

## Kari Parsons

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**From:** Dan Irely <danielrirey@gmail.com>  
**Sent:** Monday, November 4, 2019 11:02 AM  
**To:** Kari Parsons  
**Cc:** Martinez, Joseph A CIV USARMY CESPA (US); Craig Dossey; Mark Waller; Stan VanderWerf; Longinos Gonzalez Jr; Cami Bremer; Holly Williams  
**Subject:** Re: Forest Lakes Phase 2 Plan Amendment

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Good Morning Ms Parsons,

I thought all public comments, such as my e-mails to you that are against the Forest Lakes PUD Phase II, are open to the public and are to be posted on EDARP website as "Letters from the opposition".

I would like to ask you to please post all my e-mails and attachments that I have sent to you and Craig Dossey to be posted online before the hearing tomorrow as they should have been.

One more quick question, why would a white truck with Classic Homes on the side be four wheeling just now in the protected Prebles Meadow Jumping Mouse habitat area?

Thanks,

Daniel Irely

On Mon, 28 Oct 2019 at 11:17, Kari Parsons <[kariparsons@elpasoco.com](mailto:kariparsons@elpasoco.com)> wrote:

Good Morning Mr Irely,

In response to your questions below:

Please note the applicant is not proposing to amend the number of lots proposed from the approved Planned Unit Development/Preliminary plan. There is no decrease to open space acreage. No new uses are proposed. The changes they are proposing are minor in nature and are highlighted with a cloud on the plan set in EDARP.

It is staff's understanding that a 404 permit is not required as no disturbance to identified wetlands is proposed as a part of the Phase 2 grading. Applicants are responsible to work with Federal Agencies when applicable; the County does not enforce the requirements of Federal Agencies; however, the County does work closely with agencies to guide the applicant

to obtain the necessary permits, if required. The applicants environmental consultant, Core Engineering completed a Cultural review; no cultural elements were identified in state records for the Forest Lakes Phase II site. A formal report was not prepared based upon these findings.

There is no change proposed to the approved trail and emergency fire access from the proposed development to the Forest Service Boundary with this amendment. The location size of the trail and emergency access gravel road are depicted as they were approved. The Forest Service did not provide comment on the approved 2018 PUDSP plan until after he plan was approved and neighbors reached out to the agency. Staff did talk to the Forest Service representative and clarified no public parking lot was proposed at the Forest boundary as had been rumored.

The Land Development Code (LDC)(2019) allows for up to 4 domestic animals per house hold, the approved PUD is in conformance with that provision of the LDC. No changes are proposed regarding the number of domestic animals allowed within the PUD.

The color of the water tank tower would be determined at the site development plan stage. There are no provisions in the LDC to require specific colors of a proposed structure. Staff recommends the applicant work with the neighbors regarding the color of the tank site.

Let me know if you have further questions that are applicable to the request.

Best Regards,

Kari Parsons, Planner III

E. P. C. Planning & Community Development

2880 International Circle

Colorado Springs, CO. 80910

719-373-8562 I~Phone

719-520-6306 Office

[Kariparsons@elpasoco.com](mailto:Kariparsons@elpasoco.com)

EDARP- Development Application Review Website <https://epcdevplanreview.com/>

**From:** Dan Irely [mailto:[danielrirey@gmail.com](mailto:danielrirey@gmail.com)]  
**Sent:** Tuesday, October 22, 2019 3:25 PM  
**To:** Kari Parsons  
**Cc:** Holly Williams  
**Subject:** Forest Lakes Phase 2 Plan Amendment

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Ms Parsons,

I have a few questions I would like to ask you before the upcoming hearing on November 5th regarding Forest Lakes PUD amendment.

1. Why would the planning department consider granting pre-development site grading for Phase 2 when, according to the person in charge of issuing the Federal 404 permit, who was kind enough to come out and do a site evaluation in August said, "application has not yet been received and they are not responding to questions"? We feel that tearing up or grading the entire property before necessary and before a 404 permit is secured should not be done and is not proper planning, it will do nothing but cause all that disturbed ground to either blow away or erode prematurely.

2. Our attorney Steve Harris was told in an e-mail response from Classic Homes last spring after requesting permission for us to have a cultural survey done and offering to pay for it, that Classic will be doing their own Cultural Survey. Please confirm that no ground will be disturbed prior to the recording of the results of this cultural survey.

3. Why does the latest changes and proposal still show a trail coming from Forest Lakes and leading into the Pike National Forest when it needs to "terminate prior to reaching the National Forest boundary to avoid the creation of user created trails" as it clearly states in a letter from Oscar Martinez to you dated May 3, 2019 and recorded on May 6, 2019? On this topic, the US Forest Service was recently out surveying the property boundary line and posting new signs so as to reinforce the above mentioned letter.

4. I would like to ask that the allowance of 'wind generators' be removed from the Forest Lakes Development Guidelines for numerous obvious reasons; aesthetics, noise, etc.

5. I would like to ask for each household to be limited to 2 dogs. That would possibly be 360 dogs. As it states now, 720 dogs are possible, and that seems too extreme.

6. I would like to ask you to require the large water storage tank to be painted dark green.

When painted dark green as two others I have recently seen in the Monument area, they blend in very well with the environment and are not such an eyesore.

Also, for your information:

\* Eric and Oliver Watts wanted me to let you know they have agreed to help assist the neighbors in feeling comfortable with Classic's own "In-House Surveyors" and the County engineers.

\* On that note, we think it is a good idea to have the creek water tested by the state now, before any disturbance, so as to set a baseline for future bi-annual tests for comparison of pollutants. These tests have been ordered.

\* We intend to have two professional time lapse photography cameras (specially designed for the construction industry mostly to deter theft) on our property lines. These cameras are also used to ensure proper construction methods and procedures are being followed and proper materials are being used during the entire construction process.

Please respond to my questions as soon as possible. I would like to have your answers before I fill out my response to the letter received regarding the upcoming hearings.

Best regards,

Daniel Irely

## Kari Parsons

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**From:** Dan Irely <danielrirey@gmail.com>  
**Sent:** Sunday, November 3, 2019 11:08 AM  
**To:** Elizabeth Nijkamp; Kari Parsons  
**Cc:** Craig Dossey; Mark Waller; Stan VanderWerf; Longinos Gonzalez Jr; Cami Bremer  
**Subject:** Re: Forest Lakes Phase 2 Plan Amendment

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Elizabeth,

So if I'm understanding correctly, with regards to the pre- grading permit: No excavating or disturbance with be done near the entire east side of North Beaver Creek wetlands and all of the land west of those wetlands since there is no other access but to cross the North Beaver Creek 100 year floodplain and wetlands (shown on sheet 5& 6). Is this correct?

If so, why would the applicant want to grade such a small portion (basically only the home sites shown on sheet 4& 5 of the Phase II) and not touch the rest?

Why does the applicant's grading plan still show grading the entire site?

If everyone understands a 404 permit must be obtained to complete the project, why does the applicant state they contacted a person at the ACoE who has not worked there for three years and since there was no reply that means a 404 permit is not required?

Again, I found it very easy to simply pick up the phone and call the person in charge of all the 404 permits in the area, Tony Martinez. In fact, Tony was so interested that he scheduled an appointment to come out and look at the site in person from my property. It seems to us that the applicant wants to go in and tear everything up before these very important issues are properly resolved. It seems they want to start building off of plans that are still in the preliminary stages. Maybe the applicant thinks if everything is already graded and torn up, it will be easier to get these final but very important issues passed. Or in other words, 'Let's just do it and ask for permission later'.

On our call tomorrow, I would like to get your understanding of reasoning behind the pre grading application if they cannot cross either Beaver Creek wetlands.

I look forward to speaking with you,

On Sat, 2 Nov 2019 at 19:42, Elizabeth Nijkamp <[ElizabethNijkamp@elpasoco.com](mailto:ElizabethNijkamp@elpasoco.com)> wrote:

It may help if you shoot me an email ahead of time.

I will only have a few hours at work on Monday, so the more heads up the better for me.

Thanks,

Elizabeth Nijkamp, PE

Engineer Review Manager

719-520-7852

**From:** Dan Irely [mailto:[danielriley@gmail.com](mailto:danielriley@gmail.com)]  
**Sent:** Friday, November 1, 2019 7:56 AM  
**To:** Elizabeth Nijkamp  
**Cc:** Kari Parsons  
**Subject:** Re: Forest Lakes Phase 2 Plan Amendment

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Elizabeth,

Thanks for letting me know. I most likely will have more questions and will call you at 11:00 Monday morning.

Dan

On Fri, Nov 1, 2019 at 7:49 AM Elizabeth Nijkamp <[ElizabethNijkamp@elpasoco.com](mailto:ElizabethNijkamp@elpasoco.com)> wrote:

Dan,

Someone has added a meeting for me at 10 on Monday, even with it blocked out for your anticipated call.

If you have any additional questions, could you please call at 11:00?

Thanks, and I apologize for any inconvenience.

Elizabeth Nijkamp, PE

Engineer Review Manager

719-520-7852

**From:** Dan Irej [mailto:[danielrrey@gmail.com](mailto:danielrrey@gmail.com)]

**Sent:** Thursday, October 31, 2019 2:41 PM

**To:** Elizabeth Nijkamp

**Cc:** Kari Parsons; Holly Williams; Craig Dossey; Mark Waller; Stan VanderWerf; Longinos Gonzalez Jr; Cami Bremer; Douglas Stimple ([DouglasS@classichomes.com](mailto:DouglasS@classichomes.com)); [KCAMPBELL@CLASSICCONSULTING.NET](mailto:KCAMPBELL@CLASSICCONSULTING.NET); Cole Emmons

**Subject:** Re: Forest Lakes Phase 2 Plan Amendment

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Good Afternoon Ms. Parsons,

You may want to update your files. I was just informed by Tony Martinez of the Army Corps of Engineers that Christopher Grosso (who your email said was sent the 404 application and has yet to provide comments) has not worked for the Army Corps of Engineers for 3 years!

Tony Martinez, as previously stated, is the actual contact for the 404 permit and has been patiently waiting for the application ever since his site visit in August of 2019.

Again, his email is [Joseph.A.Martinez@usace.army.mil](mailto:Joseph.A.Martinez@usace.army.mil)

Regards,

Dan Irej

On Tue, 29 Oct 2019 at 13:57, Elizabeth Nijkamp <[ElizabethNijkamp@elpasoco.com](mailto:ElizabethNijkamp@elpasoco.com)> wrote:

Dear Mr. Irely,

Please feel free to give me a call if you have any questions.

My desk line is noted below, my cell number is 719-237-7206 (please leave a message if I do not answer and I will return your call as soon as possible).

Elizabeth Nijkamp, PE

Engineer Review Manager

719-520-7852

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**From:** Kari Parsons

**Sent:** Tuesday, October 29, 2019 1:06 PM

**To:** 'Dan Irely'

**Cc:** Holly Williams; Craig Dossey; Mark Waller; Stan VanderWerf; Longinos Gonzalez Jr; Cami Bremer; Douglas Stimple ([DouglasS@classichomes.com](mailto:DouglasS@classichomes.com)); '[KCAMPBELL@CLASSICCONSULTING.NET](mailto:KCAMPBELL@CLASSICCONSULTING.NET)'; Elizabeth Nijkamp; Cole Emmons

**Subject:** RE: Forest Lakes Phase 2 Plan Amendment

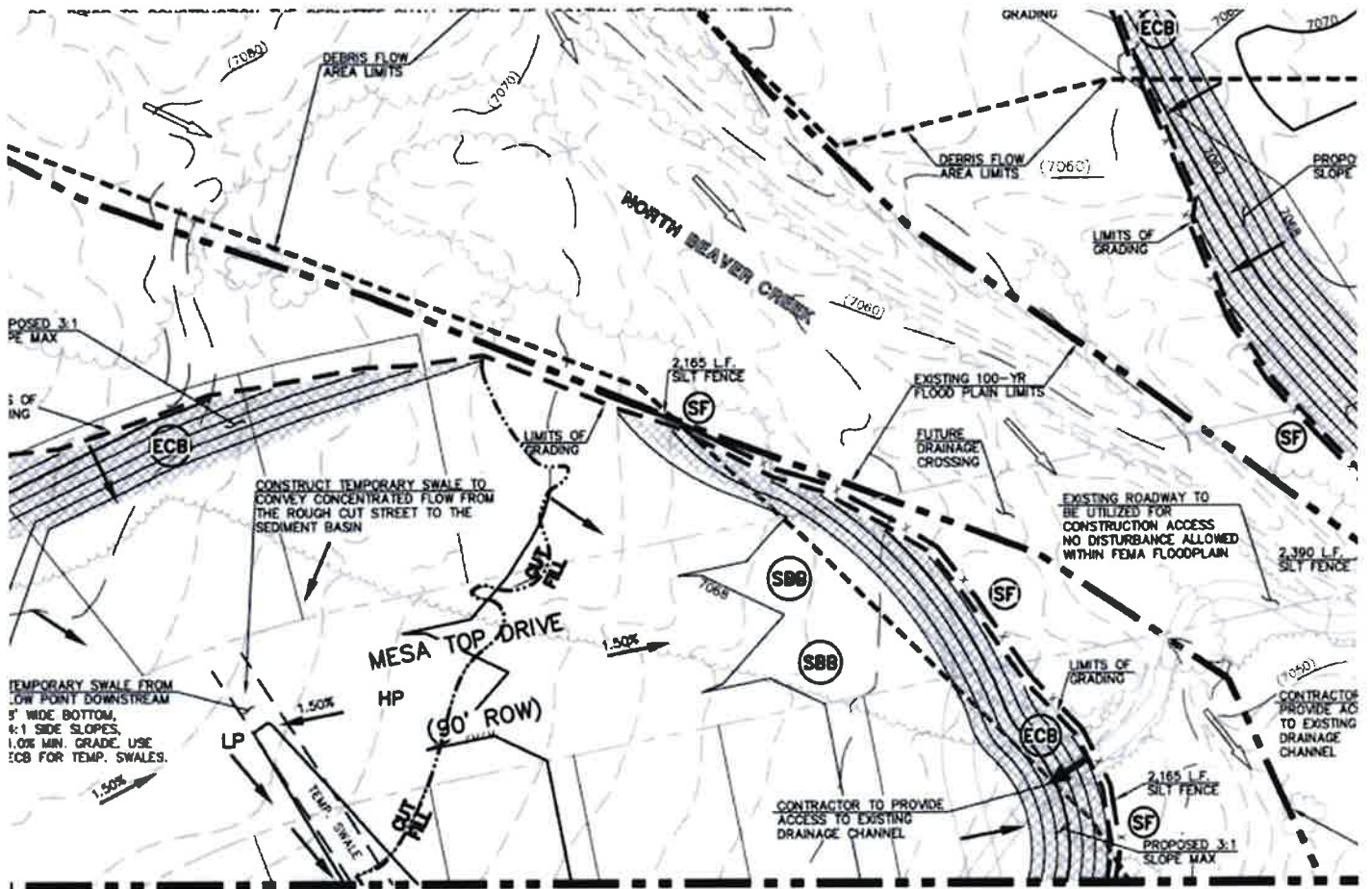
Good Afternoon Mr. Irely

I have attached the grading and erosion control plans that were approved by staff in preparation for the applicants request for PUD/preliminary plan amendment approval and associated pre-development site-grading. Please see County note 24 on sheet 1 of the plan set, which notifies the applicant to obtain a 404 permit, if required. County staff does not have the authority to determine if the applicant must obtain a 404 permit; that requirement and issuance of a 404 permit must come from the Army Corps of Engineers (ACoE). The County's designated ACoE contact for review applications is Christopher Grosso, [christopher.m.grosso@usace.army.mil](mailto:christopher.m.grosso@usace.army.mil), who was sent the application and has yet to provide comments. Please see sheet 6 for the detailed depiction of the existing road to be used for construction and the limit of disturbance lines. Hope that helps to clear up your concerns regarding the approval of the plans in preparation for the Planning Commission and Board of County Commissioner's hearings. Please note that the Board of County Commissioners is anticipated to hear the request for the PUD/preliminary plan amendment in conjunction with the pre-development site grading (early grading) on December 10<sup>th</sup>. Hope that help to answer your questions.



24. OWNER/DEVELOPER AND THEIR AGENTS SHALL COMPLY WITH THE 'COLORADO WATER QUALITY CONTROL ACT' (TITLE 25, ARTICLE 8, CRS), AND THE 'CLEAN WATER ACT' (33 USC 1344), IN ADDITION TO THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE, DCM VOLUME II AND THE ECM APPENDIX I. ALL APPROPRIATE PERMITS MUST BE OBTAINED BY THE CONTRACTOR PRIOR TO CONSTRUCTION (1041, NPDES, FLOODPLAIN, 404, FUGITIVE DUST, ETC.). IN THE EVENT OF CONFLICTS BETWEEN THESE REQUIREMENTS AND OTHER LAWS, RULES, OR REGULATIONS OF OTHER FEDERAL, STATE, LOCAL, OR COUNTY AGENCIES, THE MOST RESTRICTIVE LAWS, RULES, OR REGULATIONS SHALL APPLY.

25. ALL CONSTRUCTION TRAFFIC MUST ENTER/EXIT THE SITE ONLY AT APPROVED CONSTRUCTION ACCESS POINTS.



DATE	REVIEW:	 <b>CLASSIC CONSULTING</b>	FOREST LAKES FILING NO.	
8-21-19	PREPARED UNDER MY DIRECT SUPERVISION FOR AND ON BEHALF OF CLASSIC CONSULTING ENGINEERS AND SURVEYORS, LLC		PRE-DEVELOPMENT GRADING AND EROSION CONTROL PLAN	
	 KYLE R. CAMPBELL, COLORADO P.E. #29794	619 N. Cascade Avenue, Suite 200 Colorado Springs, Colorado 80903	(719)765-0790 (719)765-0799(fax)	DESIGNED BY MAL SCALE DRAWN BY BB (H) 1"=
	DATE: 10-17-19			CHECKED BY (V) 1"=

Best Regards,

Kari Parsons, Planner III

E. P. C. Planning & Community Development

2880 International Circle

Colorado Springs, CO. 80910

719-373-8562 I~Phone

719-520-6306 Office

Kariparsons@elpasoco.com

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**From:** Dan Irely [mailto:[danielrirey@gmail.com](mailto:danielrirey@gmail.com)]

**Sent:** Tuesday, October 29, 2019 11:57 AM

**To:** Kari Parsons

**Cc:** Holly Williams; Craig Dossey; Mark Waller; Stan VanderWerf; Longinos Gonzalez Jr; Cami Bremer

**Subject:** Re: Forest Lakes Phase 2 Plan Amendment

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Ms Parsons,

If I understand you correctly; you are not saying the applicant won't need a 404 permit to cross the wetlands of North Beaver Creek in the future, you are only saying it is your understanding they don't need a 404 permit to do early grading if the wetlands are not disturbed. Is this correct?

If so, please explain how they can get heavy equipment in to the site without crossing North Beaver Creek wetlands which basically runs north to south through the site where the grading will need to be done.

I am not sure where staff got this information about not needing a 404 permit. I was told in person at the site by Tony Martinez of the Army Corps of Engineers that they definitely will need one and that he thought it was going to be difficult. There is one way to find out the truth. Please e-mail Tony Martinez at [joseph.a.martinez@usace.army.mil](mailto:joseph.a.martinez@usace.army.mil) and ask him. Please cc me on this email.

I know to you, you are just doing your job. But to us, these decisions you are making on our behalf are super important and will absolutely affect us and our families both financially and emotionally for many years. A very old, very wise man recently told me when close to his death (my Dad) said, "Dan, the biggest mistakes I made in 93 years life were when I let my EGO get in the way". At first I was a bit offended, but now I realize those words of wisdom were meant to help me and be passed along.

Let's not let our egos get in the way!

Regards,

Daniel Irey

On Mon, 28 Oct 2019 at 11:29, Kari Parsons <[kariparsons@elpasoco.com](mailto:kariparsons@elpasoco.com)> wrote:

Good Morning Mr Irey,

In response to your questions below:

Please note the applicant is not proposing to amend the number of lots proposed from the approved Planned Unit Development/Preliminary plan. There is no decrease to open space acreage. No new uses are proposed. The changes they are proposing are minor in nature and are highlighted with a cloud on the plan set in EDARP.

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applicant to obtain the necessary permits, if required. The applicants environmental consultant, Core Engineering completed a Cultural review; no cultural elements were identified in state records for the Forest Lakes Phase II site. A formal report was not prepared based upon these findings.

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The Land Development Code (LDC)(2019) allows for up to 4 domestic animals per house hold, the approved PUD is in conformance with that provision of the LDC. No changes are proposed regarding the number of domestic animals allowed within the PUD.

The color of the water tank tower would be determined at the site development plan stage. There are no provisions in the LDC to require specific colors of a proposed structure. Staff recommends the applicant work with the neighbors regarding the color of the tank site.

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Kari Parsons, Planner III

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\* On that note, we think it is a good idea to have the creek water tested by the state now, before any disturbance, so as to set a baseline for future bi-annual tests for comparison of pollutants. These tests have been ordered.

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Daniel Irej