

Preliminary Plan Staff Report

Date: July 30, 2025
To: Douglas County Board of County Commissioners
Through: Douglas J. DeBord, County Manager
From: Terence T. Quinn, AICP, Director of Community Development *TQ*
CC: Trevor Bedford, AICP, Senior Planner
Jeanette Bare, AICP, Planning Manager
Steven E. Koster, AICP, Assistant Director of Planning Services
Subject: **Allen Exemption**
Project File: **EX2025-004**

Board of County Commissioners Hearing:

August 12, 2025 @ 2:30 p.m.

I. EXECUTIVE SUMMARY

The applicant requests approval of an Exemption from requirements of the Douglas County Subdivision Resolution (DCSR) to legalize a 7.13-acre parcel created by deed in 1999. The property is generally located on the east side of South County Highway 67 south of Pine Hills and is zoned Agricultural One (A-1). The property is located in the Pike National Forest and Foothills Subarea as designated in the 2040 Douglas County Comprehensive Master Plan (CMP).

II. APPLICATION INFORMATION

A. Applicant

Mark Allen
6737 W Lakeside Drive
Littleton, CO 80125

B. Applicant's Representative

Kevin Archer
David E Archer & Associates, Inc
105 Wilcox Street
Castle Rock, CO 80104

C. Request

The request is for a subdivision exemption to legalize a parcel on approximately 7.02 acres created by deed in 1999. The DCSR requires all divisions of land occurring after January 10, 1994, to have gone through the County's subdivision process.

D. Process

An Exemption application is processed pursuant to Article 9 of the DCSR. Article 9 states that the intent of the process is “to establish criteria and a review process whereby the Board of County Commissioners may grant Exemptions from the definition of the terms ‘subdivision’ and ‘subdivided land’ for any division of land if the Board determines that such a division is not within the purpose of Article 28, Title 30 of the Colorado Revised Statutes.

Section 904.04 of the DCSR states, “The Board shall evaluate the Exemption request, staff comments and public testimony and shall either approve, approve with conditions, table for further study or deny the request. The Board’s action shall be based on the evidence presented, compliance with appropriate standards, regulations, policies and other guidelines.”

E. Exemption Criteria

In accordance with Section 903 of the DCSR, the request must comply with one of five listed criteria to be exempted from the definition of the term subdivision. For this request, Section 903.05 allows for exemptions for “other divisions of land effected by a deed recorded in the Office of the Douglas County Clerk and Recorder that the Board determines is not within the purposes of this Resolution. If it is determined that the applicant is using the exemption process to circumvent the subdivision regulations, the applicant shall be required to comply with the applicable sections of this Resolution.”

F. Location

The subject property is located on the east side of South County Highway 67, approximately one mile south of its intersection with Pine Creek Road.

III. CONTEXT

A. Background

The request is for an Exemption to create a legal parcel on 7.02 acres. The property is zoned A-1 and is located within the Pike National Forest and Foothills nonurban subarea of the CMP.

The applicant purchased the subject property in 2020 and transferred the property to a trust in 2024. According to the applicant’s narrative, the applicant discovered the parcel may not have been subdivided in accordance with the DCSR after inquiring about a building permit for the property.

Based on deed research, it appears that the subject property was previously combined with the adjacent property to the north under common ownership. In 1999, the subject property was created and sold via deed at Reception #1999104594. The property to the north was subsequently sold in 2016. Neither property is currently owned by the previous, common owner.

A two-lot Exemption for the property directly to the east of this site was approved in 2012, resulting in an 8.64-acre and a 2-acre parcel. While A-1 zoning typically consists of parcels of at least 35 acres, the majority of parcels in the vicinity of the subject property are less than 35 acres. Several nearby properties are zoned A-1 and are between 5 acres and 10 acres in size.

The CMP states that “...the competing values of the plan must be balanced through the public review process to achieve the larger vision of the community.” As such the CMP acknowledges its own competing values during the review process. Goal 3-2 and its objectives and policies discuss ensuring that land use and design is compatible with the natural and rural character of the nonurban area. The subject property is located near several similarly sized parcels. This area consists of concentrated development that minimizes impacts to the Pike National Forest area.

The request was reviewed by referral agencies. Referral comments were standard in nature and indicated various permits that would need to be obtained to build a residence in the future including building permits, Drainage Erosion and Sediment Control, Driveway Permit, well permit and septic permit. Wildfire Mitigation also indicated that additional mitigation would be reviewed with the building permit process.

B. Adjacent Land Uses and Zoning

All abutting properties are zoned A-1, ranging in size from 6 acres to 30 acres. Of the five abutting properties, three are developed with single-family residences, while two are vacant.

Zoning and Land Use

	Zoning	Land Use
North	Agricultural One	Single-family Residential
South	Agricultural One	Vacant
East	Agricultural One	Single-family Residential and Vacant
West	Agricultural One	Single-family Residential

IV. PHYSICAL SITE CHARACTERISTICS

A. Site Characteristics and Constraints

The property is forested and slopes upwards to a ridge in the middle of the property.

B. Access

Access will be off of County Highway 67. A driveway permit will be required to determine the exact location of the access.

C. Floodplain and Drainage

There is no mapped floodplain on the property. Drainage will be evaluated with a Drainage Erosion and Sediment Control permit at the time of building permit.

V. PROVISION OF SERVICES

B. Fire Protection

The property is within the West Douglas County Fire District. The District did not provide any comments on the application.

C. Sheriff Services

The property is served by the Douglas County Sheriff's Office.

D. Water and Sanitation

The applicant will be required to obtain a well permit. The Colorado Division of Water Resources (CDWR) will require the applicant to submit a well permit application should the exemption be approved. At that time, CDWR will confirm the type of well permit that may be obtained.

Sanitation will be provided by an onsite wastewater treatment system, which will be reviewed by the Douglas County Health Department (DCHD) at the time of building permit. DCHD reviewed the application and provided no comments.

VI. PUBLIC NOTICE AND INPUT

Referral packets were provided to referral agencies for review on June 11, 2025. Any referral agency comments received are outlined in the Referral Agency Response Report, as well as the Referral Response Letters attached to this staff report. All referral comments have been addressed and future requirements acknowledged.

VII. STAFF ASSESSMENT

Staff has evaluated the Exemption request in accordance with Article 9 of the DCSR. Section 903.05 allows for an exemption request based on a division of land effected by a recorded deed. The applicant has requested the exemption to construct a home on this parcel.

Should the Board of County Commissioners find that the criteria for an Exemption are met, the following proposed condition should be considered for inclusion in the motion:

1. All commitments and promises made by the applicant or the applicant's representative during the public meeting and/pr agreed to in writing and included in the public record have been relied upon by the Board of County Commissioners in approving the application; therefore, such approval is conditioned upon the applicant's full satisfaction of all such commitments and promises.

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LAND USE APPLICATION

Please complete, sign, and date this application. Return it with the required items listed on the Submittal Checklist to planningsubmittals@douglas.co.us. Submittals may also be mailed or submitted in person to Planning Services. **NOTE: The Planning Commission or the Board of County Commissioners should not be contacted regarding an open application.**

OFFICE USE ONLY

PROJECT TITLE: _____

PROJECT NUMBER: _____

PROJECT TYPE: Exemption Plat**MARKETING NAME:** Allen Exemption**PRESUBMITTAL REVIEW PROJECT NUMBER:** PS2025-001**PROJECT SITE:**Address: No AddressState Parcel Number(s): 25012300005Subdivision/Block#/Lot# (if platted): None**PROPERTY OWNER(S):**Name(s): Mark W Allen TrustAddress: 6737 W Lakeside Drive, Littleton, CO 80125Phone: 303-349-8738Email: TITANCARCONDOS@OUTLOOK.COM

AUTHORIZED REPRESENTATIVE: (Notarized Letter of Authorization is required from the property owner, unless the owner is acting as the representative)

Name: David E Archer & Associates, Inc Kevin ArcherAddress: 105 Wilcox Street, Castle Rock, CO 80104Phone: 303-688-4642Email: karcher@davidearcher.com

To the best of my knowledge, the information contained on this application is true and correct. I have received the County's information sheet regarding the *Preble's Meadow Jumping Mouse*.



Applicant Signature

June 6, 2025

Date



DAVID E. ARCHER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS & ENGINEERS

105 Wilcox Street * Castle Rock, CO 80104
PHONE (303) 688-4642 * FAX (303) 688-4675 * karcher@davidearcher.com

PROJECT NARRATIVE
For
ALLEN EXEMPTION

The proposed Allen Exemption will legalize a Parcel, that was originally created in 1999. It seems that the Gene and Lois Elliot owned about 16.69 acres along the east side of Highway 67 just south Pine Hills Subdivision. In December of 1999 there were several quitclaims recorded. The first one from Gene and Lois Elliot to the Shirley Cook Estate Trust which contains 9.64 acres was recorded at Book 1789 Page 977. The second one was from Harris and Izola Cook to the Shirley Cook Estate Trust and it contains about 3 acres and is recorded at Book 1789 Page 979. And the third quitclaim was from the Shirley Cook Estate Trust to Gene and Lois Elliot and contained 7.13 acres and was recorded at Book 1789 Page 981.

Mark Allen purchased the 7.13 acres described by the quitclaim recorded in Book 1789 Page 981 Gene and Lois Elliot. A survey was completed on the property and the legal description was modified to match the conditions on the ground, and the acreage of the property is actually 7.02 acres. The sale was recorded at Reception Number 202013907 on December 30, 2020. The property was then transferred to the Mark W Allen Trust on September 9, 2024 under reception Number 2024038209.

It was then discovered after inquiring about a building permit that the parcel was not legal and that an Exemption Plat Would be required.

The property is zoned A-1

Comprehensive Master Plan Land Use Reference Map

Comprehensive Master Plan Areas

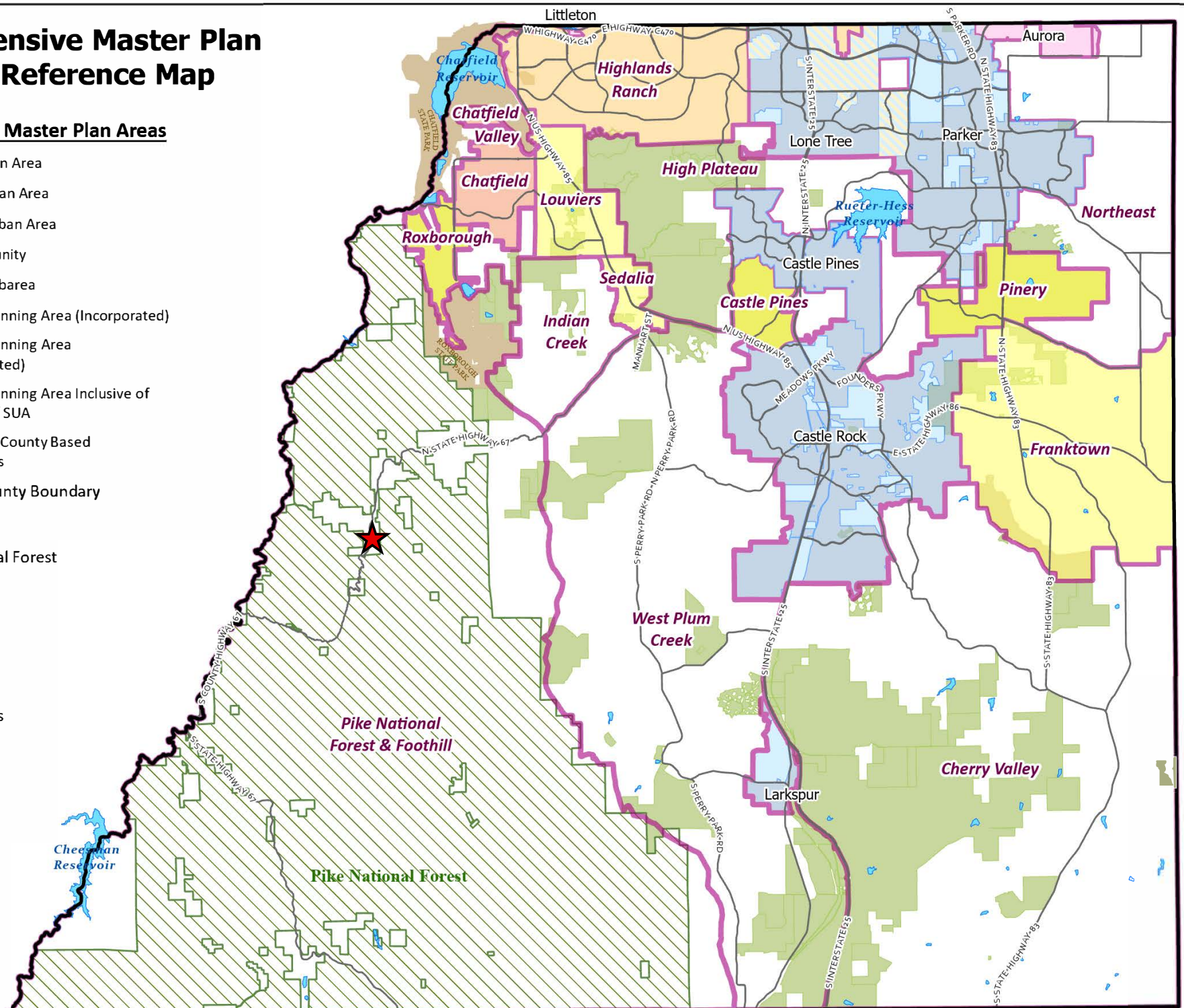
- Primary Urban Area
- Chatfield Urban Area
- Separated Urban Area
- Rural Community
- Nonurban Subarea
- Municipal Planning Area (Incorporated)
- Municipal Planning Area (Unincorporated)
- Municipal Planning Area Inclusive of County PUA / SUA
- Non-Douglas County Based Municipalities
- Douglas County Boundary

Parks

- Pike National Forest
- State Parks
- Open Space
- Lakes

Roadways

- Major Roads



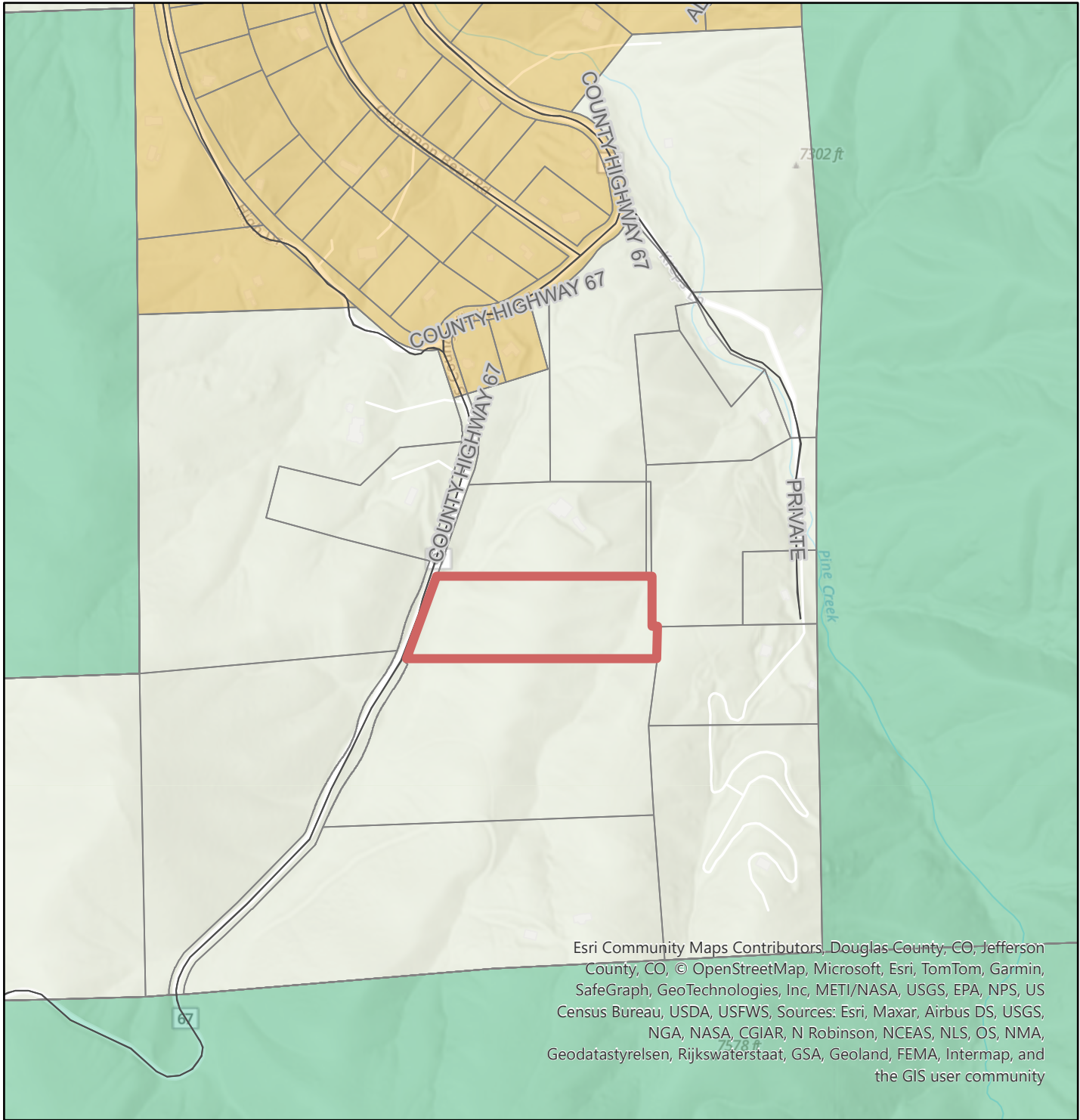
Allen Exemption

EX2025-004 Zoning Map



LEGEND

- Roads
- Major Roads
- Parcels - PARCELS
- A1 - AGRICULTURAL ONE
- ER - ESTATE RESIDENTIAL
- NF - NATIONAL FOREST



Esri Community Maps Contributors, Douglas County, CO; Jefferson County, CO, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastystyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community

Allen Exemption

EX2025-004
Aerial Map



- LEGEND
- Roads
 - Major Roads
 - ▭ Parcels - PARCELS



Referral Agency Response Report**Page 1 of 1****Project Name:** Allen Exemption**Project File #:** EX2025-004**Date Sent:** 06/11/2025**Date Due:** 06/26/2025

Agency	Date Received	Agency Response	Response Resolution
Addressing Analyst	06/12/2025	No Comment:	No response necessary
Assessor	06/24/2025	Received: please be aware of the following comments: None	No response necessary
Building Services		No Response Received:	No response necessary
Colorado Division of Water Resources	06/30/2025	Received: See attached letter Summary: Approval of an exemption is required for the State to review a well permit for this property.	Applicant will apply for a well permit if exemption approval is granted.
Douglas County Health Department	06/11/2025	Received: Thank you for the opportunity to review and comment on the Allen exemption Project. Douglas County Health Department (DCHD) staff have reviewed the application for compliance with pertinent environmental and public health regulations. After reviewing the application, DCHD has no comments	No response necessary
Engineering Services	06/24/2025	Received: - Drainage, Erosion and Sediment Control (DESC) Permit required with Building permit to construct a building on the property. - Permanent Access Permit required with the driveway permit.	Information forwarded to applicant. These items will be addressed with a building permit if the exemption is approved.
West Douglas County FD		No Response Received:	No response necessary
Wildfire Mitigation	06/25/2025	Received: Parcel was treated as part of a previous larger effort through the Colorado State Forest Service (CSFS) funding and adjoining neighbors. Additional mitigation will be required with the building permit process.	Information forwarded to applicant. These items will be addressed with a building permit if the exemption is approved.

June 11th, 2025

Trevor Bedford
100 Third St.
Castle Rock, CO 80104

RE: EX2025-004

Dear Mr. Bedford

Thank you for the opportunity to review and comment on the Allen exemption Project. Douglas County Health Department (DCHD) staff have reviewed the application for compliance with pertinent environmental and public health regulations.

After reviewing the application, DCHD has no comments

Sincerely,

Caden Thompson
Environmental Health Specialist I
Douglas County Health Department



June 26, 2025

Trevor Bedford, AICP

Douglas County Planning Services

Transmitted via email: tbedford@douglas.co.us

Re: Case No. EX2025-004 Allen Exemption

Applicant: Mark W Allen Trust

Part of the SW ½ of Sec. 21, Twp. 8 South, Rng. 69 West, 6th PM

Water Division 1, Water District 8

CDWR Assigned Referral No. 34114

Dear Trevor Bedford:

We have received the referral concerning the proposal for a county exemption for the 7.13-acre Douglas County parcel no. 250121300005 to legalize a parcel originally created in 1999 and allow for building permits to be issued on the property.

This referral does not appear to qualify as a “subdivision” as defined in section 30-28-101(10)(a), C.R.S. Therefore, pursuant to the State Engineer’s March 4, 2005 and March 11, 2011 memorandums to county planning directors, this office will only perform a cursory review of the referral information and provide informal comments. The comments do not address the adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any County regulations or requirements. In addition, the comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or physical availability of water.

A letter dated June 6, 2025 from Hayes Poznanovic Korver LLC indicates that the proposed water source will be a well drilled pursuant to 37-92-602(3)(b)(I) and (II)(A) for indoor household use in the amount of 1 acre-foot per single family dwelling, as required by



Douglas County. The letter proposes drilling the well into the alluvium if nontributary Denver Basin water is unavailable.

The ability to obtain a new permit and the allowed uses will be determined at the time a complete permit application is submitted to and reviewed by this office.

Please contact Ariel.Hacker@state.co.us or 303-866-3581 x 8234 with any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ioana Comaniciu".

Ioana Comaniciu, P.E.

Water Resources Engineer

Trevor Bedford

From: James Petrock <jjp@hpkwaterlaw.com>
Sent: Wednesday, July 9, 2025 1:57 PM
To: Trevor Bedford
Cc: mark allen
Subject: Case EX2025-004 Allen Exemption

Trevor- This firm represents Mr Allen in obtaining a well permit to serve the 7 acre lot which is the subject of this case. As you know, Colorado statute authorizes the Division of Water Resources to issue an in house use well permit to a lot which exists by reason of a county approved exemption from platting requirements. The Colorado Division of Water Resources was requested to comment on this exemption request. (DWR letter of 6/26/2025). DWR deferred from providing any response until an application for well permit was submitted. An application will be submitted by Mr Allen however the application cannot be submitted unless accompanied by proof of a county exemption. Assuming the exemption request meets all other county requirements, the solution would be approval of the exemption conditioned upon issuance of an in house well permit under CRS 37-92-602(3)(b)(I) and(II)A.

Trevor Bedford

From: James Petrock <jjp@hpkwaterlaw.com>
Sent: Tuesday, July 15, 2025 1:36 PM
To: Trevor Bedford
Cc: mark allen
Subject: FW: FW: Mark Allen / Douglas County exemption/well permit

Trevor- see correspondence below regarding DWR issuance of a well permit or confirming a permit will be issued without first having county approval of an exemption.

From: Comaniciu - DNR, Ioana <ioana.comaniciu@state.co.us>
Sent: Wednesday, July 9, 2025 2:59 PM
To: James Petrock <jjp@hpkwaterlaw.com>
Cc: mark allen <titancarcondos@outlook.com>
Subject: Re: FW: Mark Allen / Douglas County exemption/well permit

Good Afternoon,
You will not be able to issue the permit until the county has approved the exemption and a copy of the approval is provided to this office. However you can submit the application now and we will hold the application until we receive the county's exemption approval, OR submit the application later on when the exemption was approved by the county.

I hope this clarified your question.
Sincerely,

Ioana Comaniciu, P. E.

Water Resource Engineer

P 303-866-3581 x 8246

1313 Sherman St., Suite 821 Denver CO 80203

ioana.comaniciu@state.co.us | <https://dwr.colorado.gov>

On Wed, Jul 9, 2025 at 1:24 PM James Petrock <jjp@hpkwaterlaw.com> wrote:

I am assuming we cannot submit the application for permit now because the County has not approved the exemption request and will not approve it until the DWR confirms the permit will be issued. The permit application I submitted indicates that exemption approval is pending. Can the permit be issued on that condition?

From: Comaniciu - DNR, Ioana <ioana.comaniciu@state.co.us>
Sent: Wednesday, July 9, 2025 1:06 PM
To: mark allen <titancarcondos@outlook.com>
Cc: James Petrock <jjp@hpkwaterlaw.com>; Ariel.Hacker@state.co.us
Subject: Re: Mark Allen / Douglas County exemption/well permit

Good Afternoon,

Please submit the corrected application to: DWRpermitsonline@state.co.us and note that there will be a \$100 fee required for this application.

Thank you,

Ioana Comaniciu, P. E.

Water Resource Engineer

P 303-866-3581 x 8246

1313 Sherman St., Suite 821 Denver CO 80203

ioana.comaniciu@state.co.us | <https://dwr.colorado.gov>

On Wed, Jul 9, 2025 at 12:44 PM mark allen <titancarcondos@outlook.com> wrote:

Hello James

That is the incorrect information on owners of warranty deed. That is previous owners. I will send over correct title information soon.

Mark

Get [Outlook for iOS](#)

From: James Petrock <jjp@hpkwaterlaw.com>
Sent: Wednesday, July 9, 2025 12:01:29 PM
To: Ariel.Hacker@state.co.us <Ariel.Hacker@state.co.us>; Comaniciu - DNR, Ioana <ioana.comaniciu@state.co.us>
Cc: mark allen <titancarcondos@outlook.com>
Subject: Mark Allen / Douglas County exemption/well permit

Please see attached letter.

ALLEN EXEMPTION
In Section 21, Township 8 South,
Range 69 West, of the 6th P.M.,
County of Douglas, State of Colorado
7.02 ACRES 1 RESIDENTIAL PARCEL EX2025-004



VICINITY MAP

SCALE: 1"=1000'

APPLICANT

Mark W Allen Trust
6737 West Lakeside
Littleton, CO 80125

PROPERTY DESCRIPTION

A tract of land located in Section 21, Township 8 South, Range 69 West of the 6th P.M., County of Douglas, State of Colorado, more particularly described as follows:

Commencing at the West . corner of said Section 21 and considering the West line of the Southwest 1/4 of Section 21 to bear S 00°05'56"E with all bearings contained herein relative thereto; Thence S 37°58'24"E, a distance of 1753.41 feet to a point 30.00 feet East of the centerline of an existing gravel road known as State Highway 67 and the true Point of Beginning; Thence along the following Two Courses, said courses being 30.00 feet east of and parallel with said centerline:
1). Along the arc of curve to the left, an arc distance of 76.69 feet, said curve has a radius of 1563.80 feet and a chord that bears N 26°56'13"E, a distance of 76.68 feet;
2). N 18°56'19"E, a distance of 283.48 feet;
Thence N 89°42'28"E, a distance of 862.38 feet;
Thence S 01°08'21"E a distance of 199.45 feet to the South line of Parcel A of the Herrick-Rechignac Exemption;
Thence N 87°59'09"E along said South line a distance of 22.29 feet to the East line of that tract of land described in Book 1789 at Page 381;
Thence S 00°06'12"E a distance of 122.46 feet to the Southeast corner of said Tract;
Thence S 88°52'56"W along the North line of a Parcel Recorded in Book 200 at Page 270, a distance of 1015.77 feet to the Point of Beginning, said Parcel contains 7.02 acres, more or less.

BASIS OF BEARINGS

Bearings are based on the consideration that the West line of Section 21, T8S, R69W, Sedalia Rec No 2024038209, County of Douglas, State of Colorado bears S00°05'56"E; West 1/4 corner of Section 21 is 3" Brass: Southwest corner of Section 21 is 3" Brass as shown hereon between the identified monuments.

SURVEYOR'S CERTIFICATE

I, Darrell E Roberts, a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that this exemption exhibit truly and correctly represents the results of a survey made on ***, 2025, by me or under my direct supervision and that all monuments exist as shown hereon; that mathematical closure errors are less than 1:50,000 (second order); and that said exhibit has been prepared in full compliance with all applicable laws of the State of Colorado dealing with monuments, subdivisions or surveying of land and all applicable provisions of the Douglas County Subdivision Resolution.

I attest the above on this _____ day of _____, 20____.

Darrell Eugene Roberts for and on behalf of David E. Archer & Assoc. Inc.,
Professional Land Surveyor # 36057


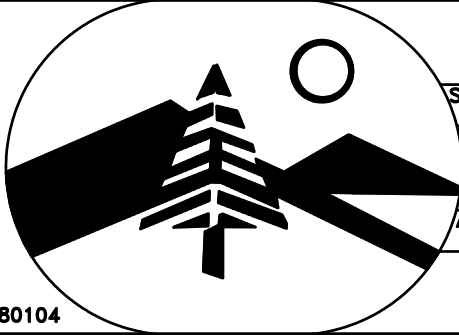
DIRECTOR OF COMMUNITY DEVELOPMENT

This exemption was approved by the Douglas County Board of County Commissioners on _____, 20____, Motion # _____

Accepted for recordation by: _____ Date _____
Director of Community Development

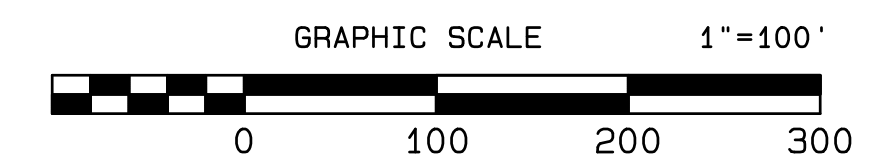
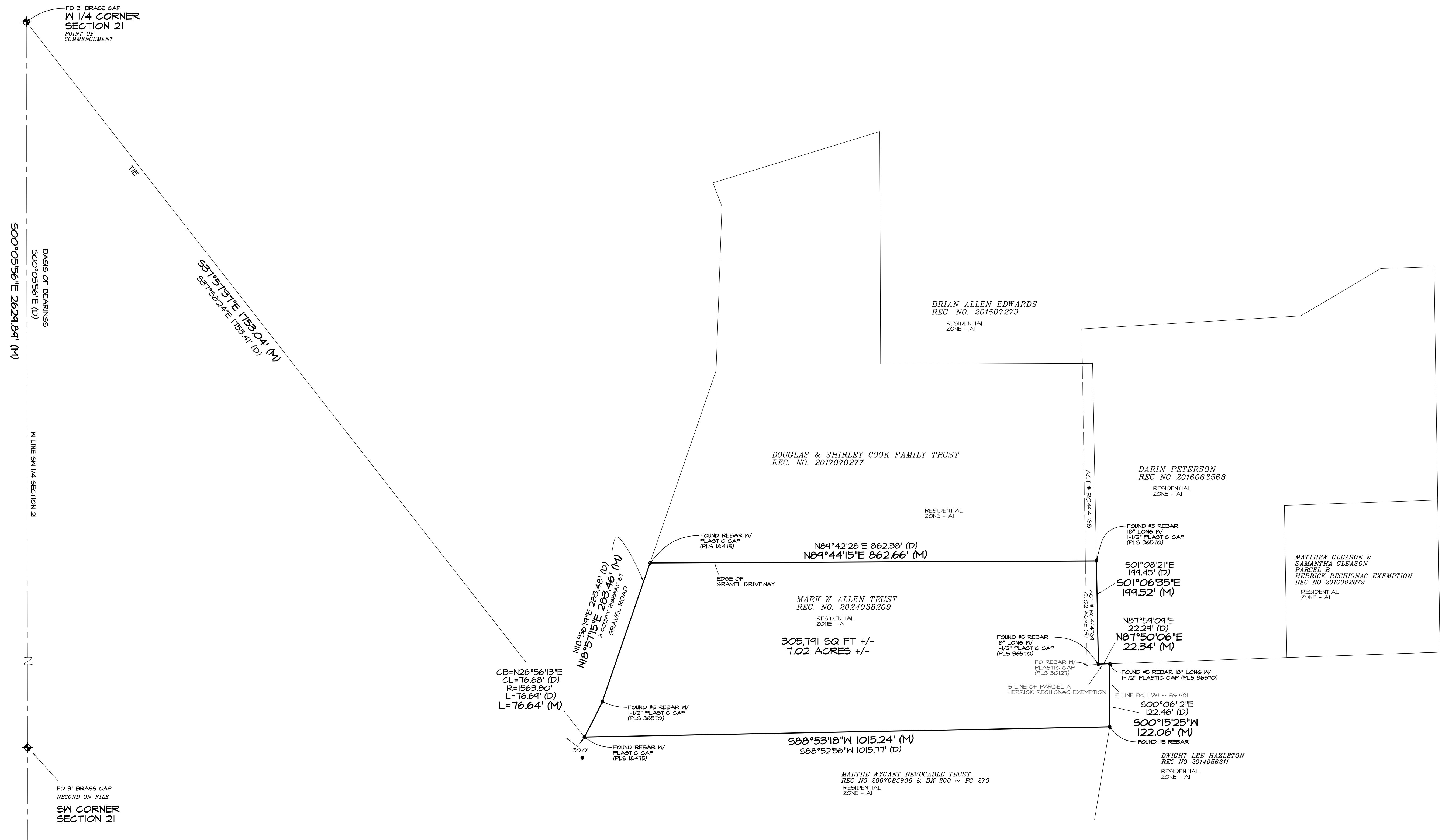
SHEET INDEX



SH. 1 COVER SHEET
SH. 2 PARCEL EXHIBIT
SH. 3 PARCEL DETAILS

REVISIONS	 	TITLE ALLEN EXEMPTION In Section 21, Township 8 South, Range 69 West, of the 6th P.M., Douglas County, Colorado
	SCALE DATE 5-6-25	CLIENT Mark Allen
	DRN. [] CHKD. [] APVD. []	JOB NUMBER 20-1231
	105 WILCOX ST. CASTLE ROCK, COLORADO 80104	Sheet 1 of 2

G:\Drawings\2020\20-1231\exemption\EXEMPTION PLAT 20-1231.ppt
Tue Jul 21 14:22:45 2025

ALLEN EXEMPTION
In Section 21, Township 8 South,
Range 69 West, of the 6th P.M.,
County of Douglas State of Colorado



REVISIONS 			SCALE 1" = 100' DATE 5-6-25 D.R.N. CKD. DILL APVD.	TITLE ALLEN EXEMPTION In Section 21, Township 6 South, Range 69 West, of the 6th P.M., Douglas County, Colorado CLIENT Mark Allen
			105 WILCOX ST. CASTLE ROCK, COLORADO 80104	JOB NUMBER Sheet 2 of 3 20-1231

