. The roadway has been designed to accommodate emergency vehicle access, turning movements, and safe residential traffic circulation. Traffic volumes associated with the development are expected to remain low and consistent with residential roadway operations. The cul-de-sac turnaround area has been designed to support fire apparatus maneuverability and emergency response access without additional deviations.

3. The Deviation Will Not Adversely Affect Maintenance and Its Associated Cost.

The proposed deviation will not create excessive maintenance burdens or unusual operational costs. The roadway and turnaround area will be constructed using standard engineering

⁷⁷ ECM § 2.3.8.A.

⁷⁸ Preliminary Plan at 7-9 (the distance from the intersection of Street B and Street F to the western terminus of Street F).

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specifications and can be maintained using conventional maintenance practices and equipment. The extended cul-de-sac reduces the need for additional roadway segments and associated infrastructure that could otherwise increase long-term maintenance obligations.

4. The Deviation Will Not Adversely Affect Aesthetic Appearance.

The proposed cul-de-sac layout better preserves the natural character of the site by limiting roadway expansion into steep hillside areas. Strict compliance with the cul-de-sac length standard could require additional roadway connections, grading, and vegetation removal that would result in greater visual and environmental impacts. The proposed design minimizes disturbance and maintains a development pattern compatible with the surrounding terrain. Moreover, the proposed deviation is necessary to protect and preserve the visually striking features of the Ben Lomand Mountain area.

5. The Deviation Meets the Design Intent and Purpose of the ECM.

The proposed deviation satisfies the overall intent and purpose of the Engineering Standards by providing safe and practical roadway access while responding appropriately to the site's unique topographic conditions. The roadway system maintains functional circulation, emergency access capability, and infrastructure reliability. The requested deviation constitutes the minimum necessary relief to achieve reasonable site access without creating the need for additional deviations.

6. The Deviation Meets the Control Measure Requirements of Part I.E.3 and Part I.E.4 of the County's MS4 Permit, As Applicable.

The proposed extended cul-de-sac complies with all applicable Stormwater Permit control measure requirements associated with construction activities and permanent roadway infrastructure. The deviation will not impair the installation, operation, inspection, or long-term maintenance of required stormwater management facilities or erosion-control measures.

Construction-related stormwater impacts will be managed through implementation of approved BMPs, including sediment-control measures, temporary stabilization practices, slope protection measures, inlet protection, and phased earthwork sequencing designed to minimize erosion and sediment discharge from disturbed hillside areas. By limiting the need for additional roadway extensions and associated grading, the proposed cul-de-sac configuration reduces overall site disturbance and supports more effective stormwater management during construction.

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Permanent stormwater infrastructure associated with the roadway improvements has been designed to accommodate runoff conveyance, drainage control, and long-term maintenance access in accordance with applicable stormwater permit requirements. The proposed design supports continued compliance with post-construction stormwater management obligations while minimizing adverse impacts to surrounding slopes and drainage patterns.

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Appendix E – Request for Relief from Density and Dimensional Standards with Regard to Minimum Lot Area and Minimum Lot Width.

Relief from dimensional standards (not density standards) is requested pursuant to standards and criteria set forth in LDC § 5.5. Zone district RR-2.5 requires a minimum lot area of 2.5 acres.⁷⁹ LDC § 5.5.1(B)(1) allows for reductions of lot area up to 20 percent. Eighteen of the proposed 72 single-family detached residential lots are proposed at less than 2.5 acres.⁸⁰ The smallest proposed residential lot (Lot 66) is 2.05 acres, which is a reduction of 18 percent from the minimum lot area.

Zone district RR-2.5 requires a minimum lot width of 200 feet.⁸¹ LDC § 5.5.1(B)(1) also allows for reductions of lot width up to 20 percent. Fifteen of the proposed 72 single-family detached residential lots are proposed to be less than 200 feet wide.⁸² The narrowest proposed lot (Lot 66) is 165 feet wide, which is a reduction of 17.5 percent of the minimum lot width. The proposals set out above meet the requirements for a relief from the LDC, as follows.

1. The Strict Application of the Standard Is Unnecessary Given the Development Proposal and the Measures Proposed by the Applicant.

Strict application of the minimum lot area and minimum lot width standards is unnecessary because the proposed development utilizes a clustered development pattern specifically intended to preserve substantial open space, protect environmentally sensitive areas, and minimize disturbance to the property's natural features. The proposed lot configuration allows residential development to be concentrated within the most suitable and least environmentally sensitive portions of the site while permanently preserving approximately 100 acres as protected wildlife sanctuary and open space.

The clustered layout represents a deliberate planning and environmental preservation strategy rather than an attempt to increase development intensity. By allowing modest reductions in lot area and lot width, the development avoids fragmentation of habitat areas, minimizes roadway and utility expansion, reduces grading impacts, and preserves larger contiguous areas of undisturbed land. Strict application of conventional dimensional standards would disperse development more broadly across the property, resulting in greater encroachment into wildlife habitat areas and increased environmental disturbance.

⁷⁹ LDC §5.4, Table 5-4.

⁸⁰ See Preliminary Plan Set, Ben Lomand Mountain Village (Lots 12-21 and 65-72 are less than 2.5 acres).

⁸¹ LDC §5.4, Table 5-4.

⁸² See Preliminary Plan Set, Ben Lomand Mountain Village (Lots 12-18 and 65-72 are less than 200 feet wide).

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The proposed relief therefore supports a coordinated conservation-oriented development approach that better achieves responsible land stewardship, environmental preservation, and site-sensitive planning objectives than a strictly compliant conventional subdivision layout.

2. The Intent of the LDC and Dimensional Standards Are Preserved.

The requested administrative relief preserves the intent of both the Code and the dimensional standards by maintaining orderly development, functional residential lots, safe access, adequate infrastructure, and compatibility with the surrounding area while simultaneously advancing significant conservation and open-space preservation objectives.

The purpose of minimum lot area and minimum lot width standards is generally to ensure appropriate site functionality, building separation, utility accommodation, access, and neighborhood compatibility. Those purposes continue to be fully satisfied through the proposed clustered development design. Each lot remains capable of accommodating compliant residential construction, parking, drainage facilities, utility infrastructure, and emergency access.

Moreover, the clustered development approach advances broader LDC objectives related to environmental protection, preservation of natural landforms, protection of wildlife habitat, reduction of infrastructure impacts, and efficient land use planning. The permanent preservation of approximately 100 acres as wildlife sanctuary significantly exceeds what could reasonably be expected under a conventional subdivision design developed in strict compliance with standard lot dimensional requirements.

Accordingly, the requested relief preserves both the functional intent of the dimensional regulations and the broader policy objectives of responsible and sustainable land development.

3. The Granting of the Administrative Relief Will Not Result in an Adverse Impact on Surrounding Properties.

The requested administrative relief will not adversely impact surrounding properties and will instead provide substantial environmental and visual benefits to the surrounding area. The clustered development pattern reduces the overall physical footprint of development, limits disturbance across the property, and preserves approximately 100 acres of permanent wildlife sanctuary and open space that will remain protected from future development activity.

By concentrating development within carefully selected portions of the site, the proposal reduces roadway construction, grading, vegetation removal, and infrastructure extension compared to a conventional subdivision layout. The preservation of large contiguous open-space areas maintains

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the natural character of the property, protects existing wildlife habitat, and reduces visual impacts commonly associated with dispersed hillside development.

The proposed relief will not create adverse impacts related to traffic, drainage, utility service, density, emergency access, or neighborhood compatibility. The development remains consistent with the overall permitted residential density and incorporates coordinated site planning measures designed to ensure compatibility with adjacent properties and surrounding land uses.

Rather than creating adverse impacts, the proposed clustered design and associated open-space preservation provide a significant community and environmental benefit by permanently conserving sensitive habitat and natural landscape features.

4. The Granting of the Administrative Relief Will Not Allow an Increase in the Number of Dwelling Units on a Parcel.

The requested administrative relief will not increase the number of dwelling units permitted on the property beyond the density otherwise authorized under the applicable zoning district, RR-2.5. The requested relief relates solely to lot dimensional standards necessary to facilitate a clustered development pattern and preserve substantial open space and wildlife habitat areas.

The overall number of dwelling units remains unchanged and fully consistent with the base density permitted by LDC § 5.4.2, Table 5-4. The proposal does not seek an increased residential yield. Rather, the requested relief reallocates the permitted development footprint in a manner that concentrates residential lots within appropriate development areas while permanently preserving approximately 100 acres of the Church Property as protected wildlife sanctuary and open space.

The clustered design therefore represents a conservation-oriented land planning approach that maintains the same permitted density while substantially increasing environmental preservation and reducing overall site disturbance.

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Appendix F – Request for Waiver to Authorize Private Roads

LDC § 8.4.4.(E) allows private roads by waiver. A waiver of LDC standards is requested pursuant to the standards set forth in LDC § 7.3. The proposed plan contemplates access of all lots on Church property to be served by private roads because the subdivision is rural in nature and generally disconnected from other areas of the County due to topographic constraints, and the general public is not anticipated to use the subdivision roads for local circulation or regional access.

1. The Waiver Does Not Have the Effect of Nullifying the Intent and Purpose of the LDC.

The intent and purpose of the LDC roadway standards are to ensure safe and adequate access, orderly development patterns, and appropriate connectivity for residents, emergency services, and public utilities. The proposed waiver to allow private roads within the subdivision does not nullify these purposes. The proposed private roads will be designed and constructed to applicable engineering and emergency access standards sufficient to safely serve all proposed lots and anticipated traffic volumes.

The subdivision is rural in nature and constrained by surrounding topography, and the proposed roadway network is intended solely to provide internal access to the Church Property. It is not anticipated nor designed to function as part of the broader County transportation network. The roads will not serve as through streets, regional connectors, or collectors for adjacent properties. As such, requiring the roads to be public would not materially advance the purposes of the LDC, while private ownership and maintenance will continue to provide safe and functional access consistent with the character and operational needs of the development, at no expense to the County.

2. The Waiver Will Not Result in the Need for Additional Subsequent Waivers.

The requested waiver is independent from any other waiver requested by the Church, and granting the requested waiver will not create the need for additional waivers from the LDC. The proposed private road system is a response to the relationship of the Church Property to the County's overall transportation system. In addition to allowing for private maintenance, the private road network will help prevent attempts at cutting through the proposed subdivision to reach other parcels. The proposed private roads will be fully capable of serving the development as proposed and are designed to accommodate anticipated vehicular access, emergency response, and maintenance requirements (pertinent easements will be provided). The waiver therefore represents a complete and self-contained accommodation tailored to the unique conditions of the property.

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3. The Granting of the Waiver Will Not Be Detrimental to the Public Safety, Health, or Welfare or Injurious to Other Property.

The requested waiver will not be detrimental to the public safety, health, or welfare, nor injurious to surrounding properties. The proposed private roads will be constructed to standards adequate for safe ingress and egress, including emergency vehicle access. Traffic generated by the subdivision is expected to be low due to the rural character and limited scale of development. Additionally, because the subdivision is geographically separated from surrounding development by topographic constraints, the roads are not expected to serve the general public or contribute to broader circulation demands. Private ownership and maintenance responsibilities will ensure ongoing upkeep of the roads without burdening the County with long-term maintenance obligations. The waiver therefore preserves public safety while maintaining compatibility with the surrounding rural environment.

4. 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 request is based upon unique physical and locational characteristics of the Church property. The subdivision is located within a rural area that is generally disconnected from other portions of the County transportation system due to existing topographic constraints, including terrain and limited opportunities for external roadway connectivity. Unlike more urban or suburban developments where public roads facilitate interconnected circulation patterns and public access, the proposed roadway network on the Church Property is intended only to serve internal lots and activities associated with the property itself. Along a portion of the Western boundary of the Church Property is property within the boundaries of the Town of Palmer Lake. That property is currently vacant, but it is owned by the Town and is zoned Industrial (M1). The applicant is not aware of any proposed development of the Palmer Lake property at this time, but it would be inappropriate to use local residential roads within the proposed subdivision to provide secondary access to a municipal or industrial site. As such, a connection to the West is not provided. The absence of logical future roadway extensions or regional circulation benefits distinguishes the Church Property from other developable areas within the County and supports the use of private roads in this specific instance.

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5. A Particular Non-Economical Hardship to the Owner Would Result From a Strict Application of the LDC.

Strict application of the LDC requirement that all subdivision roads be public would impose an unnecessary and disproportionate burden on the property owner without corresponding public benefit. Public roads would require dedication to and acceptance by the County despite the fact that the roads are not anticipated to serve a broader public transportation function. Given the rural nature of the subdivision and the limited traffic volumes expected, requiring public roads would likely increase construction, maintenance, and administrative costs associated with public dedication standards while providing little practical benefit to the County or the public. The waiver therefore avoids an unreasonable administrative hardship by allowing a roadway system that is appropriately scaled and managed for the intended use of the property.

6. The Waiver Will Not in Any Manner Vary the Zoning Provisions of the LDC.

The requested waiver pertains solely to roadway ownership and maintenance and does not alter or vary any zoning provisions of the LDC. The proposed subdivision will continue to comply with all applicable zoning requirements, including permitted uses, density, setbacks, lot dimensions, and development standards. The waiver does not seek any increase in development intensity or modification to land use entitlements. Rather, it is a limited request addressing the manner in which internal access roads are owned and maintained within the subdivision.

7. The Proposed Waiver Is Not Contrary to Any Provision of the Master Plan.

The proposed waiver is consistent with the goals and policies of the Master Plan related to preserving rural character, accommodating context-sensitive development patterns, and encouraging infrastructure that is appropriately scaled to the needs of a development. The use of private roads in this rural subdivision minimizes unnecessary public infrastructure obligations while respecting the existing topographic and environmental constraints of the area. Because the subdivision roads are intended only to serve the Church Property and are not needed for regional circulation or connectivity, the waiver supports an efficient and practical development approach that is compatible with the surrounding rural context. Accordingly, the requested waiver is not contrary to the Master Plan and is consistent with its broader land use and infrastructure objectives.