

18 Jan 2021

MEMORANDUM FOR: El Paso County Planning and Community Development Department

FROM: SH-105 North Side Residents, Palmer Lake, Colorado

SUBJECT: JZs Land Development, LLC, Application for Rezone of Tax Schedule No 7109000024 and Combine with Tax Schedule No 7109014003

We, the residents on the North Side of SH-105 (Town of Palmer Lake residents) who reside in the lots adjacent to the north of the subject parcels, have the following comments to offer El Paso County Commissioners and Board for their review, consideration, and records.

We understand the owner and developer, JZs Land Development, LLC has a right to improve this property in a manner that is compliant with Colorado, and specifically El Paso County, statutes and policies. However, we have the following concerns with his application, as it appears it may not comply with the said statutes and policies. Furthermore, after looking at the properties surrounding these two parcels *in all directions*, a more appropriate approach to development would be to rezone *both* properties to RR-2.5.

A. Surrounding Area: The two parcels, if rezoned down to RR-0.5 with the majority platted as ½-acre lots would not be “contiguous and compatible with previously developed areas in terms of factors such as density, land use and access”.¹ Furthermore, the land development would not be “functionally and aesthetically integrated within the context of adjoining properties and uses.”² To the north (north side of SH-105) are several private lots *developed* as 5 to 35-acre; to the east (along Rockbrook Rd area) are several lots *developed* as ~1-acre lots (with the exception of five ½-acre lots); to the south (Cloven Hoof Estates) was *developed* to ~1-acre lots, and Forest View Estates IV, Sundance Estates, Forest View Estates III and Shiloh Pines were all *developed* to 2.5-acre lots; and to the west is a single undeveloped 39-acre lot (zoned RR-5), and Forest View Estates I & II, and Red Rocks Preserve all *developed* to 2.5-acre lots. Refer to Exhibit 1, Surrounding Developed Subdivisions, which illustrates this. From a *zoning* perspective it appears, at some more recent time, El Paso County conducted a “rezoning exercise” whereby it assigned a “zone code” (RR-0.5, RR-1, RR-2.5, etc.) to each subdivision based on the smallest lot within each subdivision, and that this was done without regard to the overall appearance of the existing single family homes. Allowing the 20-acre parcel to be *rezoned* (from RR-5 to RR-0.5) and *combined* with the 34-acre parcel would not complement this unincorporated area of northern El Paso County and the Town of Palmer Lake, best described as rural residential.³ In 2017, a 63-acre property (Tax Schedule No 7104300001) in this immediate area of Palmer Lake, was placed in conservancy in order to preserve the rural atmosphere. Furthermore, Exhibit 2, West Monument Creek Sub-Area #3, of the developer's 17 Dec 2020 Letter of Intent (which is attached to this memorandum also as Exhibit 2), is misleading in that it does *not* show how several of the immediate surrounding subdivisions in this area of unincorporated El Paso County (Forest View Estates III, Forest View IV, and Red Rock Reserve) and Palmer Lake (Forest View Estates I & II, and SH-105) are now *all* developed to 2.5-acre lots, with the exception that lots along the north side of SH-105 are at least 5-acres.

B. Granting a Rezone Would Set Precedent: If the 20-acre parcel were to be rezoned from RR-5 down to RR-0.5, this will set a precedent for the owner/future owner of other undeveloped large-acre parcels in this area to be rezoned down to RR-0.5. For example, the lot 39-acre on the northwest (NW) corner of Red Rocks Ranch Rd and SH-105 (within the RR-5 area noted in Exhibit 1) is directly across Red Rock Ranch Rd from the two parcels in this rezone request. It is currently zoned RR-5, and should remain as such. As the few remaining undeveloped parcels in this part of unincorporated El Paso County are “developed”, it would best suit all interests to maintain the rural residential “look and feel” of the immediate surrounding area.

C. General Appearance: The northwest hillside area of the 20-acre parcel has a large cluster of relatively old and very mature, healthy trees. Looking at the developer's 3 Dec 2020 Draft Preliminary Plan, drafted by MVE Engineering Surveyors (which was attached to the 23 Dec 2020 Forest View Acres Water District (FVAWD) letter and included herein as Exhibit 3), the majority of these trees would need to be removed in order to build on ½-acre lots. Per the El Paso County Policy Plan 1998, this would not comply with the development protecting “the natural resources or unique land forms.”⁴

D. Roads: The 20-year old Tri-Lakes Comprehensive Plan 2000⁵ states, “In recent years, SH-105 has become congested, and in some places unsafe, due to traffic and roadway design,” and “Improvements between Palmer Lake and Furrow Rd are necessary, but difficult due to right-of-way and existing development.” The draft Traffic Study, conducted by a consultant hired by the developer, recognizes this congestion and proposes constructing two slow-down lanes northbound SH-105 at Rock Brook Rd and northbound SH-105 and Red Rock Ranch Rd; of note is that it appears the Traffic Study was started around 6 Nov 2019, and much of the data was possibly collected during the COVID-19 lock down period, and therefore not reflective of normal traffic volume. These slow-down lanes would be challenging to add due to topography and installed utilities (Comcast, CenturyLink, IREA Power, new fiber line, etc.) already in the right-of-way. Perhaps that would explain why there are no improvement plans proposed for this portion of SH-105 in any of the Master Plans listed on the El Paso County Planning and Community Development resource page. Developing ½-acre lots directly adjacent to SH-105 would not be compliant with, “Viable residential properties should be reasonably protected from the adverse impacts of major roadways and other potentially incompatible land uses,”⁶ as stated in the El Paso County Policy Plan. And finally, the addition of ~38 single family residences would impact SH-105 during a wildfire evacuation as all access roads feed into SH-105, and the SH-105 is the only arterial road out of this area of unincorporated El Paso County and Palmer Lake.

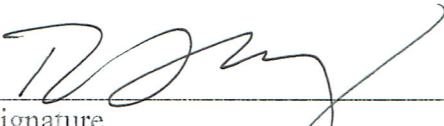
E. District-38 Schools, specifically Palmer Lake Elementary: From conversations with both staff and parents of students at Palmer Lake Elementary, the school is at capacity. Due to its location, bounded on all sides by private property, there is no room to add additional classrooms; there is no room to add classroom “pods” in the parking lot. Furthermore, since the school was constructed prior to passage of the Americans with Disabilities Act, if improvements were pursued, the entire building would need to be brought up to all current code standards, an even more costly endeavor. Taking these constraints into account, District-38's 5 Jan 2021 comment to this Rezone Application, “Lewis-Palmer School District-38 has previously requested cash-in-lieu-of land funding for any residential lots developed in this area,” is inappropriate. Bottom line—no amount of funds can remedy this problem. The Elementary School would be overburdened, not only with the addition of ~38 single family residences, but also due to several recent developments (the east side of Palmer Lake Lake Shadows and Lakeview Heights, and the Willow Creek Townhouses on the south end of Palmer Lake) that do not appear to have considered Palmer Lake Elementary School capacity during their respective planning processes.

F. Water: Everyone living in the high desert climate/ecosystem in Colorado, understands that water is a precious resource. The developer is working with FVAWD for water, per the 23 Dec 2020 letter FVAWD sent to its customers. However, it should be noted that the infrastructure for FVAWD is somewhat fragile, resulting in frequent water main breaks, etc. Some recent examples include: (1) During the summer of 2020, Shiloh Pines subdivision was on water restrictions; (2) On 3 Oct 2020, there was a water main break in the Red Rocks Ranch subdivision lasting several days; (3) On 5 Oct, residents of Shiloh Pines subdivision were notified that they needed to boil their water; and, (4) Most recently, on 15 Jan 2021, the Shiloh Pines area lost their water again. Although the lots on the north side of SH-105 are on private well water, all properties in Palmer Lake and northern El Paso county draw water from the same aquifers. Every time FVAWD suffers a break/leakage in their system, significant repeated loss of water occurs, which is an unacceptable draw and waste of this precious resource. Although the addition of new residences to FVAWD would be a new source of funds (tap fees, etc.) to the District, there is no guarantee that any these funds would be used for restoration and maintenance of FVAWD's existing infrastructure.

G. Sanitation: The developer is working with Palmer Lake Sanitation (PLS) for sewage. During a 12 Jan 2021 conversation with Becky at PLS, she explained currently, PLS is not approving any new sewage tap applications. PLS is trying to determine where the sewage system is relative to the system's capacity, and is also in the process of studying options/costs to expand capacity in order to accept applications for new taps. Since they are not funded by Mill Levy and only funded with service fees, they do not yet know if current rates will be sufficient to finance the cost of expanding capacity. If not, rates for *all* Palmer Lake Sanitation customers would increase.

H. Statute Compliance: Per CSR 30-28-116, prior to adopting a rezone application, the County commissioners are to hold a public hearing, and at least 14 days prior to the hearing notify the public of the date, time, and place via a notice in at least one publication "in a newspaper of general circulation in the County." In a recent phone call with the El Paso County Planning and Community Development Department, we were told this publication is the Fountain Valley News, which is not commonly available in this area. Although this may meet the minimum legal requirement of CSR 30-28-116, it likely does not meet the *intent* of the statute.

Very respectfully,
SH-105 North Side Residents, Palmer Lake, Colorado 80133



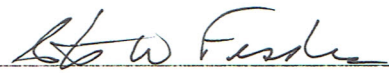
Signature
ROGER A. MOSER

Print Name

551 HIGHWAY 105, PALMER LAKE, CO

Address
18 JANUARY 2021

Date



Signature
STEVEN W. FESSLER

Print Name

593 HWY 105 PALMER LAKE, CO

Address
18 JANUARY 2021

Date

Susan L. Miner
Signature
Susan L. Miner
Print Name

595 Hwy 105, Palmer Lake
Address
January 18, 2021
Date

Robert L. Miner
Signature
Robert L. Miner
Print Name

595 Hwy 105 Palmer Lake
Address
January 18, 2021
Date

Allen D. Miller
Signature
Allen D. Miller
Print Name

3855 Hwy 105 W
Address
January 18, 2021
Date

Attachments:

Exhibit 1 – Surround Developed Subdivisions

Exhibit 2 – From Owner's Letter of Intent, Exhibit 2, West Monument Creek Sub-Area #3

Exhibit 3 – Draft Preliminary Plan, 30 Dec 2020

¹El Paso County Policy Plan 1998, Policy 6.1.3

²Ibid, Policy 6.1.11

³Ibid, definition of "Rural Residential"

⁴Ibid, Policy 6.1.14

⁵Tri-Lakes Comprehensive Plan 2000, page 48

⁶El Paso County Policy Plan 1998, Policy 6.1.9

James B. Clifford
Signature
James B Clifford
Print Name

505 Hwy 105, Palmer Lake Co
Address
Jan 18, 2021
Date

80133

Exhibit 1 - Surrounding Developed Subdivisions

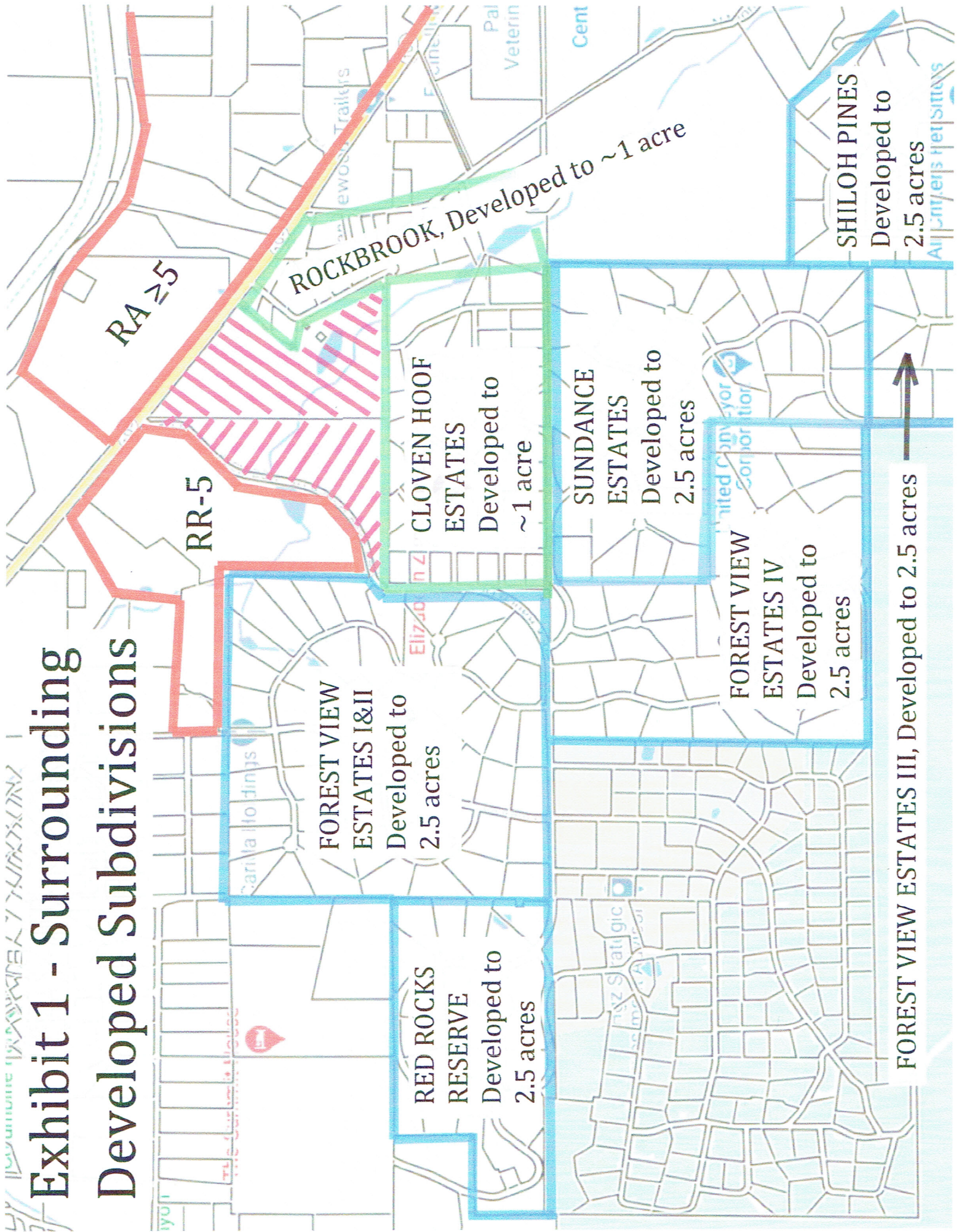
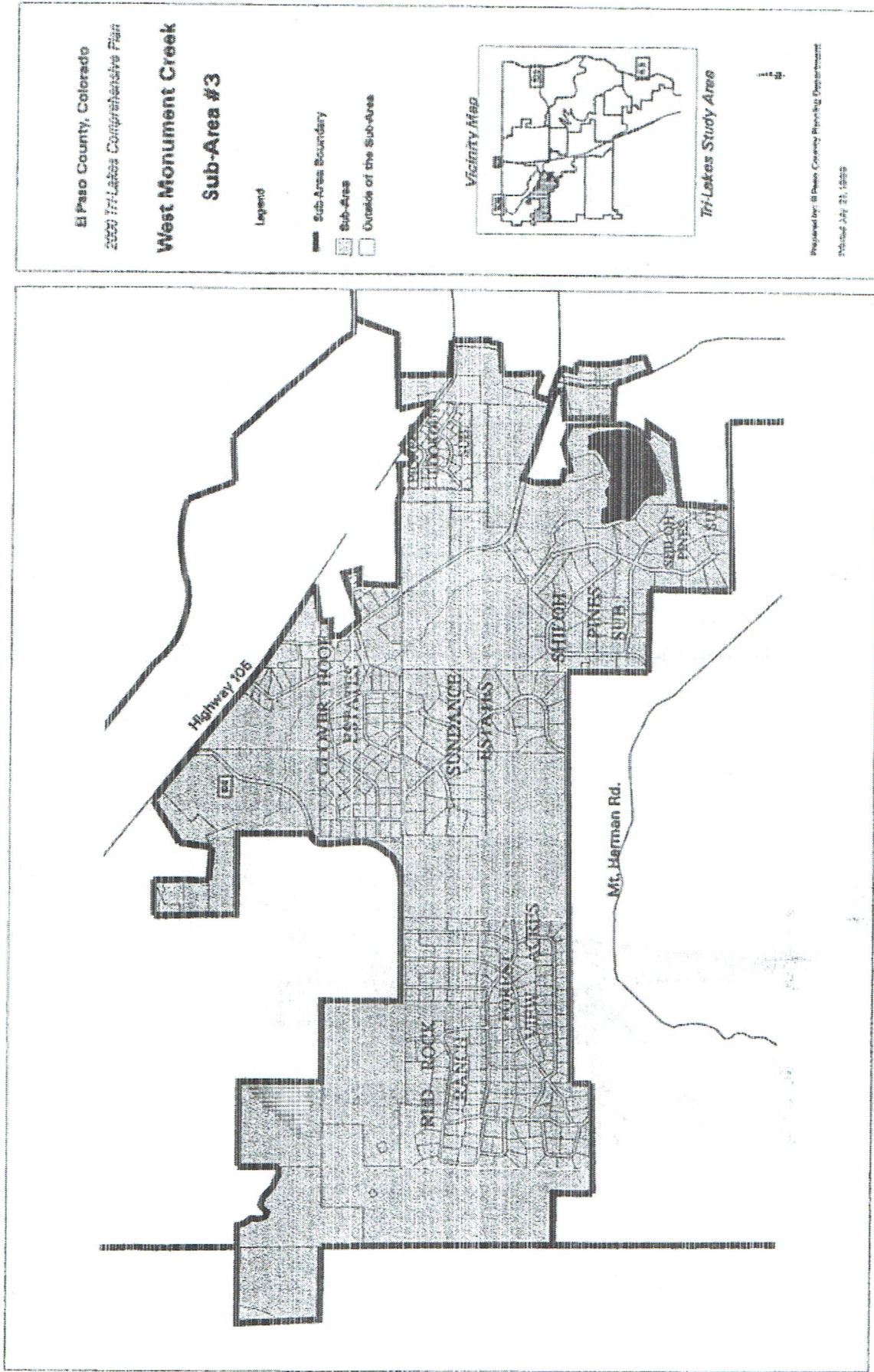

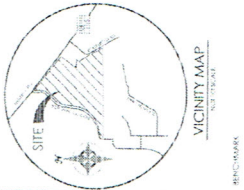
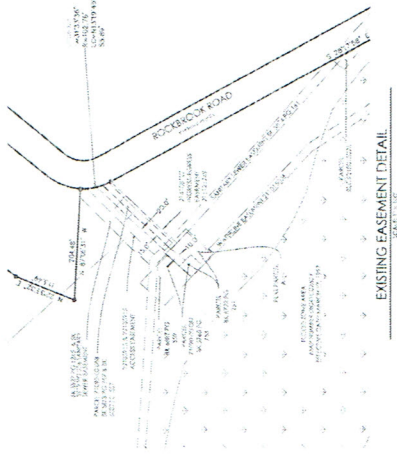
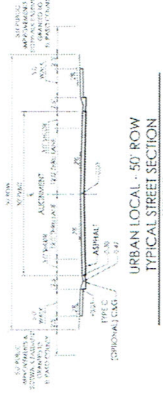


EXHIBIT 2



URBAN LOCAL (LOW VOLUME) - 50' ROW
TYPICAL STREET SECTION



WVE ENGINEERS, SURVEYORS

AB Q10629
CHECKED BY
AS BUILT BY
AS NOTED BY

RED ROCK ACRES

DRAFT
PRELIMINARY
PLAN

DATE PROJECT: 61125
DATE DRAWING: PP-PS
DECEMBER 3, 2020
SHEET 2 OF 2