

EL PASO



COUNTY

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Board of County Commissioners
Mark Waller, Chair**

**FROM: Kari Parsons, Planner II
Gilbert La Force, PE Engineer II
Craig Dossey, Executive Director**

**RE: Project File #: PUDSP-18-001
Project Name: Forest Lakes
Parcel No.: 71000-00-433**

OWNER:	REPRESENTATIVE:
FLRD, No. 2, LLC 6385 Corporate Dr., Suite 200 Colorado Springs, CO 80919	N.E.S. Inc. Andrea Barlow 619 N. Cascade Avenue, Suite 200 Colorado Springs, CO. 80903

Commissioner District: 1

Planning Commission Hearing Date:	4/2/2019 and 4/16/2019
Board of County Commissioners Hearing Date	4/23/19

EXECUTIVE SUMMARY

A request by FLRD, NO.2, LLC, for approval of a map amendment (rezoning) of 287 acres zoned PUD (Planned Unit Development) to a site specific PUD zoning district to develop 180 single-family residential lots, rights-of-way, and five (5) open space and utility tracts to include a 260,000 gallon capacity water tank site. The request also includes approval of the PUD development plan as a preliminary plan. The parcel is located north of Hay Creek Road, south of Doolittle Road, and west of Old Denver Road and is within Sections 28 and 29, Township 11 South, Range 67 West of the 6th P.M.



The subject property is located within the boundaries of the Tri-Lakes Comprehensive Plan (2000).

A. REQUEST/WAIVERS/MODIFICATIONS/AUTHORIZATION

Request: Approval of a map amendment (rezoning) of 287 acres zoned PUD (Planned Unit Development) zoning district to a site specific PUD zoning district to develop 180 single-family residential lots, rights-of-way, and five (5) open space and utility tracts to include 260,000 gallon capacity water tank site. In accordance with Section 4.2.6.E, of the El Paso County Land Development Code (2019), PUD Development Plan May be Approved as a Preliminary Plan, the applicant requests the PUD development plan also be approved as a preliminary plan. In addition, a finding of water sufficiency for water quality, dependability and quantity is not being requested.

Modification of Existing Land Development Code (LDC) or Engineering Criteria Manual (ECM) Standard:

For approval of a modification of a general development standard in the LDC or standard of the ECM, the BoCC shall find that the proposal provides for the general health, safety, and welfare of the citizens and provides for at least one of the following benefits:

- Preservation of natural features;
 - Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;
 - Provision of a more efficient pedestrian system;
 - Provision of additional open space;
 - Provision of other public amenities not otherwise required by the Code; or
 - The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.
1. The applicant is requesting a PUD modification to Sections 8.4.3.C.4.c and 8.4.3.C.2.e of the Code to allow for a shared access for Lots 3, 4, 5, and 6. An access easement is depicted on Lot 4, which is proposed to provide access to Lots 3, 5, and 6. The shared access will limit Lots 3, 5, and 6 from having direct access to a public road.

Section 8.4.3.C.4.c of the Code states:

“The lot layout shall incorporate a cul-de-sac where 3 or more abutting flag lots would occur.”

Section and 8.4.3.C.2.e of the Code states:

“Lots shall have a minimum of 30-feet of frontage on and have access from a public road, except where private roads are approved by the BoCC pursuant to waiver granted under Section 8.4.4 (E).”

PCD Executive Director Recommendation:

The PCD Executive Director recommends approval of the requested PUD modifications. Per the PUD/Preliminary Plan, adequate lot accessibility can be provided via the proposed access easement. If the shared access modification is granted, the lots would not have direct frontage to a public road. As summarized in the applicant’s letter of intent, reducing the requirement to construct a cul-de-sac is proposed to preserve the natural features and terrain, by reducing the requirement to grade and construct a cul-de-sac serving each of the lots to a public road standard.

2. The applicant is also requesting a PUD modification to Section 2.5.2.C.4 of the ECM to omit midblock pedestrian crossings at specific sections of Mesa Top Drive and Forest Lakes Drive.

Section 2.5.2.C.4 of the ECM states:

“Access ramps on local roadways shall be spaced no greater than 600 feet apart. Where spacing is greater than 600 feet, mid-block access ramps shall be provided at spacing that minimize travel distances between access ramps. Private accesses may be used for these access points where the access is designed to meet access ramp requirements.”

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD modification. Per the PUD/Preliminary Plan, adequate pedestrian accessibility is provided by access ramps at all intersections and mid-block trail crossings. Additionally, the Federal Americans with Disabilities Act (ADA) has no requirements for maximum distance between pedestrian crossings that would necessitate mid-block pedestrian ramps. It should be noted that the PCD engineering staff is currently evaluating this requirement in coordination with the DPW engineering staff for the purposes of amending this section of the ECM.

3. The applicant requests a PUD modification to Section 2.3.8.A of the ECM to exceed the standard cul-de-sac length for Foothills Flash Court (approximately 920 feet) and Timber Trek Way (approximately 800 feet).

Section 2.3.8.A of the ECM states:

“Cul-de-sacs shall have a minimum radius of 45 feet and a maximum length of 750 feet for urban conditions...”

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD modification if the applicant obtains a written endorsement from the fire district. The endorsement from the fire protection district is pending.

4. The applicant requests a PUD Modification of Appendix I Section I.7.1.B of the ECM to exclude water quality capture volume for a portion of their development.

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD modification based on Part I Section E.4.iv.A of the Municipal Separate Storm Sewer Systems (MS4) Permit (CDPS General Permit COR090000) which generally states that up to 20 percent of a development property, not to exceed 1 acre, of the applicable development site area may be excluded if it is not practicable to drain towards control measures.

Authorization to Sign: PUD Development Plan and any other documents necessary to carry out the intent of the Board of County Commissioners in approving the request.

B. PLANNING COMMISSION SUMMARY

Request Heard: TBD based on hearing being continued to April 16, 2019.

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice: Advertised in Shopper's Press on April 3, 2019.

C. APPROVAL CRITERIA

The BOCC shall determine that the following criteria for approval outlined in Section 4.2.6, and Section 7.2.1 of the El Paso County Land Development Code (2019), have been met to approve a PUD zoning district:

- The proposed PUD district zoning advances the stated purposes set forth in this section.

- The application is in general conformity with the Master Plan;
- The proposed development is in compliance with the requirements of this Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County;
- The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment, and will not have a negative impact upon the existing and future development of the surrounding area;
- The proposed development provides adequate consideration for any potentially detrimental use to use relationships (e.g. commercial use adjacent to single family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site which may include innovative treatments of use to use relationships;
- The allowed uses, bulk requirements and landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community;
- Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;
- Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities;
- The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g. fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed;
- The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy efficient site design;
- The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner;
- Any proposed exception or deviation from the requirements if the zoning resolution or the subdivision regulation is warranted by virtue of the design and amenities incorporated in the development plan and development guide; and
- The owner has authorized the application.

The applicant has requested the proposed PUD also be reviewed and considered as a preliminary plan. Compliance with the requirements identified in Chapter 7 and Chapter 8 of the El Paso County Land Development Code (2019) for a preliminary

plan requires the BoCC find that the following additional criteria for a preliminary plan have also been met:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of this Code;
- The subdivision is in conformance with the subdivision design standards and any approved sketch plan;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. §30-28-133(6) (b)] and the requirements of Chapter 8 of this Code.
- All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;
- Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;
- Necessary services, including police and fire protection, recreation, utilities, open space and transportation systems, are or will be available to serve the proposed subdivision;

- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and
- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

D. LOCATION

North:	RR-5 (Residential Rural)	Single-family Residential
South:	RR-5 (Residential Rural)	Single-family Residential
East:	PUD (Planned Unit Development)	Single-family Residential
West:	RR-5 (Residential Rural)	Pike National Forest/Vacant

E. BACKGROUND

The Board of County Commissioners approved the Forest Lakes PUD (PUD-01-009) and preliminary plan (SP-01-019) on February 26, 2002. The 977 acre PUD plan included 467 dwelling units, a ten (10) acre school site, 450 acres of passive open-space tracts, and 32 acres of tracts to be used for utilities, public facilities and park land. The original PUD Plan anticipated development to occur in two (2) phases. The first phase was proposed to include 275 dwelling units in the eastern and northern portions of the PUD Plan. Forest Lakes Filing Nos. 1 through 4, totaling 272 lots, have been platted and developed in accordance with the phasing plan.

The Board of County Commissioners approved an amendment to the Forest Lakes PUD Development Plan (PUDSP-15-002) on June 21, 2016. The amended PUD, which included approval of the preliminary plan amendment, resulted in a reconfiguration and reduction of the number of single family residential lots from 163 to 161.

The applicant is requesting to develop 180 dwelling units within the second phase of the overall Forest Lakes PUD Plan, which represents an increase of 46 dwelling units in this area of the approved 2002 PUD Plan. The applicant is proposing to establish five (5) tracts, totaling 191 acres, for open space, trails, utilities, and drainage with this phase. No decrease in open space is proposed in this area from the 2002 approved Plan. A water tank site is located in the northwestern-most corner of the site and is proposed to be an addition to the existing water supply facilities of the Forest Lakes Metropolitan District, which is necessary to serve this development. A trail connection from the existing waterfront park, constructed with phase one (1), to Pike National Forest is proposed to be within a buffer open-space tract along the northern boundary included with this phase of development. In addition, the applicant has identified their intent to separate the southern portion of the PUD plan by proposing to add a third phase to include 61 dwelling units depicted

as a “future phase” on the PUD Plan. The third phase is not included in this PUD map amendment (rezoning) request. The 61 dwelling units are not anticipated to increase the overall number of dwelling units beyond the additional 46 dwelling units requested with this PUD plan request.

F. ANALYSIS

1. Land Development Code Analysis

This application meets the preliminary plan submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 as well as the Planned Unit Development (PUD) requirements outlined in Chapter 4 of the El Paso County Land Development Code (2019), if the PUD modifications, outlined above, are approved as requested.

2. Zoning Compliance

The proposed Forest Lakes PUD Development Plan identifies allowed and permitted uses; use, density, and dimensional standards such as setbacks, maximum lot coverage, and maximum building height; and overall landscaping requirements. The Forest Lakes PUD Development Plan is consistent with the proposed PUD development guidelines and with the submittal and processing requirements of the Land Development Code.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues, and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Staff has provided a detailed guiding document concerning broader land use planning issues, and provides a framework to tie together the more detailed sub-area elements of the County master plan. Relevant policies are as follows:

Policy 6.1.8- Encourage incorporation of buffers or transitions between areas of varying use or density where possible.

Policy 6.1.13- Encourage the use of carefully planned and implemented clustering concepts in order to promote efficient land use, conservation of open space and reduction of infrastructure costs.

Policy 6.1.14- Support development which complements the unique environmental conditions and established land use character of each sub-area of the County.

Goal 6.1 A Encourage patterns of growth and development which complement the regions' unique natural environments and which reinforce community character.

Consistency with the Plan was found with the most recently approved amendment to the Forest Lakes PUD Development Plan (PUDSP-15-002) and with approval of the Forest Lakes PUD (PUD-01-009) in 2002. The noteworthy areas of change from the previously approved Plan to the proposed PUD/Preliminary Plan amendment include the following:

- Increasing the overall number of residential lots.
- Reducing the number of the previously planned estate lots located along the northern boundary of the property, choosing instead to reduce the lot sizes and increase the number of lots in areas that are more internal to the development.
- Removing the northernmost roadway connection, which was previously planned to extend east and west near the northern border of the property; choosing instead to propose one primary access into the Phase 2 area via Mesa Top Drive and one emergency access road through Tract D.
- Reducing the size of the lots located along the western boundary adjacent to Pike National Forest while increasing the open space along the boundary to help preserve the natural buffer next to the Forest.

In addition, the proposed PUD/preliminary plan amendment includes multiple tracts that should generally serve as large open space areas adjacent to the existing residential development to the north and south, which includes preserving the existing Preble's Meadow Jumping Mouse habitat. Staff recommends that the layout and design of the PUD Plan is consistent with the policies pertaining specifically to the concept of clustering in order to promote conservation of open space, which include significant existing natural features, and to promote the efficient development of the property by minimizing infrastructure costs.

4. Small Area Plan Analysis

The Forest Lakes development is located within the boundaries of the Twin Valley Sub-Area of the Tri-Lakes Comprehensive Plan (2000). Approval of the overall Forest Lakes PUD (PUD-01-009) and preliminary plan (SP-01-019) included findings of master plan consistency and consistency with the Tri-Lakes Plan. The same findings were made with the approved Amended Forest Lakes PUD (PUDSP-15-002) Development Plan, which also included approval as a preliminary plan amendment.

The Plan acknowledges the Forest Lakes development in various sections. The Land Use section of the Plan states:

- *The former Beaver Creek Ranch was acquired by developer who had an 822-acre parcel within this Sub-area rezoned to accommodate 466 cluster-housing units...*
- *Also within this Sub-area a second 180-acre parcel was later included in the Forest Lakes Project, but was never approved for specific land uses...*
- *While this Sub-Area is sparsely populated today, its proximity to the employment centers of both Colorado Springs and Denver, and its extraordinary natural quality, will exert increasing pressure for residential development of remaining undeveloped areas.*

The Utilities and Services section of the Plan states:

- *There are no trails or public recreational facilities within the sub-area and no public access to National Forest...Also, there is no public access to the two lakes on Forest Lakes property*

The Opportunities, Constraints and Concerns section of the Plan states:

- *The scenic qualities and rural character of this Sub-area are worthy of preservation. With several ranches actively operating, a portion of this Sub-area has the potential to remain open space well into the future. The Twin-Valley Sub-area is exceptional, if not unique, as it has become one of the few remaining rural areas west of I-25. It is a transition zone from the intense development corridor along I-25 to the scenic and pristine beauty of the National Forest along the Front Range.*
- *The Forest Lakes residential portion, as well as the remaining working ranches, can provide the County with one of the few remaining opportunities to retain open space and rural character that singularizes Twin-Valley, and thereby preserve, if not enhance, the visual appeal of this section of the Front Range.*
- *The Twin-Valley Sub-Area provides one of the few remaining opportunities for County and other governmental agencies to acquire land that can be used for developing new parks for the enjoyment of the people in surrounding communities, all with easy access to I-25 and Santa Fe Trail. Much of this Sub-area has been identified by the County Parks Master Plan as an ideal*

site to acquire for public use...” here are no trails or public recreational facilities within the sub-area and no public access to National Forest...Also, there is no public access to the two lakes on Forest Lakes property.

The Twin-Valley Land Use Scenario section of the Plan states:

- *The previous land use approvals in the Forest Lakes project are acknowledged, but it is noted that the development within this property should be sensitive to the surrounding existing and planned lower-densities uses. For this reason, adherence to the originally approved clustering plan is strongly recommended...*
- *Various opportunities for acquisition and/or preservation of open space should be pursued and implemented with this Sub-area if possible....Limited public access to the National Forest land to the west should be considered.*
- *All plans for new and expanded development should be carefully evaluated and conditioned to provide assurances water supplies will be adequate and water resources will be conserved...*

The Plan acknowledged the Forest Lakes Development and also anticipated future growth in this area due to proximity to the Interstate 25 corridor and the unique environmental features. The applicant is proposing to amend the 2002 PUD Plan by adding an additional 46 dwelling units within the Phase 2 area. The applicant proposes a reduction in lot size from the approved lot sizes within the 2002 PUD plan to accommodate the increase. As discussed above, the applicant is proposing to provide large open space areas adjacent to the existing residential developments located to the north and south.

The lots are proposed to be clustered to ensure preservation of the “extraordinary natural quality” of the area. The applicant has obtained documentation from the U.S. Fish and Wildlife Service with regard to the Preble’s Meadow Jumping Mouse Habitat critical area, and has been determined that there are “no concerns” since the applicant will place the habitat areas within preservation tracts as depicted on the PUD Plan. The applicant is not proposing a reduction in open space within the Phase 2 area. Since the completion of Phase 1 of the Forest Lakes Development, the waterfront park has been completed and is open to the public providing opportunities for the residents in this area of the County. The requested PUD Plan depicts a regional trail connection from the water front park to Pike National Forest with this phase of development.

The Forest Lakes Metropolitan District has provided commitment letters to serve the development for water and wastewater services. For the above reasons, staff has no concerns with this development request.

5. Other Master Plan Elements

The Master Plan for Mineral Extraction (1996) identifies valley fill (sand and gravel) in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

A geology hazards evaluation and preliminary geotechnical investigation report was prepared and submitted by CTL Thompson Engineering dated July 18, 2018, with revisions to the report dated December 11, 2018, and February 18, 2019, with this request.

The report identifies constraints within the subject property including expansive soils, shallow ground water, a potential for erosion, flooding and debris flow. There is a floodplain hazard depicted within the PUD development/preliminary plan area as discussed in Section G.3 of this report.

The applicant proposes to mitigate the constraints identified in the report by following CTL Thompsons Engineering's recommendations to include: additional geotechnical investigation, testing and analysis for design of individual foundations, floor systems, and subsurface drainage to be completed prior to the issuance of lot specific building permits as identified in Recommended Condition of Approval No. 7.

A debris flow/mud flow analysis report was also prepared and submitted by CTL Thompson Engineering on August 6, 2018, and revised December 14, 2018.

The report concludes that the potential for major debris/mud flow is generally limited to the drainage paths and adjacent over bank areas within the floodplains of North Beaver Creek, South Beaver Creek, Beaver Creek, and Hell Creek. The applicant has depicted these areas in a tract. No development is proposed in these areas.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate to very high wildlife impact potential. Critical habitat for the Preble's Jumping Mouse has been identified in the Beaver Creek, North Beaver Creek and South Beaver Creek drainage areas. A U.S. Fish and Wildlife Service

clearance letter (email) dated July 18, 2018, has been provided by the applicant, which does not indicate any concerns with the proposed development, if the subdivision is developed as depicted on the PUD plan. The applicant has provided a 394-foot buffer from the 100-year floodplain which is known to be habitat area for Preble's Jumping Mouse to preclude disturbance to the habitat.

3. Floodplain

FEMA Flood Insurance Rate Map panel numbers 08041C0258G, 08041C0259G, 08041C0266G and 08041C0267G shows that the 100-year floodplain (Zone AE) of North Beaver Creek, South Beaver Creek and Beaver Creek flows through the site. These creeks are planned to be located in tracts to be owned and maintained by the Forest Lakes Metropolitan District.

4. Drainage and Erosion

The Forest Lakes development is located within the Beaver Creek drainage basin (FOMO4600), which is a fee basin. The basin does not have a Drainage Basin Planning Study (DBPS).

The site generally drains to the east into Beaver Creek. Stormwater runoff will be conveyed by public storm sewer systems into one of three proposed full spectrum detention ponds for water quality and flood control facilities. These facilities will be owned and maintained by the Forest Lakes Metropolitan District. Hydraulic analysis will be performed with the appropriate final plat(s).

5. Transportation

Access to the development is via the extension of Forest Lakes Drive and Mesa Top Drive. All streets are planned to be public roads and will be dedicated to the County. The 2016 Major Transportation Corridors Plan Update (MTCP) does not call for any improvement projects in the immediate vicinity of the site. No improvements associated with this development are reimbursable through the MTCP roadway improvement program.

The majority of the Forest Lakes development is located west of North Beaver Creek and South Beaver Creek. A single roadway crossing over North Beaver Creek is proposed to serve as the primary access due to topographic constraints. Secondary access is provided via a combined trail/emergency road designed as a low water crossing on North Beaver Creek.

The Mesa Top Drive connection to Lindbergh Road was approved with Forest Lakes Filing No. 1 with a 100 foot centerline curve which does not meet current ECM criteria. The applicant shall analyze this segment of Mesa Top Drive with the appropriate final plat and implement any necessary mitigation for safe operation.

The development is subject to the El Paso County Road Impact Fee program (Resolution No. 18-471).

H. SERVICES

1. Water

Sufficiency: The development is proposed to be served by Forest Lakes Metropolitan District.

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State Engineer's Office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office is anticipated to recommend a finding of sufficiency with regard to water quantity and dependability, which staff plans to provide at the hearing. El Paso County Public Health has made a favorable recommendation regarding water quality.

2. Sanitation

Wastewater service is proposed to be provided by Forest Lakes District, which has committed to serve the property. El Paso County Public Health has made a favorable recommendation regarding wastewater disposal.

3. Emergency Services

The property is within Tri-Lakes Fire Protection District. The District has committed to serve the development. The District has reviewed the applicant's fire protection report and the applicant's proposed PUD Plan and has provided a letter stating they are in agreement with the report. The correspondence has been attached to this staff report.

4. Utilities

Mountain View Electric Association (MVEA) will provide electrical service to the property. Black Hills Energy will provide natural gas service to the property.

5. Metropolitan Districts

The property is within Forest Lakes Metropolitan District. The District has provided a letter stating they anticipate and agree to accept the maintenance and ownership responsibility of the tracts within this development. The District will be responsible for maintaining the drainage tracts, detention ponds, open space and landscaped areas along the platted public right-of-way throughout the development.

6. Parks/Trails

The applicant is anticipated to construct a Tier 1 Regional Trail along Forest Lakes Drive to the western boundary of the proposed PUD plan to connect to the Pike National Forest in lieu of \$77,400.00 due at plat recordation for Regional Park Fees (Area 1). The applicant will provide a 25-foot easement for the trail upon plat recordation. Ultimately, the trail is planned to connect the Santa Fe Trail to the forest. No urban park fees are due at plat recordation.

7. Schools

The subject property is located within the boundaries of Lewis Palmer School District No. 38. The applicant is not required to pay fees in lieu of land dedication due to a prior dedication of a 10 acre school site.

I. APPLICABLE RESOLUTIONS

See attached Resolution.

J. STATUS OF MAJOR ISSUES

There are no outstanding major issues with this project.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 4.2.6, and Section 7.2.1 of the El Paso County Land Development Code (2019), staff recommends the following conditions and notations:

CONDITIONS

1. Development of the property shall be in accordance with this PUD development plan. Minor changes in the PUD development plan, including a reduction in residential density, may be approved administratively by the Director of the Planning and Community Development Department consistent with the Land Development Code. Any substantial change will require submittal of a formal PUD development plan amendment application.

2. Approved land uses are those defined in the PUD development plan and development guide.
3. All owners of record must sign the PUD development plan.
4. The PUD development plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any final plats for hearing by the Planning Commission. The development guide shall be recorded in conjunction with the PUD development plan.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
6. Applicable park, drainage, bridge, and traffic fee shall be paid to El Paso County Planning and Community Development at the time of final plat(s) recordation.
7. The applicants shall mitigate the constraints identified in geology hazards evaluation and preliminary geotechnical investigation report which was prepared and submitted by CTL Thompson Engineering dated July 18, 2018, revisions of the report dated December 11, 2018, and February 18, 2019. CTL Thompsons Engineering's recommendations include: additional geotechnical investigation, testing and analysis for design of individual foundations, floor systems, and subsurface drainage to be completed prior to the issuance of lot specific building permits.

NOTATIONS

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date

of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.
3. Preliminary plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.
4. Approval of the preliminary plan will expire after two (2) years unless a final plat has been approved and recorded or a time extension has been granted.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 28 adjoining property owners on March 18, 2019, for the Board of County Commissioners' hearing. Responses received to date are attached.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
PUD Development Plan/Preliminary Plan
State Engineer's Letter
County Attorney's Letter (to be provided at hearing)
U.S. Fish & Wildlife Service Documentation
Fire Protection District Letters
Adjacent Property Owner Response(s)
Board of County Commissioners' Resolution

El Paso County Parcel Information

File Name: PUDSP-18-001

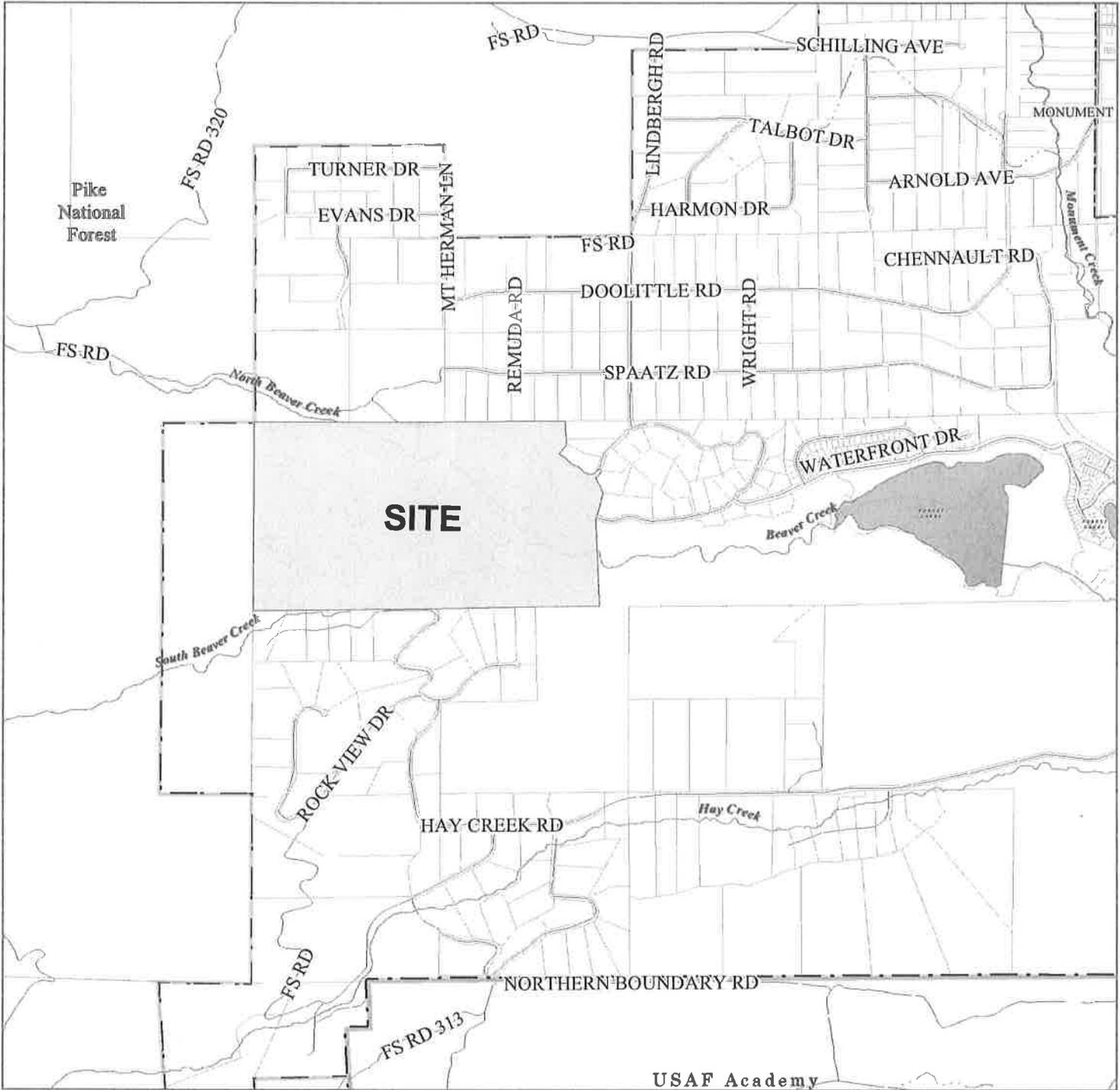
PARCEL	NAME
7100000433	FLRD #2 LLC

Zone Map No. --

ADDRESS	CITY	STATE
6385 CORPORATE DR STE 200	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80919	5912

Date: MARCH 8, 2019



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 (719) 520-6600



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FOREST LAKES FILINGS 5, 6 & 7: PUD DEVELOPMENT/PRELIMINARY PLAN MAJOR AMENDMENT

LETTER OF INTENT

DECEMBER 2018, REVISED MARCH 2019

OWNER:	DEVELOPER/APPLICANT:	CONSULTANT:
Forest Lakes Residential Development #2 LLC 111 Main Street, Suite 1600 Kansas City, MO 64105	Classic Homes 6385 Corporate Drive Colorado Springs, CO 80919	N.E.S. Inc. 619 North Cascade Ave Colorado Springs, CO 80903

LOCATION

Forest Lakes is located northwest of the intersection of Interstate 25 and Baptist Road, to the southwest of the Town of Monument. The property comprises approximately 977 acres in total. The eastern 221 acres has already been platted as filings 1 – 4 and is substantially built-out. Two man-made lakes/reservoirs have been constructed to supply the development with water and to serve as a recreational amenity. This area also includes Waterfront Park along the north side of Bristlecone Lake, which serves as the community park for the entire development. This current submittal relates to the 287-acre western portion of the property. Beaver Creek flows west to east through the southern half of the property, then splits into North Beaver Creek and South Beaver Creek. The area adjacent to the southern branch of the creek is Preble’s Meadow Jumping Mouse critical habitat, which will remain as undisturbed open space.



REQUEST

Forest Lakes Residential Development LLC requests approval of the following:

- a. A Major Amendment to the Forest Lakes PUD Development Plan/Preliminary Plan for Filings 5, 6 & 7, comprising 180 single-family lots, 5 tracts and public roads on 287 acres, at a gross density of 0.63 dwelling units per acre and a maximum height of 30 feet, with PUD modifications (described below).
- b. A 260,000-gallon water tank for Forest Lakes Metropolitan District (diameter 40 ft; height 28.68 ft)

The initial submittal of this application in January 2018 proposed 231 single-family lots. Since that time, the applicant has held three neighborhood meetings, on February 22nd, April 26th, and November 15th 2018. The current resubmittal represents the culmination of a series of changes to the plans to address concerns from neighbors regarding density and lot size, and also to address the recommendations of a Debris Flow Analysis requested by Colorado Geologic Survey. This resulted in changes to the proposed lot layout, street configuration, grading and culvert design, which reduced the number of lots initially to 199 and ultimately to the 180 lots currently proposed.

The following PUD modifications are requested for Forest Lakes Filings 5, 6 & 7:

	LDC/ECM Section	Category	Standard	Modification	Justification
1	LDC Chapter 8.4.3(C)(4)(c)	Flag lots	Cul-de-sac required where 3 or more butting flag lots would occur	Lots 3, 4, 5 & 6 will be accessed off a single shared access, which is part of Lot 4 and will be subject to a shared access easement.	The proposed median divided section of road restricts lot accessibility and the proposed flag lot condition for the 4 lots will allow each lot to access the public street at an intersection. This will improve safety.
2	LDC Chapter 8.4.3(C)(2)(e)	Lot area and dimensions	Lots to have a minimum of 30 feet of frontage on and access from a public road	Lots 3, 5 & 6 will not have direct frontage on or access from a public road.	
3	LDC Chapter 8.4.3(B)(2) and ECM Section 2.5.2.C.4	Mid-block crossings	Access ramps on local roadways shall be spaced no greater than 600 feet apart.	Sections of Mesa Top Drive and Forest lakes Drive exceed 600 feet without a mid-block crossing.	Adequate pedestrian accessibility is provided by access ramps at intersections and at mid-block trail crossings.
4	ECM Section 2.3.8.A	Roadway terminations – cul-de-sac length	Cul-de-sacs shall have a maximum length of 750 feet for urban conditions.	Foothills Flash Court and Timber Trek Way cul-de-sacs exceed 750 feet	The cul-de-sacs provide for a more efficient layout and do not significantly exceed the standard length and both serve less than 25 lots. The Fire Dept. has reviewed and approved the site layout.
5	ECM Section 1.7.2 (APPENDIX I)	Water Quality Capture Volume Requirements	Direct all runoff through grass buffers and/or grass swales or provide a similar BMP	Allow for direct release across grass buffer (or equivalent) for back yards of proposed single-family subdivision lots.	All roof drains will be routed to front yard and the street eventually to a permanent downstream water quality facility. There is a 300'+ natural buffer between the back yards and the waters of the State of Colorado.

Chapter 4.2.6.F.2.h of the Land Development Code (LDC) allows for a PUD modification of a general development standard in the LDC or criteria of the Engineering Criteria Manual (ECM). The proposed PUD modifications allow for a more efficient layout that minimizes grading, thereby achieving two of the identified benefits in Chapter 4.2.6.F.2.h - preserving natural features and providing more accessible open space within the development. The site layout has been reviewed and approved by the Fire Department for safety subject to certain stipulations, which are either addressed in the revised plans or relate to the construction phase. Additional justification for the proposed modifications to the ECM standards are appended to this Letter of Intent.

PROJECT DESCRIPTION

Project History

The Forest Lakes subdivision was part of the 1,367-acre High Meadows Sketch Plan that was approved in 1984, which included 466 residential units, four lakes, a school site, and commercial/industrial areas southeast of I-25 and Baptist Road. Two of the four lakes initially planned for the site were constructed along with some rough grading for roadways before the project fell into bankruptcy.

The listing of the Preble's Meadow Jumping Mouse as a threatened species in 1995 dramatically reduced the buildable areas and the ability to construct the two additional lakes as proposed in the original Sketch Plan. A Planned Unit Development Plan and Preliminary Plan were subsequently approved in 2002 for the 977-acre residential component of the original Sketch Plan. This proposed 467 homes in a clustered design that preserved the mouse habitat along Beaver Creek and other natural features of the site. The approved plan also included a ten-acre school site, 470 acres of parks and open spaces, which included the two existing lakes on the eastern portion of the property and Waterfront Park.

The existing development in the eastern portion of Forest Lakes includes Filings 1 – 4 totaling 272 lots on 222 acres. These have been platted as follows:

- Filing No. 1: 33 single family lots, 1 school site lot, public road right-of-way, and 6 tracts (including Waterfront Park) on 134.0 acres,
- Filing No. 2A: 73 single family lots, public road right-of-way, and 5 tracts on 17.1 acres
- Filing No. 2B: 45 single family lots, public road right-of-way, and 6 tracts on 31.1 acres
- Filing No. 3: 79 single family lots, public road right-of-way, 0 tracts on 39.9 acres
- Filing No. 4: 42 single family lots, public road right-of-way, and 4 tracts on 11.6 acres (a replat of Tract B of Filing No. 2B).

The focus of this PUD Development Plan/Preliminary Plan Amendment is on the changes proposed to western portion of Forest Lakes, which will be subdivided into future Forest Lakes Filings 5, 6 and 7.

Site Layout

This plan requests 180 single family lots on 287 acres in the western portion of the Forest Lakes with a gross density of 0.63 units per acre. This portion of the site is accessed by Forest Lakes Drive and Mesa Top Drive. The 2002 PUD Development Plan anticipated 467 lots within the overall Forest Lakes Residential boundary (all phases). This application requests to increase the total number of lots to 513 lots over three phases, a 9.8% increase. The chart below compares the changes to the phase areas:

	Lot Total 2002 Plan	Lot Total 2019 Plan	Difference
Phase 1 (Filings 1, 2A, 2B, 3 and 4)	275	272	-3
Phase 2 (Filings 5, 6 and 7)	131	180	49
Phase 3 (Future Filings)	61	61	0
Total	467	513	46

While the total number of lots has increased, the area of impact has decreased. By using generally smaller more efficient lots, the development uses a more compact pattern preserving more areas for open space. In the approved 2002 plan, 160 acres were preserved as open space, whereas in the current plan for 180 lots, 197 acres are preserved as open space (67% of site), an increase of 23%. The additional density does not change the street classifications of any of the roadways within Forest Lakes.

The Plan includes a County regional trail, connecting from the existing regional trail along Forest Lakes Drive and through Waterfront Park, to the western boundary of the property. This provides the opportunity for future connection to the National Forest to the west. A network of internal trails is also shown on the plan, which will be field located based on terrain.

Development Standards

Three general lot sizes are planned for this area. Type A Lots will have a minimum of seventy (70) feet width at the front setback and a one hundred and twenty (120) foot depth, which will range in size from 8,400 to 17,433 square feet. The lots have a fifteen (15) foot front yard setback to the front of the home, with a minimum of twenty (20) feet to the face of the garage from the back of sidewalk. This allows for garages to be set back from the front of the home yet still provide adequate driveway length for parking. A ten (10) feet front setback is permitted for a side loaded garage, as in this configuration the home is setback the width of the garage and the driveway accommodates parking parallel to the front property line. Side yard setbacks are planned at five (5) feet, with a corner lot setback of ten (10) feet when directly abutting public right-of-way. The rear setback is set at twenty (20) feet. The maximum building height is thirty (30) feet. Type B Lots will range in size from 9,600 to 23,328 square feet, with an eighty (80) feet width at the front setback and a one hundred and twenty (120) foot depth. All other dimensions are the same as the Type A lot.

The Type C lots are the larger estate lots, of which there are seven in total, located along in the northern section of the site. These are generally irregular shaped lots, with the smallest being approximately 1.35 acres and the largest approximately 10 acres. These lots will have a minimum of one hundred and fifty (150) feet width at the front setback and a one hundred and fifty (150) foot depth. The lots have a

minimum twenty-five (25) foot front yard setback, fifteen (15) foot side yard setbacks, and a rear setback of thirty (30) feet, with the exception of lots 1-3 where the rear setback is one hundred (100) feet due to the existing electric easement.

A water tank will be constructed in Tract C in the northwest corner of the property for Forest Lakes Metropolitan District. The water tank will have a diameter of 40 feet and a height of 28.68 feet and will hold 260,000 gallons. There will be a 6-foot chain link fence around the perimeter of the tank. The tank will be accessed by a 20-foot asphalt road off Mesa Top Drive. The water tank setbacks are shown on the plan.

Streets

Public streets will be constructed to the El Paso County Urban Local Street standard, except for the requested PUD modifications referenced above. The extension of Forest Lakes Drive provides the primary access to the project area. Mesa Top Drive along the northern portion of the site will be extended to provide secondary access. Both roads meet to create a looped access within the western portion of the site. To ensure adequate emergency access, a median divided section of road is provided from the intersection of Forest Lakes Drive and Mesa Top Drive to the beginning of the internal loop. In addition, an emergency access road is provided through Tract D in the northern section of the site.

Tract D is to be owned and maintained by the Forest Lakes Metropolitan District, who will also be responsible for maintaining the emergency access road. This meets the requirements of Section 8.4.4(D)(2) of the Land Development Code. A bollard and chain gate will be provided at each end of the emergency access road with a Fire District Knox Lock. These emergency access measures have been reviewed and approved by the Tri-Lakes Monument Fire Protection Department, subject to stipulations regarding construction materials, the width of the lanes in the proposed median-separated section of road and required median breaks, provision of fuel breaks and that the proposed water tank be operational before certificates of occupancy are issued for the new homes. These requirements are either addressed on the revised plans or will be addressed with building permits/certificate of occupancy and covenants. The Fire Department reviews all building permits and undertakes inspections and sign-off for certificates of occupancy for each unit.

A new traffic calming island is proposed on Forest Lakes Drive at the easternmost point of this development, in response to comments by neighbors regarding the speed of existing traffic.

Open Space and Trails

197 acres of open space and trails are planned throughout the project, which represents 67% of the project site area. Filings 1-4 of the Forest Lakes Development extended the County Regional Trail into and through the property and constructed Waterfront Park, which has a playground, amphitheater, fishing and boat dock, and a multi-purpose lawn area. Originally, the plans for the western section of Forest Lakes included Homestead Park, less than a mile from Waterfront Park with similar amenities. The reduced development footprint proposed by this application opens up more open space for informal trails, natural areas, and unique open space experiences in lieu of Homestead Park.

The plan illustrates a route for the continuation of the County Regional Trail, which will follow the existing dirt road along the south side of the project area. The trail will then divert northwest through the center of the development alongside the proposed emergency access road, back up to the mesa top, and then west to the northwest corner of the property. The long-term goal is to see a connection from this development to the US Forest Service trail network to the west. A twenty-five (25) foot easement will be provided to El Paso County for the regional trail with future Final Plats.

A prominent knoll in the northwestern portion of the site provides a unique opportunity for hiking trails with views from the top that overlook the surrounding area. Potential trails are identified on the plan and these will be field located based on terrain. Consequently, the location, route and extent of these trails may vary. A small parking area is planned off Mesa Top Drive providing access to the trails through Tract E. Existing vegetation will be retained in the open spaces where appropriate, having regard to the recommendations of the Wildfire Hazard & Mitigation report. The open space and trails will be owned and maintained by Forest Lakes Metropolitan District.

Wildlife and Vegetation

The Impact Identification Report prepared by CORE Consultants identifies Preble's Meadow Jumping Mouse critical habitat along the western portion of Beaver Creek and recommends that designated Critical Habitat for PMJM should be avoided during project design. The critical habitat is shown on the PUD Development/Preliminary Plan and is contained wholly within Tract B. Recent consultation with US Fish and Wildlife Service confirms that as the proposed development does not encroach into the PMJM critical habitat area (defined as 394-foot buffer from the ordinary high-water mark of the creek), there is no impact to the mouse habitat. US Fish and Wildlife Service also confirmed that the continuation of the proposed regional trail on the existing road through the habitat area is acceptable.

The report recommends further surveys to assess the potential impact of construction on nesting areas and other wildlife species as necessary. In particular, it recommends that should construction begin during the breeding bird season (February 1 through July 15), nesting raptor and migratory nesting bird ground clearance surveys should be conducted to determine the presence or absence of nesting birds within the project. If construction begins during the breeding bird season, the applicant (through CORE Consultants) will undertake the required surveys for nesting raptors and migratory birds to ensure nesting birds are not disturbed during construction. The report also recommends coordination with Colorado Parks & Wildlife (CPW) to determine appropriate avoidance measures should they express concerns over the potential presence of other wildlife species within the project. The applicant (through CORE Consultants) will consult with CPW regarding any concerns over wildlife and any specific recommendations for avoidance measures.

The Impact Identification Report also identifies potential habitat for Ute ladies'-tresses orchid (ULTO), which is a Federally threatened species, and recommends coordination with the USFWS to determine if ULTO surveys are required for the project. Though the presence of ULTO is unlikely based on the elevations of the project site, the applicant (through CORE Consultants) will initiate informal consultation with USFWS to determine whether ULTO surveys will be necessary.

The report recommends the preparation of a noxious weed management plan and to treat noxious weeds on the project prior to construction. CORE Consultants has prepared a noxious weed

management plan for the project in accordance with the Colorado State Noxious Weed Act and El Paso County's standards for noxious weed management and treatment. This is included with this submittal. CORE will perform an inventory and will treat identified noxious weeds during and post-construction in order to prevent and control the spread of noxious weeds.

Floodplain & Wetlands

Portions of the site adjacent to Beaver Creek and North Beaver Creek are within a FEMA designated 100-year floodplain. The remainder of the property is outside the 500-year floodplain. All proposed lots are outside the floodplain boundary.

The Wetland Delineation Report prepared by CORE Consultants identifies areas of potentially jurisdictional wetland along Beaver Creek and North Beaver Creek. The Impact Identification Report recommends avoiding potentially jurisdictional water features and if the project design unavoidably impacts such features, an application to the US Army Corps of Engineers (USACE) for a permit pursuant to Section 404 of the Clean Water Act should be submitted. All lots are outside the jurisdictional wetland areas. A small pond in the eastern section of the site which is non-jurisdictional will be filled. Impact to the wetlands will be limited to road and trail crossings.

When the construction drawings for the new infrastructure are prepared, it will be possible to determine the precise impacts to the wetlands. If less than 0.5 acres or 300 linear feet of stream bed are impacted by the project, a Nationwide Permit 29 (Residential Development) will be requested. If it is determined that impacts exceed these thresholds, CORE Consultants will prepare the required Section 404 permit application submittal to USACE. If necessary, a Section 401 permit application to Colorado Department of Public Health and Environment (CDPHE) will also be processed, which is only required if there is potential impact to water quality.

Soils and Geology

The Geologic Hazards Evaluation and Preliminary Geotechnical Investigation prepared by CTL Thompson Inc., identifies that portions of the proposed subdivision may be impacted by geologic conditions including shallow groundwater, expansive soils and bedrock, and potential for flood, erosion and debris flow. These conditions can be mitigated by avoidance, regrading, proper engineering design, and construction techniques. Following comments from Colorado Geologic Survey on the initial submittal of the application in January 2018, an additional Debris Flow/Mudflow Analysis was prepared. The recommendations of this analysis resulted in changes to the proposed lot layout, street configuration, grading and culvert design, which are reflected in this revised submittal. These constraints are identified on Sheet 9 of the PUD Development/Preliminary Plan.

Water & Wastewater

Water and sanitary sewer for the project will be provided by the Forest Lakes Metropolitan District. A Water Supply Plan and Wastewater Report is provided with the application, prepared by the District's engineer, JDS Hydro. That report indicates that the District is operational and has the appropriate approvals from the State of Colorado. A new water tank is proposed in Tract C as part of this development,

which will be constructed with the first filing (filing no. 5) of this project. The entirety of Tract C will be dedicated to Forest Lakes Metropolitan District.

Drainage

Storm water detention and water quality are planned within three new ponds proposed within the project area. All of the improvements for the stormwater system will be owned and maintained by the Forest Lakes Metropolitan District.

Maintenance, Covenants and Architectural Control

The Forest Lakes Metropolitan District will own all tracts and will be responsible, where required, for maintenance of open space and trails, other than the County Regional Trail, which will be maintained by El Paso County Community Services Department.

All filings within this development will be annexed into the existing Forest Lakes Home Owners Association, which will enforce covenant and architectural control in the community.

PROJECT JUSTIFICATION

PUD Development Plan

The proposed PUD Development Plan is consistent with the approval criteria set forth in Section 4.2.6.D of the LDC as follows:

1. The application is in general conformity with the Master Plan;

The site lies within the Twin Valley Sub-Area of the Tri-Lakes Area Comprehensive Plan (2000) and both the existing and proposed areas of Forest Lakes are designated as "medium density residential development" on the Tri-Lakes Area Concept Plan. The Plan does not define "medium density", but other areas that are similarly designated include the Woodmoor, Knollwood and Gleneagle areas. These have all been developed at urban densities and lot sizes. The lot sizes already developed in Forest Lakes and those currently proposed are consistent with the lot sizes in these comparably designated areas but due to the clustering design, the overall density is much lower.

The County Policy Plan also encourages development that is compatible with adjacent areas:

Policy 6.1.3: Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.

Policy 6.1.6: Direct development toward areas where the necessary urban-level supporting facilities and services are available or will be developed concurrently.

Policy 6.1.8: Encourage incorporating buffers or transitions between areas of varying use or density where possible.

Policy 6.1.11: Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.

Policy 6.1.13: Encourage the use of carefully planned and implemented clustering concepts in order to promote efficient land use, conservation of open space and reduction of infrastructure costs.

Policy 6.1.14: Support development which complements the unique environmental conditions and established land use character of each sub-area of the County.

Policy 6.2.2: Promote the unique identity of neighborhoods through the use of focal points, parks, trails and open spaces, preservation of significant natural features, compatible location and design of mixed uses, and promotion of pedestrian and other non-motorized means of travel.

Policy 6.2.10: Utilize buffer zones to provide mutually compatible transitions between neighborhoods and adjoining development with differing uses or densities.

All the necessary urban services are available to serve this development, as they have been constructed with the Filings 1-4 of the Forest Lakes development. The clustering design of the proposed layout allows for the preservation of extensive areas of open space and protects the natural features and habitat areas on the site. These characteristics together with the provision of regional and local trails create a unique identity for the development that complements the environment and character of this part of the County.

The layout of the site provides appropriate density transitions and/or preserves substantial open space areas and buffer tracts to the adjacent larger lot properties to the north and south. The southernmost proposed lot is 350 feet from the existing homes to the south. Beaver Creek and its associated floodplain, wetlands, and mouse habitat areas, also provide a 118-acre undisturbed buffer tract between the proposed development and the southern property line. To the north, large estate lots are proposed in addition to open space tracts to provide an appropriate transition and buffer to the existing homes to the north. The National Forest is situated to the west, and a large open space tract, approximately 180 to 350 feet wide, will buffer the proposed homes from this natural area. The development now proposed for the west part of Forest Lakes is also compatible with the existing development in the eastern part of Forest Lakes in terms of lot size and open space provision.

2. The proposed development is in compliance with the requirements of this Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County;

The proposed development complies with the requirements of the LDC, other than the requested PUD modifications. The requested PUD modifications will help to protect the physical conditions and natural features of the site and will preserve more open space. The proposed median divided section of road and emergency access road will provide appropriate emergency access to the site.

The project proposes similar density to that approved in the 2002 PUD Development Plan. The development provides appropriate density transitions and buffers to existing development and the design complements the environment and character of this part of the County. The project also offers additional housing choice and lot size variety which is needed in the area, as evidenced by the success of Filings 1-4 of the development. As such, the proposed project will not be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County.

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- 3. The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment; and will not have a negative impact upon the existing and future development of the surrounding area;**

The clustering design of the proposed layout allows for the preservation of extensive areas of open space and protects the natural features and PMJM habitat areas on the site. These characteristics together with the provision of regional and local trails create a unique identity for the development that complements the environment and character of this part of the County. As described above, the layout of the site provides appropriate density transitions and/or preserves substantial open space areas and buffer tracts to the adjacent residential properties to the north and south.

The Geotechnical Report prepared by CTL Thompson Inc. indicates that the identified geologic hazards do not preclude development of the site but require mitigation. The geological conditions that exist include shallow groundwater, expansive soils and bedrock, and potential for flood, erosion and debris flow. These conditions will be mitigated by avoidance, regrading, proper engineering design, and construction techniques commonly used in the area, such as spread footing foundations and slab-on-grade floors.

- 4. The proposed development provides adequate consideration for any potentially detrimental use to use relationships (e.g. commercial use adjacent to single family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site which may include innovative treatments of use to use relationships;**

The layout of the site provides appropriate density transitions and/or preserves substantial open space areas and buffer tracts to the adjacent larger lot properties to the north and south. The southernmost proposed lot is 350 feet from the existing homes to the south. Beaver Creek and its associated floodplain, wetlands, and mouse habitat areas, also provide a 118-acre undisturbed buffer tract between the proposed development and the southern property line. To the north, large estate lots are proposed in addition to open space tracts to provide an appropriate transition and buffer to the existing homes to the north. The National Forest is situated to the west, and a large open space tract, approximately 180 to 350 feet wide, will buffer the proposed homes from this natural area. The development now proposed for the west part of Forest Lakes is also compatible with the existing development in the eastern part of Forest Lakes in terms of lot size and open space provision.

- 5. The allowed uses, bulk requirements and required landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community;**

The proposed homes, 75% of which will be ranch-style, are similar to and compatible with the surrounding residential properties in terms of bulk and scale. Building height will be limited to 30 feet. The size and height of allowed accessory uses will be controlled per the PUD development standards and by the HOA covenants. Certain accessory uses will be permitted only on the larger estate lots.

6. Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;

The unique features of the site include the knoll in the western portion of the site, Beaver Creek, and the beaver pond. These will be preserved and have been incorporated into the design of the project. Critical habitat areas and potentially jurisdictional wetlands have been preserved as referenced in the Impact Identification Report prepared by CORE Consultants, Inc. These areas are identified on the PUD Development/Preliminary Plan. Existing vegetation will be retained in the open space tracts where appropriate, having regard to the recommendations of the Wildfire Hazard & Mitigation report.

7. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide a reasonable walking and biking opportunities;

The plan illustrates a route for the continuation of the County Regional Trail, which will follow the existing dirt road along the south side of the project area. The trail will then divert northwest through the center of the development alongside the proposed emergency access road, back up to the mesa top, and then west to the northwest corner of the property. The long-term goal is to see a connection from this development to the US Forest Service trail network to the west. A twenty-five (25) foot easement will be provided to El Paso County for the regional trail with future Final Plats.

The knoll in the northwestern portion of the site provides a unique opportunity for hiking trails with views from the top that overlook the surrounding area. A small parking area is planned off Mesa Top Drive providing access to the trails through Tract E.

8. The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g. fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed;

All necessary utility and fire protection commitments have been obtained. The traffic report demonstrates that the development is within the capacity of existing roads. Water and sanitary sewer for the project will be provided by the Forest Lakes Metropolitan District. A water and sanitary sewer report is provided with the application and was prepared by the District's engineer, JDS Hydro. That report illustrates that the District is operational and has the appropriate approvals from the State of Colorado. A water tank was constructed to serve Filings 1-4 of Forest Lakes and an additional water tank is proposed for Filings 5-7 in the northwest corner of the property, which will be constructed with Filing 5.

9. The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy efficient site design;

The project includes interconnected open space areas and trails. Natural features have been incorporated within the design as previously described.

10. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner;

There are no mineral rights owners on this property.

11. Any proposed exception or deviation from the requirements of the zoning resolution or the subdivision regulations is warranted by virtue of the design and amenities incorporated in the development plan and development guide; and

PUD modifications are requested, as described above. The proposed PUD modifications allow for a more efficient layout that minimizes grading, thereby achieving two of the identified benefits in Chapter 4.2.6.F.2.h - preserving natural features and providing more accessible open space within the development. The site layout has been reviewed and approved by the Fire Department for safety subject to certain stipulations, which are either addressed in the revised plans or relate to construction.

12. The owner has authorized the application.

Yes.

Preliminary Plan

The Preliminary Plan is consistent with the approval criteria set forth in Section 7.2.1.D.2.e of the LDC as follows:

1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;

See response under PUD justification 1 above.

2. The subdivision is consistent with the purposes of this Code;

See response under PUD justification 2 above.

3. The subdivision is in conformance with the subdivision design standards and any approved sketch plan;

The subdivision design standards are met, subject to the requested PUD modifications described above. The proposed PUD modifications allow for a more efficient layout that minimizes grading, thereby achieving two of the identified benefits in Chapter 4.2.6.F.2.h - preserving natural features and providing more accessible open space within the development. The site layout has been reviewed and approved by the Fire Department for safety subject to certain stipulations, which are either addressed in the revised plans or relate to construction.

The project is in general conformance with the 2002 PUD Plan, which was based upon the 1984 Sketch Plan for this property and proposed 466 residential units.

4. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;

Water for the project will be provided by the Forest Lakes Metropolitan District. A water resources report is provided with the application and was prepared by the District's engineer, JDS Hydro. That report illustrates that the District is operational and has the appropriate approvals from the State of Colorado.

- 5. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;**

Sanitary sewer for the project will be provided by the Forest Lakes Metropolitan District. A wastewater report is provided with the application and was prepared by the District's engineer, JDS Hydro. That report illustrates that the District is operational and has the appropriate approvals from the State of Colorado.

- 6. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)];**

The Geotechnical Report prepared by CTL Thompson Inc. indicates that the identified geologic hazards do not preclude development of the site but require mitigation. The geological conditions that exist include shallow groundwater, expansive soils and bedrock, and potential for flood, erosion and debris flow. These conditions will be mitigated by avoidance, regrading, proper engineering design, and construction techniques commonly used in the area, such as spread footing foundations and slab-on-grade floors.

- 7. Adequate drainage improvements complying with State law [C.R.S. §30-28- 133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;**

These matters are addressed in the Preliminary Drainage Report prepared by Classic Consulting. Storm water detention and water quality are planned within three new ponds proposed within the project area. All of the improvements for the storm water system will be owned and maintained by the Forest Lakes Metropolitan District.

- 8. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;**

All but four of the proposed residential lots and all tracts required for drainage and utilities will be accessible by public streets. Lots 3, 4, 5 & 6 will not have direct access to a public street. These lots will be accessed off a single shared access, which is part of Lot 4, and will be subject to a shared access easement. The proposed median divided section of road on Mesa Top Drive restricts lot accessibility and the proposed shared access for the 4 lots will allow each lot to access the public street at an intersection. This will improve safety.

- 9. The proposed subdivision has established an adequate level of compatibility by**

- 1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision;**

The cluster design of the project preserves physical features and provides ample open space.

- 2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost**

effective delivery of other services consistent with adopted plans, policies and regulations of the County;

Appropriate provision is made in this regard given the context of the site and surrounding area. The cluster design and single loop-road access helps to minimize cost of transportation and utility infrastructure improvements. The proposed trails will facilitate bike and pedestrian traffic.

3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses;

The layout provides appropriate density transitions and/or preserves substantial open space areas and buffer tracts to the adjacent larger lot properties to the north and south.

4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and

A detailed analysis of the natural features, wildlife and wetlands is provided in the accompanying Impact Identification Report and Wetland Delineation Report prepared by CORE Consultants, Inc. Recent consultation with US Fish and Wildlife Service confirms that as the proposed development does not encroach into the PMJM critical habitat area (defined as 394-foot buffer from the ordinary high-water mark of the creek), there is no impact to the mouse habitat and that the use of the existing road through the habitat area for the proposed regional trail is acceptable.

If construction begins during the breeding bird season, the applicant (through CORE Consultants) will undertake the recommended surveys for nesting raptors and migratory birds to ensure nesting birds are not disturbed during construction. The applicant (through CORE Consultants) will consult with CPW regarding any concerns over other wildlife species and any specific recommendations for avoidance measures. If required, the applicant (through CORE Consultants) will initiate informal consultation with USFWS to determine whether ULTO surveys will be necessary.

The Wetland Delineation Report prepared by CORE Consultants identifies areas of potentially jurisdictional wetland along Beaver Creek and North Beaver Creek. All lots are outside the jurisdictional wetland areas. Impact to the wetlands will be limited to road and trail crossings. If impacts exceed the thresholds identified above for a Nationwide Permit, CORE Consultants will prepare the required Section 404 permit application submittal to USACE and, if necessary, a Section 401 permit application to CDPHE. The need for these will be determined when the construction drawings for the new infrastructure are prepared.

5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;

All necessary utility commitments have been obtained. The site lies within the Tri-Lakes Monument Fire Protection District. A Fire Protection Report is included with the submittal. The traffic report demonstrates that the development is within the capacity of existing roads. Water and wastewater are to be provided by Forest Lakes Metropolitan District and a new water tank will be constructed.

- 10. Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;**
All necessary utility commitments have been obtained. The site lies within the Tri-Lakes Monument Fire Protection District. A Fire Protection Report is included with the submittal. The traffic report demonstrates that the development is within the capacity of existing roads. Water and wastewater are to be provided by Forest Lakes Metropolitan District and a new water tank will be constructed.
- 11. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and**
The site lies within the Tri-Lakes Monument Fire Protection District. A Fire Protection Report is included with the submittal.
- 12. The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.**
The proposed subdivision meets the applicable sections of these parts of the Code, subject to the requested PUD modification as described above.

ACCOMPANYING REPORTS:

The following Reports are submitted to support this application:

Geologic Hazards Evaluation and Preliminary Geotechnical Investigation and Debris Flow/Mudflow Analysis by CTL Thompson Inc.

Traffic Impact Analysis by LSC Transportation Consultants Inc.

Master Development Drainage Plan Amendment and Preliminary Drainage Report by Classic Consulting Engineers and Surveyors

Water Supply Plan and Wastewater Report by JDS Hydro

Impact Identification Report by CORE Consultants Inc.

Wetlands Analysis by CORE Consultants Inc.

Noxious Weed Management Plan by CORE Consultants Inc.

Wildfire Hazard and Mitigation Report by Stephen J. Spaulding.

FOREST LAKES FILINGS 5, 6 and 7

JUSTIFICATION FOR PUD MODIFICATIONS: MID-BLOCK CROSSINGS

Chapter 4.2.6.F.2.g of the Land Development Code (LDC) allows for a PUD modification of a general development standard in the LDC or criteria of the Engineering Criteria Manual (ECM), provided at least one of the benefits identified in Chapter 4.2.6.F.2.h are met. Section 5.8 of the ECM establishes an additional mechanism whereby an engineering design standard can be modified provided the limits of consideration in ECM Section 5.8.6 are met and the modifications meets the criteria for approval in ECM Section 5.8.7.

Nature of Request:

Section of LDC/ECM from which modification is sought:

LDC Chapter 8.4.3(B)(2) and ECM Section 2.5.2.C.4.

Specific Criteria from which modification is sought:

Mid-block Crossings: Access ramps on local roadways shall be spaced no greater than 600 feet apart.

Proposed nature and extent of modification:

Sections of Mesa Top Drive and Forest Lakes Drive exceed 600 feet without a mid-block crossing.

LDC Chapter 4.2.6.F.2.h: Modification of Existing LDC or ECM Standard.

For approval of a modification of a general development standard in the LDC or criteria or standard of the ECM, the BoCC shall find that the proposal provides for at least one of the following benefits:

- Preservation of natural features;
N/A.
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;
N/A.
- Provision of a more efficient pedestrian system;
Pedestrian circulation within Forest Lakes is focused on the provided trail system, which connects the residential areas to the parks and open space. The project is designed to encourage the use of the trail system, rather than the sidewalks, where possible. On the streets where mid-block crossings are not provided, there are no pedestrian destinations or trails that would necessitate a midblock crossing to connect to amenities.
- Provision of additional open space;
Extensive open space is already provided in the Forest Lakes development. By encouraging the residents to use the trail system, the project provides better access to the open space in the development.
- Provision of other public amenities not otherwise required by the Code; or
N/A.
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.
Extensive open space is already provided in the Forest Lakes development. By encouraging the residents to use the trail system, the project provides better access to the open space in the development.

ECM Section 5.8.6: Limits of Consideration:

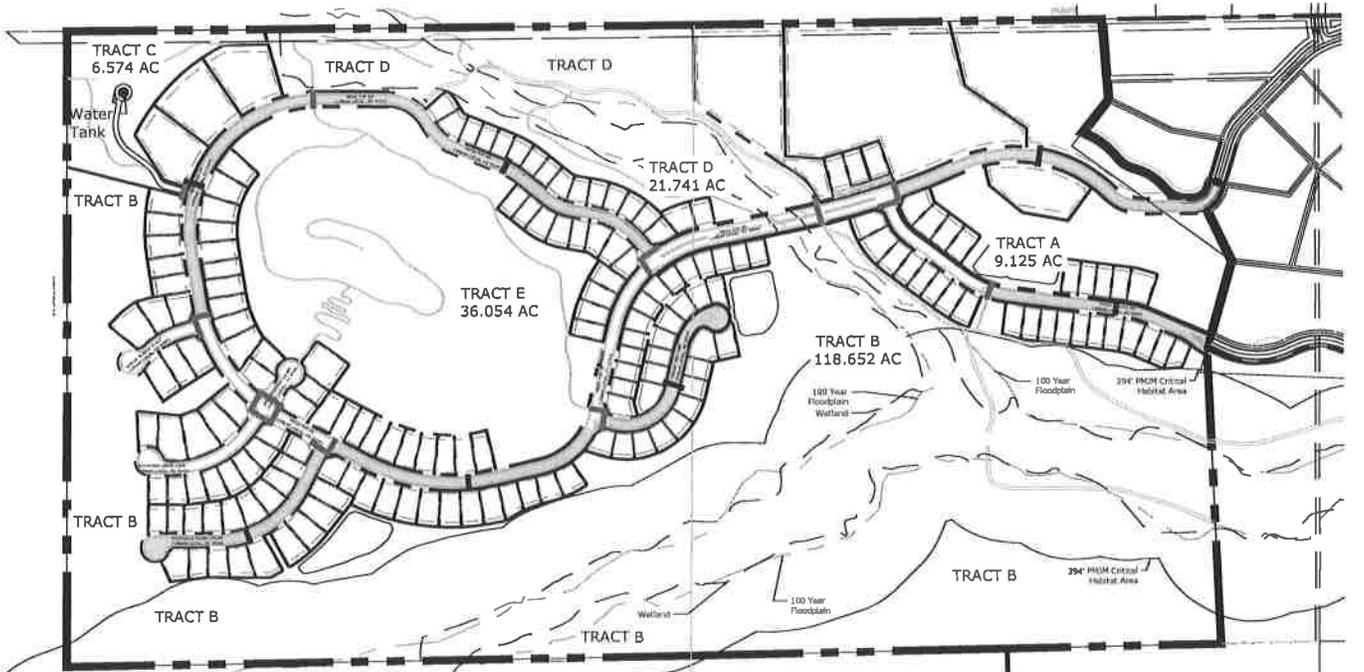
The ECM Administrator may only consider a project-specific modification to an existing standard when one of the following conditions is met:

- The ECM standard is inapplicable to a particular situation.
The ECM requirement for midblock crossings, and the associated 600-foot minimum distance, is arbitrary and is not based on any specific standard. ADA standards do not require midblock crossings or a minimum distance between crossing points. The ADA standards only require crossings at street intersections as this is the safest location to cross the street, and these are provided.
- Topography, right-of-way, or other geographical conditions or impediments impose an undue economic hardship on the applicant, and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.
There is significant topography on this site and the proposed crossings are at intersections or trail crossings where the grade and visibility are more suitable and safer for pedestrian crossing facilities.
- A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.
The standard does not impose any particular hardship on the applicant. However, it will be more beneficial to public safety to focus pedestrian crossing points at established intersections with suitable grade and visibility and at trail crossings that have striped crosswalks.

ECM Section 5.8.7: Criteria for Approval

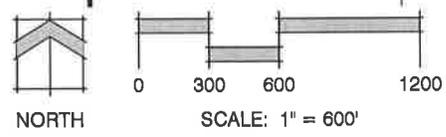
No modification shall be approved unless it is demonstrated that:

- The request for a modification is not based exclusively on financial considerations;
There is no financial consideration to this modification request. It is based purely on practical and safety considerations.
- The modification will achieve the intended result with a comparable or superior design and quality of improvement;
The crossing locations proposed by this development are superior in the context of pedestrian safety. The development proposes 18 crossing points at intersections and at appropriate mid-block locations that facilitate trail crossings, which include a striped crosswalk for safety. The ECM requirement for a 600-foot minimum distance between mid-block crossings would require 7 additional mid-block crossings (See attached exhibit). This requirement is not based on any ADA or other standard and would result in randomly located midblock crossings with no specific destination.
- The modification will not adversely affect safety or operations;
The three mid-block crossings proposed in this development include a striped crosswalk for safety. Randomly located, unmarked mid-block crossings, as promoted by the ECM, can reduce the safety by providing the pedestrian with an expectation of a safe crossing point. For this reason, the City of Colorado Springs and other jurisdictions will only allow mid-block crossings to access schools, shopping centers and other community facilities and these are striped and signed.
- The modification will not adversely affect maintenance and its associated cost; and
N/A. The reduction in the number of mid-block crossings will likely reduce future maintenance costs for the County.
- The modification will not adversely affect aesthetic appearance.
N/A. A requirement for a mid-block crossing is not related to aesthetic appearance.



Legend:

-  Project Boundary
-  Proposed Pedestrian Crossings (18 Provided)
-  Sections of Road Exceeding 600' with No Mid-block Crossing
-  Locations where Mid-block Crossings are Omitted (7 Omitted)



PEDESTRIAN CROSSING EXHIBIT
 FOREST LAKES FILINGS 5-7
 3-19-19



FOREST LAKES FILINGS 5, 6 and 7

JUSTIFICATION FOR PUD MODIFICATIONS: CUL-DE-SAC LENGTH

Chapter 4.2.6.F.2.g of the Land Development Code (LDC) allows for a PUD modification of a general development standard in the LDC or criteria of the Engineering Criteria Manual (ECM), provided at least one of the benefits identified in Chapter 4.2.6.F.2.h are met. Section 5.8 of the ECM establishes an additional mechanism whereby an engineering design standard can be modified provided the limits of consideration in ECM Section 5.8.6 are met and the modifications meets the criteria for approval in ECM Section 5.8.7.

Nature of Request:

Section of LDC/ECM from which modification is sought:

ECM Section 2.3.8.A

Specific Criteria from which modification is sought:

Cul-de-sac length - Cul-de-sacs shall have a maximum length of 750 feet for urban conditions.

Proposed nature and extent of modification:

The cul-de-sacs Foothills Flash Court (921 feet long) and Timber Trek Way (803 feet long) exceed 750 feet

LDC Chapter 4.2.6.F.2.h: Modification of Existing LDC or ECM Standard.

For approval of a modification of a general development standard in the LDC or criteria or standard of the ECM, the BoCC shall find that the proposal provides for **at least one** of the following benefits:

- Preservation of natural features;
The cul-de-sacs allow a more efficient layout that works with the topography of the site and limits the need for additional streets and additional grading. This has enabled the developer to retain significant areas of open space and natural features within the development.
Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;
N/A.
- Provision of a more efficient pedestrian system;
Forest Lakes is designed to encourage the use of the trail system and open space. Pedestrian crossing points are provided at the intersection of both cul-de-sacs that provide access to the trail system.
- Provision of additional open space;
The cul-de-sacs provide for a more efficient layout that works with the topography of the site and limits the need for additional streets and additional grading. This has enabled the developer to retain significant areas of open space and natural features within the development.
- Provision of other public amenities not otherwise required by the Code; or
N/A.
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.
The cul-de-sacs provide for a more efficient layout that works with the topography of the site and limits the need for additional streets and additional grading. This has enabled the developer to retain significant areas of open space and natural features within the development.

ECM Section 5.8.6: Limits of Consideration:

The ECM Administrator may only consider a project-specific modification to an existing standard when one of the following conditions is met:

- The ECM standard is inapplicable to a particular situation.
N/A.
- Topography, right-of-way, or other geographical conditions or impediments impose an undue economic hardship on the applicant, and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.
There is significant topography on this site and the cul-de-sacs provide for a more efficient layout that works with the topography of the site and limits the need for additional streets and additional grading. This has enabled the developer to retain significant areas of open space and natural features within the development, including the existing pond/wetland area to the east of Timber Trek Way, the large knoll on the western side of the site (Tract E), and the substantial slope along the western boundary adjacent to the National Forest. The proposed cul-de-sacs do not significantly exceed 750 feet and do not exceed the 25-lot maximum off a single point of access specified in the LDC. The Tri-Lakes Monument Fire Marshal has provided a letter indicating that they have no objection to the proposed cul-de-sac length (attached).
- A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.
The standard does not impose any particular hardship on the applicant. However, the benefit to the public is that it will help to retain significant accessible natural features and open space within the development without compromising public safety.

ECM Section 5.8.7: Criteria for Approval

No modification shall be approved unless it is demonstrated that:

- The request for a modification is not based exclusively on financial considerations;
There is no financial consideration to this modification request. It is based purely on topography considerations and the desire to retain open space and natural features..
- The modification will achieve the intended result with a comparable or superior design and quality of improvement;
The principal reason for the maximum cul-de-sac length is public safety. The proposed cul-de-sacs do not significantly exceed 750 feet and do not exceed the 25-lot maximum off a single point of access specified in the LDC. The Tri-Lakes Monument Fire Marshal has provided a letter indicating that they have no objection to the proposed cul-de-sac length.
- The modification will not adversely affect safety or operations;
The proposed cul-de-sacs do not significantly exceed 750 feet and do not exceed the 25-lot maximum off a single point of access specified in the LDC. The Tri-Lakes Monument Fire Marshal has provided a letter indicating that they have no objection to the proposed cul-de-sac length.
- The modification will not adversely affect maintenance and its associated cost; and
The cul-de-sacs reduce the need for additional street connections which will reduce future maintenance costs for the County.
- The modification will not adversely affect aesthetic appearance.
N/A. The cul-de-sac length requirement for a mid-block crossing is not related to aesthetic appearance.

TRI-LAKES MONUMENT FIRE PROTECTION DISTRICT
16055 Old Forest Point, Suite 103
Monument, CO 80132
Bus: (719) 484-0911 Fax (719) 481-3456



Jamey Bumgarner, Fire Marshal

To: Matt Larson, Classic Consulting
From: J.C. Bumgarner Jr., Fire Marshal
Subject: Forest Lakes Filings 5,6, and 7 Cul-De-Sac Roadways
Date: March 19, 2019

I am writing to confirm that the Tri-Lakes Monument Fire Protection District is aware that Classic Homes has proposed two cul-de-sacs to exceed 750 feet in length in Filings 5,6 and 7 of the Forest Lakes Subdivision. We have evaluated the proposed roadways (34 feet in width) with the adopted code and accept those roadways as proposed.

These comments are all in addition to our previously provided comments and in no way are intended to remove or supersede all other comments.

Respectfully,

Jamey Bumgarner

Fire Marshal

FOREST LAKES FILINGS 5, 6 and 7

JUSTIFICATION FOR PUD MODIFICATIONS: Back Yard Drainage – Direct Release

Chapter 4.2.6.F.2.g of the Land Development Code (LDC) allows for a PUD modification of a general development standard in the LDC or criteria of the Engineering Criteria Manual (ECM), provided at least one of the benefits identified in Chapter 4.2.6.F.2.h are met. Section 5.8 of the ECM establishes an additional mechanism whereby an engineering design standard can be modified provided the limits of consideration in ECM Section 5.8.6 are met and the modifications meets the criteria for approval in ECM Section 5.8.7.

Nature of Request:

Section of LDC/ECM from which modification is sought:

ECM Section 1.7.2 (APPENDIX I)

Specific Criteria from which modification is sought:

Water Quality Capture Volume Requirements.

Proposed nature and extent of modification:

Allow for direct release across grass buffer (or equivalent) for back yards of proposed single-family subdivision lots, specifically Lots 17-39, 75-93, 102-106.

ECM Section 5.8.6: Limits of Consideration:

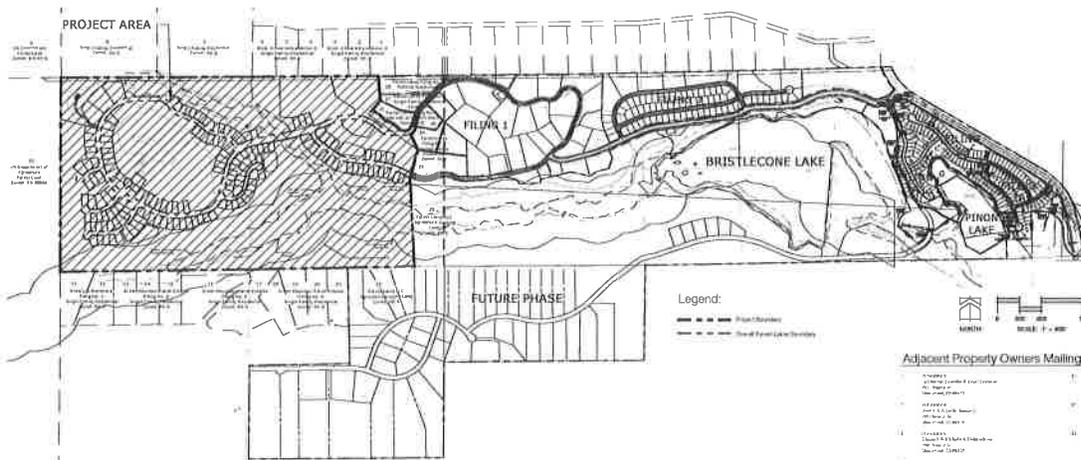
The ECM Administrator may only consider a project-specific modification to an existing standard when one of the following conditions is met:

- The ECM standard is inapplicable to a particular situation.
N/A
- Topography, right-of-way, or other geographical conditions or impediments impose an undue economic hardship on the applicant, and an equivalent alternative that can accomplish the same design objective is available and does not compromise public safety or accessibility.
There is significant topography on this site and the proposed home lots are 'walk-out' lot conditions along natural open space and drainage corridors that contain Preble's Jumping Mouse Habitat and FEMA 100-year floodplain limits. There is limited ability to capture the drainage from the back yards but all roof drains will be routed to front yard and the street eventually to a permanent downstream water quality facility. All major imperviousness (roads, driveways, and rooftops) are all treated by a downstream full spectrum detention and water quality facility. There is a 300'+ buffer between the property line (end of back yards) and the waters of the State of Colorado; and other than a small patio, no additional anticipated imperviousness within the direct release back yard drainage basins.
- A change to a standard is required to address a specific design or construction problem, and if not modified, the standard will impose an undue hardship on the applicant with little or no material benefit to the public.
Additional permanent water quality facilities would be required to capture all drainage from all of the back yards. As there is limited imperviousness, this runoff should not need detention nor water quality. Therefore, additional facilities to install and maintain would impose unnecessary hardship on the developer, lot owners, and Forest Lakes Metropolitan District.

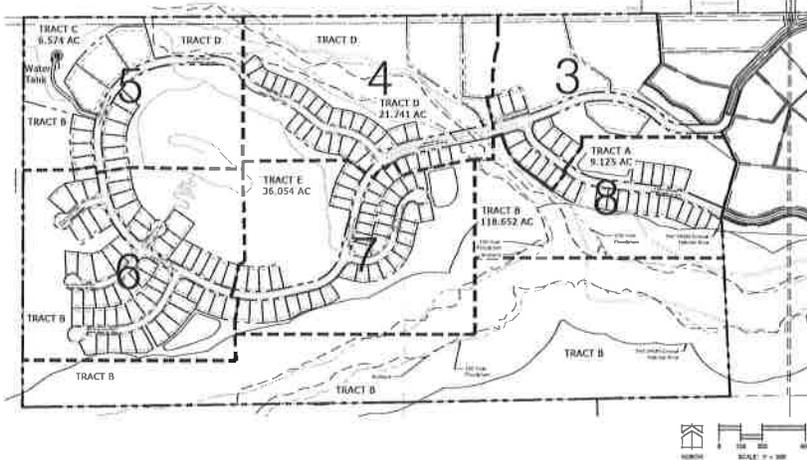
ECM Section 5.8.7: Criteria for Approval

No modification shall be approved unless it is demonstrated that:

- The request for a modification is not based exclusively on financial considerations;
There is minimal financial consideration to this modification request. More-so it is based on the lack of need for rear yard detention (as major imperviousness is directed to ponds) and difficulties in installing such facilities based on topography and adjacent mouse and floodplain limits.
- The modification will achieve the intended result with a comparable or superior design and quality of improvement;
The 300+ open space buffer between the home lots and waters of the State provides adequate and comparable water quality for such tributary areas.
- The modification will not adversely affect safety or operations;
There is no effect on safety or operations with this modification.
- The modification will not adversely affect maintenance and its associated cost; and
The modification will decrease maintenance obligations and costs as there will not be small water quality facilities needed, and difficult to access, for back yard drainage
- The modification will not adversely affect aesthetic appearance.
N/A.



PHASE 2 SHEET INDEX & TRACTS



Adjacent Property Owners Mailing List

Tract	Owner Name	Address	City	State	Zip
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Tract Table:

Tract	Area	Owner	Remarks
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B	118.652 AC
C	6.524 AC
D	21.741 AC
E	26.054 AC

Local Planning
Landscape
Architects
Urban Design

NES

N.E.S. Inc.
514 E. Fourth Avenue, Suite 200
Colorado Springs, CO 80901

312 FORELAKES
PHASE 2 (10/11)

www.nesarch.com

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FOREST LAKES
FILINGS 5, 6 & 7

DATE	BY	DESCRIPTION
10/11/11	A.
10/11/11	B.

ENTITLEMENT

NO.	DATE	DESCRIPTION
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2	10/11/11	...

OVERALL

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2 of 16

PL02P-10-001

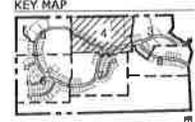
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235	178.18	178.18
236	178.18	178.18
237	178.18	178.18
238	178.18	178.18
239	178.18	178.18
240	178.18	178.18

Legend:
 - - - - - Easement
 - - - - - 10' Side Footing
 - - - - - Wetland
 - - - - - 7' Split Fence
 - - - - - 0' Fenced



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 N.E.A., Inc.
 610 N. Cascade Ave. Ste. 202
 Colorado Springs, CO 80901
 Tel: 719.471.0073
 Fax: 719.471.0047
 www.nesinc.com
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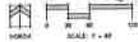


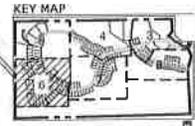
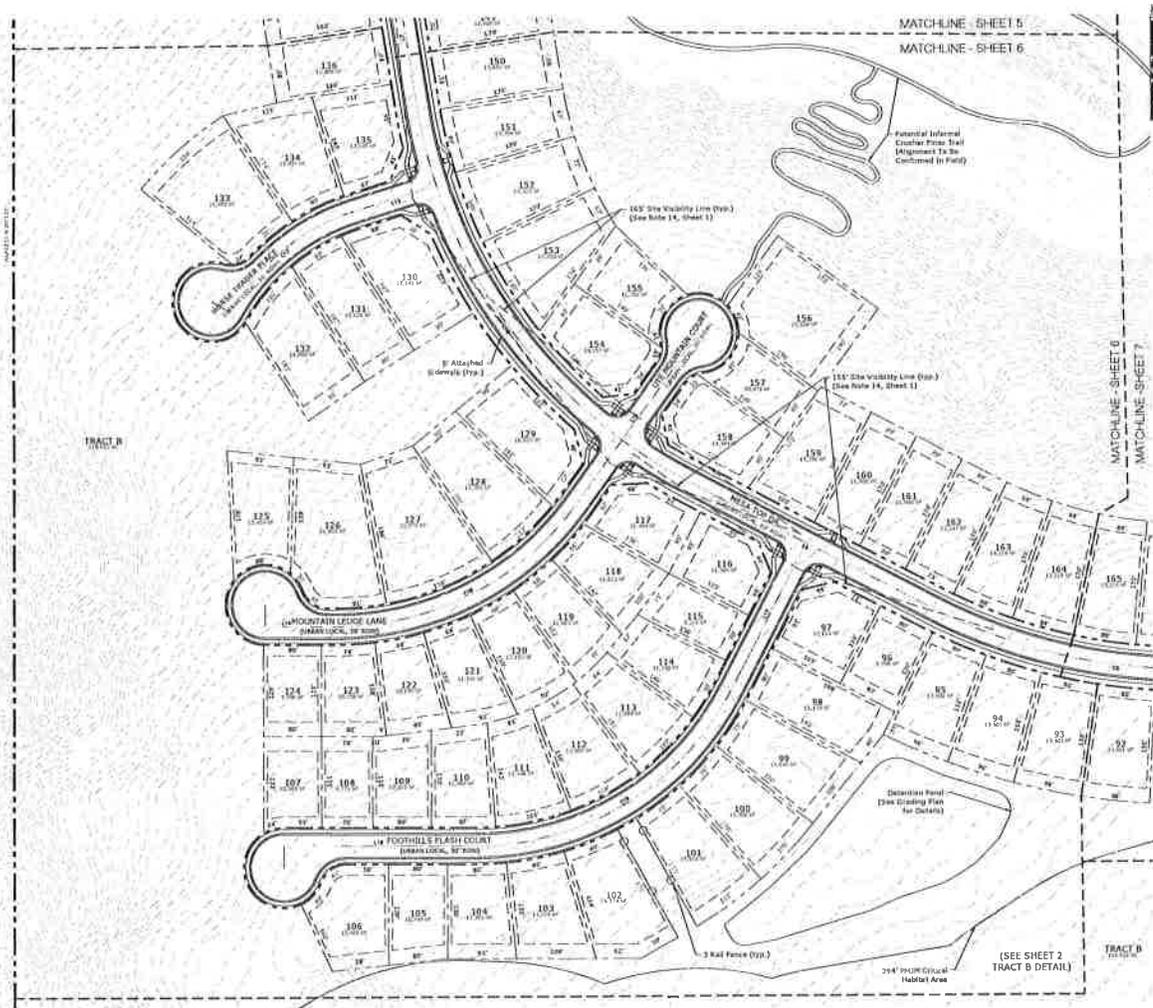
FOREST LAKES
 FILINGS 5, 6 & 7

ENTITLEMENT

PUB DEVELOPMENT
 PLAN PRELIMINARY
 PLAN LAYOUT

4
 4 of 16





Legend:
 --- Property line
 --- Potential future
 --- 3rd Party

DELTA	LENGTH	RADIUS
CL1	10.00	100.00
CL2	15.00	150.00
CL3	20.00	200.00
CL4	25.00	250.00
CL5	30.00	300.00
CL6	35.00	350.00
CL7	40.00	400.00
CL8	45.00	450.00
CL9	50.00	500.00
CL10	55.00	550.00
CL11	60.00	600.00
CL12	65.00	650.00
CL13	70.00	700.00
CL14	75.00	750.00
CL15	80.00	800.00
CL16	85.00	850.00
CL17	90.00	900.00
CL18	95.00	950.00
CL19	100.00	1000.00
CL20	105.00	1050.00
CL21	110.00	1100.00
CL22	115.00	1150.00
CL23	120.00	1200.00
CL24	125.00	1250.00
CL25	130.00	1300.00
CL26	135.00	1350.00
CL27	140.00	1400.00
CL28	145.00	1450.00
CL29	150.00	1500.00
CL30	155.00	1550.00
CL31	160.00	1600.00
CL32	165.00	1650.00
CL33	170.00	1700.00
CL34	175.00	1750.00
CL35	180.00	1800.00
CL36	185.00	1850.00
CL37	190.00	1900.00
CL38	195.00	1950.00
CL39	200.00	2000.00
CL40	205.00	2050.00
CL41	210.00	2100.00
CL42	215.00	2150.00
CL43	220.00	2200.00
CL44	225.00	2250.00
CL45	230.00	2300.00
CL46	235.00	2350.00
CL47	240.00	2400.00
CL48	245.00	2450.00
CL49	250.00	2500.00
CL50	255.00	2550.00
CL51	260.00	2600.00
CL52	265.00	2650.00
CL53	270.00	2700.00
CL54	275.00	2750.00
CL55	280.00	2800.00
CL56	285.00	2850.00
CL57	290.00	2900.00
CL58	295.00	2950.00
CL59	300.00	3000.00
CL60	305.00	3050.00
CL61	310.00	3100.00
CL62	315.00	3150.00
CL63	320.00	3200.00
CL64	325.00	3250.00
CL65	330.00	3300.00
CL66	335.00	3350.00
CL67	340.00	3400.00
CL68	345.00	3450.00
CL69	350.00	3500.00
CL70	355.00	3550.00
CL71	360.00	3600.00
CL72	365.00	3650.00
CL73	370.00	3700.00
CL74	375.00	3750.00
CL75	380.00	3800.00
CL76	385.00	3850.00
CL77	390.00	3900.00
CL78	395.00	3950.00
CL79	400.00	4000.00
CL80	405.00	4050.00
CL81	410.00	4100.00
CL82	415.00	4150.00
CL83	420.00	4200.00
CL84	425.00	4250.00
CL85	430.00	4300.00
CL86	435.00	4350.00
CL87	440.00	4400.00
CL88	445.00	4450.00
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CL90	455.00	4550.00
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CL94	475.00	4750.00
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CL96	485.00	4850.00
CL97	490.00	4900.00
CL98	495.00	4950.00
CL99	500.00	5000.00
CL100	505.00	5050.00

DELTA	LENGTH	RADIUS
CL1	10.00	100.00
CL2	15.00	150.00
CL3	20.00	200.00
CL4	25.00	250.00
CL5	30.00	300.00
CL6	35.00	350.00
CL7	40.00	400.00
CL8	45.00	450.00
CL9	50.00	500.00
CL10	55.00	550.00
CL11	60.00	600.00
CL12	65.00	650.00
CL13	70.00	700.00
CL14	75.00	750.00
CL15	80.00	800.00
CL16	85.00	850.00
CL17	90.00	900.00
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CL62	315.00	3150.00
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CL96	485.00	4850.00
CL97	490.00	4900.00
CL98	495.00	4950.00
CL99	500.00	5000.00
CL100	505.00	5050.00

Land Planning
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 Urban Design

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 Fax: 719.471.0267
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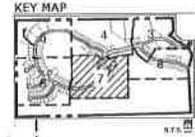
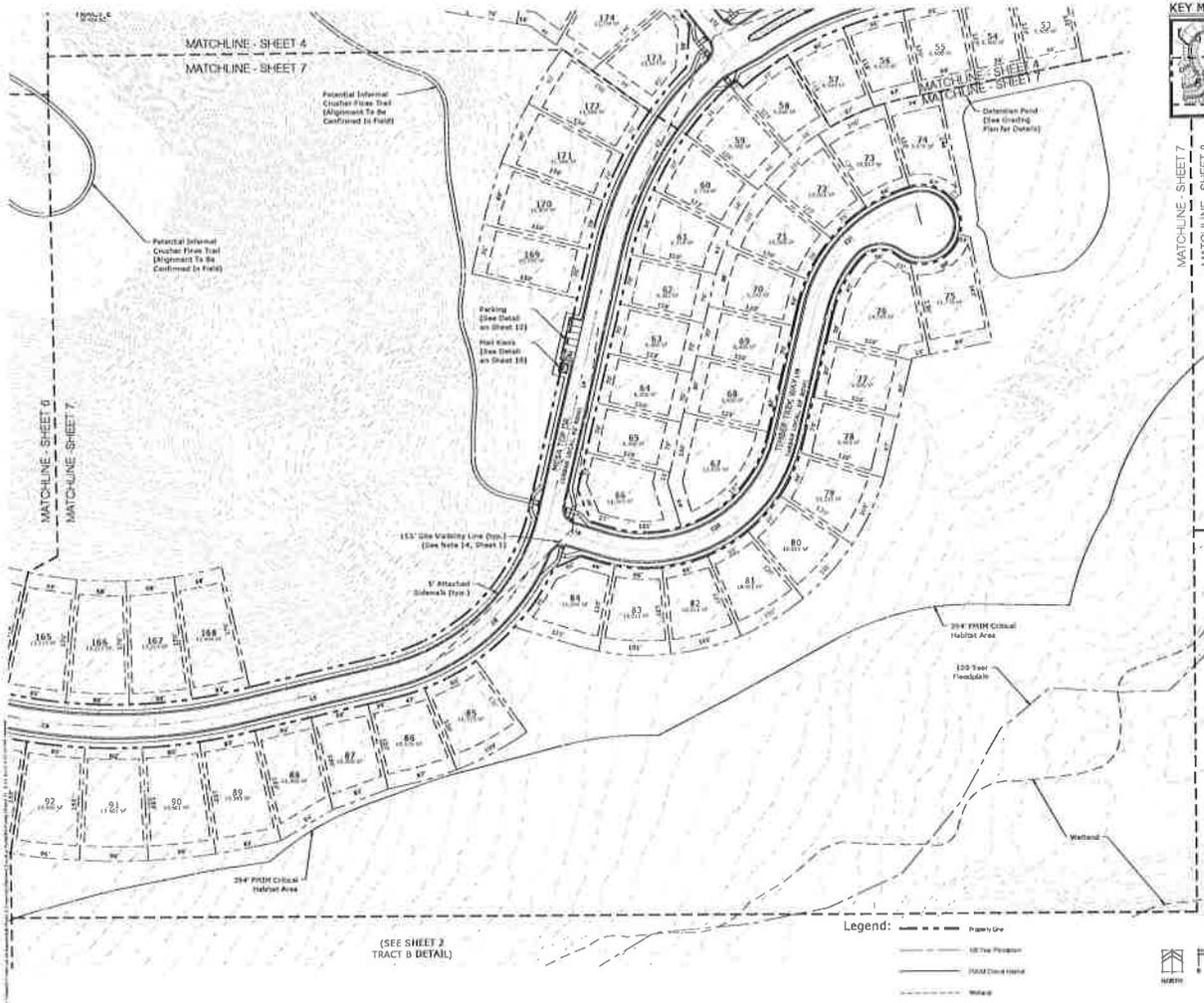
FOREST LAKES
 FILINGS 5, 6 & 7

ENTITLEMENT

DATE	BY	DESCRIPTION

PUD DEVELOPMENT
 PLAN/ PRELIMINARY
 PLAN LAYOUT

6
 6 of 16
 PUDOP 13-001



Land Planning
Landscape
Architecture
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NES

P.E.A. Inc.
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Colorado Springs, CO 80903
Tel: 719.471.0973
Fax: 719.471.0269
www.nesplanning.com
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CENTERLINE CURVE TABLE

STATION	LENGTH	RADIUS
101.00	100.00	100.00
102.00	100.00	100.00
103.00	100.00	100.00
104.00	100.00	100.00
105.00	100.00	100.00
106.00	100.00	100.00
107.00	100.00	100.00
108.00	100.00	100.00
109.00	100.00	100.00
110.00	100.00	100.00
111.00	100.00	100.00
112.00	100.00	100.00
113.00	100.00	100.00
114.00	100.00	100.00
115.00	100.00	100.00
116.00	100.00	100.00
117.00	100.00	100.00
118.00	100.00	100.00
119.00	100.00	100.00
120.00	100.00	100.00
121.00	100.00	100.00
122.00	100.00	100.00
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124.00	100.00	100.00
125.00	100.00	100.00
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128.00	100.00	100.00
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130.00	100.00	100.00
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133.00	100.00	100.00
134.00	100.00	100.00
135.00	100.00	100.00
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138.00	100.00	100.00
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146.00	100.00	100.00
147.00	100.00	100.00
148.00	100.00	100.00
149.00	100.00	100.00
150.00	100.00	100.00
151.00	100.00	100.00
152.00	100.00	100.00
153.00	100.00	100.00
154.00	100.00	100.00
155.00	100.00	100.00
156.00	100.00	100.00
157.00	100.00	100.00
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166.00	100.00	100.00
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193.00	100.00	100.00
194.00	100.00	100.00
195.00	100.00	100.00
196.00	100.00	100.00
197.00	100.00	100.00
198.00	100.00	100.00
199.00	100.00	100.00
200.00	100.00	100.00

CENTERLINE LINE TABLE

STATION	LENGTH	BEARING
101.00	100.00	S 00° 00' 00" E
102.00	100.00	S 00° 00' 00" E
103.00	100.00	S 00° 00' 00" E
104.00	100.00	S 00° 00' 00" E
105.00	100.00	S 00° 00' 00" E
106.00	100.00	S 00° 00' 00" E
107.00	100.00	S 00° 00' 00" E
108.00	100.00	S 00° 00' 00" E
109.00	100.00	S 00° 00' 00" E
110.00	100.00	S 00° 00' 00" E
111.00	100.00	S 00° 00' 00" E
112.00	100.00	S 00° 00' 00" E
113.00	100.00	S 00° 00' 00" E
114.00	100.00	S 00° 00' 00" E
115.00	100.00	S 00° 00' 00" E
116.00	100.00	S 00° 00' 00" E
117.00	100.00	S 00° 00' 00" E
118.00	100.00	S 00° 00' 00" E
119.00	100.00	S 00° 00' 00" E
120.00	100.00	S 00° 00' 00" E
121.00	100.00	S 00° 00' 00" E
122.00	100.00	S 00° 00' 00" E
123.00	100.00	S 00° 00' 00" E
124.00	100.00	S 00° 00' 00" E
125.00	100.00	S 00° 00' 00" E
126.00	100.00	S 00° 00' 00" E
127.00	100.00	S 00° 00' 00" E
128.00	100.00	S 00° 00' 00" E
129.00	100.00	S 00° 00' 00" E
130.00	100.00	S 00° 00' 00" E
131.00	100.00	S 00° 00' 00" E
132.00	100.00	S 00° 00' 00" E
133.00	100.00	S 00° 00' 00" E
134.00	100.00	S 00° 00' 00" E
135.00	100.00	S 00° 00' 00" E
136.00	100.00	S 00° 00' 00" E
137.00	100.00	S 00° 00' 00" E
138.00	100.00	S 00° 00' 00" E
139.00	100.00	S 00° 00' 00" E
140.00	100.00	S 00° 00' 00" E
141.00	100.00	S 00° 00' 00" E
142.00	100.00	S 00° 00' 00" E
143.00	100.00	S 00° 00' 00" E
144.00	100.00	S 00° 00' 00" E
145.00	100.00	S 00° 00' 00" E
146.00	100.00	S 00° 00' 00" E
147.00	100.00	S 00° 00' 00" E
148.00	100.00	S 00° 00' 00" E
149.00	100.00	S 00° 00' 00" E
150.00	100.00	S 00° 00' 00" E
151.00	100.00	S 00° 00' 00" E
152.00	100.00	S 00° 00' 00" E
153.00	100.00	S 00° 00' 00" E
154.00	100.00	S 00° 00' 00" E
155.00	100.00	S 00° 00' 00" E
156.00	100.00	S 00° 00' 00" E
157.00	100.00	S 00° 00' 00" E
158.00	100.00	S 00° 00' 00" E
159.00	100.00	S 00° 00' 00" E
160.00	100.00	S 00° 00' 00" E
161.00	100.00	S 00° 00' 00" E
162.00	100.00	S 00° 00' 00" E
163.00	100.00	S 00° 00' 00" E
164.00	100.00	S 00° 00' 00" E
165.00	100.00	S 00° 00' 00" E
166.00	100.00	S 00° 00' 00" E
167.00	100.00	S 00° 00' 00" E
168.00	100.00	S 00° 00' 00" E
169.00	100.00	S 00° 00' 00" E
170.00	100.00	S 00° 00' 00" E
171.00	100.00	S 00° 00' 00" E
172.00	100.00	S 00° 00' 00" E
173.00	100.00	S 00° 00' 00" E
174.00	100.00	S 00° 00' 00" E
175.00	100.00	S 00° 00' 00" E
176.00	100.00	S 00° 00' 00" E
177.00	100.00	S 00° 00' 00" E
178.00	100.00	S 00° 00' 00" E
179.00	100.00	S 00° 00' 00" E
180.00	100.00	S 00° 00' 00" E
181.00	100.00	S 00° 00' 00" E
182.00	100.00	S 00° 00' 00" E
183.00	100.00	S 00° 00' 00" E
184.00	100.00	S 00° 00' 00" E
185.00	100.00	S 00° 00' 00" E
186.00	100.00	S 00° 00' 00" E
187.00	100.00	S 00° 00' 00" E
188.00	100.00	S 00° 00' 00" E
189.00	100.00	S 00° 00' 00" E
190.00	100.00	S 00° 00' 00" E
191.00	100.00	S 00° 00' 00" E
192.00	100.00	S 00° 00' 00" E
193.00	100.00	S 00° 00' 00" E
194.00	100.00	S 00° 00' 00" E
195.00	100.00	S 00° 00' 00" E
196.00	100.00	S 00° 00' 00" E
197.00	100.00	S 00° 00' 00" E
198.00	100.00	S 00° 00' 00" E
199.00	100.00	S 00° 00' 00" E
200.00	100.00	S 00° 00' 00" E

FOREST LAKES
FILINGS 5, 6 & 7

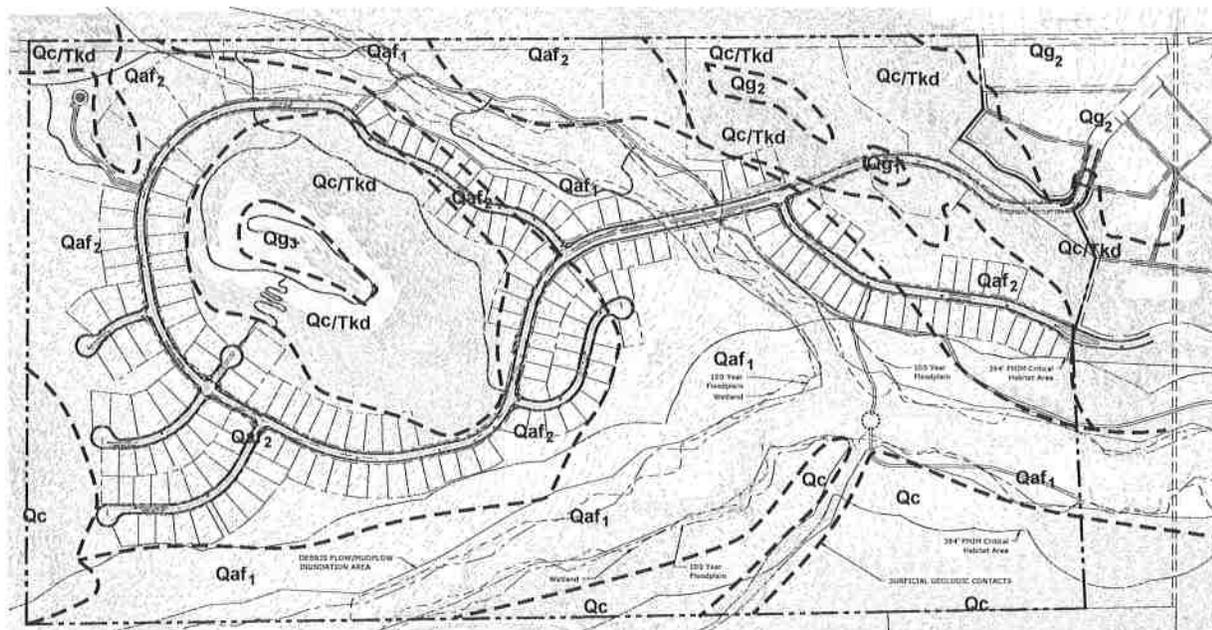
DATE: 10/11/11
SCALE: 1" = 40'

ENTITLEMENT

DATE: 10/11/11
SCALE: 1" = 40'

PUD DEVELOPMENT PLAN / PRELIMINARY PLAN LAYOUT

7
7 of 16
PUD 19-002



GEOLOGIC CONSTRAINTS NOTES

1. GEOLOGIC UNITS AND CONTACTS SHOWN ON THIS MAP ARE BASED ON THE GEOLOGIC MAPS OF THE FOREST LAKES AREA, WHICH WERE PREPARED BY THE U.S. GEOLOGICAL SURVEY (USGS) IN 1981 AND 1982. THE USGS MAPS ARE THE MOST ACCURATE AND COMPREHENSIVE AVAILABLE FOR THIS AREA.
2. THE GEOLOGIC UNITS AND CONTACTS SHOWN ON THIS MAP ARE BASED ON THE GEOLOGIC MAPS OF THE FOREST LAKES AREA, WHICH WERE PREPARED BY THE U.S. GEOLOGICAL SURVEY (USGS) IN 1981 AND 1982. THE USGS MAPS ARE THE MOST ACCURATE AND COMPREHENSIVE AVAILABLE FOR THIS AREA.
3. THE GEOLOGIC UNITS AND CONTACTS SHOWN ON THIS MAP ARE BASED ON THE GEOLOGIC MAPS OF THE FOREST LAKES AREA, WHICH WERE PREPARED BY THE U.S. GEOLOGICAL SURVEY (USGS) IN 1981 AND 1982. THE USGS MAPS ARE THE MOST ACCURATE AND COMPREHENSIVE AVAILABLE FOR THIS AREA.
4. THE GEOLOGIC UNITS AND CONTACTS SHOWN ON THIS MAP ARE BASED ON THE GEOLOGIC MAPS OF THE FOREST LAKES AREA, WHICH WERE PREPARED BY THE U.S. GEOLOGICAL SURVEY (USGS) IN 1981 AND 1982. THE USGS MAPS ARE THE MOST ACCURATE AND COMPREHENSIVE AVAILABLE FOR THIS AREA.

LEGEND:

- Frontal Line
- 100 Year Floodplain
- Wetland
- 100 Foot Flood Control Habitat Area
- 20 Foot Flood Control Habitat Area
- 100 Year Floodplain Inundation Area

GEOLOGIC UNITS AND (MODIFIERS)

- Qaf₁, Qaf₂, Qaf₃ QUATERNARY ALLUVIAL DEPOSITS (FLOOD PLAIN)
- Qc QUATERNARY CLAYEY SANDS AND SILTS (FLOOD PLAIN)
- Qg₂ QUATERNARY GRAVELLY SANDS AND SILTS (FLOOD PLAIN)
- Qc/Tkd QUATERNARY CLAYEY SANDS AND SILTS (FLOOD PLAIN)

FOREST LAKES FILINGS 5, 6 & 7. THE GEOLOGIC UNITS AND CONTACTS SHOWN ON THIS MAP ARE BASED ON THE GEOLOGIC MAPS OF THE FOREST LAKES AREA, WHICH WERE PREPARED BY THE U.S. GEOLOGICAL SURVEY (USGS) IN 1981 AND 1982. THE USGS MAPS ARE THE MOST ACCURATE AND COMPREHENSIVE AVAILABLE FOR THIS AREA.

Land Planning
Landscape
Architecture
Urban Design

NES

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410 N. Grand Avenue, Suite 200
Colorado Springs, CO 80901

TEL 719.431.0073
FAX 719.431.0087

www.nesland.com

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**FOREST LAKES
FILINGS 5, 6 & 7**

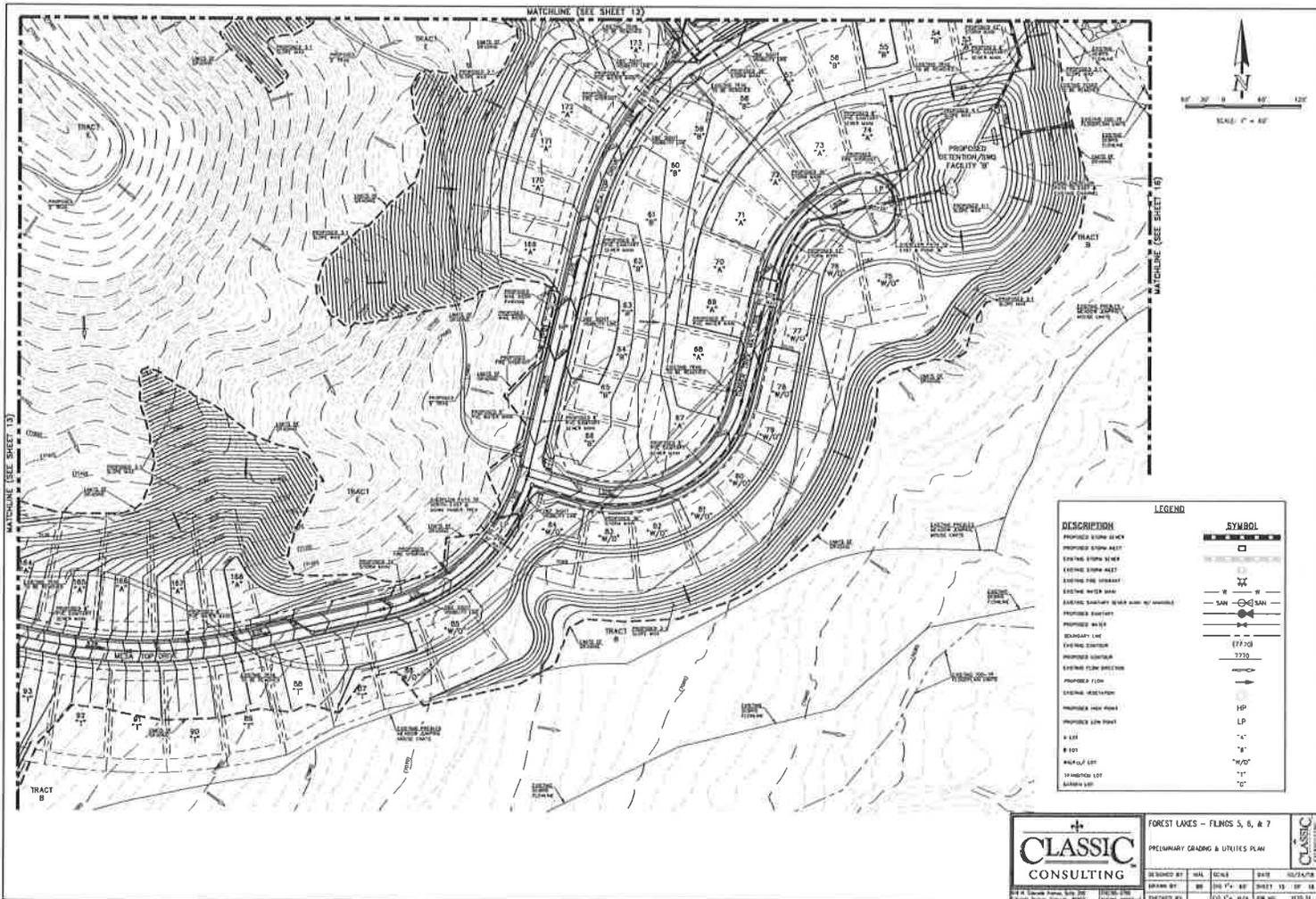
DATE: 10/10/12
PROJECT NO: 12-001
DRAWING NO: 12-001-01

ENTITLEMENT

NO.	DATE	DESCRIPTION
1	10/10/12	PRELIMINARY
2	10/10/12	FINAL

**BUILDING
CONSTRAINTS MAP**

9
9 of 16
PLOT 10-001





COLORADO
Division of Water Resources
Department of Natural Resources

1313 Sherman Street, Room 821
Denver, CO 80203

December 31, 2018

El Paso County Development Services Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910-3127

RE: Forest Lakes Subdivision – Phase II
PUD Development Plan/Preliminary Plan Amendment
Secs. 28-29, Twp. 11S, Rng. 67W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 25520

To Whom It May Concern:

We have received information concerning the above-referenced proposal for an amendment to the PUD Development Plan/Preliminary Plan for Forest Lakes Subdivision which proposes to subdivide a 287 +/- acre tract of land into 180 single-family lots. This office previously provided comments dated November 16, 2001, attached, regarding Forest Lakes PUD Development Plan/Preliminary Plan. According to the submittal, the proposed supply of water and wastewater disposal is to be served by the Forest Lakes Metropolitan District ("District").

Water Supply Demand

The Water Supply Information Summary, Form No. GWS-76, provided with the submittal included an estimated water demand of 63.46 acre-feet/year to supply 180 single-family lots. This results in an estimated water demand of 0.353 acre-feet per year per unit. In some sections of the submittal, the estimated water demand is 63.54 acre-feet/year. This discrepancy is due to rounding. It should be noted that standard water use rates, as found in the Guide to Colorado Well Permits, Water Rights, and Water Administration, are 0.3 acre-foot per year for each ordinary household, 0.05 acre-foot per year for four large domestic animals, and 0.05 acre-foot per year for each 1,000 square feet of lawn and garden irrigation.

Source of Water Supply

The proposed source of water is to be supplied by the Forest Lakes Metropolitan District ("District"), and a December 3, 2018 letter from the District was provided with the submittal. The letter commits to serving 63.54 acre-feet/year to Forest Lakes Phase II.

According to the December 20, 2017 Water Supply Plan and Wastewater Report, revised November 30, 2018, included with the submittal, it appears that the District has adequate water resources to serve 63.54 acre-feet/year for the proposed development.



Additional Comments

Should the development include construction and/or modification of any storm water structure(s), the Applicant should be aware that, unless the storm water structure(s) can meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR's *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, available on the Colorado Division of Water Resources website at: <http://water.state.co.us/DWRIPub/Documents/DWR%20Storm%20Water%20Statement.pdf>, to ensure that the notice, construction and operation of the proposed structure meets statutory and administrative requirements.

State Engineer's Office Opinion

According to the information provided and records of this office it appears the District has sufficient water resources to serve the proposed development. Based upon the above and pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply is adequate and can be provided without causing injury to decreed water rights. Should you have any further questions, please feel free to contact me directly.

Should you have any questions concerning this matter, please feel free to contact me directly.

Sincerely,



Kate Fuller, P.E.
Water Resource Engineer

cc: Bill Tyner, Division 2 Engineer
Doug Hollister, District 10 Water Commissioner



EL PASO  COUNTY

OFFICE OF THE COUNTY ATTORNEY
CIVIL DIVISION

First Assistant County Attorney
Diana K. May

Amy R. Folsom, County Attorney

Assistant County Attorneys
M. Cole Emmons
Lori L. Seago
Kenneth R. Hodges
Lisa A. Kirkman
Steven A. Klaffky
Peter A. Lichtman

March 28, 2019

Kari Parsons, Project Manager, Planner II
Planning and Community Development Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910

RE: Forest Lakes PUD/Preliminary Plan Amendment – PUDSP-18-1

Dear Kari:

As we discussed, the County Attorney's Office recommends deferring the finding regarding water sufficiency as to quantity and dependability regarding the above-noted matter until Final Plat. I need additional time to obtain clarification and resolve issues raised by the Town Attorney for the Town of Monument ("Monument") regarding the claims that Monument owns an easement interest and 1/3 interest in certain water rights in the property that is subject to the Preliminary Plan/PUD ("the Project Area"). In addition, there is a reference in Water Court Decree 08CW63 (Water Division No. 2)(approved in 2014) regarding a 2/3 interest owned by El Paso County in certain water rights in 7.266 acres of property that may be in the Project Area. I need additional information about those water rights and whether the proposed development impacts those water rights. For these reasons, I recommend deferral of the finding regarding water sufficiency as to quantity and dependability until Final Plat.

Section 8.4.7.B.4.e, LDC, provides that both the Planning Commission and Board of County Commissioners may approve a Preliminary Plan even if a recommendation for a finding of insufficiency is made. Rather than making an insufficiency finding, I believe it is more appropriate in this case to simply defer the determination of sufficiency as to quantity and dependability until Final Plat. Therefore, it is my opinion that the Planning Commission and the Board of County Commissioners may approve the Preliminary Plan with a deferral of the water finding. A water finding is not required for the PUD rezoning action. The application pre-dates the certification of the El Paso County Water Master Plan.

Sincerely,



M. Cole Emmons
Senior Assistant County Attorney

200 S. CASCADE AVENUE
OFFICE: (719) 520-6485



COLORADO SPRINGS, CO 80903
FAX: (719) 520-6487



United States Department of the Interior



FISH AND WILDLIFE SERVICE Colorado Ecological Services

IN REPLY REFER TO:
FWS/R6/ES CO

Front Range:
Post Office Box 25486
Mail Stop 65412
Denver, Colorado 80225-0486

Western Slope:
445 W. Gunnison Avenue
Suite 240
Grand Junction, Colorado 81501-5711

TAILS: 06E24000-2018-TA-0956

July 10, 2018

Dan Maynard
CORE Consultants
1950 West Littleton Boulevard, Suite 109
Littleton, Colorado 80120

Dear Mr. Maynard:

Thank you for your April 30, 2018, report requesting the U.S. Fish and Wildlife Service's (Service) review of the proposed Forest Lakes residential development near Monument, El Paso County, Colorado. The project occurs adjacent to habitat for the threatened Preble's meadow jumping mouse (*Zapus hudsonius preblei*) along Beaver Creek, North Beaver Creek, and South Beaver Creek.

Based on the information you provided and the Service's understanding of the project, local conditions, and current information, we agree with your determination that "take" of the Preble's meadow jumping mouse, which is protected under the Endangered Species Act (Act) as amended (16 USC 1531 et seq.), from the project is not reasonably certain to occur because all proposed development will be located more than 300 feet from the 100-year floodplain. Section 9 of the Act prohibits any action that would likely result in "take" of a listed species (take is defined by the Act as to harass, harm, pursue, hunt, shoot, wound kill, trap, capture, or collect or attempt to engage in any such conduct of listed species). Should changes to the proposed project occur or if new information indicates that the project may result in the take of a listed species, you may want to contact the Service.

We appreciate the opportunity to review your request for technical assistance. Should you have any questions, please contact Alison Michael at 303 236-4758 or alison_michael@fws.gov.

Sincerely,

Ann Timberman

07/10/2018

for Drue L. DeBerry
Colorado and Nebraska Field Offices Supervisor



Michael, Alison <alison_michael@fws.gov>

RE: [EXTERNAL] RE: Forest Lakes

1 message

Dan Maynard <maynard@corecivil.com>
To: Alison Michael <alison_michael@fws.gov>

Tue, Jul 17, 2018 at 4:23 PM

Hi Allison,

Sorry this took so long to put together. Attached is a map showing the trail system at Forest Lakes. The trails in green have already been constructed along existing disturbances (dirt roads), while the trails in orange have yet to be built, also along existing dirt roads. The roads range from moderately-used to high use and are well-established. Vegetation is stunted or absent on these existing disturbances, which have been used to drive around the site regularly for many years. In addition, the trail system will be restricted to human foot traffic and leashed pets only. The existing trail system is already set up this way, and there are signs warning pedestrians to stay on trails and that the habitat surrounding them is sensitive (see photo). Since the proposed trails will only affect areas that are previously disturbed, it is highly unlikely that the construction of trails would adversely impact Preble's.

I included a few photos of the roads in the project that will be converted to trails, for reference. The first photo is of the main trail, the second of a secondary trail, and the third photo shows both trails on the north and south sides of Beaver Creek. The last photo is of a sign only the existing trail system.

I hope this brief write-up will be sufficient, but please let me know if you need anything else. Thanks Alison!

Dan Maynard
Senior Ecologist
O 303.730.5979
M 971.237.3906



1950 W Ledston Blvd Suite 109
Littleton, CO 80120
303.703.4444
CoreCivil.com

From: Alison Michael <alison_michael@fws.gov>
Sent: Thursday, July 12, 2018 2:40 PM
To: Dan Maynard <maynard@corecivil.com>
Subject: Re: [EXTERNAL] RE: Forest Lakes

2018-TA-0956

U.S. FISH AND WILDLIFE SERVICE	
<input checked="" type="checkbox"/> NO CONCERNS	
<input type="checkbox"/> CONCUR NOT LIKELY TO ADVERSELY AFFECT	
<input type="checkbox"/> NO COMMENT	
Ann Timberman	7/18/2018 for:
Drue DeBerry	DATE
Colorado and Nebraska Field Supervisor	

• trails located on pre-existing roads
• administrative controls in place to reduce impact (signage).

Hi Dan,

Dan Maynard

From: Michael, Alison <alison_michael@fws.gov>
Sent: Thursday, November 15, 2018 12:48 PM
To: Dan Maynard
Subject: Re: [EXTERNAL] RE: Forest Lakes
Attachments: image001.png

Good Afternoon Dan,

According to your request letter, you do not expect adverse effects to the Preble's mouse from the proposed development because all of the development will be located outside of designated Critical Habitat and more than 300 feet from a 100-year floodplain. Although the language in our letter refers only to the "more than 300 feet from the 100-year floodplain" distance, we agreed with your finding based on the project description, which also refers to avoiding impacts within designated Critical Habitat. I apologize for not using that full description in my response.

Please let me know if you have any more questions.

Thanks,
Alison

On Mon, Nov 12, 2018 at 4:32 PM Dan Maynard <maynard@corecivil.com> wrote:

Hi Alison,

I have a request for a minor edit to the letter you provided for the Forest Lakes residential project in El Paso County (attached). In the letter, there is a line which reads "...all proposed development will be located more than 300 feet from the 100-year floodplain." We've run into a bit of confusion during county permitting because the project has been designed to avoid Critical Habitat – which in this case is 394 feet.

Would it be possible to reword this line in the letter to clarify that PMJM habitat is considered to be either within 300 feet of the 100-year floodplain or Critical Habitat, whichever is greater? Or am I misinterpreting things?

Thanks Alison!

Dan Maynard

Senior Ecologist

○ 303.730.5979



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Colorado Field Office
755 Parfet Street, Suite 361
Lakewood, Colorado 80215

IN REPLY REFER TO:
ES/CO: T&E/PMJM/Other
MS 65412 Lkwd

MAR 19 2004

Mike Bonar
El Paso County Environmental Services Department
2002 Creek Crossing
Colorado Springs, Colorado 80906

Dear Mr. Bonar:

We are responding to your letter of December 15, 2003 and email of March 15, 2004 requesting clearance under the authority conferred to the U.S. Fish and Wildlife Service (Service) by the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), regarding the proposed **8-foot natural surface trail in the proposed Forest Lakes Development area in El Paso County, Colorado.**

Based on the information provided, including the photographs of the existing dirt road, and your assertion that the new non-motorized natural surface trail will be constructed within the existing dirt road, the Service agrees that a population of Preble's meadow jumping mouse, *Zapus hudsonius preblei* (Preble's), is not likely to be present within the subject area of the existing road. Thus, the Service concludes that the proposed project on this site should not have direct adverse affects to Preble's. Since Preble's populations exist downstream from the site, actions on the site that result in significant modifications of Preble's habitat downstream (for example, through alteration of existing flow regimes, or sedimentation) may be subject to provisions of the ESA.

Please note that this clearance is valid for one year from the date of this letter. Should additional information on listed or proposed species become available, this determination may be reconsidered under the ESA. If the proposed project has not commenced within one year, please contact the Colorado Field Office to request an extension.

If we can be of further assistance, please contact Barbara Spagnuolo of my staff at (303) 275-2370.

Sincerely,

Susan C. Linner
Colorado Field Supervisor

cc: FWS/CFO B. Spagnuolo

Reference: BJS\ElPaso\BvrCrktrail.wpd



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Colorado Field Office
755 Parfet Street, Suite 361
Lakewood, Colorado 80215

IN REPLY REFER TO:
ES/CO: T&E/PMJM/Survey
Mail Stop 65412

APR 05 2001



Steve Dougherty
ERO Resources
1842 Clarkson Street
Denver, CO 80218

Dear Mr. Dougherty :

This responds to your April 4, 2001, e-mail to Peter Plage of my staff. In it you requested that our letter to you of March 26, 2001, regarding the Forest Lakes Development be reissued and modified to include a reference to the Forest Lakes Potential PMJM Habitat Mapping. We regret that our original letter was insufficiently specific to suit your needs. Below is the original letter, as modified:

Based on the authority conferred to the U.S. Fish and Wildlife Service (Service) by the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), the Service reviewed letter regarding the Preble's meadow jumping mouse, *Zapus hudsonius preblei*, (Preble's) of February 19, 2001. This letter regards the Forest Lakes Development, including two properties in El Paso County, Colorado. One project along Beaver Creek; the other project is along Jackson Creek.

The Service agrees that for both of these sites the proposed development, more than 300 feet outside of the 100-year floodplain adjacent to areas of Preble's habitat as defined by the Forest Lakes Potential PMJM Habitat Mapping, will not directly impact Preble's or its habitat. Since Preble's populations exist along streams at both sites, actions on the site that result in significant modification of Preble's habitat downstream (for example, through alteration of existing flow regimes, or sedimentation) may be subject to provisions of the ESA. We are particularly interested in how stormwater runoff will be addressed at these two sites.

In addition, in a previous site visit at the Beaver Creek site we noted that extensive mowing of weeds and native vegetation had taken place within Preble's habitat. We were told that this was being done to control knapweed. We recommend that in order to avoid "take" of Preble's as defined under section 9 of the ESA, a means of controlling state-listed noxious weeds on the site be pursued that does not entail active season mowing of Preble's habitat.

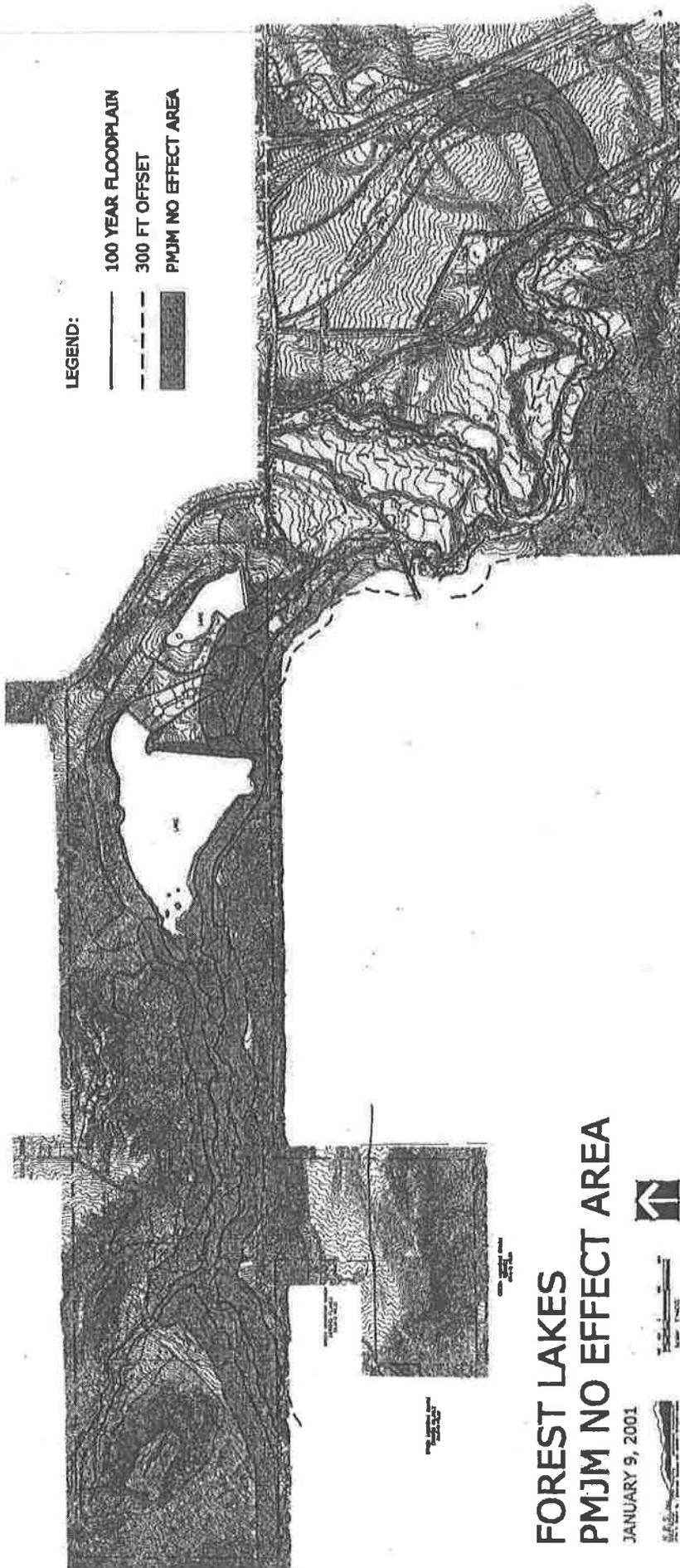
If the Service can be of further assistance, please contact Peter Plage of my staff at (303) 275-2370.

Sincerely,


LeRoy W. Carlson
Colorado Field Supervisor

cc: Plage

Reference: Poted/PMJM/2001.36a





United States Department of the Interior

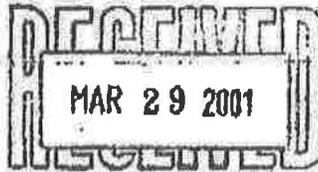
FISH AND WILDLIFE SERVICE

Ecological Services
Colorado Field Office
755 Parfet Street, Suite 361
Lakewood, Colorado 80215

IN REPLY REFER TO:
ES/CO: T&E/PMJM/Survey
Mail Stop 65412

MAR 26 2001

Steve Dougherty
ERO Resources
1842 Clarkson Street
Denver, CO 80218



Dear Mr. Dougherty :

Based on the authority conferred to the U.S. Fish and Wildlife Service (Service) by the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), the Service reviewed letter regarding the Preble's meadow jumping mouse, *Zapus hudsonius preblei*, (Preble's) of February 19, 2001. This letter regards the Forest Lakes Development, including two properties in El Paso County, Colorado. One project along Beaver Creek; the other project is along Jackson Creek.

The Service agrees that the proposed development, more than 300 feet outside of the 100-year floodplain, at each of these sites will not directly impact Preble's or its habitat. Since Preble's populations exist along streams at both sites, actions on the site that result in significant modification of Preble's habitat downstream (for example, through alteration of existing flow regimes, or sedimentation) may be subject to provisions of the ESA. We are particularly interested in how stormwater runoff will be addressed at these two sites.

In addition, in a previous site visit at the Beaver Creek site we noted that extensive mowing of weeds and native vegetation had taken place within Preble's habitat. We were told that this was being done to control knapweed. We recommend that in order to avoid "take" of Preble's as defined under section 9 of the ESA, a means of controlling state-listed noxious weeds on the site be pursued that does not entail active season mowing of Preble's habitat.

If the Service can be of further assistance, please contact Peter Plage of my staff at (303) 275-2370.

Sincerely,

LeRoy W. Carlson
Colorado Field Supervisor

cc: U.S. Army COE, Pueblo, CO
Plage

Reference: Peter/PMJM/2001.36

TOTAL P.04

ERO Resources Corp.
1842 Clarkson Street
Denver, CO 80218
(303) 830-1188
Fax: 830-1199



Denver • Boise

www.eroresources.com
ero@eroresources.com

February 19, 2001

Mr. LeRoy Carlson
State Supervisor
U.S. Fish and Wildlife Service
Colorado Field Office
P.O. Box 25486 DFC
Denver, Colorado 80225-0207

**RE: Request for Verification of No Effect Determination for the
Proposed Forest Lakes Development**

Dear Mr. Carlson:

On behalf of Forest Lakes LLC, of which The Schuck Corporation is a member, I am requesting verification of a no-effect determination for a potential development scenario on portions of two properties north of the U.S. Air Force Academy in El Paso County. One property is for a proposed residential development that borders Beaver Creek. The second property involves development of a proposed tech center that borders Jackson Creek. The federally threatened Preble's meadow jumping mouse (PMJM) is known to inhabit both drainages.

Peter Plage of your office is familiar with the proposed development and has reviewed both project sites. We have met three times with Peter Plage and twice with Kathleen Linder to discuss the proposed projects. Previous discussions involved proposed project configurations that included development within 300 feet of the 100-year flood plain of Beaver Creek and Jackson Creek, and the need for a Section 7 consultation and habitat conservation plan pursuant to the procedures of the Endangered Species Act.

Following these discussions with the Service, El Paso County, Division of Wildlife, and Corps, Forest Lakes LLC has explored ways to reduce potential impacts to PMJM habitat and develop a feasible design for development of the properties. The project design team has reviewed numerous alternatives and is in the process of evaluating the feasibility of a plan that would limit development of the property to areas beyond 300 feet from the 100-year flood plain of Beaver Creek (residential property) and Jackson Creek (southwest tech center property).

On January 25, 2001, we met with Peter and Kathleen to specifically address the potential for developing a "no-effect" alternative. Based on those discussions, we are exploring a development proposal for the residential property bordering Bristlecone Lake, Pifion Lake, and Beaver Creek exclusive of the north tributary of Beaver Creek and the area between the north tributary and 300 feet from the 100-year flood plain boundary of Beaver Creek. This proposal also includes the nearby southwest tech center property, which borders Jackson Creek (map attached).

Pursuit of this "no effect" alternative layout is independent of and will not limit the formulation of alternatives for future proposed development of the area between Beaver

*Consultants in
Natural Resources
and the Environment*

February 19, 2001

Creek and the north tributary. That area is being evaluated separately and is not a part of this request for verification of no effect. While every effort will be made to develop a feasible low-effect alternative, the north tributary will need to be crossed twice to meet access and circulation requirements for emergency vehicles. At our January 25, 2001 meeting with Peter and Kathleen, we discussed the two road crossings of the tributary and the likelihood of addressing Endangered Species Act compliance through the Corps' permitting process for the crossings. Once a feasible approach has been developed for this area, we would like to meet with your staff and the Corps to discuss how to most effectively proceed in addressing its development.

Attached is a fact sheet that summarizes the configuration of the proposed projects. I would appreciate written concurrence with the no-effect determination. Please feel free to contact me with any questions.

Sincerely,

COPY
Steve Dougherty

Enclosure
cc w/encl:

Peter Plage, FWS
Beverly Huffman, The Schuck Corporation (for Forest Lakes LLC)
Deborah Freeman, Trout and Raley
Timothy Seibert, NES, Inc.

FACT SHEET
FOREST LAKES DEVELOPMENT NO EFFECT ALTERNATIVE

FEBRUARY 19, 2001

Proposed Project: The Forest Lakes project involves the development of two properties. The residential property covers about 890 acres and includes Beaver Creek, Bristlecone Lake, and Piñon Lake. The residential property will include residential units and the associated infrastructure to support the development. The southwest tech center property covers about 240 acres and includes Jackson Creek. The southwest tech center property will support office and light industrial development and the associated infrastructure to support the development.

The no effect alternative does not include the north tributary flood plain and the portion of the residential property between the north tributary of Beaver Creek and 300 feet from the 100-year flood plain boundary of Beaver Creek. Development of this area or in the vicinity of this area will not proceed past the line north of the north tributary indicated on the attached map without appropriate coordination with the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers.

Preble's Meadow Jumping Mouse Habitat: Preble's meadow jumping mouse (PMJM) was captured within the residential property along Beaver Creek upstream of Bristlecone Lake in 1997 and below Bristlecone Lake in 2000. PMJM was captured on Jackson Creek upstream of the southwest tech center property in 1997. Potential habitat for PMJM was mapped for the two properties following FWS guidelines (map attached). Areas of potential PMJM habitat along Jackson Creek and Beaver Creek were mapped as the 100-year flood plain plus an additional 300 feet from the 100-year flood plain boundary.

Two areas were not mapped as potential PMJM habitat, both of which occur on the residential property: 1) the upper portion of the north tributary of Beaver Creek; and 2) the north shoreline of Bristlecone Lake.

Previous discussions with Peter Plage regarding the north tributary of Beaver Creek resulted in Forest Lakes LLC reconfiguring the proposed development bordering the tributary, and agreeing to maintain a 50-foot setback on each side of this narrow intermittent tributary. The narrow upper portion of the tributary rarely supports flows, is dominated by a mix of upland and riparian species, and is at 7,200 to 7,400 feet in elevation, near the upper 7,600-foot elevational limit for PMJM along the Front Range (Photo 1). The confluence area has springs and seeps, and is included in the 300-foot setback from Beaver Creek. The north tributary is not included in the no effect alternative, but will be addressed in the future as previously discussed.

The north shoreline of Bristlecone Lake is steep and bordered by dry grasslands that do not include wetlands or riparian vegetation (Photo 2). The south shoreline is less steep and supports a narrow band of wetland and riparian vegetation along most of the shoreline. Therefore, the 300-foot setback from the reservoir high water line for potential PMJM habitat was established along the southern shoreline of Bristlecone Reservoir to maintain a continuous corridor of potential PMJM habitat through the residential property. The potential PMJM habitat mapping extends to the dam and Beaver Creek below the dam, although it is likely that portions of the dam and shoreline are not habitat for PMJM. About 215 acres of potential PMJM habitat within the residential property and 40 acres of potential PMJM habitat within the southwest tech center property will be conserved and avoided in developing the properties.

No-Effect Determination: The proposed development of the residential property and the southwest tech center property will occur outside the area mapped as potential PMJM habitat (map attached). Restricting development to areas outside an area 300 feet from the 100-year flood plain boundary is consistent with previous “no-effect determinations” by the U.S. Fish and Wildlife Service (FWS).

Related Issues: Forest Lakes LLC owns two additional properties in the area and has previously discussed development of those properties with FWS. The future plans for development of the two additional properties is unknown at this time. This no-effect determination is limited to the portions of residential property previously discussed and the southwest tech center property (map attached).

FACT SHEET
FOREST LAKES DEVELOPMENT NO EFFECT ALTERNATIVE

Previous discussions with FWS also included increasing the storage capacity of Bristlecone Lake. This no-effect determination does not include any project undertaken to expand the storage capacity of Bristlecone Lake.

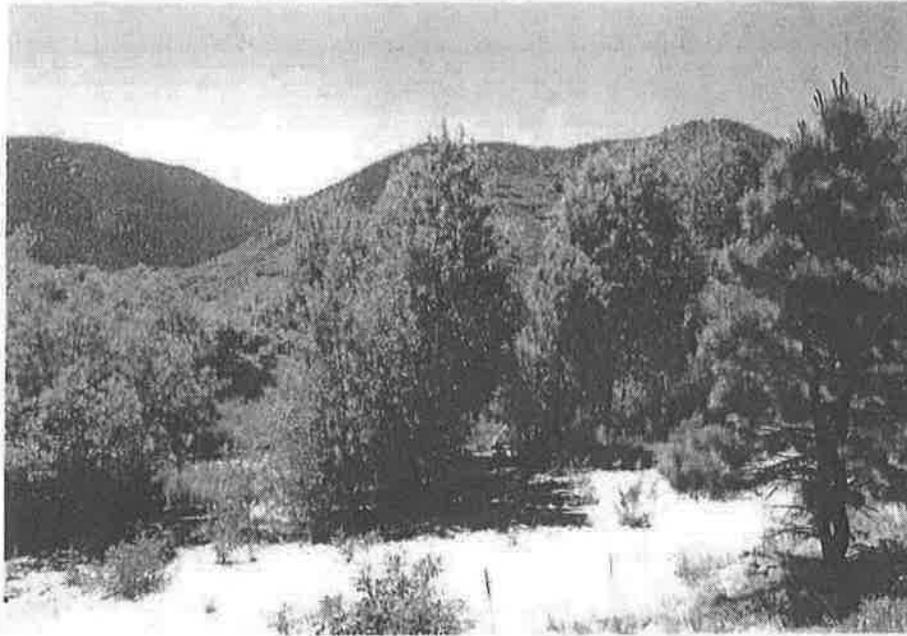
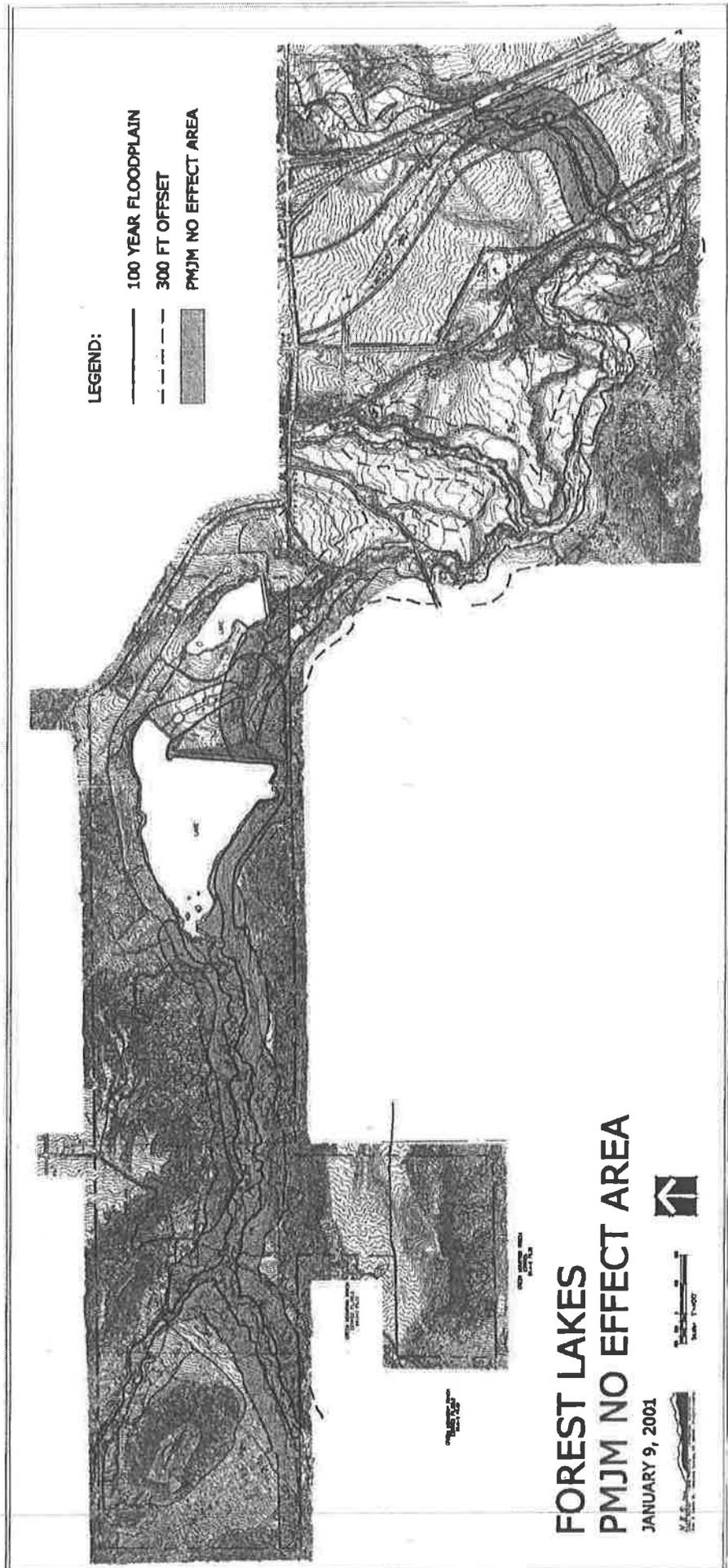


Photo 1: Upper north tributary.



Photo 2: North shore of Bristlecone Lake in midground.



TRI-LAKES MONUMENT FIRE PROTECTION DISTRICT

16055 Old Forest Point, Suite 103

Monument, CO 80132

Bus: (719) 484-0911 Fax (719) 481-3456



Jamey Bumgarner, Fire Marshal

To: Matt Larson, Classic Consulting
From: J.C. Bumgarner Jr., Fire Marshal
Subject: Forest Lakes Filings 5,6, and 7 Cul-De-Sac Roadways
Date: March 19, 2019

I am writing to confirm that the Tri-Lakes Monument Fire Protection District is aware that Classic Homes has proposed two cul-de-sacs to exceed 750 feet in length in Filings 5,6 and 7 of the Forest Lakes Subdivision. We have evaluated the proposed roadways (34 feet in width) with the adopted code and accept those roadways as proposed.

These comments are all in addition to our previously provided comments and in no way are intended to remove or supersede all other comments.

Respectfully,

Jamey Bumgarner

Fire Marshal

TRI-LAKES MONUMENT FIRE PROTECTION DISTRICT

16055 Old Forest Point, Suite 103
Monument, CO 80132
Bus: (719) 484-0911 Fax (719) 481-3456



Jamey Bumgarner, Fire Marshal

To: Jim Bolton, Classic Homes, Vice President/Project Manager
From: Jamey Bumgarner, Fire Marshal
Subject: Forest Lakes Proposed Phase 2
Date: October 30, 2018

Please accept the following discussion as the comments from the Tri Lakes Monument Fire Protection District (TLMFPD) reference the proposed Phase 2 for the Forest Lakes Subdivision.

After careful review and consultation from many sources including current codes, professional research, and other discussions with fire service professionals TLMFPD would like to provide the following comments.

Based upon alterations to the original proposed plan for Phase 2 you plan to reduce the two roads originally proposed down to one road with a divided median (that is wide enough to accommodate four lanes during an emergency) over the culvert. Furthermore, you plan to construct an additional 180 homes within Phase 2 which are located behind the already existing 200 homes.

The Wildfire Hazard & Mitigation Report (January 18, 2003) prepared by Stephan J. Spaulding states very clearly that the area and acreage within the Forest Lakes Subdivision is frequented by fire events as recently as the 2002 Spaatz Fire that started on the ranch and consumed over 67 acres while taxing the response of local resources even with a rapid 4-minute response. The Berry Fire (1989) and the Beaver Creek Fire (2011) both burned on the adjacent property and required a heavy commitment of local, state, and federal resources to contain the fire and provide structure protection. All these fires occurred with just a few structures (located in the meadow areas) present on the ranch and no resources or very few were required for structure protection. The report also states that the 990-acre subdivision has a low rating for wildfire in the meadow areas and severe rating for wildfire in the brush which is where most of the homes are being constructed in Phase 2. The entire Forest Lakes subdivision lies within the El Paso County hazard map for wildland fires and is considered a Wildland Urban Interface Subdivision per the International Code Council's Wildland Urban Interface code.

By adding an additional 180 homes to the wildfire prone area where most will be built within the severe hazard rated areas, proper actions must be taken. We must ensure that fire resistant construction, mitigation, and design elements are incorporated and adhered to, so we minimize fire danger to the residents, first responders, and create a community that is prepared for wildfire. The community will experience wildfire again as has been demonstrated numerous times over the last 20 plus years.

TRI-LAKES MONUMENT FIRE PROTECTION DISTRICT

16055 Old Forest Point, Suite 103

Monument, CO 80132

Bus: (719) 484-0911 Fax (719) 481-3456



Jamey Bumgarner, Fire Marshal

TLMFPD requires the following actions be taken and adhered to fully therefore creating an environment that will protect the safety of responders and residents.

1. **Construction:** All structures and property within Phase 2 be constructed to comply with the Colorado Springs Fire Department Ignition Resistant and Construction Design manual.
2. **Access:** The roadways widths be increased to 24 feet each direction with medians being constructed to allow for fire apparatus and responders to drive over them and a minimum of 3 crossovers, location to be determined by the developer and fire district, for responders to access both sides of the roadways. If parking is to be permitted on roadways there should be 9 feet additional added to allow fire apparatus to flow freely alongside parked cars for a total of 33 feet plus medians.
3. **Mitigation/Access:** All lots will be mitigated to the CSFD Ignition Resistant and Construction Design manual before the construction of the home is completed or a certificate of occupancy issued. This includes creating sufficient fuel breaks to prevent fire impingement to roadways that would inhibit the ability of responders to access the subdivision and the resident's ability to evacuate the subdivision. As stated within the wildfire mitigation report you can never remove wildfire from the property however, removing fuel can reduce the risk.
4. **Water Supply:** Based upon the calculations provided by JDS Hydro Consultants, Inc it appears that sufficient water pressure and flow exist to support fire protection. The fire district would require that the newly constructed water tank and piping be operational before the homes in Phase 2 are issued a certificate of occupancy.

The entire subdivision of Forest Lakes lies within the Wildland Urban Interface and therefore should be treated as such. Once the completion or build out occurs it will be the responsibility of the HOA's and its residents to ensure that proper mitigation is maintained to prevent catastrophic losses from occurring due to the eventual wildfire.

TRI-LAKES MONUMENT FIRE PROTECTION DISTRICT

16055 Old Forest Point, Suite 103
Monument, CO 80132
Bus: (719) 484-0911 Fax (719) 481-3456



Jamey Bumgarner, Fire Marshal

To: Matt Larson, Classic Consulting
From: J.C. Bumgarner Jr., Fire Marshal
Subject: Forest Lakes Emergency Access Road
Date: November 7, 2018

I am writing to confirm that the Tri Lakes Monument Fire Protection District is aware of the emergency access road being required for Forest Lakes Phase 2. We also understand that the road standards (base road layers) being used do not support large fire apparatus. That being stated we believe this road will however serve the district in the capacity of fire breaks and access for smaller brush units and other apparatus in the event of wildfire if needed.

We are requesting that a Fire District Knox Lock be installed on whatever the final detriment is for blocking the access, whether it be bollard or chain. Who will be responsible for opening the access will also need to be addressed in the event evacuation would need to occur via this route.

These comments are all in addition to our previously provided comments dated October 30, 2018 and in no way are intended to remove or supersede all other comments.

Respectfully,

Jamey Bumgarner

Fire Marshal

Dears Sirs:

I wish this letter was better polished. But then I am not a professional objector. But the gravity of this situation does not allow me to time to polish this letter.

In reading and studying the documents from many resources dealing with this plan. I have come to a conclusion that developments are planned and executed on the **best case scernio** and years later problems have been left on the home owners to hate living the and the community to solve. Hugh costs have incurred and borne by home owners, counties and towns.

But what does your gut say? Mine says If it looks to good to be true, it usually is.

I have looked at every single document that is available for this project and I am apalled for the lack of consideration of the worse case scenerios.

Please accept these facts as a reasons not to allow the passage of 100 more homes added to the original plat of 131 homes approved by in 2002. Dealing with the:

FOREST LAKES METROPOLITAN DISTRICT WATER SUPPLY PLAN and WASTEWATER REPORT

For Forest Lakes Phase Two

December 20, 2017

Prepared for:

Forest Lakes Metropolitan District 2 North Cascade, Suite 1280 Colorado Springs, CO 80903

Prepared by:

JDS-Hydro Consultants, Inc 545 East Pike's Peak, Suite 300 Colorado Springs, CO

- This renewable water resource plan looks good on paper. It has however not been proven even for the homes that are present. Would it not be more prudent to know that it works? To add another 100 homes to a dead end valley in wildfire country that does not get as much rain as surrounding areas is not good for El Paso County.
- To add another 100 homes to a high dry dessert environment is an environmental and human catastrophe waiting to happen.
- The argument that homes closer together use less resources: such as water is not a good argument for this area. I submit the studies could in fact be flawed due to the location of this particular development.
- FACT: This area is considered a High Desert
- FACT: Most homes in Colorado are going xeriscape and using artificial grass, which in and of itself limits outside water use even on larger lots .
- FACT: Homes will be 4 to 6 bedrooms. Each bedroom will have one to two persons per room. Homes will use water for hot tubs, take baths, dishes, windows, cars, dogs, water flowers , trees, and play pools.
- FACT: Runoff water from more homes, driveways and streets will be contaminated by oils, snow melting chemicals and fertilizers can not be prevented completely from entering the creeks.
- FACT: More hard surface cuts down on the amount of water that is reabsorbed into the ground.
- FACT: The letter from the Colorado Division of Water Resources Dated May 24 2016. For Final plat 2a 2b. Estimated household usage at 0.353 are –feet per year per unit for homes on smaller lots. (It should be noted “the Guide to Colorado Well Permits, Water Rights and Water Administration , is 0.3 acre –foot per year for each ordinary household. “
- If smaller lots means less water consumed why is the smaller lots not at or below the 0.3 acre-foot per year?
- FACT: More homes use more water not less.

-
- FACT: The Forest Lake Water Plan did not include:
 - Water to be allocated for the future school site. 2710 Forest Lakes Drive
 - Water to be allocated for future large acreage lots platted on the SouthWest side of the Forest Lakes. 7100000429 includes 61 more plots.
 - Water to be allocated for irrigation for all public areas.
 - Water allocated to the Villiage parcel and the Tech Parcel. The Arapahoe (Dillon) 81-cw-213 well is on the Tech Center Parcel. The 400 AF of the Dillon well. How much water will be used with a 24/7 gas station? Water to be allocated for future large acreage lots platted on the SouthWest side of the Forest Lakes development. Which will more than likely push to increase density by making a road come out onto Hay Creek Road.
 - Water Allocation for Forest LLC owns a property just east of this property that at this point is agricultural and can be pushed to be develop which would tap in to the use the water produced by Forest Lakes. Location O 33-11-67.
 - The Bistolcone Reservoir did not include seepage estimates. Per 84CW19 evaporation is estimated to be 202 ft ac. (See Maps that shows the levels of this reservoir since 1999 which shows the level of the lake)
 - Issues with fire disrupting the surface water flows and reservoirs.
- FACT: CASE # 83cw142 Sept 29, 1987 Stated: Arapahoe and Laramie-Fox Aquifers are free from restrictions of use. The Denver Wells could not be used until a plan for augmentation was approved. An augmentation plan that was approved back in 1987. However it is important to note that the LF aquifer would not be use due to the depth and low water quality.
- FACT: CASE# 81CW213 FOR WELL PERMIT 17483-F . was granted in Feb of 1973. 45 years ago It stated. At the time of Application: "Applicants have proven that the ground water which is withdrawn through well No 17483 F is not tributary to or hydraulically connected with the Monument Creek and that Withdrawals' through the subject well will not internally affect the flow of Monument Creek or its tributaries within 100 years. Applicants have further proven that withdrawal of water in accordance with the terms of this Decree will not result in material injury to the vested water rights of others. There is water available for withdrawal by Applicant ". This has not been proven since.
- FACT: All water rights were confirmed back in 1974 to 1986. 44 years ago. The Wells and return water flows agreements. 81CW2123;83CW142;83CW139;83CW138;84CW19. Objections were in every document not only from residences who have shallow wells, but also from the City of Colorado Springs, Upper District 10, and a few more.
- FACT: \$2640000 was paid in 1984 for 660 ac ft of return flow that comes from Beaver Creek into the Bristolcomb for water to supple drinkable water.

The reservoirs were approved as a great renewable resource. However, I wish to state that the we live in a high desert area. Less rainfall and thus less water flowing in the creeks. The alluvium wells have not been tested for long term reliability. And thus the reality of renewable water is only on paper.

-
- **FACT:** The average rain fall in this area is lower than the town of Monument or Colorado Springs. But for reference I used the precipitation data below to question the annual rainfall amount that this area get annually.

**Record Precipitation Data for Colorado Springs: (National Weather Service)
ANNUAL PRECIP ALL TIME AVERAGE = 15.24**

DECADES

	<u>1900's</u>	<u>1910's*</u>	<u>1920's</u>	<u>1930's</u>
MAX:	21.04 1909	22.64 1914	24.55 1921	17.63 1935
MIN:	9.79 1907	8.62 1916	9.11 1924	6.07 1939
AVG:	15.42	13.75	14.60	12.26

	<u>1940's*</u>	<u>1950's</u>	<u>1960's</u>	<u>1970's</u>
MAX:	22.44 1941	25.07 1957	25.43 1965	20.34 1976
MIN:	12.61 1949	10.16 1953	8.59 1964	9.46 1974
AVG:	16.08	15.01	14.97	15.52

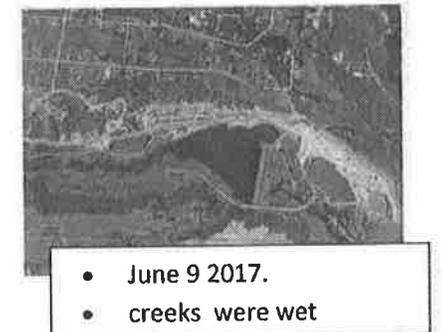
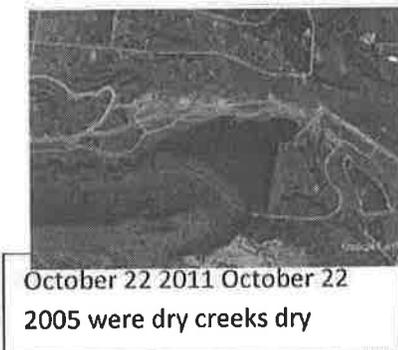
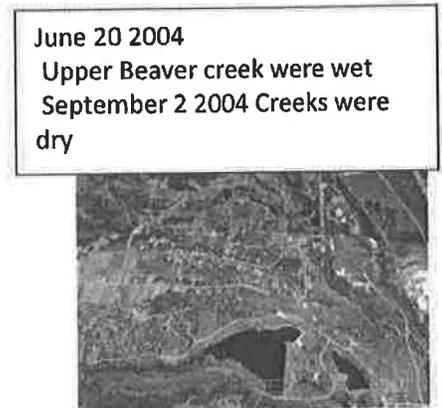
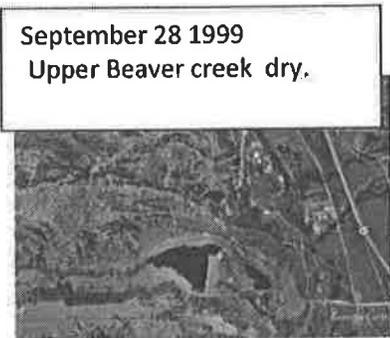
	<u>1980's</u>	<u>1990's</u>	<u>2000's</u>
MAX:	21.94 1982	27.58 1999	21.13 2004
MIN:	12.61 1988	13.38 1993	7.85 2002
AVG:	17.49	19.11	13.94

FACT: In the “reservoir evaporation data an estimated annual average total precipitation of 19.8 inches was used per the above 100 year data. Colorado Springs never averaged that amount in 100 years of calculation.

- **FACT:** The upper Beaver Creek has been dry in years past and is not a reliable source of renewable water Therefore the limited Agreement for Return Flows from the Las Vegas WWTP of 660 AF per year it is not guaranteed.
 - **FACT:** the Return Flow Bypass Agreement dictates that the City of Colorado Springs has senior water rights and during times when flows in Monumet Creek are not sufficient to satisfy the City's in-priority water rights up to 5 c.f.s. at Pikesview the developer will by pass all surface water in Beaver Creek.
 - **FACT:** If Developer wants to continue to divert they will pay the city the than prevailingg non-potable water rate as established by the city for each acre foot of water diverted during such period. Sounds like a very expensive option for the future homeowners to support.
- **FACT:** The original case 81cw213 (the Dillon Well) From the District Court Water Division 2 dated back in 1987 Nov 17. The Dillon Well appropriation date was August 17 1973 with a depth of 1195 with the 290gpm ., 400

AF per year. This well was re drilled per information from the developer, but I can not locate information as to the new specifications for this well or if it went deeper or if the g p m was increased since 1973.

- The original case (the Dillon Well) From the District Court Water Division 2 dated back in 1987 Nov 17 had 3 parcels. The Tech Parcel, The Village Parcel and the Residential Parcel. However, the 400 AF is being used for the Residential Parcel. What happened to the water for the other parcels and where is their water being pulled from?
- FACT: It has been dry here. Google Earth Beaver Creeks and reservoir levels. On the PUB Plan it give the impression that these creeks do not suffer environment issues again the best case scenario.



. FACT: Renewable water is dependent on rain and snow in the upper areas of Beaver Creeks. It is evident in the pictures that the renewal resource is questionable over the long term. To keep reservoir full will require pumping from the Arapahoe Formation. Defeats the purpose of renewal resources over a long period of time.

- FACT: Using Well water from the Arapahoe Formation to replenish an above ground reservoir is not good conservation practice. Looks good on paper, but has not be proven to be a 100 year sound plan.
- FACT: The developer will resist drilling into the Laramie Formation due to the cost of drilling so deep.
- FACT: T he developer will drill into the shallow formations due to cost without regard to the shallow wells that surround the property. This would not be an issue except there is no walls to separate one parcel from another.

FACT: I n all of the Water permits, the City of Colorado Springs and other private parties fought this development.

- FACT: Denver Basin: A bowl-shaped basin which consists of a group of geologic formations that underlie a 6,700-square-mile area along the Front Range of Colorado. The basin is comprised of the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers. We live in the marginal zones.

FACT: Margin zone: Designation given to the areas along the edges of the Denver Basin where the formations either subcrop or outcrop and water levels are currently declining below the top of the aquifers. This property and the surrounding area are in the marginal zone.

- FACT: DNR February 2018 Drought Update states that “ 71 percent of the state is in some level of drought classification with 38 percent in moderate drought, 26 percent in severe drought, an 8 percent classified as extremely dry. An additional 20 percent of the state is experiencing abnormally dry conditions. Short term forecasts show that temperatures will be more seasonal with a normal chance of precipitation, however longer term forecasts indicate increased likelihood of below average precipitation and above average temperatures.
- FACT: “Running on Empty? El Paso County Growth and the Denver Basin Jacob Stiedemann, Cushman Intern Center for Colorado Policy Studies, University of Colorado-Colorado Springs Revised version, March 2006 V. “ stated the “Impact on El Paso County of Denver Basin collapse A. Unincorporated northern El Paso County Faced with the future depletion of the Denver Basin, water districts in northern El Paso County must find a way to finance new appropriations of water from districts with renewable surplus supplies. Storage facilities and reservoirs will have to be constructed. Infrastructure such as pipelines and connections is also needed to transport water effectively from one district to another. To do this, districts will need to develop plans to ensure future water supply and find financial resources to wean the northern districts off the Denver Basin. The revenue available to water districts in northern El Paso County is based primarily on district mill levies applied to assessed land value supplemented by tap fees on new users. Even if mill levy overrides are approved by the voters in these districts, they may not generate property tax revenues sufficient to cover the large overhead of constructing facilities and pipelines and paying for their maintenance.²⁸ Mill levies would need to increase substantially to finance any large-scale storage facility. The calculations below reflect the most recent property value data available at the time of this report. As additional property is developed and more assessed valuation is added the burden on property owners will drop accordingly. “ Basically the cost would be prohibitive for those who have limited funds. To punish RR with wells by allowing more homes to be
- FACT: Fire and Water do not mix: The reservoir and creeks are not reliable due to Wildfire potential.
- Per the Guardian;
 - Colorado Black Forest wildfire quickly becomes state's most destructive
 - Two people found dead in a garage late Thursday as firefighters battle to a 'draw' with blaze near Colorado Springs . “The fire was covering about 25 sq miles on Friday after crews were able to keep it from spreading despite swirling winds and bone-dry conditions, said Maketa.”
 - Nigel Thompson, a computer programmer who moved to a house on a 60-acre Black Forest lot in 1997, said he had cut down trees to form a firebreak and fitted fire-retardant roof tiles after taking in evacuees from a fire five years ago, but “it didn't make a damn difference at the end of the day”. His home was incinerated on Tuesday.
 - “Homes built on windy mountain roads appeal to homebuyers seeking privacy but often hamper efforts to stamp out fire. The El Paso County commissioner, Darryl Glenn, who represents Black Forest, said the commission has tried to ensure that new developments have brush clearance and easy emergency access.” “Sometimes it's just nature,” he said. “When you have a fire like this in a semi-arid environment, there's not a lot you can do.”
- <https://pubs.acs.org/doi/full/10.1021/es500130g> Deals with Wildfires and Water Supply
- <https://news.nationalgeographic.com/news/2012/07/120703/colorado-wildfires-waldo-high-park-hayman-threaten-water-supplies/> **Colorado Wildfires Threaten Water Supplies**

- As strong winds helped the Waldo Canyon Fire puncture black holes into the evergreen landscape around the reservoir, Funchess gave up on trying to predict the fire's erratic behavior and was evacuated.
- The Waldo Canyon Fire, which started 11 days ago and has swept over nearly 18,000 acres, is now 70 percent contained. It hasn't consumed the reservoir, but could have long-lasting effects on water quality—and even quantity
- Western water managers learned a harsh lesson ten years ago when the devastating Hayman Fire ripped through Colorado's forests, severely impacting the extensive forested watersheds that protect rivers and water sources for more than 75 percent of the state's residents, according to the U.S. Forest Service. The Hayman Fire—the most destructive in the state's history, possibly until now—destroyed nearly 140,000 acres and 600 structures in 20 days.
- The Hayman Fire and the drought conditions in 2002 highlighted the vulnerability of Denver's water-delivery system. The fire clogged reservoirs in the southern part, or South Platte River section, of the city's far-flung water-collection network. The damage and service delays prompted controversial plans to expand reservoir capacity in the north end of Denver Water's system—the end that relies on water from the already over allocated Colorado River.
- FACT: The above statements from the National Geographic: puts into sharp contrast that the reservoir is not the asset it appears to be, but could in fact be a failure of this development.
- Journal of Pollution Effects & Control <https://www.omicsonline.org/open-access/water-quality-impacts-of-forest-fires-2375-4397-1000140.php?aid=58052>
 - One particular area that has been significantly affected is the water quality of streams and lakes in the water thirsty southwestern United States. This is because the surface water coming off burned areas has resulted in very serious and immediate water quality problems in streams, lakes and reservoirs.
- <http://www.townofbreckenridge.com/home/showdocument?id=7564Fires> This study points out more about surface waters and reservoirs.
- FACT: While it has been somewhat quiet, Colorado broke the record for its most destructive fire every year for four years in a row, starting in 2012. One of those fires was the Waldo Canyon fire, which Kodas noted was “the first time we had seen a wildfire turn into an urban firestorm in Colorado.”

The valley will be developed that is true. But to over develop the area is not good for the future of our natural limited resources. It would not be good for 100 more families to be sold a bill of goods.

Smart development is not about water rights that were assigned, negotiated, swapped some 30 to 40 years ago. It is about the actual water available with all of the building that has occurred in the last 30 years. It is about the cost of water when wells run dry or when creeks dry up completely or wildfires that destrorys surface water and resovoirs. It is about building responsibility with plans that have been proven and not just a leap of faith.

, March 9 2018

Page 7 of 7

Wildfires will come just like the pine beetle. It is only a matter of time. It is better to risk 131 homes then it is to risk more. Water will be compromised and we will suffer.

Sincerely

Mary Redetzke

4170 Plateau Drive

7192587525

Kari Parsons

From: Craig Dossey
Sent: Thursday, March 15, 2018 9:08 AM
To: Raimere Fitzpatrick
Subject: Fwd: Forest Lakes proposal

Please add to file and future packet

Craig Dossey
Executive Director
El Paso County Planning and Community Development Department
2880 International Circle
Colorado Springs, CO
80910
(719) 520-6300 (main)
(719) 520-7941 (direct)
Sent from my iPhone

Begin forwarded message:

From: Darryl Glenn <DarrylGlenn@elpasoco.com>
Date: March 15, 2018 at 7:32:29 AM MDT
To: Craig Dossey <craigdossey@elpasoco.com>
Subject: Fwd: Forest Lakes proposal

Regards,

Darryl Glenn, Lt. Col (Ret), MBA, JD.
President
El Paso County Commissioner District #1
(719) 520-6411
Darrylglenn@elpasoco.com

Begin forwarded message:

From: Debbie Doty <debbiedoty@hotmail.com>
Date: March 14, 2018 at 9:03:55 PM MDT
To: "darrylglenn@elpasoco.com" <darrylglenn@elpasoco.com>
Subject: Re: Forest Lakes proposal

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content is safe. Please call IT Customer Service at 520-6355 if you are unsure of the integrity of this message.

This is the letter I mentioned in the last paragraph. I apologize for the omission.

Thank you!

Debbie

From: Debbie Doty <debbiedoty@hotmail.com>
Sent: Wednesday, March 14, 2018 7:39 PM
To: darrylglenn@elpasoco.com
Subject: Forest Lakes proposal

Dear Commissioner Glenn,

I would like to express some of my concerns about the proposed Forest Lakes plans and urge you to vote against any further development of this subdivision. I am attaching several documents that support discontinuing this project. The majority of the residents of Pine Hills, Green Mountain Ranch Estates, and Forest Lakes agree that this plan is not consistent with the density guidelines for the area and understand that its implementation will take too large a toll on our infrastructure and resources (e.g., water, wildlife habitat, roads, schools).

The latest proposal is to build 231 *additional* homes on approximately 1/4-acre (or smaller) lots, extending the development to National Forest boundaries and to our property lines. Several organizations have expressed concern about water, fire, safety, and geology as they pertain to this project (see attachments). Additionally, some of the documentation submitted with the plan is outdated by a decade or more. Many things have changed in this region in the past 15 years, and those changes have not been taken into account with this proposal. Only current documentation and recent reports should have been submitted.

The rezoning of this area from RR-5 (5-acre rural lots) to much smaller lots has already adversely affected the quality of life in this area, increasing noise, light pollution, traffic, and crime, and destroying wildlife habitat.

The Tri-Lakes area is growing at an alarming rate. As I am sure you are aware, our existing infrastructure is already unable to adequately handle the rapid population growth northern El Paso County is experiencing from the expansion of numerous subdivisions in the Monument area. The scarcity of water and the extent to which Forest Lakes will deplete the existing aquifers and water supply is a major concern for many residents. Traffic and related deaths on the I-25 corridor are headline news, District 38 schools are already at or above capacity, and traffic and crime in the town of Monument have increased significantly in the past few years. Adding 231 homes, or 500 to 1,000 more residents, to this subdivision alone (not to mention the other subdivisions in the Tri-Lakes area that are looking at major housing construction and increased density) is only going to exacerbate these issues.

I purchased my home on Spaatz Road in order to enjoy natural beauty and a peaceful home life as a balance to the stress of my daily commute to Denver and a full-time job. I know many of our neighbors also live here to enjoy their privacy away from the city congestion and activity. I strongly oppose a crowded and noisy residential area being built adjacent to my property. I hope you will support us in preventing this project which is designed to dramatically increase the density and is in conflict with the Tri-Lakes and El Paso County development plans.

I am also attaching a recent letter from NES that contains details of an upcoming informational meeting. If you are able to attend, I will look forward to meeting you.

Thank you for your time and consideration.

With best regards,

Deborah Doty

Kari Parsons

From: Debbie Doty <debbiedoty@hotmail.com>
Sent: Wednesday, March 14, 2018 7:43 PM
To: Raimere Fitzpatrick
Subject: Forest Lakes proposed plan
Attachments: 2018-02-09 - Phase 2 proposed plan.pdf; CGS comments - 6 Feb 2018.pdf; EPC Community Svcs Dept comments - 23 Jan 2018.pdf; EPC Tri-Lakes Development Plan.pdf; KOAA news story - 27 Feb 2018.pdf; NEPCO comments on Forest Lakes Phase II - 6 Feb 2018.pdf; OCN article - 3 Mar 2018.pdf

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Dear Mr. Fitzpatrick,

I would like to express some of my concerns about the proposed Forest Lakes plans and urge you to vote against any further development of this subdivision. I am attaching several documents that support discontinuing this project. The majority of the residents of Pine Hills, Green Mountain Ranch Estates, and Forest Lakes agree that this plan is not consistent with the density guidelines for the area and understand that its implementation will take too large a toll on our infrastructure and resources (e.g., water, wildlife habitat, roads, schools).

The latest proposal is to build 231 *additional* homes on approximately 1/4-acre (or smaller) lots, extending the development to National Forest boundaries and to our property lines. Several organizations have expressed concern about water, fire, safety, and geology as they pertain to this project (see attachments). Additionally, some of the documentation submitted with the plan is outdated by a decade or more. Many things have changed in this region in the past 15 years, and those changes have not been taken into account with this proposal. Only current documentation and recent reports should have been submitted.

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I am also attaching a recent letter from NES that contains details of an upcoming informational meeting. If you are able to attend, I will look forward to meeting you.

Thank you for your time and consideration.

With best regards,

Deborah Doty

Karl Parsons

From: Darryl Glenn
Sent: Friday, March 23, 2018 8:36 AM
To: IMA Online
Cc: Craig Dossey
Subject: Re: Forest Lakes Development

Ms Shouse,

Thank you for your input. I will make sure your comments are incorporated into the record.

Regards,

Darryl Glenn, Lt. Col (Ret), MBA, JD.
President
El Paso County Commissioner District #1
(719) 520-6411
Darrylglenn@elpasoco.com

> On Mar 22, 2018, at 5:15 PM, IMA Online <cmshouse3@msn.com> wrote:

>
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>
>

> I am writing to you in reference to the land going to be developed off of Mesa Top Dr in Forest Lakes off Baptist Road in Monument CO which is your District.

>

> The valley that is going to be off of Mesa Top Drive in Forest Lake is of huge concern. The fire danger alone if that teardrop road was cut off would be catastrophic - as we saw in years past when people and animals are trying to be evacuated. The water issue is also HUGE the pressure has dropped considerable from two years ago and I frankly don't understand why xeriscape wasn't mandatory. The lake has dropped over 8 feet in two years and with more houses comes less water. If the lake dries up. There is no water in the last 25 years the lake that feeds Forest Lakes residents there water has dried up several times. At the time the lake was empty the residents that were affected lived in Pine Hills. Now there is additional several hundred of houses affected. When we purchased up in Forest Lakes the sales pitch was that the water was recreational, fishing, kayaking etc. That turns out not to be true that the lake is providing all the homes in Forest Lake their daily water. As we all know water in Colorado is always a year by year basis depending on the snow pack. Since this is a man made lake there is no mountain water feeding it. We are relying on Mother Nature to fill the lake and that has not been happening which leaves the residents water on the front range is precious and expensive and we share it with many communities - if they ever ration yard watering like the Springs did 5 yrs ago you will be looking at brown yards. We are putting a lot of pressure on our resources and need to be wise about using them. Please reach out and make your voices heard before it's too late.

>

> **Developing the valley would also cause havoc to all the wild life in the area and may even cause harm to individuals or the wild life. I am asking the committee to reconsider Classics request to put housing down in the valley of Forest lakes and keep it open range for everyone to enjoy**

>

> **Thank you**

> **Cheryl Shouse**

> Cmshouse3@msn.com

> **719-330-6524**

28 March, 2018

From: Christy and Dennis Snow
3165 Lakefront Drive
Monument, CO 80132

To: County Commissioner Darryl Glenn
200 South Cascade Avenue, Suite 100
Colorado Springs, CO 80903-2202

Dear Commissioner Glenn,

I'm writing to you as a concerned resident and citizen. I bought and built a home from Classic in the Forest Lakes (Bristlecone) development in 2017. I choose this location/builder for very specific reasons which I will highlight within this letter.

Classic stated due to habitat and protection of the Preeble mouse, no homes would ever be built on the south side of Bristlecone Reservoir, preserving the beauty and peacefulness of nature and wildlife. (NOW: We have been told homes will be built here in Phase 3)

Classic stated the future/approved phases of homes within the development. Phase 2 stated it was 131 homes on larger lots and approved as such in 2002. Based on this information is how we choose to build where we did (which phase). (NOW: Changing Phase 2 from 131 homes built on 2.5 and 5 acre lots to 230 homes on smaller lots)

Classic stated the park (future parks) and lake were all private. (NOW: We've been told the park slated in phase 2 was eliminated to add additional homes, a historical homestead was bulldozed down and not preserved, and the lake nor the other park is private. We have non-residents here continually.)

Classic explained the strict landscaping and neighborhood requirements. (NOW: Classic is allowing variances to neighbors for various things (i.e. xeriscaping, large patio structures, etc.) while others have landscaping deposits withheld over the 1 foot difference of a tree that will eventually grow.)

Classic never revealed additional taxes for the water supply (NOW: We received our escrow taxes and find out I have \$2300 in a pinion pines metropolitan tax, disclosure is hidden in closing documents run by Forest Lakes Metropolitan)

Now we are seeing massive changes to this area all in order to make money for Classic with little to no consideration to the current homeowners in this area.

Our concerns are (but not limited to) the following:

- Water Supply (have you seen how low and pathetic this lake now looks and is there enough?)
- Fire (One way in and one way out and more people = slower response time)
- Crime (Set to increase due to additional homes and high home prices)

• **Traffic** (Forest Lake road system is set up for 10,000 cars per day) not an increase to the road infrastructure due to increased cars and who will pay for that? You would potentially need a four lane road just like on the west side of I-25 and Baptist.

• **Schools** (Elementary school proposed on Forest Lakes Drive = More Traffic)

• **Wildlife** (Where will the deer, elk, mountain lions, etc. relocate?)

• **Impact on our National Forests** (Increased traffic on Mt. Herman / Pike National Forest)

It is unethical and shady to say the least for Classic to change the "rules" on us after investing in this lifestyle. Please explain to me why it is allowed for Classic to revise approved documents. I don't know if you knew any of this, now you do. I would encourage you to take a drive to this area and just visualize what is going on.

None of this may impact you personally but it does my family and neighbors. I invested my LIFE savings into this location/home for the peaceful location, quiet pace of life, less neighbors, community recreation such as parks and hiking trails, etc. This house was to be my forever, retirement home. We researched and made educated decisions based on information provided at the time by Classic Homes. As do most, I have a stressful life and my home is where I come to for peace and happiness. This is no longer the case. I'm one of MANY neighbors to feel this way. If there is no change to this overdevelopment, we will seriously be considering selling.

Sincerely,

A handwritten signature in cursive script that reads "Christy Snow". The signature is written in black ink and is positioned above the printed name.

Christy & Dennis Snow

Kari Parsons

From: Mary Redetzke <mary.redetzke@gmail.com>
Sent: Thursday, June 21, 2018 7:19 AM
To: Kari Parsons
Subject: Forest Lakes Phase II

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Service at 520-6355 if you are unsure of the integrity of this message.

Good Morning,

This change in development of the valley is asking for a revision of the original intent of the area.

Nothing has changed in the valley to allow this over development of this area. I have sent to many letters detailing the issues with this requested change.

It is unclear as to the reasons Classic Homes wants to over develop this dead end valley.

This is a rural residential area on 3 sides and when this development was originally laid out it was clear that the 130 homes would be a departure from the surrounding area, however it would be acceptable.

However, this new request to add more home is not. It comes down to what the valley was laid out to be originally. When the developer bought this property it was clear they knew the original layout was only 130 homes. Many people have bought into this plan and now the developer wants to change the plan. It is unclear as to why this has to change when the original plan has been for only 130 homes.

This area is not suited for overdevelopment. It is clear because of the number of requests for variances. There are rules and policies for how to develop land and when the exceptions are given it is a clear indication that the developer is working not with the land but changing it. This development has already built many homes and has not departed from the original number of lots. However this is a huge departure from the originally plan and is not in any way compatible. d

Sincerely,

Mary 7742306643

Kari Parsons

From: Dan Irely <danielriley@gmail.com>
Sent: Friday, August 10, 2018 10:56 PM
To: Darryl Glenn; Stan VanderWerf
Cc: Kari Parsons; duncan.bremer@gmail.com
Subject: Concerned about wildlife impacted by new Forest Lakes subdivision phase 2
Attachments: 34a26a68-098b-437b-af1b-288e2966df1e (1).pdf; 19fc5bde-3dd3-4456-bd3f-37e7ef0ce7db (1).pdf

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Service at 520-6355 if you are unsure of the integrity of this message.

Dear Mr. Glenn and Mr. Vanderwerf,

We appreciate your time and service you have dedicated to the county of El Paso. Since the property I am addressing appears to be right on the border of both districts 1 & 3, I thought I would send this email to both of you.

My name is Daniel Irely. My wife Susan and I have a contract to purchase an estate at 4585 Diamondback Dr. Colorado Springs 80921 for \$1.5M. We plan to retire there after moving to Colorado in 1960 and later moving to the foothills near Evergreen where we live now. To better appreciate our concerns, please see pictures of the home below showing the view to the north from rear patio across the pond:

<https://www.greatcoloradohomes.com/listing/5252975-4585-diamondback-drive-colorado-springs-co-80921/>

This Diamondback property's northern lot line will border the new subdivision; Forest Lakes Phase 2. I believe they have submitted for approval approximately 200 new single family homes.

The 200 high density cluster homes proposed for phase 2 are obviously too many for this area and will have a detrimental effect on all the wildlife that are now attracted to the ponds and streams, trying to survive and reproduce. Let's put money and profits aside for a minute and just admit that what is best for this beautiful natural habitat's future, that is right next door to federally preserved land, is not a 200 high density cluster home subdivision. Anyone who claims otherwise obviously cares more about money than animal's lives and other people's right to quiet enjoyment! Let's not let them scrape our pristine mountain setting near protected land and run off our wildlife, destroying our peace and quiet so they can make a quick easy buck and move on to the next project.

Recently a moose and beaver were spotted at the pond and creek on the Diamondback property. It is rare to see moose and beaver.

200 homes could easily mean:

- 1000 people
- 600 cars
- 400 dogs
- 200 cats

There will be a lot of light pollution coming from all these homes, rear deck lights and street lights. Not to mention dogs barking driving wildlife away.

Of the 200 new phase 2 Forest Lake homes, it appears that most will be on less than a 1/4 acre lots. These small lots back directly up to land that is federally protected under the Weeks Act. The Weeks Act, which is a federal law, was enacted so the federal government can purchase private land if it is deemed necessary to protect rivers and watersheds and to preserve and maintain that land as national forest territory. The federal land immediately to the west of this new 200 home subdivision was so important to our federal government that the land was purchased by the Department of Agriculture from El Paso County 20 years ago to preserve it as national forest.

We would like the planning commission to ask the Forest Lakes developers to reconsider there proposed high density cluster homes that don't fit in this area and consider a more reasonable lot size of at least 2.5 acres for lots in phase 2. The existing phase 2 plan is putting too many homes too close to this federally protected land. This land should not be developed to maximize the developer's profit at the expense of everyone else, wildlife included! The extra money they will make will get spent fast on more development while they leave us with a permanent negative impact on this area forever!

I'm just asking everyone involved to do the right thing for the future. Our lives are short, our generation has a big responsibility to our future generation's quality of life. This needs to be protected without the influence of money.

El paso county land use report states;

In part, the Twin-Valley Land Use Scenario in the 2000 Update has this to say: "This sub area should remain primarily rural residential with lot sizes averaging five acres exclusive of roads and tracts not devoted to open space areas. Large lot clustering options; utilizing minimum 2-1/2 acre lots should be considered only if there is strict adherence to this overall density approach and if adequate mechanisms for implementation are available" "Regardless of its location, all development within Twin Valley should be designed in a manner that is especially sensitive to preserving the natural visual character of the area."

Other than providing the owner and developer with additional revenues, it is difficult to justify adding 100 lots of the size found and normally appropriate in city centers to this area. True, 100 additional homes would be available for purchase but is this the best place for them? Perhaps not. Benefits to the residents of the County appear minimal at best and benefits to the immediate community of Twin Valley even less so. Infrastructure maintenance will cost residents more than taxes provide, burdening all. The existing internal trails and open space are a benefit to the immediate residents but of less value to the community as a whole and are not materially bettered by this proposal. Access to the National Forest already exists in the form of Mt. Herman Road.

After reading the wildlife study and the Land use report attached below on the project, I am now convinced that this is not just my opinion. We can now show proof from an independant wildlife consultant and Land use that this Forest Lakes subdivision would be detrimental to our wildlife in the area. I am very much against this development the way it is proposed. I, along with the help of my attorney Duncan Bremer, plan to do everything legally possible to try to stop the high density cluster homes from being built as submitted.

Respectfully,

Dan and Susan Irely
303-748-6048

Kari Parsons

From: Darryl Glenn
Sent: Saturday, August 11, 2018 10:40 AM
To: Dan Irey
Cc: Stan VanderWerf; Kari Parsons; duncan.bremer@gmail.com
Subject: Re: Concerned about wildlife impacted by new Forest Lakes subdivision phase 2

Mr Irey,

Thank you for your input. I see that you've copied Ms Parsons on the email. Your comments will be included in the official file for consideration.

Regards,

Darryl Glenn, Lt. Col (Ret), MBA, JD.
President
El Paso County Commissioner District #1
(719) 520-6411
Darrylglenn@elpasoco.com

On Aug 11, 2018, at 7:56 AM, Dan Irey <danielrrey@gmail.com> wrote:

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<34a26a68-098b-437b-af1b-288e2966df1e (1).pdf>

<19fc5bde-3dd3-4456-bd3f-37e7ef0ce7db (1).pdf>

EL PASO COUNTY



COMMISSIONERS:
 MARK WALLER (CHAIR)
 LONGINOS GONZALEZ, JR. (VICE-CHAIR)

COLORADO

HOLLY WILLIAMS
 STAN VANDERWERF
 CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

March 12, 2019

This letter is to inform you of the following petition which has been submitted to El Paso County:

PUDSP-18-001 **PARSONS**
PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN
FOREST LAKES PHASE II

A request by FLRD, No. 2, LLC, for approval of a map amendment (rezoning) of 287 acres from PUD (Planned Unit Development) to PUD (Planned Unit Development) and approval of a preliminary plan for 180 single-family residential lots. The property is located north of Hay Creek Road, south of Doolittle Road, and west of Old Denver Highway. (Parcel No. 71000-00-433) (Commissioner District 1) (Kari Parsons)

Type of Hearing: Quasi-Judicial

For
Against
No Opinion

Comments: I am against a 37% increase in lots from the 2002 plan.

(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)

- This item is scheduled to be heard by the El Paso County Planning Commission on April 2, 2019. The meeting begins at 9:00 a.m. and will be conducted in the Second Floor Hearing Room of the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs.
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- The Staff Report for this Agenda item can be found at: <https://planningdevelopment.elpasoco.com/elpaso-county-planning-commission/planning-commission-2019-hearings/>

Your response will be a matter of public record and available to the applicant prior to the hearing. You are welcome to appear in person at the hearing to further express your opinion on this petition. If we can be of any assistance, please call 719-520-6300.

Sincerely,



Kari Parsons, Planner II

Your Name: Marisa McMillen



Address: 15220 BRONCO DR. COLO SPRGS CO 80921

Property Location: South of Forest Lakes PUD, near Hay Creek Rd. Green Mountain Ranch subdivision Phone: 719 330-7078

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

WWW.ELPASOCO.COM

EL PASO COUNTY

COMMISSIONERS:
 MARK WALLER (CHAIR)
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_____	_____	_____
For	Against	No Opinion
Comments: _____		

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Sincerely,


Kari Parsons, Planner II

Your Name: Cheryl Shouse 

Address: 3956 Mesa Top Dr Monument CO 80132 (printed) (signature)

Property Location: Lot 15 Phone: 719 330 6524

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

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EL PASO COUNTY



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Type of Hearing: Quasi-Judicial

X

Comments: For Stop building, Monument water systems and waste systems were not built to cater this type of out of control building stop trying to
Against Replace our open spaces with buliders greed due the greed of the Mayor and the trustees
No Opinion

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Sincerely,

Kari Parsons, Planner II

Your Name: Krystal Maye

Address: 721 Forest view rd

Property Location: Monument CO 80132 Phone 7193677866

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

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EL PASO COUNTY

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For

Against

No Opinion

Comments: _____

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Sincerely,



Kari Parsons, Planner II

Your Name:

DIANE CRAFT
 (printed)


 (signature)

Address:

same

Property Location:

3570 SPATZ RD. MONUMENT

Phone 719 440 7486

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

WWW.ELPASOCO.COM

Help (/help/) · Guidelines (/neighborhood_guidelines/#gui) Privacy (/privacy/#privacy) About (/about_us/) · Jobs (/jobs, (/press/) · Blog (https://blog.nextdoor.com)

CRAIG DOSSEY, EXECUTIVE DIRECTOR

March 12, 2019

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PUDSP-18-001

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Type of Hearing: Quasi-Judicial

Form with columns for 'For', 'Against', and 'No Opinion'. The 'Against' column has a large 'X' drawn through it. Below the columns is a line for 'Comments:'.

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Sincerely, [Signature of Kari Parsons]

Kari Parsons, Planner II

Your Name: Todd Morgan (printed)

[Signature]

3015 Schilling Ave Monument, CO 80132 719 460-7060

More posts from your neighbors



(/profile/5486729/)

(/profile/5486729/), Historic I

sidewalk snow removal

(/news_feed/?post=105398547)

I want to complain a bit. There a few business in town that do not s sidewalks. This is their responsibility and it is a huge safety issue. I v store with a wagon because my van is down. I'm 63 and have body p and this is not cool. I'm tired of having to walk in the street. As much See more...

Edited 3d ago · 32 neighborhoods in General (/general/)

EL PASO COUNTY



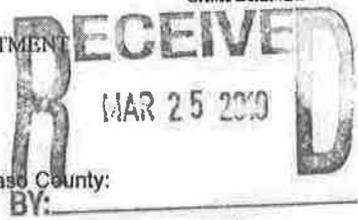
COMMISSIONERS:
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_____	_____	_____
For	Against	No Opinion
Comments: _____		

(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)

*Copy
 Mailed
 3/18/19*

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Your response will be a matter of public record and available to the applicant prior to the hearing. You are welcome to appear in person at the hearing to further express your opinion on this petition. If we can be of any assistance, please call 719-520-6300.

Sincerely,


Kari Parsons, Planner II

Your Name: Wendy S. Brooks 
(printed) (signature)

Address: 3630 Harman Drive, Monument, CO 80132

Property Location: Pine Hills Subdivision Phone 719-359-7357

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

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EL PASO COUNTY

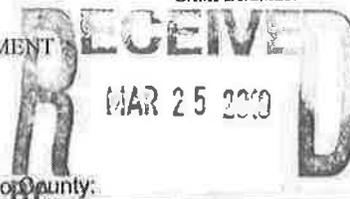


COMMISSIONERS:
 MARK WALLER (CHAIR)
 LONGINOS GONZALEZ, JR. (VICE-CHAIR)

COLORADO

HOLLY WILLIAMS
 STAN VANDERWERF
 CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR



March 12, 2019

This letter is to inform you of the following petition which has been submitted to El Paso County:

PUDSP-18-001

PARSONS

**PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN
 FOREST LAKES PHASE II**

A request by FLRD, No. 2, LLC, for approval of a map amendment (rezoning) of 287 acres from PUD (Planned Unit Development) to PUD (Planned Unit Development) and approval of a preliminary plan for 180 single-family residential lots. The property is located north of Hay Creek Road, south of Doolittle Road, and west of Old Denver Highway. (Parcel No. 71000-00-433) (Commissioner District 1) (Kari Parsons)

Type of Hearing: Quasi-Judicial

For _____	X Against _____	No Opinion _____
Comments: <u>This development is not in keeping with the natural surroundings too many homes for the site compared to the current area and we worry about water in the future.</u>		

(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)

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Sincerely,

Kari Parsons

Kari Parsons, Planner II

Your Name: Xavier F. Gonzalez / Lois M. Button Gonzalez *Lois M. Button Gonzalez*
(printed) (signature)

Address: 3855 Spratz Rd Monument Co 80132

Property Location: Lot 6 BLK 4 Pine Hills Add 3 Phone 719-481-1643

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

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Type of Hearing: Quasi-Judicial

<u> </u> For	<u> </u> Against	<u> </u> No Opinion
Comments: _____		

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Sincerely,

Kari Parsons

Kari Parsons, Planner II

Your Name: Patricia Unger *Patricia Unger*
(printed) (signature)
 Address: 16695 Van Neuman Dr. Monument, CO
 Property Location: Pine Hills Phone 719-481-4688

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



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RECEIVED
 MAR 27 2019
 BY: PARSONS

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Type of Hearing: Quasi-Judicial

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Comments: _____ _____ _____		

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Sincerely,



Kari Parsons, Planner II

Your Name: Dennis K Unger 
(printed) (signature)

Address: 16695 Van Noeman

Property Location: Pine Hills Sub Phone: 719-481-4682

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

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EL PASO COUNTY



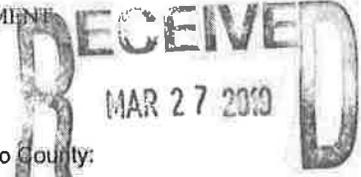
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BY: PARSONS

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Type of Hearing: **Quasi-Judicial**

For	<u>N/D</u> Against	No Opinion
Comments: <u>Open space, park or golf course should be adjacent to Natl. Forest</u> <u>what happens to proposed trail from lake to Natl. Forest on South side of property?</u> <u>no consideration has been given to history of property - Ute Indians</u> (FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.) <u>barn + house built as passive solar examples, etc.</u>		

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Sincerely,


Kari Parsons, Planner II

Your Name: Nancy L. Drewsey Nancy L. Drewsey
 (printed) (signature)
 Address: 4555 Diamondback Drive Co. Sp. Co. 80921
 Property Location: Immediately South along fence Phone 719-481-3804

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

EL PASO COUNTY

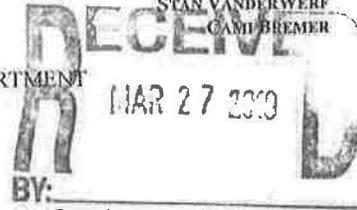


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Type of Hearing: Quasi-Judicial

For	Against	No Opinion
Comments: <u>omission of Easement on S. side of Site - it is</u> <u>suppose to be the width of a football field</u> <u>will be at the meeting April 02, 2019 9 a.m</u>		
(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)		

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Sincerely,

Kari Parsons, Planner II

Your Name: Carol J Johnson

(printed) (signature)

Address: 4465 Diamondback Dr

Property Location: Colorado Springs Co. Phone: 80921

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

EL PASO COUNTY



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Type of Hearing: Quasi-Judicial

_____	X	_____
For	Against	No Opinion
Comments: <u>PLEASE SEE ATTACHED LETTER</u>		

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Sincerely,

Kari Parsons, Planner II

Your Name: DAN IREY _____

(printed) (signature)

Address: 4585 DIAMONDBACK DRIVE COLORADO SPRINGS CO 80921

Property Location: SAME Phone: 303-748-6048

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

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El Paso County Parcel Information

File Name: PUDSP-18-001

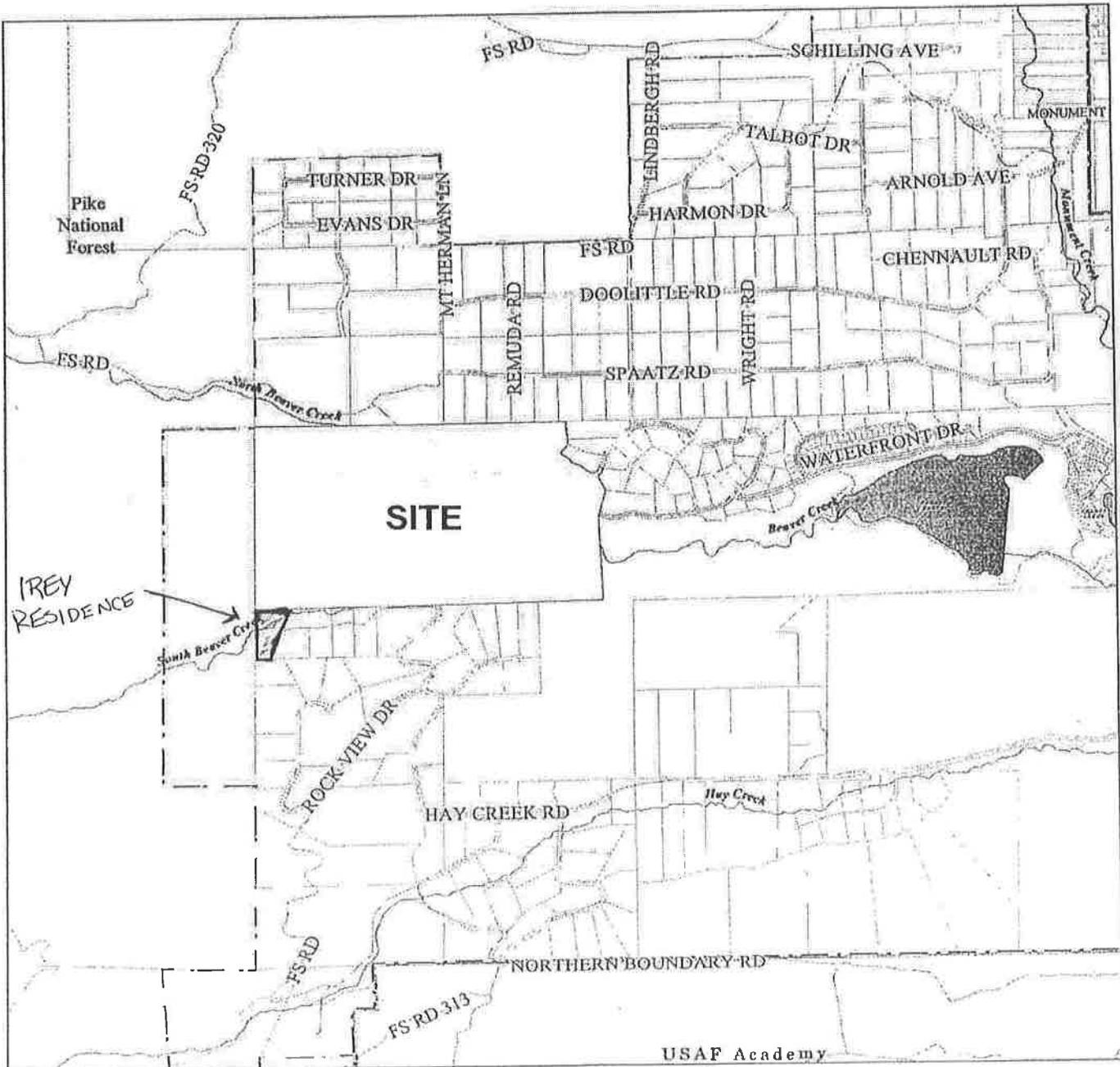
Zone Map No: --

Date: MARCH 8, 2019

PARCEL	NAME
7100000433	FLRD #2 LLC

ADDRESS	CITY	STATE
6385 CORPORATE DR STE 200	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80919	5912



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W Garden of the Gods Rd
 Colorado Springs, CO 80907
 (719) 520-6600



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My name is Daniel Irey. I live at 4585 Diamondback Drive. My family has lived in Colorado for over 60 years! I am against Phase 2 as it is presently proposed. High density cluster homes do not belong in this area and everyone knows it. I feel our government officials should listen to the property owners who will have to live with the decisions our county planners and commissioners make now. They will be long gone and we, the surrounding homeowners, will be stuck living and dealing with this poorly planned, over developed and damaging to our environment development.

We feel the additional 49 homes proposed do not fit in this once very rural area. We wonder how much more profit the developers will make on these. And, is making this extra profit really worth disturbing the quiet enjoyment of so many others?

This Change.org Petition on the website below has 978 signatures as of 3-28-2019: All AGAINST the Forest Lakes Development. I would like this petition to be part of the documentation against the Phase 2 development.

<https://www.change.org/p/stop-the-over-development-threatening-the-pike-national-forest-monument-co>

In addition to protecting the environment, the main legitimate concerns of the citizens are:

1. Wildlife- The wildlife here will be harmed and will suffer the most from the overpopulation of this area. This is the biggest tragedy of this development and one that can be easily avoided. It is our duty to protect those who cannot speak for themselves. We should plan smart for developments that will not only be great for the residents but keep our wildlife healthy and thriving. How do you plan on containing property owner's pets and children from entering and damaging the PMJM protected habitat as well as South Beaver Creek and the beaver ponds? Will the bears, mountain lions, coyote's and bobcats etc. now be shot and killed if they wander from the forest onto Forest Lakes land lured by the smell of people's trash cans? How do you plan on preventing such things from happening?
2. Fire Danger- Not only is there higher threat of fires due to overpopulation, but safe egress will be difficult at best if a fire comes down from the foothills or from Forest Lakes. It's likely a fire could be started from a Forest Lakes careless homeowner setting off fireworks. Diamondback Drive residents would be trapped. How are Forest Lakes and our county officials going to guarantee us that we won't be trapped and killed by a wildfire even though the fire department has signed off on this development? This is a likely scenario and should be taken very seriously. We should learn from what happened in past wildfires and take precautions before, not after, another disaster happens.
3. Water – We feel there won't be enough ground water to sustain this many homes as well as the surrounding homes' wells into the future. We understand they have a water treatment plant and can drill more wells and claim now it's not a problem, but will Forest Lakes guarantee our wells won't run dry in the future from their overbuilding now? Are they so sure of

EL PASO COUNTY



COMMISSIONERS:
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COLORADO

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March 12, 2019

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Type of Hearing: Quasi-Judicial

For	<input checked="" type="checkbox"/> Against	No Opinion
Comments: <u>I am against a 37% increase in lots from the 2002 plan.</u>		

(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)

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Sincerely,


Kari Parsons, Planner II

Your Name: Marisa McMillen  (signature)

Address: 15220 BRONCO DR. COLO SPRGS CO 80921 (printed)

Property Location: South of Forest Lakes PUD, near Hay Creek Rd Phone: 719 330-7078
Green Mountain Ranch subdivision

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

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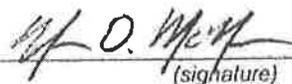
	<u>X</u> Against	
For	Against	No Opinion
Comments: <u>- INCREASED DENSITY 37% BEYOND APPROVED PLAN</u>		
<u>- INCONSISTENT WITH SURROUNDING DEVELOPMENT NEAR NAT'L FOREST</u>		
<u>- URBAN DENSITY ADJACENT TO FOREST INCREASES FIRE CASUALTY DANGER</u>		
<u>- STICK TO ORIGINAL APPROVED PLAN</u>		
(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)		

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Your response will be a matter of public record and available to the applicant prior to the hearing. You are welcome to appear in person at the hearing to further express your opinion on this petition. If we can be of any assistance, please call 719-520-6300.

Sincerely,


Kari Parsons, Planner II

Your Name: MARK D. McMILLEN 
(printed) (signature)

Address: 15226 BRONCO DR

Property Location: GREEN MTN RANCH; SOUTH OF FOREST LAKES Phone 719-930-5445

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

WWW.ELPASOCO.COM

EL PASO COUNTY COLORADO

COMMISSIONERS:
 MARK WALLER (CHAIR)
 LONGINOS GONZALEZ, JR. (VICE-CHAIR)

HOLLY WILLIAMS
 STAN VANDERWERF
 CAMI BREMER

COLORADO

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

March 12, 2019

This letter is to inform you of the following petition which has been submitted to El Paso County:

PUDSP-18-001

PARSONS

**PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN
 FOREST LAKES PHASE II**

A request by FLRD, No. 2, LLC, for approval of a map amendment (rezoning) of 287 acres from PUD (Planned Unit Development) to PUD (Planned Unit Development) and approval of a preliminary plan for 180 single-family residential lots. The property is located north of Hay Creek Road, south of Doolittle Road, and west of Old Denver Highway. (Parcel No. 71000-00-433) (Commissioner District 1) (Kari Parsons)

Type of Hearing: Quasi-Judicial

<u>For</u>	Against	<u>No Opinion</u>
<p>Comments: <u>We have significant concern about the environmental impact of this development. Additionally this massive development will significantly increase traffic along with noise and night pollution decreasing property values for all of the taxpayers in the affected area. We are absolutely against this kind of large scale development. We purchased our property to enjoy the natural surroundings which will be destroyed by this development.</u></p> <p>(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)</p>		

- This item is scheduled to be heard by the El Paso County Planning Commission on April 2, 2019. The meeting begins at 9:00 a.m. and will be conducted in the Second Floor Hearing Room of the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs.
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Sincerely,

Kari Parsons

Kari Parsons, Planner II

Your Name: Greg and Kara Ramirez

[Signature]
 (signature)

Address: 3845 Tapadero Drive
 (printed)

Property Location: Colorado Springs CO 80921

Phone: 414 915 8805



El Paso County Parcel Information

File Name: PUDSP-18-001

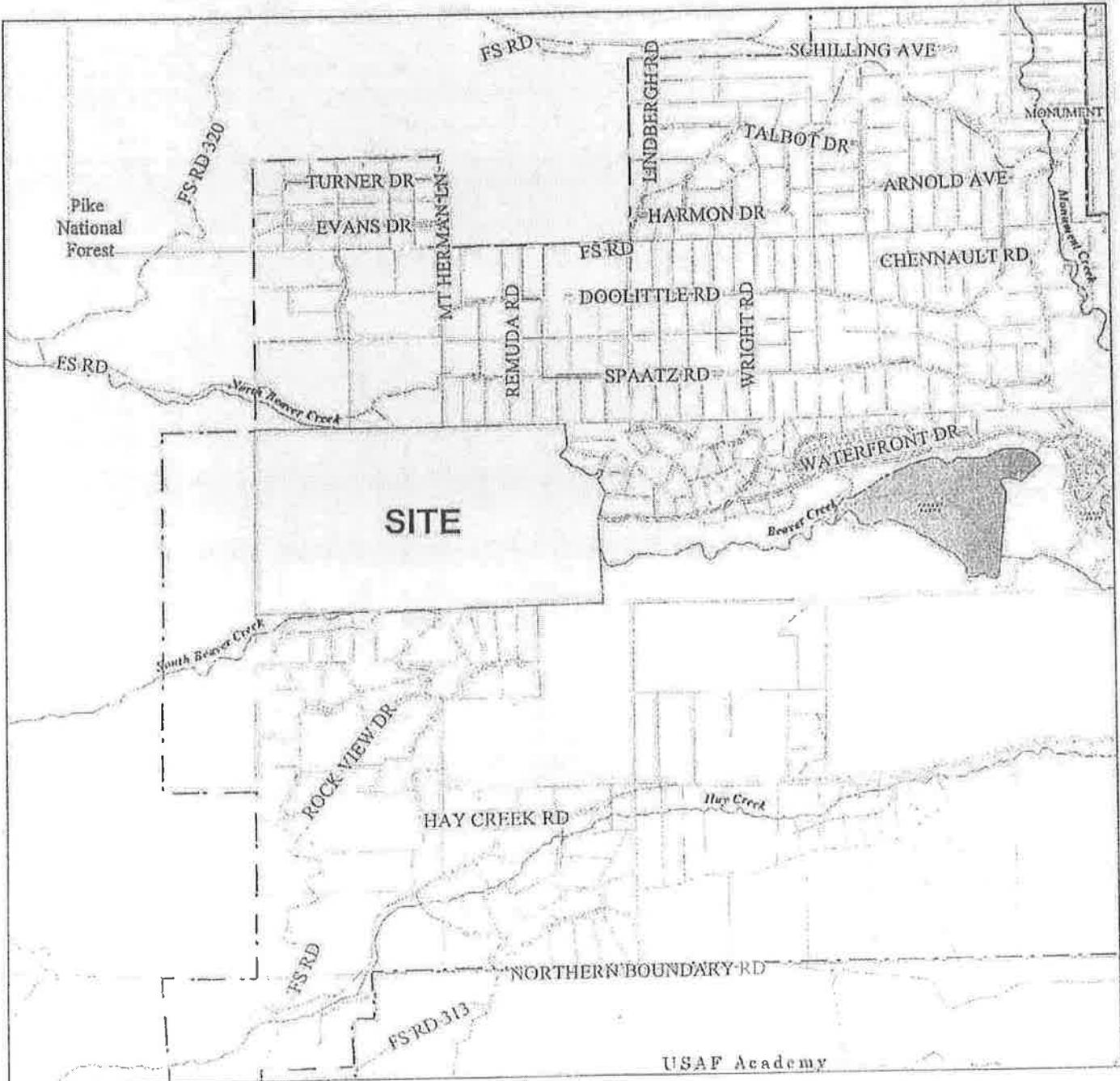
Zone Map No: --

Date: MARCH 8, 2019

PARCEL	NAME
7100000433	FLRD #2 LLC

ADDRESS	CITY	STATE
6385 CORPORATE DR STE 200	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80919	5912

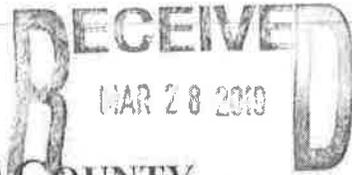


Please report any parcel discrepancies to
 El Paso County Assessor
 1675 W. Garden of the Gods Rd
 Colorado Springs, CO 80907
 (719) 524-6600



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Forest Lakes hearing notice.pdf



EL PASO COUNTY COLORADO

COMMISSIONERS: MARK WALLER (CHAIR) LONGINOS GONZALEZ, JR. (VICE-CHAIR)

HOLLY WILLIAMS STAN VANDERWERF CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT CRAIG DOSSEY, EXECUTIVE DIRECTOR

March 12, 2019

This letter is to inform you of the following petition which has been submitted to El Paso County:

PUDSP-18-001 PARSONS PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN FOREST LAKES PHASE II

A request by FLRD, No. 2, LLC, for approval of a map amendment (rezoning) of 287 acres from PUD (Planned Unit Development) to RUD (Planned Unit Development) and approval of a preliminary plan for 180 single-family residential lots. The property is located north of Hay Creek Road, south of Doolittle Road, and west of Old Denver Highway, (Parcel No. 71000-00-433) (Commissioner District 1) (Kari Parsons)

Type of Hearing: Quasi-Judicial

For [] Against [X] No Opinion []
Comments: See attached sheet

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Sincerely, Kari Parsons

Kari Parsons, Planner II

Your Name: Carol Lynch
Address: 2980 Spritz Rd Monument CO 80132
Property Location: Phone: 719/481-4085

2880 INTERNATIONAL CIRCLE, SUITE 110 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127 FAX: (719) 520-6695

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Forest Lakes Phase II

This proposed density of 180 new single family homes is too high. Our existing neighborhood is comprised of five acre lots and we will all be negatively impacted by this Phase II project.

Construction noise as well as neighborhood noise will cause a decline in our quality of life. Traffic will increase and is already a cause of concern and safety on Spaatz Road. All of us are on private wells and are always anxious about the aquifer and our well water levels. Wildlife will be displaced by the number of homes in this project. Increased traffic also raises the issue of increased crime in our neighborhood.

I encourage you to send the developers back to their drawing boards to come up with a plan more in keeping with the existing density of the two existing neighborhoods.

Respectfully,
Carol Lynch
2980 Spaatz Road
cllynch123@gmail.com

EL PASO COUNTY



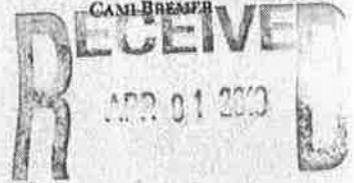
COMMISSIONERS:
 MARK WALLER (CHAIR)
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COLORADO

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

March 12, 2019

HOLLY WILLIAMS
 STAN VANDERWERF
 GAIL BREMER



This letter is to inform you of the following petition which has been submitted to El Paso County BY:

PUDSP-18-001

PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN
 FOREST LAKES PHASE II

PARSONS

A request by FLRD, No. 2, LLC, for approval of a map amendment (rezoning) of 287 acres from PUD (Planned Unit Development) to PUD (Planned Unit Development) and approval of a preliminary plan for 180 single-family residential lots. The property is located north of Hay Creek Road, south of Doolittle Road, and west of Old Denver Highway. (Parcel No. 71000-00-433) (Commissioner District 1) (Kari Parsons)

Type of Hearing: Quasi-Judicial

<input type="checkbox"/> For	<input checked="" type="checkbox"/> Against	<input type="checkbox"/> No Opinion
Comments: _____		

(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)

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Sincerely,



Kari Parsons, Planner II

Your Name: ARON JOHNSON (signature) _____
 (printed)

Address: 3915 SPATE ROAD MONUMENT, CO 80132

Property Location: spate + Remuda Phone: 719-220-891

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

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EL PASO COUNTY



COMMISSIONERS:
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COLORADO

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
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March 12, 2019

HOLLY WILLIAMS
 STAN VANDERWERF
 CAM BREMER
RECEIVED
 APR 01 2019
 BY:

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PUDSP-18-001

PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN
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Type of Hearing: Quasi-Judicial

Comments: For Against No Opinion
*This will change everything we would not for
 it would ruin our view, sunsets, dirt about
 water, traffic, crime. It already increased 10x what
 it used to be with the past plan of development.*
 (FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)

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Sincerely,

Kari Parsons

Kari Parsons, Planner II

Your Name: Brian Johnson

[Signature]
 (signature)

Address: 3915 Spatz Rd.

Property Location: Spatz & Remick

Phone 303 472 6858

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

WWW.ELPASOCO.COM

EL PASO COUNTY



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PUDSP-18-001

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Type of Hearing: Quasi-Judicial

_____	X _____	_____
For	Against	No Opinion
Comments: <u>See attached letter and attachments</u>		

(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)

copy mailed 3/18/19

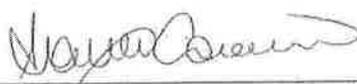
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Sincerely,


Kari Parsons, Planner II

Your Name: Alexa Carreno



 (signature)

Address: 501 S. Cherry St, Ste 1100 Denver CO 80246

Property Location: _____ Phone 312 758 7383

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

WWW.ELPASOCO.COM



Environmental and Animal Defense

P | (720) 722-0336
E | business@edefense.org
W | www.edefense.org

EL PASO COUNTY PLANNING COMMISSION RESPONSE AND COMMENT TO PROPOSED PUDSP-18-001

April 1, 2019

Submitted via Electronic Mail to kariparsons@elpasoco.com

Dear Planning Commissioners and Staff of El Paso County,

We are a Colorado-based nonprofit that focuses on environmental conservation and protecting animals. Residents of the El Paso County community who live near this proposed development reached out to us to investigate the Forest Lakes Phase 2 project proposal due to their many concerns.

We currently have several open Colorado Open Records Act and Freedom of Information Act Requests, including one with the El Paso County Planning Commission. Those requests for documents had not been fulfilled at the time the Planning Commission issued its notice of a hearing on PUDSP-18-001, and we continue to await pending documents from the above referenced requests.

Even with limited time and while waiting on multiple state and federal government agencies to produce public records, we have discovered multiple issues present with the proposed development site, both legal and logistic, that should preclude approval of the Forest Lakes Phase 2 project proposal by the Planning Commission.

For the reasons set forth below, rejection or a continuance to allow the applicant to make changes to the Phase 2 proposal as presented are the only reasonable solutions. The Commission should choose only to approve a new Phase 2 proposal when: the applicant limits the proposal to no more than the originally proposed 131 lots; when the project is consistent with the Endangered Species Act; and consistent with state and local codes and plans including concerns about fire safety, water scarcity, and flood issues.



501 S. Cherry Street, Suite 1100
Denver, CO 80246

Project Background

The Forest Lakes subdivision was part of the 1,367-acre High Meadow Sketch Plan that was approved in 1984. The Board of County Commissioners approved the Forest Lakes PUD (PUD-01-009) and preliminary plan (SP-01-019) on February 26, 2002. The overall lots for the project were totaled at 467 including all phases. At that time, the Phase 2 aspect of the project included a proposed 131 homes.¹

In 2017, the Phase 2 proposal skyrocketed to 231 homes, a difference of 100 homes between proposals, which resulted in significant backlash from the local community and debris flow concerns from the Colorado Geologic Survey. The 2018 plan, while still facing significant challenges from neighbors, made changes to the proposed lot layout, street configuration, grading and culvert design, and took into account recommendations of "Debris Flow Analysis" requested by the Colorado Geologic Survey, which reduced the number of lots initially to 199 and ultimately to the 180 lots" as proposed.²

The current 2019 Phase 2 proposal appears largely the same in design as the 2018 proposal, with requests for PUD modifications in excess of the ordinances for flag lots, lots area and dimensions, mid-block crossings, roadway terminations for cul-de-sac length, and water quality capture volume requirements.

The applicant Classic Homes requests approval of the PUD Development Plan and approval of the PUD Development Plan as a Preliminary Plan, in addition to a finding of water sufficiency for water quality, dependability and quantity.

Summary of Issues

Phase 2 DOES NOT meet the PUD Zoning District Requirements

The Land Development Code of El Paso County requires that, among other factors:

- The proposed development is in compliance with the requirements of this Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County;
- The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment, and will not have a negative impact upon the existing and future development of the surrounding area;

¹ See 2017 Letter of Intent.

² See 2018 Letter of Intent.

Environmental and Animal Defense

- Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;
- The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g. fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed;
- The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy efficient site design;

See Section 4.2.6 and Section 7.2.1 of the El Paso County Land Development Code (2019).

The proposed development will be detrimental to the health, safety, and welfare of the present and future inhabitants of El Paso County, due to, among other reasons, a significant fire risk as well as the risk of water scarcity.

The proposed development is not in harmony and responsive with the character of the surrounding area and natural environment. It will have a negative impact on the surrounding area. This development significantly alters the natural environment, affecting wildlife and existing homeowners.

The proposed development will not preserve aesthetic and natural features. In fact, the proposed trail system disturbs and cuts through protected critical habitat for an endangered species, the Preble's Meadow Jumping Mouse.

The proposed development will overburden utilities and public facilities. Among these overburdens is the risk of water scarcity and fire response.

The proposed development is not a benefit through the provision of interconnected open space, conservation of environmental features, or aesthetic features and harmonious design. Apart from affecting native endangered and non-endangered wildlife, fire risk, and water scarcity issues, this development will inevitably affect the air quality, bring about noise pollution, and create light pollution in an existing dark sky area.

Each of these concerns are addressed in detail below. For these reasons, the Planning Commission should reject the Phase 2 proposal.

Phase 2 DOES NOT meet the Preliminary Plan Submittal Requirements

For a PUD proposal to be considered for preliminary plan submission approval, the Land Development Code of El Paso County requires that, among other factors:

Environmental and Animal Defense

- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;
- Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design;
- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;

See Chapters 7 and 8 of the El Paso County Land Development Code (2019).

The proposed development's water supply security is questionable in the face of increased consumption, drought, and climate change.

The proposed development's consideration of environmentally sensitive areas is inadequate and harms the native ecosystem by eliminating wildlife corridors and infringing upon Preble's Meadow Jumping Mouse designated critical habitat.

The proposed development is not in general conformance with the goals, objectives, and policies of the Master Plan, namely the El Paso County Policy Plan, and the Tri-Lakes Comprehensive Plan (2002).

The El Paso County Plan

The El Paso County Plan prioritizes preserving the environment. The County itself admits that there is an influx of people moving to El Paso County and that "harmony with nature can only exist if adequate plans are made to ensure its sustainability." The County acknowledges that there is a visible haze over much of the county that was not present before 1980, which is caused in part by "increased fuel exhaust, geological dust and smoke from wood burning appliances." The County also acknowledges the impact of noise pollution.

Furthermore, the County Plan prioritizes the preservation and enhancement of "the region's unique flora and fauna." The County expounds upon the impacts of development on wildlife species, citing that "wildlife must compete for smaller and fewer territories as more land area is occupied by development," displacement of riparian and wetlands by development, as well as encounters with predators.

Finally, the County Plan prioritizes the preservation and enhancement of "significant natural landscapes and features." The County acknowledges that "many large ranches, which once made up much of the County, have been transformed into 35 acre and smaller residential exurban subdivisions," such as the one proposed in Phase 2 of the Forest Lakes development.

Environmental and Animal Defense

Phase 2 build-out of a 180-home proposal of the larger Forest Lakes subdivision is not in keeping with this advancing these policy points and will only contribute to these concerns.³

The Tri-Lakes Comprehensive Plan

One of the mission statements of the Tri-Lakes Comprehensive Plan is “to accommodate growth that preserves and enhances the natural environment, character, history, and visual beauty of the Tri-Lakes Area.” High density housing developments such as Phase 2 of Forest Lakes is not in keeping with that goal. This development will negatively impact wildlife and the surrounding ecosystems.

The County acknowledges that “Tri-Lakes is also considered a transitional zone for flora and fauna” and that habitats range from the sub-alpine to semi-arid systems, allowing for a variety of wildlife to thrive, including the Preble’s Meadow Jumping Mouse. This development will negatively impact all wildlife in the area, including the Preble’s Meadow Jumping Mouse.

The County acknowledges that “as growth and development occur along the Front Range, wild land fire potential can become a significant liability to residents, wildlife, and firefighters,” and that the risk in this area varies. One of the ways in which the County aimed to minimize fire risk was to establish “a minimum of 30’ wide ‘defensible space’ around building structures.” However, approving a high-density and close-quartered housing development needlessly puts hundreds of future homeowners, as well as existing homeowners in the area, at risk as there will be more fuel for a fire to spread rapidly, with potentially lethal effects.

While the County operates under a “market driven philosophy” in evaluating proposed developments, it must not do so at the expense of the natural environment, native ecosystems, or the peace and enjoyment of existing and future homeowners.⁴

Each of these concerns are addressed in detail below. For these reasons, the Planning Commission should reject the Phase 2 proposal.

Ultimately, if the Planning Commission does not reject the Phase 2 proposal in whole, it should issue a continuance of Classic Homes’ request for 180 homes and allow the applicant to correct the deficiencies of its application, including limiting

³ See generally <http://adm2.elpasoco.com/Planning/Policy-plan/page7.htm>

⁴ See generally <https://planningdevelopment.elpasoco.com/wp-content/uploads/ResourcesReference/MasterPlan/Tri-Lakes-Comprehensive-Plan-2000.pdf>

Environmental and Animal Defense

its proposal to no more than the originally proposed 131 home limit, to be redesigned with the presently found concerns in mind.

Detriments of the Phase 2 Proposed Project

Contents

1. Fire
2. Water Scarcity
3. Flood
4. Pollution
5. Native Wildlife
6. Endangered Species Act: Federally Threatened Species
7. Clean Water Act

Discussion

1. Fire

The threat of wildfire is the harsh reality of the Phase 2 proposed development and surrounding homes. Per the Tri-Lakes Monument Fire Protection District's March 19, 2019 and October 30, 2018 comment letters, "the area and acreage within the Forest Lakes Subdivision is frequented by fire events as recently as the 2002 Spaatz Fire that started on the ranch and consumed over 67 acres while taxing the response of local resources even with a *rapid 4-minute response*" (emphasis added). If over 67 acres can be destroyed within the time it takes the fire department to reach the site, this can certainly cause fatalities and injury, as well as property damage, in a high-density subdivision such as the one in the Phase 2 proposal. While there is a low rating for wildfire in the meadow, the severe rating applies to wildfire in the brush, "which is where most of the homes are being constructed in Phase 2."

The Fire Marshal also states that this development will be constructed within "the severe hazard rated areas" of that district. In no uncertain terms, the Fire Marsal clearly states that "[t]he community will experience wildfire again as has been demonstrated numerous times over the last 20 plus years."

Further details projecting wildlife impacts are elaborated upon in the 2003 Wildfire Hazard Evaluation Report, which was revised in 2018. It predicts that a wildfire will "spread quickly, at a rate in excess of 1432 feet per hour, or 23 feet per minute. Flame lengths will range from 2 to 2 ½ feet. The probability of fuels igniting in advance of the fire front is 100%. In the fifteen minutes that it may take for the fire to be noticed, reported to the fire department's dispatch office and for the arrival of the initial attach force, the fire could have traveled over 350 feet and be approximately 1.6 acres in size. . ." The fire will accelerate as it travels, with the

Environmental and Animal Defense

potential to grow to 3 acres in size and move at a rate of 35 feet per minute. These predictions are based on “normal” weather; however, the recent history of drought has made conditions increasingly dangerous. Conditions also will only continue to worsen as the effects of climate change increase in this region.

It is inevitable that this proposed development will experience wildfires, with risk of a severe fire cutting through a large swath of acreage destroying numerous homes with the potential for fatality. It is simply irresponsible for the Planning Commission to approve such a dangerous development.

2. Water Scarcity

The Forest Lakes development is served by the Forest Lakes Metropolitan District. The water source for this district is sourced from both non-renewable groundwater and surface water. While the 2017 Forest Lakes Metropolitan District Water Supply Plan and Wastewater Report, revised in 2018, characterizes the water source as “strong and reliable,” the report does not once mention effects of drought.

As it stands, the available water rights provide a net 724.14 annual acre-feet of water after relinquishments for augmentation, non-300 year demands, and evaporative losses. The study projects the annual water demand to total 166.30 annual acre-feet.

Simply stated, the doctrine of prior appropriation comes with a “use it or lose it” policy. Regardless of the fact that the estimates by this survey places water usage at nearly 600 acre-feet below the appropriated rights, there is a significant incentive for the Forest Lakes Metropolitan District to use all of its allotted water rights, seriously harming the health of the aquifer and surface waters. This is even after the fact of providing stream augmentations of approximately 50 acre-feet.

Additionally, the massive use of water for this development will detrimentally impact neighboring homes. There is growing concern that personal residential wells will run dry as prior appropriation runs its course, drought worsens, and the longstanding existing community members will be left with no water.

Finally, the effects of climate change must also be considered. Acre-feet and water availability may look “strong” on paper, but the reality must also be considered. 2018 presented drought conditions in the state, with snowpack at a deficit.⁵ While 2019 is a “good year” thus far, given the past 3 years of data it must be considered an anomaly. Since 2000, Colorado has been progressing through cyclical drought cycles, cycles which last years.⁶ Cycles of drought will only become more frequent as the effects of climate change become more apparent within the state. Therefore, the

⁵ See <https://www.wcc.nres.usda.gov/ftpref/states/co/charts/basinplotstate19.gif>

⁶ See <https://www.drought.gov/drought/states/colorado>

Environmental and Animal Defense

Planning Commission must take these concerns into account and reject the Phase 2 proposal.

3. Flood

The Debris Flow Analysis completed in August 2018 evaluates the 231-lot plan and demonstrates that certain plots of land will be flooded. The lots that remain in the current 181-lot plan along the North Beaver Creek were found to encroach into the 100-year storm event debris and mudflow. These lots need to be replatted or mitigation measures must be taken. As currently planned, these lots will be damaged by a 100-year storm event. As such, it is irresponsible for the Planning Commission to approve the development as planned.

4. Pollution

With development comes increased pollution. The Traffic Impact Study does not evaluate impacts on air quality, noise pollution, or light pollution; however, it is important to consider these effects. The County recognizes in its own Policy Plan that there is a haze above the County. Increased development and traffic will only contribute to the existing air pollution, leading to greater visibility issues and potential health issues related to poor air quality, such as asthma.⁷

Furthermore, there will undoubtedly be increased noise pollution and light pollution. The area as it currently stands is a relatively rural area, occupied by a limited number of homeowners. Additional traffic will create noise pollution, affecting wildlife and human use and enjoyment in the area. Furthermore, lighting from homes, cars, street lights, and street lamps, will create light pollution which will affect wildlife, particularly nocturnal species, and human use and enjoyment of the area. Therefore, the Planning Commission should reject the Phase 2 proposal.

5. Native Wildlife

There are hundreds of species of wildlife that will be affected by this development project. This section will not include federally-protected endangered or threatened species, which are discussed below.

The November 16, 2018 Impact Identification Report identifies seasonal concentrations of elk, mule deer, and white-tailed deer. These species are at risk for negative interactions with humans, including but not limited to automobile accidents, urban hunting, and damaging private property. These species are not traditional urban wildlife species, such as squirrels and raccoons, which are accustomed to life among humans. These species will face significant stressors from high-density development and inevitable human encounters. Furthermore, as

⁷ See <https://www.aafa.org/air-pollution-smog-asthma/>

Environmental and Animal Defense

grazing herbivores, these species' food sources will be eliminated by the development. The presence of high-density development may even affect certain species' migration patterns through the total elimination of current habitat.

There is also an increased potential to attract black bear to the development due to trash foraging. Negative encounters between humans and black bears are well documented along the Front Range as far east as Parker.⁸ These encounters will only increase and be exacerbated by a 180-home development in Phase 2. The existing homeowners and community are accustomed to life among the native wildlife in the existing rural area. With the potential for over 720 new residents (calculated at 4 per household) in the area in Phase 2 alone, the chances for wildlife encounters greatly increase.

Additionally, there are many species of birds that inhabit and migrate to or from the area. The Impact Identification Report identifies 19 migratory bird species, including 15 potential breeding species. These species are protected under the Migratory Bird Treaty Act which prohibits pursuing, hunting, taking, capturing, killing, these species or any attempt to do so. Increased human population inevitably increases the risk for disturbing these federally protected species, which is punishable criminally through jail time and fines.⁹

Therefore, it is in the best interest of both the native wildlife and the public for the Planning Commission to reject this proposed Phase 2 high-density housing proposal.

6. Endangered Species Act

There as many as four species impacted by this development protected by the Endangered Species Act: the Preble's Meadow Jumping Mouse, the Greenback Cutthroat Trout, the Mexican Spotted Owl, and the Ute Ladies'-Tresses.

The Endangered Species Act was enacted "to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved."¹⁰ An "endangered species" is "any species which is in danger of extinction throughout all or a significant portion of its range."¹¹ A "threatened

⁸ See <https://www.denverpost.com/2018/09/03/bear-westminster-colorado-backyard/>; <https://www.kktv.com/content/news/Black-bears-push-into-Colorado-Springs-before-hibernation-494022131.html>; <https://www.wkbw.com/news/national/video-black-bear-wanders-around-hotel-lobby-in-colorado>; <https://www.denverpost.com/2018/07/26/black-bear-in-parker/>;

⁹ See 16 U.S.C. § 707.

¹⁰ 16 U.S.C. § 1531.

¹¹ 16 U.S.C. § 1532.

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species" is "any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range."¹² Concurrent with a designation threatened of endangered, the Secretary of the Interior then has the authority to designate critical habitat for a species.¹³ Endangered and threatened species are not allowed for "take," which is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct."¹⁴ Furthermore, each federal agency has the duty to consult with either the United States Fish and Wildlife Service ("FWS") or the National Marine Fisheries Service to ensure that "any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the" critical destruction or adverse modification of habitat without an exemption, otherwise known as a Section 7 consultation.¹⁵ Finally, there is a provision for citizen suits to uphold the integrity of the Act.¹⁶

Each of the species, hereinafter discussed, have not undergone a formal Section 7 consultation as, based on the provided documents, it has not been triggered. The documents include only letters from the FWS opining on the possibility of adverse effects within the critical habitat and possibility for "take" based upon the documents provided by Classic Homes. However, the application for a dredge-and-fill permit under the Clean Water Act ("Section 404 permit") for at least two roadways that are planned to cross waterways in the planned Phase 2, and other parts of the development including grading and construction, will trigger the Section 7 consultation requirement under the Endangered Species Act. Nevertheless, it is clear from the development plans that this project will harm the viability of these federally protected species; therefore, the Planning Commission should reject the Phase 2 proposal as submitted.

Preble's Meadow Jumping Mouse

As of July 10, 2018, FWS, relying upon documentation provided by Classic Homes' consultants, stated that, "[b]ased on the information you provided and FWS' understanding of the project, local conditions, and current information, we agree with your determination that 'take' of the Preble's meadow jumping mouse, which is protected under the Endangered Species Act (Act) as amended (16 USC 1531 et seq.), from the project is not reasonably certain to occur because all proposed

¹² 16 U.S.C. § 1532.

¹³ 16 U.S.C. § 1533.

¹⁴ 16 U.S.C. § 1532.

¹⁵ 16 U.S.C. § 1536.

¹⁶ 16 U.S.C. § 1540.

Environmental and Animal Defense

development will be located more than 300 feet from the 100-year floodplain.” As of December 17, 2018, FWS has refused to comment on any updated plan proposal.



Figure 1 - Preble's Meadow Jumping Mouse (U.S. Fish and Wildlife Service)

There is significant cause for concern given the circumstances surrounding the Preble's Meadow Jumping Mouse, including the concern that any communication between Classic Homes and FWS was inadequate in the Service's review of the information at stake.

First, there has been a significant redrawing of the critical habitat line between 2001 and present day without any sort of explanation or citation.

residents at risk for prosecution and subject to suit under the Endangered Species Act for unlawful take.

Greenback Cutthroat Trout

The Greenback Cutthroat Trout is a federally listed threatened species and the Colorado state fish. The Impact Identification Report states that it is “unlikely” that there is an occurrence of Greenback Cutthroat Trout based on a 2012 study by Metcalf et al. and that the species was limited to Bear Creek. However, Bear Creek is hydrologically connected to Monument Creek, which feeds into Beaver Creek and the lakes at Forest Lakes. Community members of the existing homes believe they have anecdotally seen Greenback Cutthroat Trout in the creeks in that region. It is scientifically believed that the Bear Creek population of this trout is the only viable wild population.¹⁸



Figure 4 - Greenback Cutthroat Trout (U.S. Fish and Wildlife Service)

There is admittedly no critical habitat designated for the Greenback Cutthroat Trout, which is currently listed as threatened. However, development should proceed with extreme caution, particularly due to the singular population and potential for uplisting of this rare fish.

Mexican Spotted Owl

The Mexican Spotted Owl is a federally listed threatened species. The Impact Identification Report states that designated critical habitat is over 10 miles away and there is no habitat connectivity between the sites. However, development plans and future residents should take extreme caution when considering the close

¹⁸ See <https://www.rmfi.org/projects/bear-creek-watershed>

Environmental and Animal Defense

proximity to critical habitat and the potential for take should individual birds travel outside of the critical habitat zone.



Figure 5 - Mexican Spotted Owl (U.S. Fish and Wildlife Service)

Ute Ladies-Tresses

The Ute Ladies-Tresses orchid is a federally listed threatened species. The Impact Identification Report states that it is possible that this species will occur within the Phase 2 proposal area. This orchid is likely to occur perennially near Beaver Creek adjacent to the floodplain.



Figure 6 - Ute Ladies-Tresses Orchid (U.S. Fish and Wildlife Service)

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While there is no designated critical habitat for this species, the likelihood of its perennial occurrence should give developers and future residents extreme caution when proceeding in order to avoid violations of the Endangered Species Act.

7. Clean Water Act

The Clean Water Act was implemented in order to “restore and *maintain* the chemical, physical, and biological integrity of the Nation's waters.” 33 U.S.C. 1251 (emphasis added). The Clean Water Act regulates certain activities affecting the nation's navigable waters. Dredging and filling activities require a permit from the Army Corps of Engineers before any material may be discharged into navigable waters. There is also a citizen suit provision of the Act to further the purposes of the Act.¹⁹

Section 404 Permitting

As the above Figure 2 demonstrates, the navigable waters at issue in Phase 2 are Hell Creek, North Beaver Creek and South Beaver Creek and their resulting wetlands. There are multiple issues affecting these waters of the United States, including:

- A proposed culvert/road over a stream containing wetlands in the center of the proposed Phase 2 project.
- A proposed trail to go through wetlands, a stream containing wetlands, and an NHD watercourse at the north end of the proposed Phase 2 project.
- A proposed trail to go through wetlands, a stream containing wetlands, and an NHD water course in the center of the proposed Phase 2 project.
- Grading into wetlands at the center of the proposed Phase 2 project. This includes at least 8 affected homes.
- A large section of homes in the southwest corner of the proposed Phase 2 that will interfere with an NHD watercourse. At least 6 proposed homes directly interfere with that watercourse.
- At least 2 proposed homes directly interfering with another NHD watercourse in northeast corner of the proposed Phase 2 project.

There are no provided documents indicating that Classic Homes is in the process of seeking Section 404 permits for any of these aspects, although the Impact Identification Report advises Classic Homes to do so. Most, if not all, of these abovementioned aspects will require dredging and filling, thus triggering the need for a Section 404 Permit.

NPDES Permitting

¹⁹ 33 U.S.C. 1365

Environmental and Animal Defense

National Pollutant Discharge Elimination System permits (“NPDES permits”) are required for discharge into waters of the United States. There are no documents provided discussing any NPDES permits for discharge from point sources into the affected waters of the United States, although there is mention of three point source drainage ways in the November 2018 Drainage Report. These permits are necessary to remain in compliance with the Clean Water Act.

Therefore, due to the lack of Section 404 permits and NPDES permits for this Phase 2 proposal, the Planning Commission should reject the plan.

Conclusion

There are several issues that should necessitate the denial of the Phase 2 proposal:

1. Fire
2. Water Scarcity
3. Flood
4. Pollution
5. Native Wildlife
6. Endangered Species Act: Federally Threatened Species
7. Clean Water Act

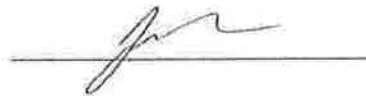
Should this Planning Commission not outright reject the Phase 2 proposal, it should require the modification of the proposal, and issue a continuance of the hearing. The continuance should urge the applicant to modify the plan to mitigate the issues described above and reduce the number of homes to no more than the originally submitted 131 homes.

Thank you for the opportunity to comment on this project proposal.

Sincerely,



Alexa Carreno, Esq.
Environmental and Animal Defense
501 S. Cherry St, Ste 1100
Denver, CO 80246



Jeremy McKay, Esq.
Environmental and Animal Defense
501 S. Cherry St, Ste 1100
Denver, CO 80246

Attached Documents:

1. Letter from local resident Daniel Irey in opposition to the development.
2. Endangered Species Act and Clean Water Act Concerns Map (Figure 1)
3. Full resolution Critical Habitat Boundary Map (Figure 2)
4. A screen capture of a Change.Org Petition documenting public opposition to the development, *original available at* <https://www.change.org/p/stop-the-over-development-threatening-the-pike-national-forest-monument-co>

needing development. They are generally making requests that this development, even violating the Tri Lakes Comprehensive Plan of 2000.

This property is a vast stretch of land that is home to Elk, the endangered Preble Jumping Mouse, Bear, Mountain Lion, Deer, Coyote, and Migrating Birds. If developed, the dramatic effects will be felt by all residents and visitors to the Pike National Forest. This type of development, only designed to maximize the all-mighty dollar, will alter the beauty and the reason that people choose to live/visit Colorado.

Equally as important as the wildlife are the water supply and eminent fire danger:

Water Supply

Water is a Colorado relic, which is leading El Paso County down a road to families without water. Many developers are touting that they have enough water, for these mass developments, because it says so on paper. We live in the marginal zone and thus we will lose water prior to the other areas who live over the deeper parts of the aquifers. Of course in the Forest Lake plan, there is alternate source of water, but it will come at a steep cost.

FACT: Forest Lakes is built on a premise that it would be a "renewal water resource development". The reservoirs would supply water for 467 homes in the final build out. The wells in place would only be used to supplement any potable water required by homes if the reservoirs could not maintain enough water. How can this be guaranteed when it has not been tested?

FACT: Residents of Forest Lakes were sold properties with the implied promise that the lake was for beautification and recreation only. Current residents were told recently that it could go dry, but they had enough well water to keep the lake at an acceptable level and if not they could drill more wells.

FACT: To date the reservoir at Forest lake has not been used supply potable water to any of the existing homes. Per the 1986 contract with Colorado Springs, the renewable water source is being supplied by 660 af of return flow water which was purchased from Las Vegas Wastewater Treatment Facility (located down stream in Colorado Springs). But in this contract there is a stipulation that if the flow from the creek drops below 5 cfs that Forest Lakes would have to pay for the water or supplement it from the existing wells. It has not been proven to date that this plan will work.

FACT: Drilling more wells into the deeper aquifers is expensive and the need to treat the water is expensive. Water to fill the lakes is lost to evaporation and to seepage that is not addressed. In addition, more wells in close proximity will decrease the amount of water from surrounding wells.

FACT: In 2002 a plan was put forth and passed for the development called Forest Lakes. Many people fought this large development. The aquifers are being depleted and less development is far better for those who have no other means of water except from existing private wells. It is wrong to penalize the current residents for wanting to protect a very precious resource.

Kari Parsons

From: Craig Dossey
Sent: Monday, April 1, 2019 10:04 AM
To: Holly Williams
Subject: RE: Letter AGAINST Forest Lakes Phase 2

Thank you Commissioner, we will add this one to the file.

Craig Dossey

Executive Director
El Paso County Planning and Community Development Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910
719-520-7941
craigdossey@elpasoco.com

From: Holly Williams
Sent: Monday, April 1, 2019 9:55 AM
To: 'Dan Irej'
Cc: Craig Dossey
Subject: RE: Letter AGAINST Forest Lakes Phase 2

Dan,

I have forwarded your comments to the Planning Department for their official file. Thank you,

Commissioner Holly Williams

El Paso County Colorado
200 South Cascade, Suite 100
Colorado Springs, CO 80903-2202
(719) 374-0856 (mobile)
(719) 520-6411 (office)

From: Dan Irej [<mailto:danielrrey@gmail.com>]
Sent: Sunday, March 31, 2019 8:04 PM
To: Kari Parsons; Holly Williams; Mark Waller; Stan VanderWerf; Longinos Gonzalez Jr; Cami Bremer
Subject: Letter AGAINST Forest Lakes Phase 2

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Dear Ms. Parsons and County Commissioners,

We appreciate your time, dedication and service to the citizens of El Paso County and your effort to be a servant of the people.

Please see attached letter AGAINST Forest Lakes Phase II as proposed.

Sincerely,

Dan & Susan Irey
Diamondback Ranch
4585 Diamondback Drive

EL PASO COUNTY COLORADO

COMMISSIONERS:
 MARK WALLER (CHAIR)
 LONGINOS GONZALEZ, JR. (VICE-CHAIR)

COLORADO

HOLLY WILLIAMS
 STAN VANDERWERF
 CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

March 12, 2019

This letter is to inform you of the following petition which has been submitted to El Paso County:

PUDSP-18-001

PARSONS

**PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN
 FOREST LAKES PHASE II**

A request by FLRD, No. 2, LLC, for approval of a map amendment (rezoning) of 287 acres from PUD (Planned Unit Development) to PUD (Planned Unit Development) and approval of a preliminary plan for 180 single-family residential lots. The property is located north of Hay Creek Road, south of Doolittle Road, and west of Old Denver Highway. (Parcel No. 71000-00-433) (Commissioner District 1) (Kari Parsons)

Type of Hearing: Quasi-Judicial

_____	<u> X </u>	_____
For	Against	No Opinion
Comments: <u>(See attached sheet.)</u>		

(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)

- **This item is scheduled to be heard by the El Paso County Planning Commission on April 2, 2019.** The meeting begins at 9:00 a.m. and will be conducted in the Second Floor Hearing Room of the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs.
- **The item will also be heard by the El Paso County Board of County Commissioners on April 23, 2019.** The meeting begins at 9:00 a.m. and will be conducted in the Centennial Hall Auditorium, 200 South Cascade Avenue, Colorado Springs.
- The date and order when this item will be considered can be obtained by calling the Planning and Community Development Department or through El Paso County's Web site (www.elpasoco.com). Actions taken by the El Paso County Board of County Commissioners are posted on the internet following the meeting.
- The online submittal portal can be found at: www.epcdevplanreview.com
- The Staff Report for this Agenda item can be found at: <https://planningdevelopment.elpasoco.com/el-paso-county-planning-commission/planning-commission-2019-hearings/>

Your response will be a matter of public record and available to the applicant prior to the hearing. You are welcome to appear in person at the hearing to further express your opinion on this petition. If we can be of any assistance, please call 719-520-6300.

Sincerely,



Kari Parsons, Planner II

Your Name: William Fitzpatrick _____
(printed) 
(signature)

Address: 4515 Diamondback Dr, Colorado Springs, CO 80921

Property Location: IMMEDIATELY adjacent to proposed Phase 2 development on south side. Phone (719) 357-2475

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

El Paso County Parcel Information

File Name: PUDSP-18-001

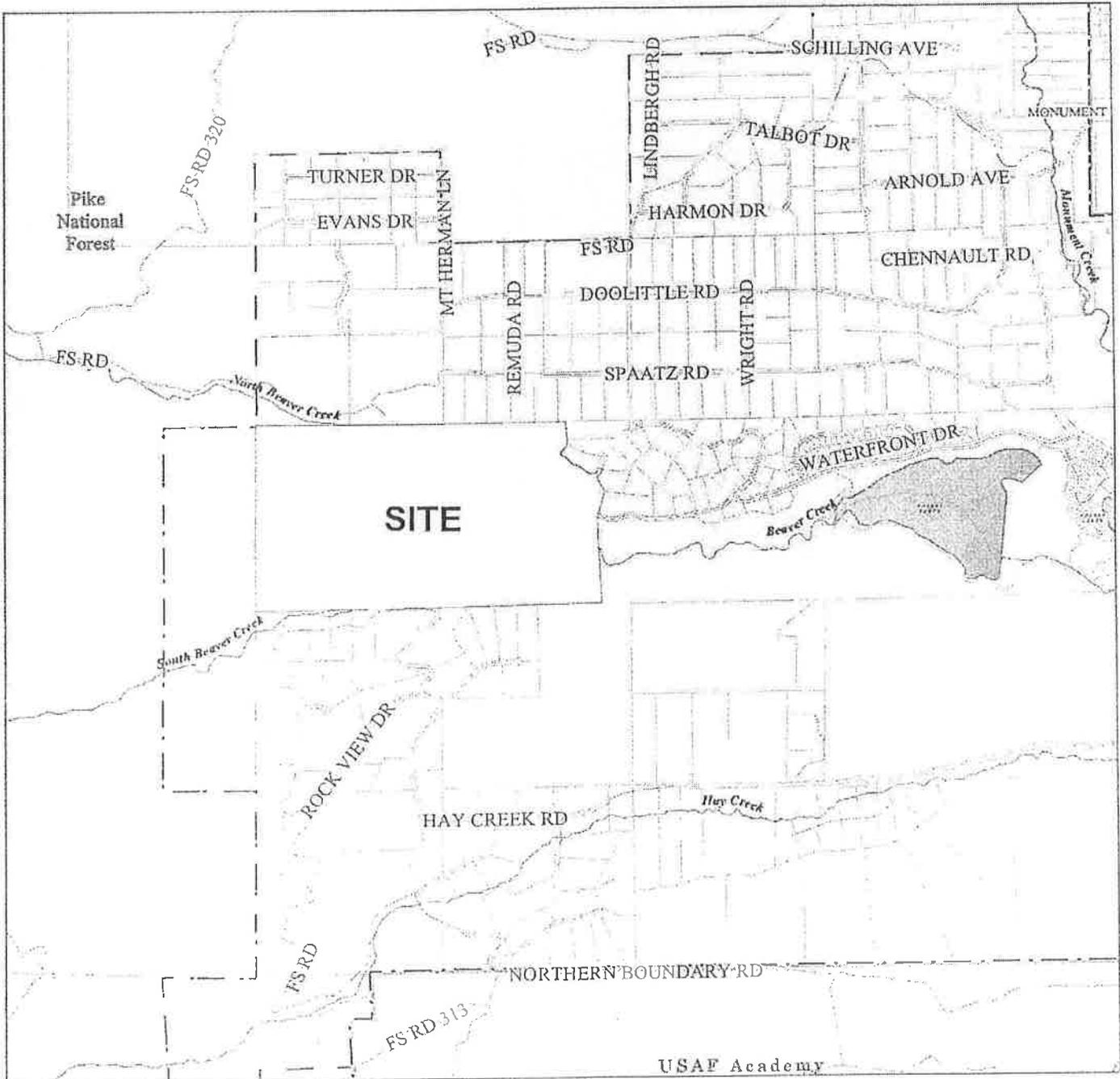
Zone Map No. --

Date: MARCH 8, 2019

PARCEL	NAME
7100000433	FLRD #2 LLC

ADDRESS	CITY	STATE
6385 CORPORATE DR STE 200	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80919	5912



Please report any parcel discrepancies to
 El Paso County Assessor
 1675 W. Garden of the Gods Rd
 Colorado Springs, CO 80907
 (719) 520-6600



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April 1, 2019

Kari Parsons, Planner II
El Paso County Planning Commission
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Dear Ms. Parsons,

My home sits directly adjacent to the proposed Forest Lakes Phase 2 development. It is one of four homes (original "Diamondback Ranch") that will be most adversely affected by the proposed development, as this high-density project - despite the Preble's Meadow Jumping Mouse setback - will be quite literally in our backyard. I strenuously object to the proposed development.

I have lived in the Colorado Front Range for more than 60 years, and have owned numerous homes here. In each case, I felt as if I had found a little slice of heaven, looking forward to a life of peace and tranquility, only to have my dreams dashed by some greedy developer with only profits in mind. In frustration, I have been witness to runaway development all across the Front Range, feeling helpless to do anything about it. For decades, Colorado residents have been fed this "all growth is good" mantra, and I believe that more and more of us have had enough!

When I bought my current house four years ago (which was built in 1980), I felt that I had finally found a home I could look forward to retiring in - nice and quiet in a low density neighborhood (5 acres minimum lot size), national forest to the west, and (according to the MLS listing) the property to the north was owned by a rancher. Even when I discovered this was not exactly true (the property is in fact leased by a rancher), I felt secure that I might be somewhat protected by the terms of this lease. However, it would seem that Forest Lakes can nullify the lease with the rancher at will. In addition to this general objection, I have a number of specific objections as well:

Density - First and foremost is the abrupt juxtaposition of housing density. The minimum lot size of all existing adjacent lots is 5 acres - Forest Lakes is proposing ¼ acre lot sizes. People who chose to live in NW El Paso County do so because they desire to live in a low-density rural setting. ¼ acre lots can only be described as suburban density. The developer has claimed that the required Preble's Meadow Jumping Mouse setback from South Beaver Creek is a sufficient buffer between the high- and low-density zones. I disagree. Visually and audibly, the additional buffer won't make any difference to the negative impact. On a side note, I don't believe the proposed lots are sufficiently set back from the Preble's critical habitat, which is 120 meters (394 feet).

Noise - As I stated earlier, a big selling point of my house was the inherent peace and quiet. This will be but a fond memory if Forest Lakes moves forward with this plan. Also, I believe that since the quietness of the area was of high value to me when I purchased my home, losing that quietness can do nothing but hurt the property value of my house.

Light pollution - I am an avid astronomer, and the darkness of this area is of great benefit for stargazing. I raised the issue of light pollution with the developer and he attempted to reassure me that the street lights will be "full cutoff". That is all well and good, but nothing was said about use of external high intensity "security lights" and other stray lighting. I've noticed over the years that people who have been used to living in cities tend to feel insecure in the darkness of the country and have a penchant for installing bright security lighting (and leaving those lights burning all night long). This is called "light trespass" and is unacceptable.

Trespassing - In spite of posted "private property" signs, there have been incidents of people ignoring those signs and brazenly climbing over fences (and breaking some) and hiking around on our private properties. South Beaver Creek runs through my property, and I expect that it will be a magnet for would-be adventurers that will surely be among those moving to the new neighborhood.

Knapweed - This is a noxious invasive weed that (according to old-timers in the neighborhood) first appeared in the area shortly after construction of the dam which was built to create Bristlecone Lake. Many people are allergic to contact with this weed and have symptoms similar to poison ivy. Personally, I am highly allergic to it and have been waging war with it

on my own property. This weed tends to flare up in areas with newly-disturbed soil, as inevitably occurs with new developments. I have already noticed knapweed-infested areas where Forest Lakes development is already in progress. This is a tumbleweed, and new infestations are caused by the wind blowing the weeds into new areas.

South Beaver Creek - As noted previously, this is designated as critical habitat for the Preble's Meadow Jumping Mouse. In addition, I frequently see Greenback Cutthroat trout in the creek. This native species is the official Colorado State Fish, but is now a threatened species due to loss of habitat. The proposed development will result in discharges of fertilizers and pesticides from lawns and gardens into the creek, and this will certainly impact the survivability of the endangered trout. In addition, many other species will be affected as well, especially birds that feed on trout, like the Belted kingfisher, Great Blue heron and the osprey. I have personally enjoyed watching these birds fishing in the creek.

Other wildlife - There is currently a vast number of diverse species that I currently enjoy seeing, many of which will disappear if this high-density housing project is allowed to proceed. To name but a few:

- elk
- Mule deer
- Mountain lions
- bobcats
- coyotes
- Grey foxes
- Black bears
- eagles (Bald, Golden)
- hawks (Red-tailed, Ferruginous)
- Common nighthawks
- Common poorwills
- Great Blue herons
- Belted kingfishers
- hummingbirds (Broad-tailed, Rufous, Black-chinned, Calliope)
- Scrub jays
- Prairie rattlesnakes
- Smooth Green snakes
- Bullsnakes
- Garter snakes

Well contamination - Current residents of adjacent properties rely on private wells for our water supply. These are often shallow, and could be easily contaminated. Current residents know this and are motivated to prevent contamination of the ground water that inevitably ends up in our wells. Since Forest Lakes homeowners receive their water from a "public" supply, they have no such motivation to keep pollution out of the soil.

Well depletion - Much has been said about Bristlecone Lake being the main water supply for Forest Lakes, with a "deep" well only for backup. Historically, Bristlecone Lake has become severely depleted during draughts in the past, and it is a certainty that the deep well will have to be used extensively in the future. While this well draws its water from a different aquifer than our private wells, the two aquifers are in fact connected such that depletion of the deeper aquifer will cause our shallower aquifer to drain into it. Aquifer depletion is a larger problem for the whole Front Range in general, and a California-style water crisis is certainly looming in our future if nothing is done to curb rampant out-of-control development.

I implore you to please give consideration to the needs and wellbeing of current residents before approving this monstrous development plan!

Sincerely,
William Fitzpatrick
4515 Diamondback Dr
Colorado Springs, CO 80921

EL PASO COUNTY



COMMISSIONERS:
 MARK WALLER (CHAIR)
 LONGINOS GONZALEZ, JR. (VICE-CHAIR)

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
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(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)

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- The item will also be heard by the El Paso County Board of County Commissioners on April 23, 2019. The meeting begins at 9:00 a.m. and will be conducted in the Centennial Hall Auditorium, 200 South Cascade Avenue, Colorado Springs.
- The date and order when this item will be considered can be obtained by calling the Planning and Community Development Department or through El Paso County's Web site (www.elpasoco.com). Actions taken by the El Paso County Board of County Commissioners are posted on the Internet following the meeting.
- The online submittal portal can be found at: www.epcdevplanreview.com
- The Staff Report for this Agenda item can be found at: <https://planningdevelopment.elpasoco.com/el-paso-county-planning-commission/planning-commission-2019-hearings/>

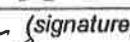
Your response will be a matter of public record and available to the applicant prior to the hearing. You are welcome to appear in person at the hearing to further express your opinion on this petition. If we can be of any assistance, please call 719-520-6300.

Sincerely,



Kari Parsons, Planner II

Your Name: JOHN GARDNER 

Address: 4185 SPARTZ RD, MONUMENT CO 

Property Location: North boundary of F.L. Phase II Phone 719-531-9576

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

April 15th, 2019

John Gardner
4185 Spaatz road Monument CO 80132

El Paso County Planning Commission
ATTN: Kari Parsons, Planner II
2880 International circle, Suite 110
Colorado Springs, CO 80910

RE: PUD Preliminary Plan for Forest Lakes Phase II

Ms. Parsons,

I am returning your form and including this letter to substantiate my position of being AGAINST the development of Forest Lakes Phase II, based on the research presented below. Although current and past Planning Commissions have put much effort into this project, I believe and will demonstrate that important topics have not been addressed. One topic in particular is the impact of PUD developments adjacent to National Forests. I begin with some background information. Paragraph 4 will present information outlined in a 2007 study performed by the U.S. Department of Agriculture (USDA) and the Forest Service that was not available for consideration in 2001.

As early as the 1990s, the Twin Valley Sub Area Plan discussed the importance of this unique and pristine area and recommended that it be purchased by the County for the Parks Department for preservation and future public parks and recreation. For thirty years that recommendation has not been heeded. Now we find ourselves on the brink of sacrificing one of the last and most beautiful landscapes that characterizes the Tri-Lakes area. I would ask that all of us take pause. Let's ask ourselves what will we all lose if Forest Lakes Phase II is approved? And, by lose, I mean lose forever: for those of us who live here, our children, and their children as well.

Consider Forest Lakes Phase II in a different perspective. As a premise, let's remember that the people of El Paso County rely upon the discretion, interpretation, and wisdom of our County Commissioners when it comes to land development. Since the 1980s, Forest Lakes has been one of the more controversial developments in the Tri-lakes area. It has been denied and resubmitted, bankrupted and resold, modified in its scope because of environmental concerns and the need to protect endangered species. Its ability to provide water has been argued since the beginning and now thirty years later, adequate water availability is a "presumption" backed with questionable documentation. The developers have demonstrated that increased density is their primary goal. Their application today requests adding 50 homes to the original plan, going from 131 houses to 180, which is a 37% increase. As with their previous requests, there is no explanation or justification to support the "need" for the increase. The only reason they have given for this change, per their NES representative, is "to capture more market share."

I would submit that there is a better and viable alternative. Going back to the previous recommendation. This acreage would better serve the County and Tri-Lakes community if it were purchased from the developer and converted into a park. It has all the unique qualities that would justify such a purchase. This would protect the

natural beauty and integrity of the Twin Valley Sub Area as previously recommended. This would allow the developer an opportunity to recoup investment costs and move to a more suitable area. This is also a more prudent approach for the protection of the adjacent Pike National Forest. A study titled "NATIONAL FORESTS ON THE EDGE" was published by the USDA and Forest Service in 2007. According to this report, there are many risks associated with Planned Urban Developments adjacent to a National Forest. This report goes on to describe the many hazards incurred when subdivisions are built next to a National Forest. Listed below are important quotes from each of the implications cited in their research. Please read these convincing "impacts" on the next page, and please vote NO to developing any part of the Forest Lakes Phase II project. As a citizen, I think this is extremely valuable information that should be included in the decision process of the Planning Commission.

John Gardner

NATIONAL FORESTS ON THE EDGE

See (<https://www.fs.fed.us/openspace/fote/GTR728.pdf>) (page15-20)
<https://www.fs.fed.us/openspace/fote/GTR728.pdf>

IMPLICATIONS:(page 15)

"The following examples are among the specific consequences that may be associated with increased housing density on the peripheries of National Forest System lands."

Impacts on Native Fish and Wildlife Habitats and Populations: (page 15)

" For example, wildlife may be excluded from usable habitats outside the national forest or grassland boundary or be otherwise affected by the fragmentation"

Impacts From Invasive Plant Species: page (16)

"Invasives can compete with and replace native plants, reduce plant diversity, and cause other disruptions to ecosystem function. Diseases and insects can be introduced into wildland protected areas by nursery plants used in nearby landscaping; for example, widely used rhododendron (*Rhododendron* spp.) and camellia (*Camellia* spp.) plants can be hosts to the pathogen that causes sudden oak death in native oak"

Impacts on Recreation Access and Management: (page 16)

" with accompanying challenges for effective recreation management. Unmanaged recreation has been cited by the Chief of the Forest Service as one of the top four threats to the Nation's forests (USDA Forest Service 2006b)."

Impacts on Fire Management: (page 17)

"Potential for wildland fires is higher along the boundaries of forests where the human population has grown significantly (GAO 1999). Increased numbers of houses and people can be associated with more frequent ignitions"

Impacts on Water Quality and Hydrology: (page18)

" Increased housing density also creates more impervious surfaces, which lead to more runoff and increased risk of water pollution on both private and public lands (Zipperer 2002)."

Impacts on Boundary Management: (page 18)

" Increased housing density in areas adjoining National Forest System lands can enhance the potential for encroachment, trespass, and unauthorized use and occupation of the public's land and resources. Encroachments onto national forests and grasslands can transform publicly owned environments into privately claimed backyards, lawns, flower and vegetable gardens, playgrounds, garbage dumps, and personal storage sites—potentially destroying or significantly damaging a natural environment. Among the most significant impacts on National Forest System lands from development and urbanization on adjoining private lands include illegal private road building, timber harvest, and user-created off-highway-vehicle trails on national forests and grasslands. The Forest Service faces management challenges associated with control of property lines along the rapidly spreading wildland-urban interface. Limited funding, resources, and workforce have not kept pace with increased development on adjoining non-National Forest System lands. The Forest Service estimates that control of property lines for approximately 1 million acres of public land has been heavily compromised because of encroachment and trespass by adjoining landowners (Cunningham 2006)."

Social and Economic Considerations: (page18)

" The presence of increased housing development near National Forest System lands can reduce open space and alter aesthetic qualities that contribute to recreation experiences (Clark and Stankey 1979). Increased human populations have been associated with an increase in crime on public lands, such as vandalism, drug activity, assaults, and illegal garbage dumping (Tynon and Chavez 2006, Whittaker 2006). Increased public access and activities on public lands could also create heightened concerns and higher costs for management of cultural resources."

Impacts on Other Federal Land Use Planning and Administration: (page)

" Increased development activities on private lands in the vicinity of National Forest System boundaries can complicate resource planning on National Forest System lands and make land use planning and administration more expensive. Additional private landowners adjacent to national forests and grasslands means more neighbors with whom the Forest Service needs to coordinate in arranging access for fire management and recreation, managing ecosystems jointly across the landscape, and other management issues."

Summary and conclusions: (page 19)

"This report also helps to describe potential effects of development near National Forest System lands. Such an understanding can help scientists, resource managers, and communities anticipate potential impacts, plan for prudent growth, and implement policies that take into consideration the implications for national forests and grasslands on the edge of development while the windows of opportunity for effective conservation action remain open."

" Strategic, collaborative approaches are needed at local, state, regional, and national levels to help guide development in ways that reflect people's needs and values and are complementary to or consistent with the protection of resources and services on national forests and grasslands (USDA Forest Service 2006a)."

" Concentrating growth in existing towns and clustering development away from environmentally valuable land"

Dear Commissioners:

I am writing to ask you to vote against any further developments of the Forest Lakes subdivision. Please support the current residents of this area. The overdevelopment of the Tri-Lakes area is not a new topic. What is new -- and dangerous for all of us -- is the resurrection of a failed subdivision from 2002, specifically FLLLC and its proposed Phase 2. The developers have relied on many documents from 2002 and earlier to substantiate their desire to proceed with this project. There are several aspects of this plan that need to be addressed. I will explain some of them and submit attachments with this letter to support my concerns.

1. Phase 2 violates the Tri-Lakes Area development guidelines for rural areas consisting of five-acre lots. Even if lots are to be smaller, building homes on quarter-acre lots surrounded by five acre lots ruins the aesthetic value and property value for hundreds of other taxpayers who moved to Monument 20-30 years ago specifically because they wanted their privacy. The vision and mission of the Tri-Lakes Comprehensive Plan clearly supports this argument. See attachment url below and page 2 of 2 of the document (item #3 of the mission statement: "To accommodate growth that preserves and enhances the natural environment, character, history, and visual beauty of the Tri-Lakes Area.") (item # 7 of the mission statement: "To preserve and protect the integrity of established land use patterns.").

<http://dev.adm2.elpasoco.com/Planning/tri-lakes/Tri-vision.asp>

2. Many of the reports used by the developers to support this high-density plan are outdated and should not have been considered without being updated or verified for accuracy. See examples below.

Example A: One Critical example of this is their "Geologic hazards" document, dated 2001. This report is in stark contrast to a report submitted to El Paso County, dated 02/06/2018, by Colorado Geological Survey which clearly states "CGS cannot recommend approval for the proposed development"..

You can see this document at <https://epcdevplanreview.com/public/projectdetails/102950> Under "Additional Documents," click on "CGS Invoice."

Example B: A recent review by the Tri-Lakes Fire Department recommends a third road in and out of the Forest Lakes development. While it is stated that Mesa Top to Lindbergh is an acceptable secondary road, I encourage you to drive up Mesa Top from Forest Lakes Road (preferably at night and when the roads are icy) and imagine what it would be like during an evacuation, with hundreds of families trying to get out of the area on that road and large emergency vehicles trying to get in. Having experienced the Waldo Canyon fire firsthand, I can assure you that the proposed development will not have sufficient outlets in an emergency situation. Lindbergh is not paved and Mesa Top is barely wide enough for two vehicles to pass each other. Because our roads are classified as country roads, they are very low priority for snow removal by the County. (See attached article from "Our Community News" 03/03/2018)

(see attached Fire review TMFD Review and Comments)

Example C: The developers have argued that water is not a concern. As you are well aware, water is a severe statewide concern. Water shortages have only magnified since 2002. There is no recent study showing the impact to the Dawson Aquifer now or in the near future. The neighboring properties rely on the Dawson for water and we live on the edge of the aquifer (it's shallower here). This is a real concern for us. Recently, neighbors had to drill through the Dawson Aquifer into the Denver Aquifer just to get enough water for three homes. (See the attached document: "Torphy Sub Division water report and well permit.").

Additionally, per a USGS study in 2003 (see url: <https://pubs.usgs.gov/sir/2014/5051/>), "The Dawson aquifer is the most vulnerable of the bedrock aquifers to contamination." So wouldn't it be prudent to avoid overpopulating this sensitive area of the aquifer?

Example D: The developers hired a consulting company (Core Consultants) to provide an "Impact Identification Report" in 2001. A review of the original research was conducted again in 2016. Their updated research details the probability of endangering migratory bird habitat and disrupting ranging areas for many species of wildlife. Additionally, if you look at their map of the flood plains near the creeks and compare it with their proposed plot plan for Phase II, it appears that they have violated the requirements to protect the mouse habitat. There should be no construction within 300 feet of the flood plain. If I am reading their maps correctly, flood plain also exists along the stream in the north west section of the development where houses will be built inside the boundaries of that flood plain.

(see attachment Core Consultants Environmental Impact Identification Report)

Example E: Our National Forest and its wildlife will be severely impacted by this subdivision. The proposal for Phase 2 adjoins residential lots to the National Forest boundaries. There is documented proof that this will put further burdens on the National Forest, its wildlife, and the residents who will live on its border. In contrast to today, there will no longer be fences and hundreds of acres of private land to keep trespassers out. The National Forest Service has no trailhead in that area or a budget to expand and maintain a new trailhead. While there is a designated park and parking lot in Phase I, the assumption that visitors will park, unload, and walk a half mile through a residential area to get to the national forest is preposterous. There are three " more likely" scenarios that will cause problems:

Scenario one: Hikers and campers will drive to and park in the residential cul-de-sacs. The cul-de-sacs are not closed and allow for foot traffic in and out. This will allow unlawful entry into the national park and cause parking and traffic congestion in several places.

Scenario two: Visitors will continue to drive on Forest Lakes Road and park along the north boundary of the subdivision. There they will park either on the street or jump the curb and park on the property line. From there they will unload their vehicles, including ATVs and horses, destroying vegetation and leaving litter to be blown onto my property. They will walk/ride my fence line and probably trespass onto my property to take a short cut to the forest.

Scenario three: Visitors will park on any undeveloped lot at the edge of the subdivision and use it as an access point to the National Forest. Those of us who are located close to or border the National Forest already experience trespassing and damage. This problem will only get worse if more people populate this area. The

developers claim to have no plans whatsoever when it comes to protecting the residents or the National Forest from these intrusions. The Planning department needs to know that a study has already been published by the USDA Forest Service in 2007. This report describes these and many other hazards when subdivisions are built next to a national forest.

See (<https://www.fs.fed.us/openspace/fote/GTR728.pdf>) (page15-20)

Example F: The Preble's meadow jumping mouse habitat and that of the migratory birds and birds of prey will also be impacted. A recent study by the USDA Forest Service regarding wildlife habitat and geological features in the proposed Phase 2 area states clearly that there will be impact to the wildlife and the geologic features of the land make it unsuitable for building.

See(<https://www.fs.fed.us/openspace/fote/GTR728.pdf>) (pages 15-20)

These are just a few of the issues with this development plan. Other citizens will be writing letters to you on other topics. I hope you will support the Pine Hills, Green Mountain Ranch Estates, and existing Forest Lakes residents by voting against the plan for Phase 2.

Thank you,

EL PASO COUNTY



COMMISSIONERS:
 MARK WALLER (CHAIR)
 LONGINOS GONZALEZ, JR. (VICE-CHAIR)

COLORADO

HOLLY WILLIAMS
 STAN VANDERWERF
 CAMI BREMER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

March 12, 2019

This letter is to inform you of the following petition which has been submitted to El Paso County:

PUDSP-18-001

PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN
 FOREST LAKES PHASE II

PARSONS

A request by FLRD, No. 2, LLC, for approval of a map amendment (rezoning) of 287 acres from PUD (Planned Unit Development) to PUD (Planned Unit Development) and approval of a preliminary plan for 180 single-family residential lots. The property is located north of Hay Creek Road, south of Doolittle Road, and west of Old Denver Highway. (Parcel No. 71000-00-433) (Commissioner District 1) (Kari Parsons)

Type of Hearing: Quasi-Judicial

_____	X	_____
For	Against	No Opinion
Comments: <u>See attached</u>		

(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)

- This item is scheduled to be heard by the El Paso County Planning Commission on April 2, 2019. The meeting begins at 9:00 a.m. and will be conducted in the Second Floor Hearing Room of the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs.
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Your response will be a matter of public record and available to the applicant prior to the hearing. You are welcome to appear in person at the hearing to further express your opinion on this petition. If we can be of any assistance, please call 719-520-6300.

Sincerely,

Kari Parsons, Planner II

Your Name: Deborah Doty

(printed) (signature)

Address: 4185 Spaatz Rd, Monument, CO 80132

Property Location: (same as above) Phone: 719-310-9567

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

Deborah Doty
4185 Spaatz Road
Monument, CO 80132

15 April 2019

El Paso County Planning Commission
ATTN: Kari Parsons, Planner II
2880 International Circle, Suite 110
Colorado Springs, CO 80910-3127

RE: Planned Unit Development/Preliminary Plan, Forest Lakes Phase II

Dear Ms. Parsons,

Thank you very much to you and the other Planning Commissioners for taking the time to hear arguments and give thoughtful consideration to the above proposed development.

With regard to the above case, I would like to express my concerns about traffic and the report submitted by LSC, dated February 21, 2019. Much of the data appears to be from 2017 or earlier. Many geographic and demographic changes have taken place in northern El Paso County since then, and more have been approved (including the Willow Springs annexation to the Town of Monument). Monument and the Tri-Lakes area have experienced exponential growth in the past few years, and our infrastructure has not kept pace with the expansion.

The traffic figures in the LSC report focus on the Forest Lakes area and do not consider the impact of 180 additional homes on nearby neighborhoods. At a very minimum, I believe updated traffic data should be gathered and presented for *all* of the Tri-Lakes and northern El Paso County region in order to provide a more complete picture of the impact this development will have. As a result of recent and rapid growth of other neighborhoods in the Tri-Lakes area, we have seen a dramatic increase in traffic flow to and from the retail and service locations along Jackson Creek Parkway, Baptist Road, Woodmoor Drive and Lake Woodmoor Drive, and Highway 105. Those thoroughfares are already dangerously congested during peak morning and afternoon hours, as well as on weekends, and adding another 180 homes, with 500 to 1,000 additional residents (and their vehicles), is only going to make that situation worse.

The 2018 opening of the Pilot truck station on Baptist Road and I-25 (just south of an existing truck stop) has negatively impacted traffic in and out of the Forest Lakes area. Semi-tractor trailer trucks entering and exiting both of the truck stops at that junction slow traffic down in both directions. And the truck stop is just the beginning of the planned growth for that area. The traffic research for northern El Paso County in general, and the Tri-Lakes area in particular, should be updated with more current and relevant data.

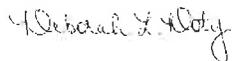
The proposed plan provides for access to National Forest land through the Forest Lakes area via Forest Lakes Road. It should be expected that residents from all of the Tri-Lakes area, as well as other parts of Colorado, will be driving through the Forest Lakes neighborhood to access the National Forest. I understand that only a small parking area has been designated for these people. Here at the end of Spaatz Road (which

is NOT a National Forest access point), we experience frequent trespassing on our property by people who believe they can go onto private property to access the National Forest. Those homes closest to the proposed National Forest access will most certainly experience similar issues. There is limited information from the Forest Service regarding plans for monitoring and maintaining this new access point. The Forest Service is understaffed and struggling to enforce regulations now, so it is unfair to increase that burden on the department and add more strain on our natural resources.

I do not believe that this proposed development – including the plan that was approved in 2002 – benefits the County or enhances the quality of life of the current residents of this area. Please consider how congested and busy the Tri-Lakes area has become and what this development will do to further destroy our rapidly disappearing natural beauty. The detrimental effects of this development on the current residents, the County, and the future residents of this region, far outweigh any financial benefits El Paso County might see.

Thank you very much for your time and consideration.

Respectfully,

A handwritten signature in cursive script that reads "Deborah L. Doty".

Deborah L. Doty

RESOLUTION NO. 19-

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS,
STATE OF COLORADO

APPROVAL OF THE FOREST LAKES PHASE II MAP AMENDMENT
(REZONING) AND PUD DEVELOPMENT PLAN (PUDSP-18-001)

WHEREAS FLRD, NO. 2, LLC, did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference from the PUD (Planned Unit Development) zoning district to the PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development plan; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on April 16, 2019, upon which date the Planning Commission did by formal resolution recommend denial of the subject map amendment application and supporting PUD Development Plan; and

WHEREAS, a public hearing was held by this Board on April 23, 2019; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Board of County Commissioners.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and Board of County Commissioners of El Paso County.
3. That the hearings before the Planning Commission and Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.

4. The proposed PUD (Planned Unit Development) District zoning is in general conformity with the Master Plan for El Paso County, Colorado.
5. The proposed PUD District zoning advances the stated purposes set forth in Chapter 4, Section 4.2.6, of the Land Development Code.
6. The proposed development is in compliance with the requirements of the Land Development Code and all applicable statutory provisions and will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County.
7. The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment; and will not have a negative impact upon the existing and future development of the surrounding area.
8. The proposed development provides adequate consideration for any potentially detrimental use-to-use relationships (e.g. commercial use adjacent to single-family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site.
9. The allowed uses, bulk requirements and required landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community.
10. The areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project.
11. Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities.
12. The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g., fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed.
13. The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy-efficient site design.
14. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere

with the present or future extraction of such deposit unless acknowledged by the mineral rights owner.

15. Any proposed exception or deviation from the requirements of the zoning resolution or the subdivision regulations is warranted by virtue of the design and amenities incorporated in the development plan and development guide.
16. The owner has authorized the application.
17. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner, which would interfere with the present or future extraction of such deposit by an extractor.
18. The subdivision is in conformance with the subdivision design standards and any approved Sketch Plan.
19. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Land Development Code.
20. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of the Land Development Code.
21. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions [C.R.W. §30-28-133(6)(c)].
22. Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and the Engineering Criteria Manual are provided by the design.
23. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
24. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
25. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.

26. For the above-stated and other reasons, the proposed zoning is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

27. For the above-stated and other reasons, the proposed zoning is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the application to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the PUD (Planned Unit Development) zoning district to the PUD (Planned Unit Development) zoning district in conformance with the supporting PUD Development Plan.

BE IT FURTHER RESOLVED that the Board of County Commissioners hereby approves the PUD Development Plan as a preliminary plan.

BE IT FURTHER RESOLVED the following conditions and notations shall be placed upon this approval:

CONDITIONS

1. Development of the property shall be in accordance with this PUD development plan. Minor changes in the PUD development plan, including a reduction in residential density, may be approved administratively by the Director of the Planning and Community Development Department consistent with the Land Development Code. Any substantial change will require submittal of a formal PUD development plan amendment application.
2. Approved land uses are those defined in the PUD development plan and development guide.
3. All owners of record must sign the PUD development plan.
4. The PUD development plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any final plats for hearing by the Planning Commission. The development guide shall be recorded in conjunction with the PUD development plan.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency

requirements, if any, of applicable agencies including, but not limited to, Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.

6. Applicable park, drainage, bridge, and traffic fee shall be paid to El Paso County Planning and Community Development at the time of final plat(s) recordation.
7. The applicants shall mitigate the constraints identified in geology hazards evaluation and preliminary geotechnical investigation report which was prepared and submitted by CTL Thompson Engineering dated July 18, 2018, revisions of the report dated December 11, 2018, and February 18, 2019. CTL Thompsons Engineering's recommendations include: additional geotechnical investigation, testing and analysis for design of individual foundations, floor systems, and subsurface drainage to be completed prior to the issuance of lot specific building permits.

NOTATIONS

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.
3. Preliminary plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.

4. Approval of the preliminary plan will expire after two (2) years unless a final plat has been approved and recorded or a time extension has been granted.

Modification of Existing Land Development Code (LDC) or Engineering Criteria Manual (ECM) Standard:

For approval of a modification of a general development standard in the LDC or standard of the ECM, the BoCC shall find that the proposal provides for the general health, safety, and welfare of the citizens and provides for at least one of the following benefits:

- Preservation of natural features;
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;
- Provision of a more efficient pedestrian system;
- Provision of additional open space;
- Provision of other public amenities not otherwise required by the Code; or
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.

1. The applicant is requesting a PUD modification to Sections 8.4.3.C.4.c and 8.4.3.C.2.e of the Code to allow for a shared access for Lots 3, 4, 5, and 6. An access easement is depicted on Lot 4, which is proposed to provide access to Lots 3, 5, and 6. The shared access will limit Lots 3, 5, and 6 from having direct access to a public road.

Section 8.4.3.C.4.c of the Code states:

“The lot layout shall incorporate a cul-de-sac where 3 or more abutting flag lots would occur.”

Section and 8.4.3.C.2.e of the Code states:

“Lots shall have a minimum of 30-feet of frontage on and have access from a public road, except where private roads are approved by the BoCC pursuant to waiver granted under Section 8.4.4 (E).”

PCD Executive Director Recommendation:

The PCD Executive Director recommends approval of the requested PUD modifications. Per the PUD/Preliminary Plan, adequate lot accessibility can be provided via the proposed access easement. If the shared access

modification is granted, the lots would not have direct frontage to a public road. As summarized in the applicant's letter of intent, reducing the requirement to construct a cul-de-sac is proposed to preserve the natural features and terrain, by reducing the requirement to grade and construct a cul-de-sac serving each of the lots to a public road standard.

2. The applicant is also requesting a PUD modification to Section 2.5.2.C.4 of the ECM to omit midblock pedestrian crossings at specific sections of Mesa Top Drive and Forest Lakes Drive.

Section 2.5.2.C.4 of the ECM states:

"Access ramps on local roadways shall be spaced no greater than 600 feet apart. Where spacing is greater than 600 feet, mid-block access ramps shall be provided at spacing that minimize travel distances between access ramps. Private accesses may be used for these access points where the access is designed to meet access ramp requirements."

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD modification. Per the PUD/Preliminary Plan, adequate pedestrian accessibility is provided by access ramps at all intersections and mid-block trail crossings. Additionally, the Federal Americans with Disabilities Act (ADA) has no requirements for maximum distance between pedestrian crossings that would necessitate mid-block pedestrian ramps. It should be noted that the PCD engineering staff is currently evaluating this requirement in coordination with the DPW engineering staff for the purposes of amending this section of the ECM.

3. The applicant requests a PUD modification to Section 2.3.8.A of the ECM to exceed the standard cul-de-sac length for Foothills Flash Court (approximately 920 feet) and Timber Trek Way (approximately 800 feet).

Section 2.3.8.A of the ECM states:

"Cul-de-sacs shall have a minimum radius of 45 feet and a maximum length of 750 feet for urban conditions..."

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD modification if the applicant obtains a written endorsement from the fire district. The endorsement from the fire protection district is pending.

4. The applicant requests a PUD Modification of Appendix I Section I.7.1.B of the ECM to exclude water quality capture volume for a portion of their development.

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested PUD modification based on Part I Section E.4.iv.A of the Municipal Separate Storm Sewer Systems (MS4) Permit (CDPS General Permit COR090000) which generally states that up to 20 percent of a development property, not to exceed 1 acre, of the applicable development site area may be excluded if it is not practicable to drain towards control measures.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 23rd day of April, 2019, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

LEGAL DESCRIPTION: PHASE 2 PUD/DA LEGAL

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 28, AND THE SOUTHEAST QUARTER OF SECTION 29 ALL IN TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: A PORTION OF THE NORTHERLY BOUNDARY OF FOREST LAKES FILING NO. 1 RECORDED UNDER RECEPTION NO. 206712407 RECORDS OF EL PASO COUNTY, COLORADO, BEING MONUMENTED AT BOTH ENDS BY A NO. 4 REBAR AND RED PLASTIC SURVEYORS CAP STAMPED "ROCKWELL PLS 19586" ASSUMED TO BEAR $N89^{\circ}29'26''W$, A DISTANCE OF 3103.31 FEET.

COMMENCING AT THE NORTHWESTERLY CORNER OF FOREST LAKES FILING NO. 1 RECORDED UNDER RECEPTION NO. 206712407, RECORDS OF EL PASO COUNTY, COLORADO, SAID POINT BEING ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, SAID POINT BEING THE POINT OF BEGINNING;

THENCE, ON THE WESTERLY BOUNDARY OF SAID FOREST LAKES FILING NO. 1, THE FOLLOWING (17) SEVENTEEN COURSES:

1. $S04^{\circ}27'43''E$, A DISTANCE OF 339.79 FEET;
2. $S38^{\circ}59'42''W$, A DISTANCE OF 180.21 FEET TO A POINT ON CURVE;
3. ON THE ARC OF A CURVE TO THE LEFT WHOSE CENTER BEARS $N21^{\circ}35'30''E$, HAVING A DELTA OF $01^{\circ}06'06''$, A RADIUS OF 370.00 FEET AND A DISTANCE OF 7.11 FEET TO A POINT OF REVERSE CURVE;
4. ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF $31^{\circ}25'41''$, A RADIUS OF 330.00 FEET AND A DISTANCE OF 181.01 FEET TO A POINT OF REVERSE CURVE;
5. THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF $32^{\circ}16'24''$, A RADIUS OF 120.00 FEET AND A DISTANCE OF 67.59 FEET TO A POINT OF TANGENT;
6. $S70^{\circ}21'22''E$, A DISTANCE OF 52.28 FEET TO A POINT OF CURVE;
7. ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF $27^{\circ}30'55''$, A RADIUS OF 215.00 FEET AND A DISTANCE OF 103.25 FEET TO A POINT OF TANGENT;
8. $S42^{\circ}50'27''E$, A DISTANCE OF 31.85 FEET TO A POINT OF CURVE;
9. ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF $47^{\circ}22'46''$, A RADIUS OF 110.00 FEET AND A DISTANCE OF 90.96 FEET TO A POINT OF TANGENT;
10. $N89^{\circ}46'48''E$, A DISTANCE OF 30.97 FEET TO A POINT OF CURVE;

11. ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 72°40'04", A RADIUS OF 70.00 FEET AND A DISTANCE OF 88.78 FEET TO A POINT OF TANGENT;
12. N17°06'44"E A DISTANCE OF 29.40 FEET;
13. S72°53'16"E, A DISTANCE OF 60.00 FEET;
14. S17°06'44"W, A DISTANCE OF 29.40 FEET TO A POINT OF CURVE;
15. ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 46°47'45", A RADIUS OF 130.00 FEET AND A DISTANCE OF 106.18 FEET TO A POINT ON CURVE;
16. S26°02'29"E, A DISTANCE OF 239.56 FEET;
17. S16°10'29"W, A DISTANCE OF 383.49 FEET TO THE SOUTHWESTERLY CORNER OF SAID FOREST LAKES FILING NO. 1;

THENCE S02°39'14"E, A DISTANCE OF 1236.36 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO;

THENCE S88°58'38"W, ON SAID SOUTH LINE, A DISTANCE OF 913.60 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28;

THENCE S88°58'38"W, ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 1331.94 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 28;

THENCE S89°10'18"W, ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO A DISTANCE OF 2620.81 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 29;

THENCE N00°13'11"E, ON THE WEST LINE OF SAID SOUTHEAST QUARTER OF SECTION 29, A DISTANCE OF 2671.51 FEET TO THE CENTER QUARTER OF SAID SECTION 29;

THENCE N89°40'43"E, ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 29, A DISTANCE OF 2638.56 FEET TO THE WEST QUARTER CORNER OF SECTION 28;

THENCE N89°29'26"E, ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 1718.18 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 287.000 ACRES.