

## COUNTY PC (Cont. from 18)

Barlow of NES Inc., on behalf of the applicant, explained that the rezoning request was required for new development at the property because the R-4 was now an obsolete zoning. She said the proposed development was much less dense, at 3.87 dwelling units per acre (DUA), than the original development planned under the R-4 zoning which had a 9.6 DUA across the whole site and a DUA of 5.2 for the part under discussion today.

The site includes two areas of wetlands, and the Dirty Woman Creek-Lake Fork floodplain flows through the property, effectively dividing it. The applicant has proposed a clustered design to reserve about 4.3 acres of the site as open space to preserve these natural features. The wetlands have been designated as no-build areas, and these would not be disturbed except for minor disturbances related to the floodplain improvements that have been approved by the Federal Emergency Management Agency (FEMA). The U.S. Army Corps of Engineers verified in 2017 that the proposed work is authorized under a nationwide permit and that it would not require an additional permit or approval from the corps. The applicant has also obtained an approved conditional letter of map revision from FEMA to allow the proposed adjustment of the existing floodplain.

The request was originally scheduled to be heard as a consent item, which would have meant there was no discussion. However, county staff moved it to a full hearing after neighbors raised objections to the plans. Their concerns included the impact of construction activity on the wetlands and wildlife, traffic congestion and road safety, the impact on the floodplain, trail access to Lake Woodmoor, wildfire risk, and the proposed development's compatibility with adjacent neighborhoods. The county had notified 24 adjacent property owners and received three written communications, all in opposition.

Barlow told the commissioners that the applicant planned to bridge the two wetland areas and that there were no threatened or endangered species on site. The highest-quality wildlife habitats would be preserved in the open spaces, and the developer would use native species when landscaping. She pointed out that there would be a substantial wooded tract between the site and the neighbors to the east.

She said the traffic study showed the slight traffic increase would be within the acceptable parameters and that tree removal, irrigation, and the appropriate distancing of landscaping from buildings would all serve to mitigate the risk of wildfires spreading. She added that the Woodmoor Improvement Association had reviewed and approved the plans.

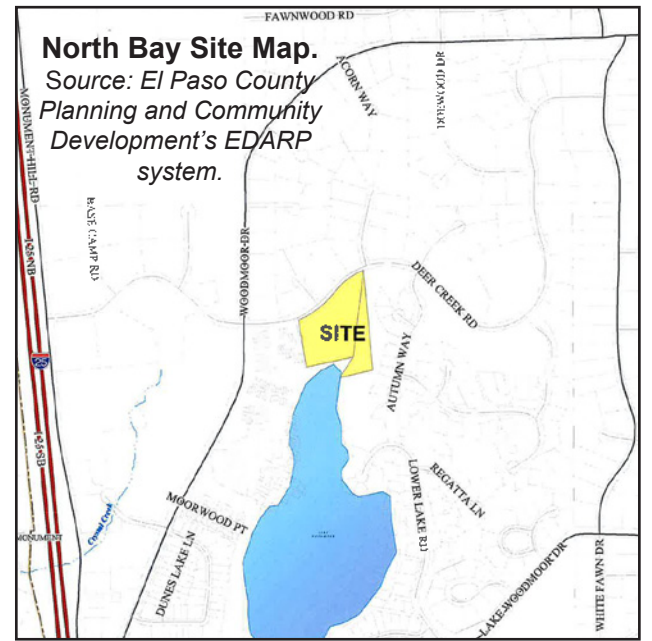
Residents Rebecca and Richard Hicks spoke in person at the hearing to reiterate their strong opposition to the proposals. They had also submitted a detailed letter of opposition with 48 supporting signatures. Rebecca Hicks told the commissioners that it was totally incorrect to think that the area was not susceptible to wildfires, stating that they were put on standby evacuation for both the Black Forest and Waldo Canyon wildfires. She said the construction alone would impact the wetlands and was concerned that the traffic study, done in 2018, was out of date because homes in the Misty Acres and The Dunes at Woodmoor had been built since then and more would come with the development of The Beach. Richard Hicks questioned whether the U.S. Fish and Wildlife Service had had any input.

The Hickses said they would like to see the land put into a conservation easement instead of being developed and urged the commissioners to delay any decision to allow them enough time to review all the documents that they had only been made aware of on May 1.

No one spoke in favor.

In her rebuttal, Barlow said the traffic study is updated with additional developments being absorbed into it. She stressed that all the applicant's reports were thoroughly reviewed by county staff and outside bodies where necessary. She said, "This is a much more sensitive development than what we could get on this site." She added, "Wetland impact is allowed. You just have to go through a permitting process." With regard to the suggestion of the land being put in a conservation easement, she said it was a moot point as the area was already zoned for development.

When the discussion returned to the dais ahead of the vote, Commissioner Allan Creely, who was attending his final meeting, said he did have some heartburn with engineering change after engineering change but that he could not find where to say no to the application. Commission Chair Brian Risley stated that they were bound by the criteria and that he did not see any deviation from



them. The vote to recommend the application for approval was unanimous, and the application went forward to be heard at the El Paso Board of County Commissioners (BOCC) meeting on May 26. See BOCC article below.

After the vote, Craig Dossey, executive director of Planning and Community Development, described the application as "a tough one," remarking that sites with difficult conditions are the harder properties to develop. He said infill, where there is a large, surrounding population, is always challenging and is exactly why the master plan needed to be updated. He told the commissioners that they were likely to see more such applications in the future and that he welcomed the robust discussion from all sides.

### Master plan update

At the beginning of the May 19 meeting, Dossey told the commissioners that work to update the county master plan was moving forward. There will be further opportunities for the public to have input into the process during June via questionnaires and Facebook live sessions. Further information will be available on the county's website at: <https://el-paso-hlplanning.hub.arcgis.com/>

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El Paso Board of County Commissioners, Apr 28, 30, May 5, 12, 14, 19, 26, and 28

# North Bay at Woodmoor Lake development approved

By Helen Walklett

During May, the El Paso Board of County Commissioners (BOCC) approved a rezoning request for the North Bay at Woodmoor Lake development. The commissioners also made decisions relating to a minor subdivision request and to Monument Academy. They continued to receive updates and take actions concerning the COVID-19 outbreak.

## North Bay at Woodmoor Lake

At their May 26 meeting, the commissioners unanimously approved a rezoning request from Lake Woodmoor Holdings LLC for a 7.23-acre property east of the intersection of Deer Creek Road and Woodmoor Drive. The applicant had requested a rezoning from the obsolete R-4 zoning to Planned Unit Development (PUD) and that the PUD development plan be approved as a preliminary plan.

The development, known as North Bay at Woodmoor Lake, will see 28 single-family attached homes constructed in a cluster design to reserve about 4.3 acres of the site as open space to preserve the wetland areas. The site will have five open space and floodplains tracts and will include public walking trails

to enable access to Lake Woodmoor. The developer will also construct a trail along the side of Deer Creek Road for the length of the development. Lot sizes will range from 2,100 to around 4,800 square feet.

The El Paso County Planning Commission heard the request at its meeting on May 19 where neighbors' objections were raised. It voted unanimously to recommend the application for approval. See EPCPC article above.

Neighbors again raised concerns at the BOCC hearing about water resources, the impact on the wetland areas, the floodplain, wildlife, the natural environment, wildfires, increased traffic, and road safety. Five people spoke in opposition.

Local resident Rebecca Hicks said, "Too often emphasis is put on the judgment of county planners who erroneously deem the project in our best interest and on the assessment of the report writers who are retained by the developers. Too little consideration is given to the concerns of long-established residents who have made homes and livelihoods in the area and voice real environmental, safety, and quality of life concerns."

Hicks' husband, Richard Hicks, also spoke in opposition, stating, "This parcel should remain undeveloped because it is one of the few remaining riparian habitats for wildlife and birds in northern El Paso County, and this project will only contribute to overcrowding in the immediate area. It is time to give the wildlife, the birds, and surrounding neighbors a break. Please listen to us and stop this development." He referred to a letter of opposition that had been submitted, telling the commissioners, "Even in this time of COVID-19, some 48 neighbors that adjoin the property signed a letter to you in protest."

Responding, Andrea Barlow of NES Inc., on behalf of the applicant, described the proposals as a modest development with significantly less density than was originally approved under the R-4 zoning. She said residents accessing the site currently had no

right to do so but trails would be put in as part of the development to provide formal public access to the lake. She said a water supply agreement was in place and the traffic study showed minimal impact. The U.S. Army Corps of Engineers had concluded that the impacts to the wetland areas would be minimal and did not require mitigation. The Federal Emergency Management Agency (FEMA) had given initial approval for adjustments to the existing floodplain. Once these are completed, FEMA will issue a letter of map revision after which the applicant will be able to record the final plat.

Grant Gurnée, Ecosystem Services LLC, on behalf of the developer, told the hearing that the highest quality wildlife habitat on the site would be preserved, with 88% of it being untouched. The remaining 12% would be minimally impacted. He said the majority of the site was disturbed, non-native habitat and that replacement plantings would be done with native grasses and shrub species.

There was concern from the residents of The Cove at Woodmoor condominiums that an unpaved area at the site's western boundary, used for parking under a non-exclusive access easement, would be lost. Following lengthy discussions between the Homeowners' Association and the developer, the parking will now be improved and shared. The area will be surfaced, formally striped, and three additional spaces will be added.

At the start of the hearing, Cole Emmons, senior assistant county attorney, told the commissioners that when approving a PUD, they had to be able to find general conformity with the master plan. Ahead of the commissioners' vote, Nina Ruiz, planning manager, Planning and Community Development, advised them that staff believed this was the case with this application.

Making the motion for approval, Commissioner Holly Williams said, "We are continually balancing our right to have private property with the interest in

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