

Ryan Howser

From: Bill Stuber <B_Stuber@hotmail.com>
Sent: Tuesday, April 27, 2021 5:48 PM
To: Ryan Howser; Elena Krebs
Subject: Wyoming Estates minor subdivision hearing scheduled May 6th 1:00 PM
Attachments: MInor subdivision opposition letter.pdf

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ElPaso County Planning Committee Members and County commissioners,

Please find attached and contained herein my formal notice of opposition to the proposed "Minor Subdivision-Wyoming Estates". Having been provided a mere 10 days of time to prepare this opposition statement, research code requirements, basis of position for the developer, water rights law and personal property deeds has been a challenge as the developer has had well over 2 years to prepare his presentation and documents leading to this point.

I strongly urge the Planning committee to postpone recommendation of the approval of this subdivision based on the facts contained within the attachment , and below statements. I have a business trip that has been planned for months scheduled for the date of the hearing and therefore will not be able to testify, or present statements of impact in person on the proposed hearing date of May 6th, 2021 at 1:00PM.

Please review the attached position of opposition statement with the reasoning for opposition and find it in the best interest of the residents of the county to postpone this hearing until such time as an in person representation can be seen and heard.

I am available until the 5th or May to discuss facts, or answer any questions you may have.

Regards,
William Stuber
3130 Curtis Road

El Paso County Planning Commission
Hearing date May 6, 2021
Proposed Wyoming Estates Subdivision

Position- Opposed

Reasoning-

- 1.) I do not believe the proposed "minor subdivision" should be treated as a "minor" subdivision for the following reasons:
 - a.) there have been some conversations with the developer that have indicated the desire to subdivide into 8 parcels this would immediately move the proposal to that of a major subdivision.
 - b.) If the proposed subdivision as proposed is approved, I would request a re-zoning of the remaining 20 acre parcel to prevent a further subdivision of that parcel in the future.
 - c.) According to Land Development Code Section 7.2.1.c.1.b. which states, "A minor subdivision is a division of land that results in the creation of 4 or fewer lots that do not **discernibly impact surrounding properties**" I believe this proposed subdivision would have profound impact to a total of 6 properties that currently utilize the existing easement to the detriment of ease of access, Safety of access to Curtis road as well as property values.
- 2.) There is a concern of safety in relocation of access to the proposed subdivision.
 - a.) In review of the Colorado State Patrol report regarding the intersection of Curtis Rd. and Patton Dr. I believe it relevant to assume that changing the configuration of the intersection of Curtis road and Patton drive by adding the need for a left turn from northbound Curtis road, onto the newly proposed "Teleo Ct." at a point much closer to the crest of a blind hill, would inherently add an unevaluated level of risk and added danger to the modified Curtis road and Patton drive intersection. See attached photos (Photo A shows distance from existing easement and Photo B shows distance to top of hill from newly Proposed Teleo Ct location)
 - b.) If the proposed Teleo Ct. intersection is allowed it would be prudent to add a left turn lane to northbound Curtis road, as well as a Deceleration lane, and Acceleration lane to southbound Curtis rd. See fatality report ¼ mile north on May 27th 2018 in a similar type blind spot.
 - c.) I believe the traffic letter provided as justification for no required traffic impact study to have been calculated with "general" data favoring the developer and not at all based in fact. There are 5 families, all with a minimum of 3 licensed drivers in each household, and 2 small service businesses which operate out of the existing residences which would increase the total trip count significantly.
- 3.) The requirement to Vacate the existing easement is not acceptable as proposed because the requirement for county road access to 6 pieces of property is not met.
 - a.) I believe there to be a gap in the end of the county road (Teleo Ct) at the Cul De Sac to the property line. If that is the case then the re-establishment of an easement

across 2 separate pieces of property would be required to be established by quit claim deed to all 6 property owners beyond the end of the proposed county road
b.) Additionally 4 of the 6 property owners have not been notified and been given the opportunity to voice opinion regarding relinquishment of their rights to easement across the afore mentioned proposed subdivision.

In closing I would request a postponement of the presentation of facts to the commissioners based on the following facts, the developer has had in excess of 2 years to prepare his documents, research, hire attorneys, pay professionals to write opinions regarding the rights of citizens of the county which may or may not be based in fact, case law, county policy, and county code. The residents affected by these future decisions have been given a total of 17 days to review the formal documents, ahead of the planning committee meeting to determine what to recommend to the county commissioners, and only 10 days to review all the documents provided by the developer, research planning commission code, and prepare documents to be submitted to the planning commission to allow time for commissioners, and planning committee to review ahead of the zoning committees meeting the 6th of May. I have a previously planned business trip the 5th, thru the 7th that has been planned for months, and cannot be re-scheduled. I urge the committee to grant an extension of time for residents impacted by the decision about the be made to thoroughly investigate all options, legal code requirements and other possible remedies ahead of a decision impacting personal property and investments of 6 county families and their personal properties.

William R. and Margaret S. Stuber
3130 Curtis Rd.
Peyton, Colorado



Photo A Taken from existing easement to top of hill south of newly proposed Teleo Ct. Teleo Ct would enter Curtis road at a point just north of the 2 large pines (corner of existing Patton Dr.)



Photo B Taken from newly proposed Teleo Ct Location to top of hill south of existing Patton Dr.