

located 1.5 miles west of Black Forest Road and south of Old Stagecoach Road and is included within the Black Forest Preservation Plan.

Nina Ruiz, project manager/planner II, Planning and Community Development, told the commission-

ers that the replat would not increase the total number of lots in the development because lot 35 had originally been two lots and had been combined at the final plat stage for a potential buyer. As the purchase had not gone through, the owner now wished

to separate the lots back out again.

The application was scheduled to be heard at the BOCC meeting on May 14.

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El Paso Board of County Commissioners, April 4, 9, 11, and 23

Forest Lakes Phase II rezoning and preliminary plan approved

By Helen Walklett

The El Paso Board of County Commissioners (BOCC) approved the rezoning and preliminary plan for the second phase of development at Forest Lakes in April. It also made decisions relating to developments in Black Forest.

Forest Lakes Phase II approved

Following a five-hour hearing at the April 23 BOCC meeting, during which numerous opponents voiced concerns, the revised plans for the second phase of development at Forest Lakes received unanimous approval. The application, which sought approval for a combined rezoning and preliminary plan request, will see 180 homes developed on the site, 47 more than under the original 2002 approval. The request also includes plans for a 260,000-gallon water tank, which is necessary to serve the development and will be in addition to the existing water supply facilities of the Forest Lakes Metropolitan District. The owner of the property is FLRD, No. 2 LLC and the developer, which also has an interest in the ownership company, is Classic Homes.

The El Paso County Planning Commission (EPCPC) had recommended the application for approval 5-2 at its hearing earlier in the month (see EPCPC article on page 1 for further details and background information on the development).

Lori Seago, senior assistant county attorney, told the commissioners that to approve the application, they must find that it meets the criteria for a PUD and preliminary plan. Commissioner Mark Waller commented that the developer could build now with the previous approval and the opponents' concerns about the mouse habitat, fire danger, and congestion would still be present. Responding, Kari Parsons, project manager/planner II, Planning and Community Development Department, said, "You are correct. These issues were presented at the previous hear-

ing when the board did find that the ... PUD met the criteria and the applicant's opposition are bringing these issues back up to the surface with this proposed amendment."

A finding for water sufficiency was deferred to the final plat stage of the development at the request of Cole Emmons, senior assistant county attorney. He explained, "There was a letter submitted by the town attorney for the Town of Monument raising concerns with regard to easements that the town asserts that it has over certain portions of water underneath the property, and I determined that that was going to take some additional work with Forest Lakes' water attorney."

Andrea Barlow of NES Inc., on behalf of the applicant, told the hearing that the applicant had been through a very thorough process which included providing a range of expert reports required by the county. Although holding neighborhood meetings was not a requirement, the developer had held three and made changes in response to neighbors' feedback that had resulted in the current proposal with fewer lots than they had proposed in 2018, and the development pulled back from the northern and western boundaries of the property. The access road would be widened with a median to provide two ways of access and exit in the case of fire and there would be a separate emergency access road. She stressed that the development would now impact less of the site, with a gain of 32 acres of additional space and a density for this phase only of 0.63 dwellings per acre. Barlow stated the proposal's conformance with the approval criteria and said county staff agreed.


Ten people spoke in opposition—eight neighbors and two attorneys for the nonprofit Environmental and Animal Defense. Concerns focused on wildfire danger and environmental issues. Mark McMillen, an adjacent neighbor, stressed the extreme risk of fire in the area and argued that this risk needed to be better addressed. He said there was inadequate access and that the emergency access road was not effective as an emergency route because it was sited at the very west end, farthest from first responders, was only 12 feet wide, of gravel, and locked. Other neighbors spoke of their experience with wildfire.


Jeremy McKay, a staff attorney with Environmental and Animal Defense, said "the applicants themselves have shown today ... impacts to the critical habitats and endangered species related to this project that are not simply grading or building into the critical habitat. As we saw, they are requesting modifications related to stormwater runoff which we just heard has likely impacts relating to fertilizer,

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