

EL PASO COUNTY



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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: _____

(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:

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

WWW.ELPASOCO.COM

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 FLLC 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,