

## SECLUSION ZONE CHANGE

### LETTER OF INTENT

**MAY 2021, REVISED JULY 2021**

**PROPERTY TAX ID: 5211000002, 5214000011**

**OWNER:**

Norwood Foundation  
111 S. Tejon Street, Suite 222  
Colorado Springs, CO 80903

**APPLICANT**

G3 Investments Inc.  
9540 Federal Drive  
Colorado Springs, CO 80921

**CONSULTANT:**

N.E.S. Inc.  
619 N. Cascade Ave. Suite 200  
Colorado Springs, CO 80903

### REQUEST

N.E.S. Inc. and G3 Investments Inc., on behalf of Norwood Foundation, request approval of a Zone Change from PUD to RR-5 for the Seclusion property.

### LOCATION

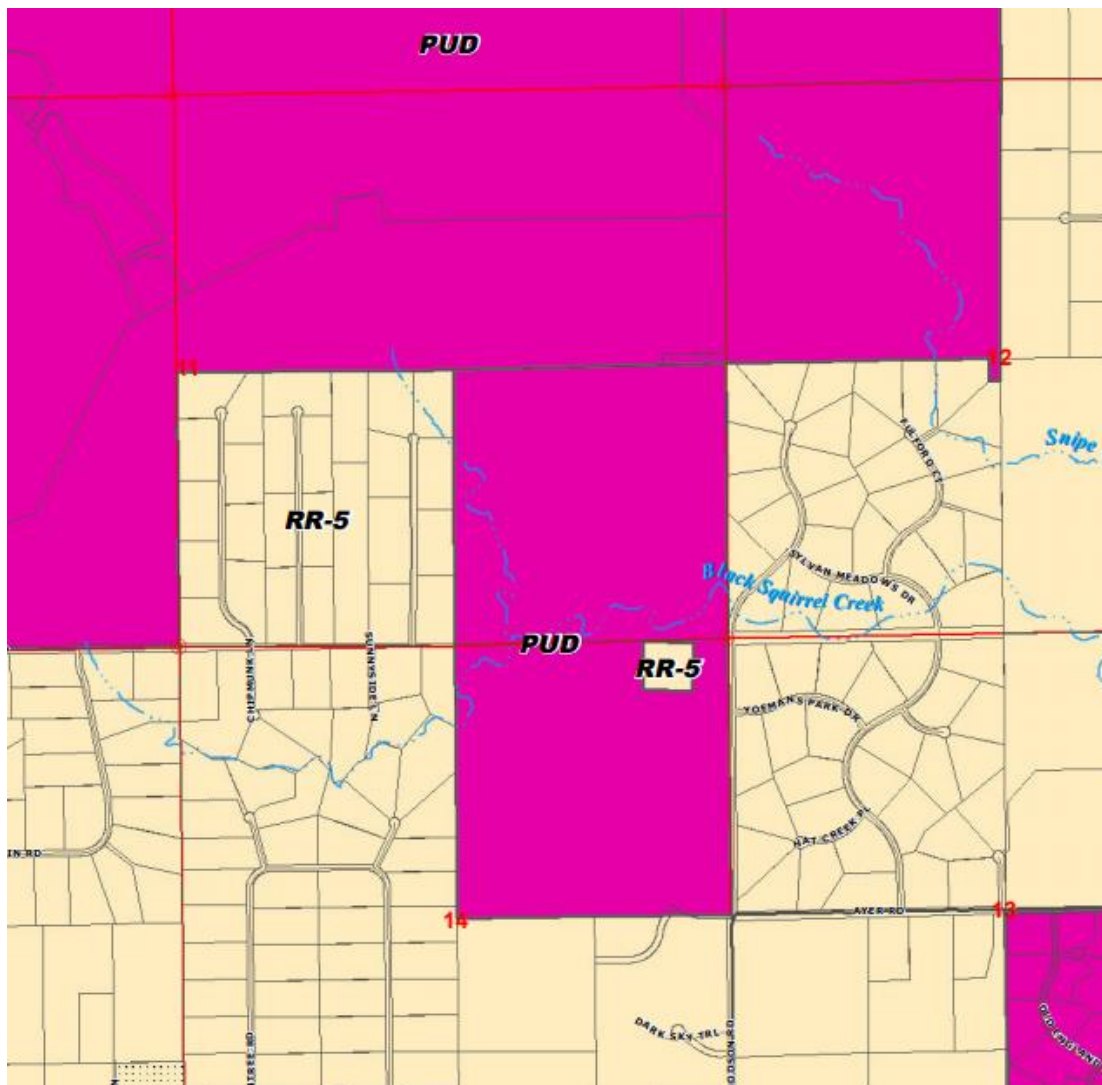
Seclusion comprises two parcels, totaling 313.773 acres. The site is in northern El Paso County, northwest of the intersection of Goodson Road and Ayer Road. Shoup Road terminates at the western boundary of the site. The property is currently vacant/agricultural grazing land. An MVEA electric substation is located on the east side of the property and is excluded from the property and rezone request. Black Squirrel Creek runs through the northern half of the property.



## PROJECT DESCRIPTION

The Seclusion property was zoned to Planned Unit Development (PUD) in 2006, with an accompanying Preliminary Plan and Final Plat to subdivide the property into 60 residential lots ranging in size from approximately 3.5 to 6 acres. Resolution No. 19-382 dated October 8<sup>th</sup> 2019, granted a 2-year extension of time for recording the Final Plat for Seclusion. However, current analysis indicates that this plan is not economically feasible due in part to significant tree loss from the Black Forest fire, the cost of crossing the floodplain and new stormwater requirements. For this reason, a rezone of the property to RR-5 is requested to facilitate dividing the property into eight 35-acre parcels for residential use, which is a permitted use in the RR-5 zone. Dividing a parcel into 35-acres or greater does not constitute a subdivision of land and, therefore, does not trigger the El Paso County subdivision regulations and no Preliminary Plan or Final Plat is required.

The proposed rezone to RR-5 is compatible with the surrounding zoning. To the west and east of the property is RR-5 zoning and existing 5-acre residential lot subdivisions. To the south are 40-acre parcels that have been platted into 5-acre lots but not yet developed. To the north is The Sanctuary in the Pines Planned Unit Development, which is planned for 2 ½ acre or larger residential lots.



**Access:** The proposed 35-acre parcels in the northern portion of the property will be accessed via a private road that will connect to the terminus of Shoup Road on the west boundary of the property. The home sites on the south parcel will have individual driveways off Goodson Road.

The approved PUD is for 60 lots, which would generate approximately 600 daily trips. The current plan for eight 35-acre parcels would generate around 80 trips. The approved plan only proposed access to the site from the east, so all 600 trips would access the site from Goodson Road. The current plan evenly divides the access, with half the trips to the east and half to the west.

**Road Impact Fee:** Per the Road Impact Fee ordinance, the fee is payable if the rezone of a property results in development that generates at least 100 more daily trips than would have been generated under the previous zoning. As this proposed rezone from a PUD for 60 lots to RR-5 for eight 35-acre parcels is a downzoning and will significantly reduce the number of trips from the current PUD zoning, the road impact fee would not be triggered.

**Utilities:** The proposed residential lots will be served by well and septic for water and wastewater. Electric service will be provided by Mountain View Electric Association and gas service will be provided by Black Hills Energy.

**Floodplain and Wetlands:** A Wetland Delineation Report and an Ecological Resources Report were prepared by Walsh Environmental Scientists and Engineers, LLC in 2005 in association with the approved PUD zoning. The floodplain and wetlands on the site have not changed since 2005.

The site is traversed by the mainstem of Black Squirrel Creek (east-draining), which splits into two forks (north and south) near the western edge of the site. The site also contains several smaller tributaries and swales that enter the main channel from the north and south and the two headwater forks from the west. The main channel is designated as Floodplain.

The previous Wetland Delineation was accepted by the US Army Corps of Engineers. This identified the main creek as an ephemeral stream channel (mostly barren) and delineated as waters of the US, seasonally moist upland swales (one considered to be wetlands), dry upland swales and a perennial pond (considered a wetland).

The current proposal to divide the property into eight 35-acre parcels for residential use will not involve any home construction within the floodplain of the main channel, two headwater forks, and southwestern tributary. The building envelopes will be sited to avoid impacts to the upland swales to avoid seasonally shallow groundwater.

One private road crossing of the creek is required to serve the home sites in the north portion of the property. The loss of riparian habitat from this one stream crossing would be minor because most of length of the incised channels is either bare alluvium or vegetated with upland species. The Applicant is currently evaluating the wetland impact of this road crossing and will be seeking a determination from the US Army Corps of Engineer regarding any permitting requirements.

**Wildlife:** The 2005 Ecological Resources Report included an analysis of wildlife habit and no federally listed, proposed, or candidate threatened or endangered wildlife species are considered likely to occur onsite. A clearance letter from the US Fish and Wildlife serves was obtained with regard to the absence of Preble’s Meadow Jumping Mouse habitat on the site.

The Seclusion site is not known to support wildlife species that require large, unbroken tracts of forest or grassland habitats. The species observed onsite or likely to occur consist of species that are commonly found in small woodlots and in forests fragmented by residential development. The proposed 35-acre parcel and construction of internal private driveways is not likely to preclude movement into or through the area by wildlife species currently known or likely to use the site.

The 2005 report notes that a potentially significant impact to wildlife movement could occur if multiple crossings of the mainstem of Black Squirrel Creek and its tributary forks are designed in a way that does not accommodate wildlife passage. The current proposal will require only one crossing of the creek to serve the northern home sites and this will be a private road.

**Community Outreach:** The Applicant has discussed the proposed rezone with the property owner to the south and the President of the Sylvan Meadows Homeowners Association to the east. Neither party expressed any concern regarding the proposed rezone from PUD to RR-5.

## PROJECT JUSTIFICATION

The criteria for assessing Map Amendments (Rezoning) is set out in Chapter 5.2.5.B of the El Paso County Land Development Code. The requested rezoning from PUD to RR-5 is justified against these criteria as follows:

- 1. THE APPLICATION IS IN GENERAL CONFORMANCE WITH THE EL PASO COUNTY MASTER PLAN INCLUDING APPLICABLE SMALL AREA PLANS OR THERE HAS BEEN A SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD SINCE THE LAND WAS LAST ZONED;**

**County Master Plan:** A new Master Plan for El Paso County was accepted by the County Planning Commission on May 26, 2021. This new Master Plan replaces all previously approved Small Area Plans. The Place Types map in the Maste Plan classifies this property and the surrounding area as “Large-Lot Residential”, where the primary land use is single-family detached residential, typically 2.5 acre lots or larger. The proposed rezone from PUD to RR-5 is consistent with the Master Plan in this regard.

**Water Master Plan:** The subject property lies within the El Paso County Water Master Planning area, Region 4c and within the Upper Black Squirrel Creek designated groundwater basin. The area in which this property lies is identified as an expected growth area by 2060.

Individual domestic wells will be used to provide water to the eight 35-acre parcels. State law allows the drilling of wells on 35-acre parcel.

According to the Water Report prepared for the PUD Plan for 60 lots, the Determination of Water Rights Numbers 461-BD and 462-BD allow the withdrawal of 134 acre-feet from the Arapahoe

Aquifer, which underlies the entire property, and 88.6 acre-feet from the non-tributary Denver aquifer, which underlies all property in SE ¼ of Section 11 Township 12 South, Range 65 West. When adjusted to address the County's more stringent 300-year rule, this equates to 44.7 acre-feet from the Arapahoe Aquifer and 29.5 acre-feet from the non-tributary Denver aquifer. This is more than adequate to serve the needs of the proposed 35-acre parcels.

The previous Water Report also concluded that the water quality in both the Denver and Arapahoe Aquifers will meet or exceed the potable water standards for public safety per the State's water quality standards.

**Parks Master Plan:** The site lies directly south of the Pineries Open Space as depicted on the Parks Master Plan. The Trails Master Plan identifies a proposed secondary regional trail that appears to follow the alignment of Black Squirrel Creek through the property. This proposed trail also goes through the adjacent Sylvan Meadows subdivision to the east and ultimately to Meridian Road at Latigo. There is no existing trail or trails easement through the Silver Meadows subdivision nor any connection of the proposed trail to the west. Consequently, there appears to be no practical manner in which this secondary regional trail could be achieved. The proposed division of the site into 35-acre parcels would not preclude the trail but, as there is no subdivision process, the County has no means by which to require it.

**2. THE REZONING IS IN COMPLIANCE WITH ALL APPLICABLE STATUTORY PROVISIONS, INCLUDING BUT NOT LIMITED TO C.R.S. §30-28-111 §30-28-113, AND §30-28-116;**

As the proposed rezoning is consistent with the County Master Plan and is a compatible with adjacent land uses, it therefore complies with the statutory provisions that allow County's to establish limit, regulate, or amend zoning within the unincorporated parts of El Paso County in the interests of public health, safety and welfare.

**3. THE PROPOSED LAND USE OR ZONE DISTRICT IS COMPATIBLE WITH THE EXISTING AND PERMITTED LAND USES AND ZONE DISTRICTS IN ALL DIRECTIONS; AND**

As noted above, the proposed RR-5 zoning is compatible with adjacent zoning and land uses. The proposed "down-zoning" will increase minimum allowable lot size from that proposed under the current PUD zone.

**4. THE SITE IS SUITABLE FOR THE INTENDED USE, INCLUDING THE ABILITY TO MEET THE STANDARDS AS DESCRIBED IN CHAPTER 5 OF THE LAND DEVELOPMENT CODE, FOR THE INTENDED ZONE DISTRICT.**

It is proposed to divide the property into eight 35-acre parcels for residential use, which is a permitted use in the RR-5 zone and, given the size of the parcels, there will be adequate space to meet the dimensional standards of the zone. A parcel of 35-acres or greater does not constitute a subdivision of land and, therefore, does not trigger the El Paso County subdivision regulations.