

NorthBay at Lake Woodmoor Issues

My name is Rebecca Hicks, and I live at 18810 Lake Forest Lane, Monument, CO, 80132. Thank you for this opportunity to address the commission. My husband Richard Hicks and I are opposed to this rezoning and preliminary plan approval. This development should not be built.

Although the applicant has gone to significant lengths to paint this development as harmonious with the current environment, it is not. Our neighbors agree, evidenced by their 48 signatures to our May 9 letter opposing this development. This is riparian habitat deserving of being kept in its current state. The applicant plans to significantly alter the floodplain and drainage to accommodate building this subdivision, then landfill the area and pack 28 townhouses into the small space around the floodplain and wetlands. Construction alone will seriously impact the wetlands, but human habitation will inalterably change this environment for the worse. Until the U.S. Fish and Wildlife Service has reviewed this project, it should not proceed. We ask for a delay in your rezoning decision until this is accomplished and until we have sufficient time to thoroughly review case documentation. We only became aware that Lake Woodmoor Holdings, LLC was proceeding with its plans when we received notice in the first week of May.

We have specific concerns about this rezoning and preliminary plan.

1. Request for Rezoning:

- The property is currently zoned R-4, which we understand to be an obsolete zoning designation. The developer is requesting PUD rezoning because, in its words, “any new development proposal for the property requires rezoning.” It says that “PUD modifications are necessary to accommodate the physical constraints of the site.” Additionally, “the floodway and existing utilities limit the options for access locations to this property.” In other words, the change to PUD from R-4 lets the applicant build on this site.
- At the same time, the developer claims that they could build the 50 townhouses allowed under the current R-4 zone. However, federal, state, and county agencies would have to authorize development in floodplain and wetlands areas.
- Instead of development, we would like to suggest that the applicant put this land into a conservation easement set up with El Paso County and maintained by the Woodmoor Improvement Association. This and several other parcels of land in Woodmoor were purchased for \$1.2 million, of which the 7.2-acre NorthBay parcel is a small slice. Lake Woodmoor Holdings could have healthy tax benefits for its donation of this land

2. Road Safety:

- The applicant states that the proposed development will not be detrimental to the “health, safety, or welfare of the present or future inhabitants of El Paso County.” Additionally, it says the developments will not “materially impact existing levels of service on surrounding county roads.”
- We disagree. The developer’s traffic impact study was completed in 2018. Woodmoor has since seen the building of 100+ homes in the Misty Acres subdivision, 56 homes in the Dunes, and another planned 35 homes at the Beach. All contribute to increased traffic, especially on Woodmoor Drive, which intersects with Deer Creek Road.
- Deer Creek Road is one of the original roads in the North Woodmoor area and does not meet current engineering or traffic standards regarding width and right of way. The NorthBay development will further contribute to already dangerous traffic patterns on this stretch of Deer Creek Road. There is a very limited line of sight for any cars exiting The Cove condominiums onto Deer Creek, and this is particularly unsafe when Lewis-Palmer Middle School and Palmer Ridge High School start and end their schedules and whenever there is infrastructure construction and detours. The addition of 28 townhouses means at least 56 additional cars in this immediate area on the roads already unsafe for the current population.

3. The unique ecology

- Woodmoor Holdings’ own ecological study indicates that the development’s impacts to wildlife will be high. The wildlife are well-documented, and birders have identified at least 101 bird species, including numerous migratory birds, bald eagle, and the great horned owl. The impact on migratory birds needs to be identified before approval. In fact, the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act require approval from the Fish and Wildlife Service. The wildlife generally loses in its encounters with new developments and their resulting residents. This is one additional reason we appeal to the applicant for the conservation easement.
- The developer’s Ecos study says that critical habitat for the Preble’s Meadow Jumping Mouse includes riparian areas located within grassland, shrub land, forest, and mixed vegetation. This describes the property. In its documentation, the U.S. Army Corps of Engineers notes that the permittee is responsible for meeting the requirements of general condition 18 on endangered species. Further, as stated by the El Paso County Community Services Department, Environmental Division, the U.S. Fish and Wildlife Service has regulatory jurisdiction over threatened and endangered species. The applicant must be required to contact and seek permits from the Fish and Wildlife Service before approval of this rezoning and preliminary plan.
- The wetlands boundaries as identified on the proposed plat are unclear. The wetlands boundaries do not match the physical habitat, and the proposed

development intrudes on these wetlands. This discrepancy in wetlands boundaries should be adjudicated by the Fish and Wildlife Service and the Army Corps of Engineers. These federal agencies are responsible for wetlands mapping and management.

- While the developer states that the project avoids the wetlands, significant work will actually be conducted in the wetlands and intrude on this unique area of which only 2% exists in Colorado. Examples of this intrusion include: 1) the construction of the four-plex unit on the southeast corner of this property, which abuts and intrudes into the wetlands, 2) installation of a sewage line from the west side of the development to the existing sewage lift station, 3) removal of an outlet structure in the wetlands, 4) pollution from construction residue, lawn fertilizers, weed killers, and other human activity. The four-unit townhouse on the southeast corner should not be built.
- We question the stability of this land. The project proposes a large amount of fill and retaining systems to stabilize the land. In its review, the U.S. Geological Survey warns of shallow groundwater and erodible weathered bedrock. The agency recommends that “the geotechnical engineer be given the opportunity to evaluate the global stability of the retaining wall system and provide engineering recommendations for the retaining walls **prior** to approval of the preliminary PUD Development Plan.” We have found no evidence that this has been accomplished.
- The U.S. Army Corps of Engineers has granted a permit for this project to proceed, but they made their determination “based on the information provided” to the Corps. What information did the applicant provide to the Army Corps of Engineers?

Based on this testimony and significant opposition to this project, my husband Richard and I ask the commission **not** to approve this rezoning and preliminary plan for the NorthBay development. We also appeal to the developer to explore a conservation easement with a management agreement with WIA. At a minimum, we ask the commission to delay its rezoning decision to allow time for our full review of case documents and to ensure that the applicant obtains a review and permit from the U.S. Fish and Wildlife Service concerning wetlands, endangered species, and migratory birds.