



El Paso County  
Falcon/Peyton Small Area Master Plan Update  
Advisory Committee Meeting

12 March 2008: 3 – 5 pm

LOCATION: El Paso County Development Services Department  
2<sup>nd</sup> Floor Conference Room  
2880 International Circle Colorado Springs, CO 80910

ATTENDEES: Jason Alwine – Committee Vice Chair  
Lynne Bliss – Committee Chair  
Aaron Briggs – HB&A  
Kevin Butcher – Committee Member  
Jim Fraas – Peyton Fire District  
Trent Harwig – Falcon Fire District  
Tammy Jansma – Committee Member  
Tim Kistler – Committee Member  
Bob Martin – LDC Inc.  
Neil Moran – Rock Springs Ranch  
Gregg Moran – Rock Springs Ranch  
Steve Mulliken – Counsel for High Plains Ranch  
Tasha Norman – NES Inc.  
Dave Powell – EPC Planning Commission Liaison  
Henry Reitwiesner – Committee Member – SD 49 Liaison  
Donald Rosier – Westside Investment Partners  
Carl Schueler – El Paso County DSD  
Tim Seibert – NES Inc.  
Kathleen Wallace – New Falcon Herald newspaper

**MINUTES**

1) Summary of Previous Meeting & Agenda for this meeting

Aaron summarized the last meeting. The main focus was the overlap between the Black Forest Planning area and our planning area and the establishment of a cooperative planning area to account for any disagreements between the plans.

Carl summarized some additional stakeholder interviews that occurred:

Dan Ferguson – Doesn't have any big plans, wants to be kept in the loop, meeting notes are on the website.

Follow up meeting with the Cases – Will be talked about more in Agenda item 3.

Morans and NES – Talked about expectations for their property near Peyton.

Ray O’Sullivan – Talked about the future wastewater plant, and its disposition. Received new information from Sunset Metropolitan District as well.

Kip Peterson – Tried to contact, but nothing to report yet.

## 2) Progress Report on Draft Plan

Aaron summarized the format of the plan and went over the drafting and review procedure:

- Web-based plan, about half of the sections have been drafted
- In some cases, we’re waiting on information
- Plan will utilize internal links, external links, maps.
- Finish complete draft in April, start into the Planning Commission approval process in April or May. Probably be Adopted in May or June.
- Will be looking to committee members for help in writing and checking sections as we write them.
- After we have a good draft, we’ll post it for the public to look through.
- Process of adoption is done through the Planning Commission. There would be one hearing to introduce and discuss the plan, and the plan would be adopted at the next hearing. There would be two opportunities to discuss it with the commission.
- Committee members are welcome to participate in whatever sections they wish to. Just contact Aaron.

## 3) Land Use and Density Recommendations – Potential Changes

Aaron gave an introduction to the issue, summarizing the process of developing the recommendations to this point.

- Initially, we examined all of the constraints, established a good corporate understanding of all of the planning factors in the area, including constraints, natural issues, demographic issues, political boundaries, etc.
- Next step was to identify areas that have a fixed land use. This could be the case for dense areas that are unlikely to redevelop within our timeframe or less dense areas that, because of topographical or natural factors, are not likely to change uses.
- In addition to existing uses, we had to consider the approved future uses as fixed conditions. These existing and approved uses form the backbone of the future land use plan.
- Next step was to look at the “next big things”. Large land holdings, coalitions of owners, key intersections. These areas are considered to be the most likely to develop in the nearer term. We assigned numbers to these areas, incorporating the landowners and developers expectations, or in cases where they have to expectations, we incorporated an estimate of what we thought realistic development densities might be.
- Estimated population capacity counts the existing population (~20,000), the existing remaining capacity (~3,000), the approved capacity (~29,000), and the anticipated capacity (~79,000), for a total of about 131,000. This would be the population of the area if all of it is developed according to expectations. This is a rough idea of the possible supply of housing in the area.

- To determine the demand, we extrapolated the number of building permits per year into the future, and determined that 58,000 is a realistic estimate for the 2035 population in the area. This estimate matches PPACG's forecast.
- So the difference between possible supply and demand means that, in general, the committee is not in a position of housing scarcity. Rather, we come at it from a perspective of limitation.
- With that existing foundation laid, we asked the committee to define where that line between rural and urban should be in the future. After going through that exercise, we established where the areas of agreement and disagreement were.
- Where there were areas of disagreement, we discussed three subareas in more detail in a series of meetings in December. These three subareas were the Peyton vicinity, the Shaw Ranch and 4-Way Ranch area, and the Southern area.
- One overriding concern was the proliferation of rural residential densities and the impacts of private wells and individual septic systems on groundwater quality. The other counteracting factor is that people in the planning area like the rural residential density. That's part of the character of the area, and part of the reason that people moved there. So, we identified some space that is reserved for that rural residential density. The two areas identified were the Southern Subarea and the Peyton Vicinity Subarea.
- Rural residential populations are particularly sensitive to urban densities in their vicinity
- In the second subarea that encompasses Shaw Ranch and 4-Way Ranch, our discussion revolved around the possibility for these landowners to create high-quality urban-density development. Because the landownership is consolidated and they area relatively close in, these are natural areas for urban densities, and were therefore identified as growth areas for urban densities.
- The recommendations map also shows commercial areas, and identifies the current node at the Falcon townsite, a corridor that follows the future Curtis-Stapleton Right of Way, and a future node at the Peyton townsite. The Peyton commercial area is envisioned as a rural commercial center, meant to indicate the revitalization of the Peyton Main Street or the creation of a minor destination to serve the rural surrounding population. More of a cultural center than an intensive retail center.
- After the committee had discussed the subareas and come to some consensus about how these areas should be treated, we created a draft recommendations map. In order to provide an estimate for how many residents our recommendations accounted for, we used the existing and approved numbers from our earlier analysis (~53,000), and made new estimates for the future development of the remainder. Where our recommendations matched the expectations, we kept those numbers, but where our recommendations conflicted with landowner or developer expectations, we revised the numbers to account for our recommendations (~64,000). Finally, we made assumptions about the future development of the remaining land in the planning area to come up with a total build-out (~35,000). The total build out estimate would house about 153,000 people.
- Therefore, our recommendations are not very limiting at all. The future population capacity accounts for many more people than will actually move into the area.
- The plan's recommendations basically maintain the same pattern as the 1993 plan's recommendations. Basically, we've kept the line of development in the same place as it was previously, added some urbanization to the previously rural-residential area, but overall, maintained the same area for truly rural uses as was shown in the 1993 plan.

Carl talked about where the subject properties were in the County planning process:

- When we did our data gathering and analysis, we held stakeholder meetings and when someone wanted to do something with their property, we put it on our map, we didn't dictate what was possible. This informed the analysis. The two areas that are under discussion are really the two major areas whose expectations are not accommodated by the recommendations.
- High Plains Ranch Status: They have a sketch plan that is technically expired in the process. They established a special district in 2005 which was approved in 2006. At that time, there was no land use established, but the district was set up to operate their water system when a land use change was proposed.
- The Rock Springs Ranch Status: This area essentially contains two projects that are in different situations. The northern parcels represent a rural residential cluster development that was approved by the Board of County Commissioners on December 20, 2007. This was accounted for in our tally of the currently approved developments.
- Last year, the Morans wanted to set up a special district to provide the water service to the whole area. Carl convinced them to hold off until they had a land use approved and then to pursue the special district.
- The second development area has just entered the process with an early assistance meeting request from last week.
- The critical process question: Does a rezoning further the adopted master plan? Has there been a change in the character of the area? In rezoning decisions, the Board of County Commissioners has the authority to approve projects that go against the master plan, but it is taken into account. For PUDs, which is how these areas are typically developed, there is a requirement that the Board make a finding of "general conformity with the County master plan." There is wiggle room, but especially with a recent plan such as this one, it can be difficult for the Board to make that finding in an area that conflicts with the plan. That's why it's important to decide this issue now.

Questions from Rock Springs Ranch Representative, Tim Seibert:

- Do the projections and analysis assume that currently approved rural residential plats within the "urban infill" or "new urban development" areas will be redeveloped, or does it take them as they are?
  - Existing rural residential lots are assumed to remain. Although the recommendations layer doesn't show this because of the level of detail on the graphic, the projections assume it.
- There are other areas along the Highway 24 corridor that are rural residential densities, and yet, the land use map shows it all as urban development. Is there really a mix occurring over time?
  - The projections assumed that existing and approved rural residential densities remained. They also assumed relatively low densities for the urban areas to reflect the idea that there might be pockets of rural residential development in those areas.
  - There will be policies in the plan to talk about how these land use areas interact with each other.

Comments from Kevin Butcher, Committee Member:

- How many special districts exist in this area and how many will there be in the future? It seems like there are a lot of special districts, and there is a question of

how this proliferation of governments affects our ability to plan well and to coordinate planning and development activities in the future.

- There are many districts in the area. Just about anyone who does a development can be expected to do a district.

#### Comments from High Plains Ranch representative (Bob Martin)

- About 1300 acres
- Started the process of establishing a sketch plan and metropolitan district in 2005.
- At the moment, asking for a mixed density residential area with a very small commercial node at the junction of Peyton Highway and Falcon Highway.
- 1300 acres of development takes a fair amount of infrastructure, and the district was established to do this infrastructure. In addition the County DOT wanted to realign Peyton Highway, and the district will be doing that work.
- The sketch plan asks for some urban density along that realigned arterial.
- A few things justify the approval of the sketch plan:
  - The arterials. The County's long range transportation plan has identified Falcon Highway and Peyton Highway as minor arterial corridors. LSC (a local traffic engineering firm) has identified numerous offsite transportation improvements that justify the added traffic, some of which are 2 miles from the site.
  - Water rights. Water rights have been secured to put in a water system for the area. Could also tie in the area to the Sunset Metropolitan District for wastewater treatment.

#### Comments from High Plains Ranch representative (Steve Mulliken)

- Mr. Mulliken is a local lawyer who has been working for the Case's on this issue for several years.
- It is important to recognize the link between water and sewer service and buildability. One could draw a circle around any land in the area and say that it should be urban density, but if you can't bring water and sewer to it, it's not going to happen. What really drives any development activity is the ability to bring infrastructure.
- High Plains Ranch as already worked out the water and sewer arrangements, and would thus be a good candidate for urban densities.
- There has been a proliferation of metropolitan districts, which may or may not be unfortunate, depending on politics, but it's happened because of TABOR and other constraints that don't allow the county to provide the services, so developers have to create districts to deliver services in perpetuity.
- This is an appropriate place for density because of the provision of utilities, the location at an important intersection, and because the provision of transportation improvements on and off the site has required the creation of more density to fund those improvements.
- The landowners ask for the committee's consideration, and ask that the committee show the area at least as a transitional land use area.

#### Comments from Rock Springs Ranch Representative (Tim Seibert)

- About 1300 acres located at Highway 24 and Peyton Highway.

- This development went through the process recently and received approval for 700 acres to be developed at rural residential cluster densities. These lots are generally 2.5 acres with a central water system and individual septic systems. This phase 1 was approved last year.
- The area of concern today is the parcels just south of the newly approved land uses. The Peyton townsite is just west of the site, and Highway 24 is just south of the site.
- The Peyton townsite has been identified as a future commercial core. The challenge is how do you develop commercial uses without urban services? Rock Springs Ranch, as a larger landowner in the area, starts to play a role in how potential expansion and redevelopment of Peyton may occur.
- With the future wastewater treatment plant south of Judge Orr road, urban services could be extended north to serve the Peyton townsite.
- One of the concerns about rural residential development is the impact of septic systems, and redeveloping the Peyton area would be a problem if it was all on septic systems.
- The development had an Early Assistance meeting last week, and received some comments.
- The overall shape of their proposed development would have a small commercial core close to the Peyton Town Site, with industrial land uses east of that, and the urban density residential core just to the east of that. Beyond that, the pattern would go back to a rural residential cluster pattern to buffer and provide more of that rural character in the area.
- There are a variety of densities and amenities provided in the plan, and the urban densities are required to pay for the extension of the infrastructure that will subsequently help to support the redevelopment of Peyton.

Question from Dave Powell, committee member:

- Do you have a metro district approved for the northern portion? Is it going to serve the southern portion as well?
  - The district is not created yet, they'd like to go to election in November.
  - It will provide water and recreational facilities, with the potential to provide sewer service in the future.
  - It will be designed to serve both portions of the Rock Springs Ranch development. Both areas will be within the boundaries of the district.

Logistical comment from Carl Schueler, El Paso County:

- When will you be coming back in with an updated plan, since it has already changed since the last meeting.
  - Answer: Sometime soon.

Clarification comments from Aaron Briggs, HB&A:

- The committee's recommendations on High Plains Ranch were primarily a pattern issue. What led to the judgment of that area as rural densities was looking at the surrounding area and seeing that urban densities would be out of step with anything surrounding the area, especially with rural densities planned in Santa Fe Springs to the north.
- There are a lot of reasons, including infrastructure efficiency and transportation costs, that we try to put urban areas next to other urban areas, but the market will

ultimately determine much of the pattern of development. If the infrastructure is so inefficient that a developer cannot make the numbers work, then the development won't proceed.

- The important distinction to make is between what is a profitable decision for a developer and what the planning committee thinks are good planning decisions for the long term. It may be the case that developers are usually working in the public interest by providing housing and development services to a market that demands them, however, it also may be the case that what makes sense for a particular developer or parcel is not the best decision from the perspective of the broader community over a longer time frame.
- In the Rock Springs Ranch area, the recommendations were based more on public sentiment than an objection based on planning principles.
- Public sentiment against rural residential and urban development in the area was very strong, from the comments that we heard at the public meetings.
- There may be a conflict between the provision of a commercial node at Peyton and the limitation on urban-density residential development in the area, but both of those desires were driven by public sentiment, and our impression was that if the community had to choose, they'd choose to limit urban development.
- There are three possible responses that the committee could take:
- Change the recommendations graphic and the text.
- Insert wording into the policies that give some flexibility to the interpretation of land uses of the types that Rock Springs and High Plains represent.
- Don't change anything.
- In general, if the committee decides to make a change, it needs to be based on a broader rationale that can be defended in a public forum. The committee should not draw a line around the particular parcels, but should decide that the basis of its conclusions was faulty or incomplete, thereby leading to a slightly different conclusion.

Lynne Bliss mentioned that her intention was to take a vote, and asked if the committee members had any more questions, comments, or opinions:

- There was a question about whether we had a quorum, and Lynne mentioned that Adrian Stanciu has accepted a job in the Denver area and will not be on the committee anymore. That brings the total down to 11 members, with 7 present.
- Kevin Butcher commented that, in general, this planning process has spent a lot of time tailoring its recommendations to a very fine-grained look at the parcels and particular land uses in the area. His concern is that the committee shouldn't start tweaking the recommendations to suit particular concerns when this is supposed to be more of a broad-brush, principles-based, long-range master plan.
- There was some general discussion about the importance of wastewater infrastructure and the likelihood of more treatment plants in the area. Carl commented that there are not likely to be many plants in the future, but right now, "the jello hasn't settled," so we don't know where the future plant will be located.
- Tim Kistler commented that the committee has already generally stated what they think should be done with a broad brush. If there are deviations from our proposed plan, it should be up to the Board of County Commissioners to make that call.
- Jason Alwine commented that a possible approach would be to write a policy that would broadly apply to other land areas in addition to the subject properties. For example, if the sewer line through the Southwest part of the planning area goes in, then the future development plan for that area could be much different. We should think about the landowners that are not present at this advisory committee meeting.

- Tim Seibert commented that what he sees happening is nodes of development. Falcon, Santa Fe Springs, Shaw Ranch, 4-Way Ranch. These are all likely to be nodes of denser development in the future. The interpretation of the plan will be very general, and there might be interpretation problems caused by the designation of large areas as urban development. How general are we going to interpret this plan?
- Dave Powell mentioned that there is an ongoing debate about whether the master plan is advisory or regulatory.
- Bob Martin commented that he didn't realize that there would be a vote at the meeting, and would be prepared to make a more comprehensive presentation in the future to make the case for the High Plains Ranch property. He suggested that recommendations should be driven by natural boundaries and features such as roads, natural features, or infrastructure lines.
- Steve Mulliken commented that the challenging factor is that the committee cannot stop time or see into the future to determine exactly where the future infrastructure will be built and coordinate the higher density development areas. The best way to do that would be to have one government to predict and coordinate those activities for all development. Unfortunately, we are not in that situation, and we have many small governments (special districts) that are trying to coordinate with each other. In that situation, the marketplace will determine the spatial location of infrastructure and development. He asked the committee for its consideration in making a comment that recognizes that we don't know the future, but that where utilities can be extended to support urban density, that may make sense. The committee can recognize mixed uses and leave the buffering and blending to the development review process.
- Lynne Bliss asked where the seed for this development (High Plains Ranch) came from.
  - Steve M. responded that the convergence of two highways and the existence of infrastructure was the main reason that it seemed to make sense. The urban densities were also required to fund the Peyton Highway realignment that was requested.
- Lynne Bliss responded by asking if there was any market analysis that determined the existence of a demand for urban density in this location.
  - Steve Mulliken answered that he didn't know if there was any informal market analysis, but that the whole thing was very well thought out in a sophisticated way.
- Tammy Jansma asked if there is any general market information that the committee could use to determine which housing will be viable.
- Aaron Briggs responded that whether or not housing is sold should not be a concern of the committee. If the market exists, and the plan allows it, housing will be developed. The question is not whether or not it is possible according to the market, but whether or not it's preferable according to larger, community-wide priorities.
- Henry Reitwiesner commented that High Plains Ranch has consulted with the school districts. Falcon School District has already assumed the development of High Plains Ranch. As for Rock Springs, the community will be asking "when will the development stop?" There may be a backlash because urban densities in that area were not shown to the public.
- Aaron Briggs responded by saying that whatever is stated or drawn needs to be defensible to the public.
- Tim Seibert mentioned that during the public meetings for Rock Springs Ranch, they talked about these future urban density plans, and didn't encounter big opposition. There is a desire for the commercial services, but an unwillingness to accept the accompanying residential development. After all, there are already urban density lots in the Peyton townsite.

- Carl showed the infrastructure map that he brought to the meeting, and commented that because of all of the current or future lines in the ground, a policy that says that developers can build urban densities if they're near utilities may be overly permissive and open up large areas to urban development. Convergence of utilities is one factor. It may be a highly weighted factor, but there are other factors to consider.
- Lynne asked if a vote was appropriate, and Jason Alwine responded that he didn't think it was an appropriate time to take a vote, if it is within the committee's authority at all. He expressed the need to investigate the range of alternatives before making a quick call.
- Carl commented that the committee needs to get the plan done, but that if we need to look closer, we can do that.
- Tasha Norman asked what the other plans show as far as a broad brush graphic. Carl answered that the other plans are all over the map, and that generally, the plans that have too-specific or too-general maps are difficult to implement and interpret.
- The consensus of the group was that the committee may have seen too much information too quickly, and may be prepared to make a decision at the next meeting.
- Carl agreed that the planning team could provide concrete examples to frame the debate a little bit more.

#### 4) Miscellaneous / Administrative Items / Additions / Questions

Because of Spring Break, the committee agreed to push the next meeting back to April 2<sup>nd</sup>.