

January 15, 2025

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

**Re: United Congregational Church Application for Initial Zoning and Rezoning**

To whom it may concern:

Our firm represents the United Congregational Church (“CHURCH”), which owns approximately ±341.1 acres of land located within northwest El Paso County, Colorado, 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) (collectively, “CHURCH PROPERTY”). The Church Property is commonly known as 3195 County Line Road, Monument, Colorado 80132. A legal description of the Property is included with this application.

On behalf of the Church, we respectfully submit the enclosed application for rezoning of the Church Property. As PINs 7104200012, 7104237002, and 7105424044 (collectively “DISCONNECTED PROPERTY”) were disconnected from the Town of Palmer Lake by court decree on November 22, 2024, and required documentation was filed with the El Paso County Clerk and Recorder and the Colorado Department of Local Affairs on or before December 10, 2024. Promptly thereafter, the applicant requested an early assistance (“EA”) meeting, which was held on January 7, 2025.

C.R.S. § 31-12-704 requires El Paso County to apply its zoning to the Disconnected Property within 90 days after the effective date of the disconnection.<sup>1</sup> Consequently the statutory deadline for decision on this application (as to the Disconnected Property) is February 20, 2025, or if calculated based on the completion of required filings after the order (the applicant is amenable to this interpretation), March 10, 2025. As County Staff suggested during the EA meeting, in order to streamline the rezoning process to comply with the statutory mandate, this application requests deferral of traffic studies until such time as the Church Property is subdivided or further developed.

**APPLICATION MATERIALS**

The application materials include:

- An application form;

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<sup>1</sup> The statute provides, “Any disconnected land shall be made subject to the applicable county's zoning resolution and map and other land development regulations within ninety days after the effective date of the disconnection as described in section 31-12-501(5).”

- The applicant’s letter of intent (this letter); and
- A rezoning exhibit prepared in accordance with the applicable County checklist.

**LETTER OF INTENT**

Please consider the balance of this letter as the Church’s letter of intent.

**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.

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

**B. CURRENT ZONING OF THE CHURCH PROPERTY**

The current zoning of the Church Property is mixed. PINs 7105424044, 7104200012, and 7104237002 were recently disconnected from the Town of Palmer Lake and have not yet been zoned under El Paso County zoning regulations. Initial zoning by El Paso County is required by C.R.S. § 31-12-704. A summary of the requested rezonings is provided in the following table:

Parcel ID	Area (acres)	Jurisdiction	Existing Zoning	Proposed Zoning
7105424044	14.3	Unincorporated El Paso County	Unzoned	RR-2.5
7104200012	147.1	Unincorporated El Paso County	Unzoned	RR-2.5
7104237002	0.9	Unincorporated El Paso County	Unzoned	RR-2.5
7104000002	38.2	Unincorporated El Paso County	RR-5	RR-2.5
7104000001	49.2	Unincorporated El Paso County	RR-5	RR-2.5
7104001010	45.7	Unincorporated El Paso County	RR-5	RR-2.5
7103000028	45.7	Unincorporated El Paso County	RR-5	RR-2.5

PIN 7103000028 has an existing special use designation for existing buildings and structures associated with ~~religious worship~~, which aligns with the allowed Religious Institution and Open Space principal uses under the RR-2.5 zone district. At the time of this application, this special use

Recreation Camp

designation is proposed to remain until the future relocation of the buildings structures from PIN 7103000028 to another location within the Church Property.

#### C. DETAILS OF THE THE SPECIFIC REQUEST

The current request is rezoning of the Church Property to El Paso County RR-2.5 in anticipation of a future subdivision application that is currently anticipated to include: (1) approximately 78 single-family residential lots with a minimum lot area of 2.5 acres, (2) facilities for the United Congregational Church, and (3) a large conservation area that will serve as a sanctuary for wildlife. Individual lots will be served by individual wells and septic systems. 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.

#### D. OVERLAY ZONING

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

#### E. APPROVAL CRITERIA.

El Paso County Land Development Code ("LDC") § 5.3.5. addresses applications for map amendments (rezonings).

1. Subsection (A) of LDC § 5.3.5. provides in pertinent part: "Generally, rezoning is justifiable under one of the following circumstances: [w]hen the requested rezoning is in general conformance or consistency with the County's Master Plan; [or] [t]he zone change is necessary for the general health, safety, or welfare of the community." The proposed rezoning and initial zoning implement the El Paso County Comprehensive Plan, and because C.R.S. § 31-12-704 requires El Paso County to apply its zoning to the Disconnected Proeprty within 90 days after the effective date of disconnection, it is also necessary for the general welfare of the community.
2. As to the criteria set out in LDC 5.3.5.(B):
  - a. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans ("COUNTY PLANS").

The requested RR-2.5 zone is a residential district with a 2.5-acre minimum lot area, principally intended to accommodate low-density, rural, single family residential development. According to the County Plans, 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."<sup>2</sup> The proposed rezoning will accommodate relatively low density residential development in a suburban context adjacent to a rural landscape (it is across from open space in Douglas County) and the development is anticipated to include a wildlife

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<sup>2</sup> Master Plan, Vision, at 13.

sanctuary in excess of 100 acres. The anticipated development in the RR-2.5 district will add to the County's housing stock<sup>3</sup> and "preserve the character of rural and environmentally sensitive areas," advancing Goals 2.1 and 2.2 of the Master Plan.<sup>4</sup> The proposed development is compatible with the established character of its surroundings (which include large areas of RR-2.5 zoning), will rely on wells and OWTS, and will connect to the state highway system via an arterial roadway (County Line Road). As such, the proposed rezoning 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.<sup>5</sup> Finally, the proposed rezoning 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.<sup>6</sup>

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."<sup>7</sup> 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."<sup>8</sup>

Additionally, most of the Church Property is also located in an "area of change" in which "new development" is anticipated.<sup>9</sup> This particular "area of change" is surrounded by developed areas with similar zoning and the Town of Palmer Lake (with more intensive zoning). While the Disconnected Property does not have a designation in the Master Plan (because it was not subject

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<sup>3</sup> 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.

<sup>4</sup> Master Plan at 14.

<sup>5</sup> 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.

<sup>6</sup> 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.

<sup>7</sup> Master Plan at 17, 19.

<sup>8</sup> Master Plan at 19 and 149.

<sup>9</sup> 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.

to County planning jurisdiction at the time the Plan was adopted), its former incorporation into Palmer Lake suggests that further residential development of the Disconnected Property is appropriate. Part of the Church Property is also designated for “protection” or “conservation” by the Master Plan.<sup>10</sup> This area roughly corresponds with the area that the applicant 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.<sup>11</sup> According to the Master Plan, this area has largely developed with a suburban residential pattern, “and should continue to do so without impediment.”<sup>12</sup>

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.”<sup>13</sup>

- b. 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.

C.R.S. §§ 30-28-111 and 30-28-113 authorize the County adopt zoning regulations and set out requirements, authority, and limitations with regard to what such regulations may address. These statutes do not impose particular requirements on rezoning applications, and compliance with County zoning regulations is addressed throughout this Letter of Intent. C.R.S. § 30-28-116 sets out procedural requirements that apply to zoning amendments. The applicant consents to the County following such procedures as may be required by law. There are no statutory requirements that the applicant is aware of that directly bear upon the instant rezoning request.

- c. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions.

As shown by the zoning designations on the El Paso County Zone Map 712, the majority of developed and lot-platted Residential Suburban zoned parcels within Unincorporated El Paso County are zoned RR-2.5 or RR-0.5, defined in LDC Chapter 5 as permitting minimum lot sizes of 2.5 acres and half-acre, respectively. This includes the Colorado Estates Subdivision immediately southeast of the Property, which is also zoned RR-2.5. Additionally, with the

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<sup>10</sup> Master Plan at 20.

<sup>11</sup> Master Plan at 49.

<sup>12</sup> Master Plan at 52.

<sup>13</sup> Master Plan at 101.

exception of the Meier's Subdivision to the east, which is zoned RR-5 and has only four lots adjacent to Parcel 7103000028, the nearest residential development shown on Zone Map 712 that is not Zoned RR-2.5 is the adjacent Lakeview Heights Subdivision in Palmer Lake which is zoned RR-10,000, defined by the Palmer Lake Code of Ordinances, Chapter 17.32 as having a permissible minimum lot size of 10,000 square feet. Consequently, the proposed RR-2.5 zoning continues a natural transition from the existing, higher density single family zoning to the west, which is adjacent to the portion of the Property that has been disconnected from the Town of Palmer Lake, to the lower density single family zoning to the south and east.

- d. 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.

Preliminary evaluations of the Church Property suggest that it is suitable for 78 single-unit detached residential lots (more or less), with a minimum lot area of 2.5 acres, (2) facilities for the United Congregational Church, and (3) a large conservation area that will serve as a sanctuary for wildlife. A subdivision application will follow the rezoning. That application will make further demonstrations with respect to suitability, traffic impacts, water availability, and so forth. The applicant acknowledges that rezoning to RR-2.5 does not authorize any particular development proposal, and each proposal must meet all applicable County requirements.

#### F. MASTER PLAN CONSISTENCY.

See Sections E.1. and E.2.a., *supra*.

#### G. UTILITIES.

While utilities are not specifically called out in the criteria for rezoning in LDC 5.3.5, the County's application checklist for letters of intent requests a "discussion summarizing the provision of utilities." Water will be provided by individual wells. Wastewater will be treated using OWTS. Fire protection services will be provided by Tri-Lakes Monument Fire Protection District. Electric service will be provided by Intermountain Rural Electric via their existing facilities along County Line Road. Natural gas service will be provided by Black Hills Energy via their existing infrastructure along County Line Road. Telecommunication services will be provided as contracted between the owner and the selected communications service provider.

#### H. SENSITIVE NATURAL OR PHYSICAL FEATURES.

The Church Property has areas with steep slopes, sensitive wildlife habitat, and wildland-urban interface. Development of the property will be sensitive to these natural and physical features, including the provision of a wildlife sanctuary that is more than 100 acres in area that encompasses a large portion of the land that is also steep slopes with forest cover.

The applicant will work with an environmental consultant during the design and platting phase to identify potentially sensitive natural or physical features and hazards within the Church Property.



The environmental consultant will review the property for existing environmental features, including but not limited to, wetlands and wildlife corridors. The findings and recommendations of the environmental consultant will be incorporated into the design. Portions of the property have existing trees and topographic relief that is similar to the adjacent developed residential subdivisions. These conditions will be considered in the design approach.

#### I. 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 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 rezoning application, and there is little time to do so considering the statutory mandate for application of County zoning within 90 days after disconnection. 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.

#### J. TRAFFIC STUDY (DEFERRAL REQUESTED)

The present application affects ±341.1 acres of property, about 162.3 acres of which were until recently within the municipal boundaries of Palmer Lake. C.R.S. § 31-12-704 requires El Paso County to apply its zoning to the Disconnected Property within 90 days after the effective date of the disconnection. Consequently, the statutory deadline for decision on this application (as to the Disconnected Property) is February 20, 2025, or if calculated based on the completion of required filings after the order (the applicant is amenable to this interpretation), March 10, 2025. As such, County Staff suggested during the EA meeting that in order to streamline the rezoning process to comply with the statutory mandate, this application should request deferral of traffic studies until such time as the Church Property is subdivided or further developed.

The applicant intends to develop the entirety of the Church Property in a coordinated manner. As such, the applicant respectfully requests that a traffic study requirement be deferred until such time as the applicant seeks subdivision approval.



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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 G. Messenger

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Enclosures