

To EPC Zoning Board:

June 13, 2024

This letter is to address the current application/letter of intent on the table for rezoning from A-35 which is zoned for the conservation of farming, ranching and agricultural use only to RVP zoning. This property is located west of Peyton Highway and south of East US Highway 24. Surrounding the property currently in question are properties zoned as RR-5 and A-35 used for grazing and conservation of farming, ranching and agricultural uses. Also surrounding this property is the Launch Pad Estates Subdivision and Blue Springs Ranch Subdivision located in the surrounding area of the property owners (Longhorn Acres Land & Cattle, LLC-owned by Scott and Dierdra Smith) requesting rezoning. These subdivisions are also zoned as residential/agricultural use. All subdivisions surrounding the property in question are slated for conservation of farming, ranching, and agricultural uses with LIMITED commercial.

These subdivisions have covenances that state how the land is to be used. Launch.Pad.Estates covenant states <in part>: Intent: “to protect and enhance the value desirability, and attractiveness of said Property. Restrictions are kept to a minimum while keeping in constant focus the right of property owners to enjoy their property in attractive surroundings, **free of nuisance, undue noise, and danger**. Further, it is intended that the natural environment be disturbed as little as possible.” Nuisances and trash: “No activities shall be conducted on any lot and on improvements constructed on any lot which are or might be unsafe or hazardous to any person or property. No light shall be emitted on any lot which is unreasonably bright or causes unreasonable glare; no sound shall be emitted on any lot which is unreasonably loud or annoying, and no color shall be emitted on any lot which is noxious and offensive to others.” Prohibition of re-subdivision: “No lot shall be re-subdivided into a smaller lot for building purposes”. Blue.Springs.Ranch.covenant states <in part>: Intent: “protecting and preserving the present and future values of the described property and desires to develop and maintain a quality subdivision...it is necessary and proper to place the following covenants and restrictions on said property for the mutual protection and benefits of present and future owners of lot”. Land Use, Building Size and Type: “no tract is to be used for any other purpose except residential or agricultural....no more than one single family dwelling....each residential tract shall have on one water well....**no noxious or offensive activities shall be conducted on any portion of the property, nor shall anything be done which may be or may become an annoyance or nuisance to the neighborhood.**”

In the letter of intent, on page 3, it states “the application is in general conformance with the EPC 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.” This area has not seen any significant change in the character of Peyton in at least 20 years. This area is NOT captured under the EPC Master Plan adopted in May of 2021 and does NOT check many of the boxes listed on page 26 of the EPC Master Plan. The plan states that this site is identified as a “minimal change: underdeveloped area” and will experience some development of select underutilized or vacant sites adjacent to other built out sites but will be limited in scale so as not to alter the essential character. Currently there are no “built out” sites surrounding the property in question. According to the EPC Master Plan of 2021, no “Tourism Commercial” is slated. RVP land use consists of more dense development than RR-5 and will bring “Tourism Commercial” to the area and is completely out of character with the surrounding land uses as well as the EPC Master Plan (2021). Rezoning to RVP will alter the essential character of the surrounding area and the decline in conservation of farming, ranching, and agricultural uses will begin.

On page 5 of the letter of intent is the Core Principle #1 which seeks to “manage growth to ensure a variety of compatible land uses that preserve all character areas of the county”. This request of rezoning to RVP in this area of the county does NOT “preserve the character of the area”. The character of the area NOT “tourism Commercial” but is to preserve the conservation of farming, ranching, and agricultural uses of the land.

Core Principle #4: **Transportation and Mobility**: which seeks to “Connect all areas of the county with a safe and efficient multimodal transportation system” Goal 4.2 seeks to: promote walkability and bikability where multimodal transportation systems are feasible”. This proposed RVP wants to accomplish this by connecting people to Rock Island Trail which begins/terminates in the town of Peyton. In order to reach this trail by walking or biking at this point in time, you would have to walk or bike down a two-lane Highway to and from the trail and CROSS OVER highway 24. This two-lane stretch of Peyton highway has blind hills and driveways with NO shoulder or biking/walking lanes. There are no crosswalks or safe ways to cross the busy highway at the intersection of Peyton Highway and Highway 24 (VERY busy intersection). The other way to reach this trail is to take your vehicle and park it near the trailhead and there is no room for parking for the amount of people “tourism commercial” would bring to the area. Supposedly there is a “proposed” trail called the Black Creek Squirrel Trail (PROPOSED location would be 3.5 miles from the proposed RVP) that would connect bikers/walkers to Homestead Ranch Regional Park which is over 6 miles away from the proposed RVP. This is a very tiny park and wouldn’t support “tourism commercial” that this would bring to the area. In order to get to this PROPOSED trail, you would again either need to bike/walk 3.5 miles to get to the trailhead by the same way you would get to Rock Island Trail or drive to the location and hope there is enough parking for “tourism commercial”. This does NOT follow the EPC Master Plan (2021) and would increase the danger of not only those who choose to try to get to the trails but those traveling the areas by vehicles as there is NO room to give when passing bikers/walkers. Please note that this trail is PROPOSED which means that this trail is only *UNDER CONSIDERATION* and there is nothing stating this is going to be built and there isn’t any mention of this trail in the EPC Master Plan (2021).

On page 6 of the letter of intent is the **Water Master Plan**: “this property is **NOT** within the growth area identified for Region 4c” of the EPC Master Plan (2021). RV travelers often use water randomly, leading to excessive water consumption with drinking, bathing and waste disposal.

### **Water Impact**

- The park calculates 12.57 total acres feet water use out of the Denver aquifer; the state allows 13.31 total acres feet; this means that at full capacity the park would easily go over that allowable amount as RV travelers often use water indiscriminately.
- All the area uses that aquifer, and the current residents would be losing water to the RV park campers who do not live here or understand the current water scarcity; local residents could easily find their wells dry.
- The owners proposing the park indicate their solution is to fine campers for excessive use; this does not put water back into empty residential wells or pay for drilling new wells at a cost of \$85-\$150,000 per household.

#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, & 30-28-116: “the proposed rezoning fulfills the goals of the County Master Plan.....complies with the statutory provisions that allows County’s to establish, limit, regulate or amend zoning with the unincorporated parts of El Paso County in.the.interest.of.public.health?afety.and.welfare;.This project DOES NOT meet the goals of the EPC Master Plan (2021). The goal is NOT to bring “tourism Commercial” to the area. The surrounding community feels that this is NOT in the interest of public health, safety and welfare for the above reasons and the following reasons:

### **Sewage**

- A septic sewage plant is proposed that if overwhelmed will have run off going directly onto neighboring properties.
- We often have surprise heavy down pours that can lead to sewage systems being overwhelmed; the run-off could contaminate local resident wells with raw sewage
- Contamination from raw sewage in the wells of neighboring properties affects drinking water, their animal’s water, our local waterways, and the environment.
- Wastewater contaminants include bacteria, viruses, disease-carrying pathogens, metals such as mercury, lead, cadmium, and arsenic. These contaminants would kill our local vegetation and wildlife.
- This is a serious health concern that the owners of the park have never mentioned and have no contingency for.
- Concern about constant sewage smell in our residential area.

### **County Road Issues**

- Roads poorly maintained in our area
- Existing dirt roads that will be torn up by RV traffic w/no additional monies allotted for repair
- Exit and entrance to RV park is right across from an established school bus stop
- Local area bridges are not built for heavy continued commercial use

### **Traffic Study (and the communities concerns about safety):**

- Done during January so NOT accurate depiction of traffic during warmer months when park would be open and RV traffic at its height (owner has stated that this is to be open only part time during the summer months; therefore, making a traffic study in January is irrelevant)
- There are no turn lanes or merge lanes going in or out of the RVP on a two-lane highway (Peyton) that is not zoned for heavy commercial use with the driveway used being on a blind hill:  
**\*\*\*: June 13, 2024 (witness account):** 6:14 pm: While standing on my back porch, staring up at the proposed RVP site, I witnessed a fellow neighbor attempting to exit their driveway with a 5<sup>th</sup> wheel RV camper (approximately 30’ log) in tow. For close to 5 minutes, they waited and attempted to pull out on to Peyton Highway headed North. After multiple attempts, he was allowed access by a courteous neighbor slowing to give time and room to safely articulate. Now, with the sizes of the coaches, diesel pushers and 5<sup>th</sup> wheels of the past decade increasing in size to 45’ or better, and with the average RV and towing vehicle lengths averaging upward of 50’-52’, how is the current traffic and safety for the surrounding community to be handled with the current state of Peyton Highway without reconstruction”?-Monte Goodrich
- People ride their bikes all the time on the shoulder of the highway to get to school or local markets and people ride their horses in as well. This is already a safety concern due to there being no

bike/horse lanes and the speed at which is allowed on that highway and the blind hills spots in that part of the highway right outside the projected RVP. The increase of traffic would be of major increase of concern for safety

### **Agricultural Impact (Vegetation, Domestic Animals, livestock, wildlife)**

- Construction of RV park will include removal of vegetation and animal habitat to make room for campsite, access roads and amenities, this leads to fragmentation between habitats
- Fragmentation of habitat leads to disruption in the movement of wildlife, affects breeding patterns and species distribution.
- RV generators produce air and noise pollution which can disrupt wildlife habitats and cause stress to domestic animals, livestock, wildlife and the agricultural land this area is zoned for.
- Increased traffic and campsite outdoor entertainment noise (tv, radios) all increase the noise pollution and bring stress to the environment
- RV emissions and their corresponding vehicles increase air pollution and foul odors.
- The increase in human presence negatively affects the agricultural land and its animals.
- RV parks are difficult to get all parties to obey noise and activity curfews and are difficult to enforce.
- All these disrupting factors will affect the current balance of this area; affecting animals and their environment permanently and negatively.

### **Light Pollution**

- Animals and humans are affected adversely to light pollution
- Light pollution refers to artificial light that is excessive or misdirected
- Too much light or light shooting off in all directions causes negative effects such as: increased cancer rates, heart problems, obesity and sleep problems in both people and animals.
- Excessive outdoor lighting disorients nocturnal animals and agricultural animals & affects their natural behaviors.
- Affecting agricultural animals can lead to monetary damages to residents around the RV park whose animals cannot breed well or don't lay eggs or produce milk.
- Outdoor light pollution wastes energy and contributes to negative climate change.
- Artificial light at night (ALAN) is the most extreme environmental alteration; it disturbs nocturnal animals cause them to have problems finding food and water when there is too much light at night because it reveals them to their predators and conversely keeps predators from being able to hide from prey.
- Diurnal species like frogs are attracted to and disoriented by artificial light leading them to unsafe environments.
- ALAN alters the secretion of melatonin in both animals & humans causing problems with natural biological rhythms.

### **Fire/EMS/Law Enforcement**

- Our location has slow response times already for enforcement; often over 20 mins
- There is 1 officer for 500 miles with slow response times of 42 minutes 21 seconds for non priority call with priority calls taking on average 29 minutes 18 seconds
- Local fire dept is voluntary with 17 members and would be forced to cover RVP site; only has capacity to cover 30 "sites" and park is planned at 110 sites
- The fire station operates on a \$260,000 a year budget and currently serves 1,400 residents. They completed 600 calls last year. There have been no finances available to upgrade or expand the fire dept in Peyton for several years. On 06.04.2024 a nearby responding fire department in Hanover,

CO that could respond to our area if back up was needed just lost two of their own trucks and there was significant damage done to their firehouse. Monies that could be used to upgrade Peyton's fire department will need to be diverted to help them recover which would result in prolonging plans to upgrade

- High fire danger in our area
- High winds routinely in our area
- Property owners of RV park do not have any security in place prior to their living on the park grounds to provide security
- Residents routinely shoot firearms in area, many have private gun ranges, would generate excessive calls to sheriff for shooting concerns from RV occupants not familiar with gun use in our area
- In case of fire-evacuation routes would be significantly impeded to get everyone out safely. Currently this is "open range" and in case of a fire that livestock, domesticated animals and wildlife are unable to escape or be evacuated-fences are often cut open giving them an escape route-having an RVP in the projected area would significantly impede their safety as well
- Ambulance response time is currently 20 minutes. June 11, 2024: Colorado Springs fire chief Randy Royal and Mayor Mobolade wanted to end the AMR ambulance service due to their response times and turn the ambulance services over to the fire departments because their response time is faster. This was denied. An increase in the amount of people to the area could impede the already delayed responses
- Revenue from the RVP would NOT be enough to sustain the additional work load

### **School Impact**

- Opens door to transient/permanent living area; puts stress on already stretched school resources and provides no additional per pupil funding for school

### **Other Impacts**

- Decrease in property values
- Properties here have been in our family for generations; we purchased this property to be able to enjoy our land and lifestyle and have invested in our land
- The park proposes veteran and disabled children's events; there are absolutely no local groups in Peyton that would partake in these events- Locals have acreage and will not be interested in events when they can camp on their own land if they wanted a "staycation"; why would anyone camp 10 mins from their house?
- RV campers seek amenities near their campground, there are NO amenities in Peyton; we have a single small park, no restaurants, no gas station, no museums, no big shopping or trail system (only "proposed" trails that are not done yet)
- We have 1 local grocery/supply store that would be impacted by business being taken away from it due to the proposed on-site campers store
- FEMA has the right to use the property in case of emergency and could take the RVP over for housing use for long term temporary or permanent housing. This would lead to *FULL-TIME YEAR-ROUND* occupancy and would cause SEVERE strain on the local area to include the school. THE RVP would not create enough revenue to help sustain this increase. This area is NOT ready for this to possibly be the case in the future.

In conclusion: This proposed RVP is not in line the EPC Master Plan (2021) and having commercial tourism will overwhelm the surrounding areas. Allowing this RVP rezone will be in complete disregard for our communities dreams and rights as land owners. The proposal for this RVP is to be only used part of the year during the “summer months” (broadly states with no actual summer months that would be included listed-this was acknowledged during the first meeting of the community that Scott and Dierdra Smith attended and saw the major opposition by the community to this project). When they choose to sell to new owners-everything “promised” to the community (keeping it part time and no living on site to name a couple) will be null and void and we will have no say in the matter. The construction of the proposed RVP will not preserve the character of the surrounding areas. Constructing an RVP in this area will have considerable environmental consequences. The environmental consequences of this kind of project are incompatible and are not complimentary with the area’s zoning for conservation of farming, ranching and agricultural resources. These are just some of the reasons why we believe as a community that the current request for RVP rezoning be denied.

Thank you.

Sincerely,

The Peyton Community

(written/put together by: Gynger Goodrich on behalf of The Peyton Community)