

Forest View Estates Neighborhood Association - Filing IV
Board of Directors
January 19, 2021

To: El Paso County Planning Commission
Board of County Commissioners
John Green, EPC Planning and Community Development Dept Project Manager

Re: Red Rocks Acres Rezone Request – Letter in Opposition

The Board of Directors, Forest View Estates Neighborhood Association – Filing IV, represents 38 owners of 2.5 acre lots on 160 acres southwest of the proposed Red Rock Acres. We object strenuously to the request by Olive Real Estate Group and JZs Land Development, LLC, to rezone a 5-acre portion of a 20-acre parcel from the current RR-5 to RR-.5. By extending an existing RR-.5 portion (currently being used as agricultural grazing land) west toward Red Rocks Ranch Drive, the developer will impede an open view and migration corridor, increase the traffic on an already congested road and intersection, defeat the orderly progression in lot density, and provide a temptation for increased density rezone requests west of Red Rocks Ranch Drive, destroying the current visual separation between the towns of Monument and Palmer Lake.

According to the El Paso County (EPC) Land Development Code, paragraph 5.3.5, zoning (1) protects the rights of property owners and (2) promotes the general welfare of the community. The area in question is part of West Monument Creek, Sub Area 3 of the Tri-Lakes Comprehensive Plan. Zoning is primarily for 2.5 and 5 acre lots south of Hwy 105 and Rural agricultural lots (10+ acres) north of Hwy 105. Higher density residential development is discouraged because the area provides a buffer between the towns of Monument and Palmer Lake. Property owners in the area will be disadvantaged by increased traffic, water usage, police and fire department requirements, and school capacity limitations. Any increase in density will not promote the general welfare of the community.

According to the EPC Land Development Code, there are four criteria for approval of any rezone request:

1. **It conforms with the EPC and Tri-Lakes Comprehensive Plans.** Both the county and local planning documents stress the orderly progression of lot sizes with increasing distance from towns and other services. Both require careful consideration of new developments on the integrity and carrying capacity of the roadway system. Both require consideration of impact on schools, police and fire departments, water usage, and current land use expectations. This parcel is part of the valuable buffer area between the towns of Monument and Palmer Lake. There is only one main road, Red Rocks Ranch Drive, which intersects Hwy 105 at an already overly-saturated intersection. The Tri-Lakes plan requires this West Monument Creek Sub Area to remain primarily rural residential. Zoning requires predominantly residential lots or parcels ranging from 2.5 to 10 acres in area (Ch IV: Section 7 – Growth and Land Use.) A rezone to ½-acre lots does not comply with these planning considerations and negatively impacts current services and infrastructure.

2. **The rezone is in compliance with statutory provisions.** Both C.R.S. section 30-28-111 and C.R.S. section 30-28-113 state that county planning commissions must consider size of lots and open spaces when making zoning decisions, as well as density, distribution, and safety of population. A change from 5-acre to ½-acre lots would adversely impact these considerations. C.R.S. section 30-28-116 states that rezoning requires a majority vote of the commissioners, as well as notifications, hearings, and comments by the public. We understand that your general notification efforts are limited to publication in the Fountain Valley News, which is not typically available in northern El Paso County. Despite that limitation, we believe that individual property owners, homeowner associations, and other community groups are all against a tenfold reduction in lot size and thus a tenfold increase in density for this parcel of land.

3. **The zone district is compatible with existing land uses in all directions.** EPC has zoned areas north and west of the proposed area as agricultural or rural residential. To the north, lots are mostly 30+ acre agricultural parcels and to the west it is currently agricultural, although zoned for RR-5. South is a watershed for Monument Creek, then 1-acre lots. To the east are 1-acre lots, as well. Although EPC changed the existing 1-acre developments south and east to RR-.5 on 9 Jan 2018, all lots south and east are already developed as 1+ acre. Thus, despite the rezone in 2018, the current density of existing homes is 30 acres to the north, 30 acres to the west, and 1+ acre to the south and east. To squeeze in ½-acre lots between these existing larger parcels of land would not be consistent with adjacent developments and would not “ensure the orderly progression of land use densities.” Thus, a rezone to higher density would violate the objectives of both the EPC Land Development Code and the Tri-Lakes Comprehensive Plan. In fact, in order to follow EPC guidelines, the entire 20-acre parcel owned by JZs should more appropriately be zoned for 2.5 acres to fit between the 1 and 5 acre lot sections.

4. **The site is suitable for the intended use.** The site is currently part of a watershed, a deer and waterfowl migration corridor, and a buffer between two towns. It contains numerous mature and healthy trees, which would have to be removed to build on the ½-acre lots. Based on the 1998 EPC Policy Plan, this would not be in compliance with your policy to protect “the natural resources or unique land forms.” While we understand that development may be inevitable, this development should not have a higher density than currently mandated. Nor should the lots be smaller than all those surrounding it.

We understand the desire for both the owner and developer to increase their profits by reducing lot sizes for this area. But we believe that the health, safety, and welfare of the community outweigh the request for higher density of this parcel. Both the county and local planning documents require lower densities with greater distance from services and I-25. Both require that new developments complement the unique environmental conditions and be harmonious with the overall established land use and character of the Sub-Area. Thus, in order for you to be in compliance with state, county and local requirements and planning documents, you should deny this request to rezone the parcel from 5-acre to ½-acre lots.

Respectfully submitted,

Marianne O. LaRivee
Secretary, FVENA-IV Board of Directors