



D 2019 011

EXECUTIVE ORDER

Conserving Colorado's Big Game Winter Range and Migration Corridors

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order to conserve Colorado's big game winter range and migration corridors.

I. Background and Purpose

Colorado's natural environment and numerous native wildlife species contribute greatly to the economy and enhance Coloradans' quality of life. Sportsmen, outdoor enthusiasts, and tourists from across the world visit Colorado to experience our State's outdoor landscapes and abundant wildlife. Colorado boasts the largest Rocky Mountain elk herd in the world, which contains over 250,000 animals. The State is also home to significant populations of other iconic big game species like mule deer, bighorn sheep, pronghorn, moose, and numerous other endemic wildlife species. Simply put, wildlife is essential to Colorado's outdoor recreation economy and landscape heritage.

The conservation of big game migration corridors and seasonal habitat for big game has been a focus of the Department of Natural Resources (DNR) and Colorado Parks and Wildlife (CPW) for many years. The mission of CPW is to perpetuate the wildlife resources of the State, to provide a quality State parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources. To achieve this mission, CPW works to conserve habitat essential to the survival of the State's wildlife. Intact seasonal habitats, and the migratory routes that connect those habitats, are vital to ensuring that Colorado's wildlife populations continue to thrive. Habitats that support big game wildlife migration in Colorado also support many other migrating and non-migrating species.

Colorado's population continues to grow, placing pressure on the natural habitats that wildlife depends upon for survival. Habitat loss and fragmentation affects wildlife populations in general, and particularly species that migrate annually between seasonal habitats. Specifically, roadways disrupt annual big game migration, and vehicular collisions with wildlife pose risks to people, property, and the animals that contribute so much to Colorado's reputation as a place to



admire natural wonders. In Colorado, nearly 4,000 vehicle crashes involving wildlife are reported to law enforcement every year, resulting in injuries and fatalities to humans, and costing an estimated \$80 million annually. This figure does not include the value of wildlife killed in vehicular collisions, the impact on the health of wildlife populations, or the loss and fragmentation of the vibrant habitats wildlife call home.

In 2018, the Colorado Wildlife and Transportation Alliance (Alliance) was established to improve human safety while ensuring safe and successful migration of Colorado's big game wildlife each year. The Alliance includes CPW, Colorado Department of Transportation (CDOT), Tribal Governments, federal agencies, and non-governmental partners that represent academia, nonprofit organizations, and biological and engineering sciences. The Alliance has already successfully reduced wildlife-vehicle collisions and has helped maintain robust wildlife populations.

Further, incentive-based conservation programs for habitat management have a long track record of success in Colorado. Coordination with government agencies, non-governmental organizations, and private landowners is critical to the safe migration of wildlife across numerous jurisdictions. Many heavily used migration routes were created through voluntary, proactive, and on-the-ground conservation measures.

Through partnerships, technology, and collaborative funding efforts, there are emerging opportunities for Colorado to further support big game wildlife migration and protect wildlife habitat. Recent technological advancements allow wildlife managers to better understand big game wildlife migration patterns. In addition, big game corridor work in Colorado has recently been bolstered by new funding opportunities from the United States Department of the Interior Secretarial Order 2018-3362. As such, it is timely for the State to conserve our migrating big game populations and their habitats. This Executive Order will ensure that future generations of Coloradans will enjoy a safe, prosperous relationship with the natural world and Colorado's native wildlife species.

II. Directives

To conserve Colorado's big game winter range and wildlife migration corridors, I hereby issue the following directives:

- A. DNR shall compile a status report on Colorado's big game migration patterns and related scientific materials on seasonal habitats for the Governor by April 1, 2020. This report will include:

1. Information regarding the location and known threats to seasonal big game habitat and migration corridors in Colorado;
 2. Data gaps and barriers to identifying the location and known threats to Colorado seasonal big game habitat and migration corridors; and
 3. A recommended timeframe and action plan outlining how frequently CPW will need to update its list of high-priority big game migration corridors and seasonal habitats throughout Colorado.
- B. DNR shall identify policy, regulatory, and legislative opportunities to ensure the ongoing conservation of seasonal big game habitat and migration corridors. DNR shall compile a report of such opportunities for the Governor by July 1, 2020 that includes:
1. Opportunities to include big game migration corridors in new or existing division policies and regulatory permitting processes;
 2. Opportunities to work with private landowners, local governments, public landholders, and tribes through existing or other voluntary, non-regulatory programs to sustain migration corridors; and
 3. Opportunities to work with neighboring states on cross-boundary migration corridors.
- C. DNR shall work with CPW to incorporate information concerning big game migration corridors into relevant public education and outreach efforts and shall meet with stakeholders to discuss big game migration corridors to implement this Executive Order.
- D. CDOT shall enable safe wildlife passage and reduce wildlife-vehicle collisions, and incorporate consideration of big game migration into all levels of its planning process, to the greatest extent possible. In implementing this directive, CDOT should undertake the following:
1. Identify policy, regulatory, and legislative opportunities to ensure the ongoing conservation of seasonal big game habitat and migration corridors;
 2. Consider incorporating big game migration and associated conservation measures into planning processes in locations where regulatory processes do

not currently formally require wildlife mitigation measures; and

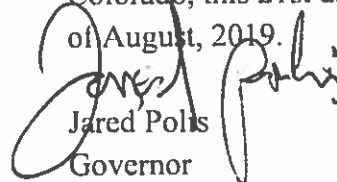
3. Seek outside funding partners if conservation measures require financial support.
- E. CDOT and DNR shall enter into a Memorandum of Understanding (MOU) by December 31, 2019. The MOU should outline expectations for collaboration on the following actions:
1. Identify priority areas for the implementation of big game crossings over and under roadways in Colorado. Priorities should be set using the best available science regarding wildlife migration patterns and vehicle collision data. CDOT and DNR shall identify priorities and opportunities that are cost-effective, and establish wise stewardship of State financial resources and natural resources; and
 2. Continue to support the Alliance, and utilize the Alliance to raise awareness, forge partnerships, and identify potential public and private funding opportunities to construct new wildlife crossing structures in priority areas.
- F. DNR and CDOT shall implement current fiscal year actions within existing budgets and authorities. If necessary, DNR and CDOT shall engage with the Office of State Planning and Budgeting to identify resource requirements and incorporate those requirements into the annual budget development process for any actions to be implemented in future fiscal years.

II. Duration

This appointment and this Executive Order shall remain in effect unless modified or rescinded by future Executive Order of the Governor.



GIVEN under my hand and the
Executive Seal of the State of
Colorado, this 21st day
of August, 2019.


Jared Polis
Governor

Planning Commission meeting January 21, 2021, “largest number of comments” video, Timestamp 4:55:45:

http://coloradosprings.granicus.com/player/clip/1418?view_id=1&redirect=true

At the first planning commission meeting on January 21, Commissioner John Almy indicated; “This is probably the largest number, at least in my tenure here, the largest number of comments we have gotten out of the community on any given subject.”.

Rampart S34 Bighorn Sheep Bait Log

Date:	02/02/2021
Time Start:	0830
Time Finish:	1015
Observers:	5

Classification	Total	Tally
Rams		
1/4 Curl	1	
1/2 Curl	2 6	
5/8 Curl		
3/4 Curl	2	
7/8 Curl	1	
Full Curl		
Ewes	Total 42	Tally
Unmarked Ewes		
Collard Ewe(s)	4	
Yearling Ewe(s)	2	
Lamb(s)	21	
Total Sheep	78	+ 1 RAM EWES = 79

Ear Tag	Collar	Mark X if present
551	A1	
554	N6 (Yellow)	X
561	F5	X
562	N3	X
568	A0	X
584	C3	
591	J1	
597	X1	
565		X
563 (Ram)		

Comments/Notes:

Rampart S34 Bighorn Sheep Bait Log

Date:	2/11/2021
Time Start:	8:49
Time Finish:	9:39
Observers:	[REDACTED]

Classification	Total	Tally
Rams		
1/4 Curl	6	
1/2 Curl	6	
5/8 Curl	1	
3/4 Curl	1	
7/8 Curl	1	
Full Curl		
Ewes		
Unmarked Ewes	35	
Collared Ewe(s)	34	
Yearling Ewe(s)	6	
Lamb(s)	14	
Total Sheep	74	

2/11/2021
 8:49
 9:39
 [REDACTED]

Ear Tag	Collar	Mark X if present
551	A1	
554	N6 (Yellow)	X
561	F5	X
562	N3	X
568	A0	X
584	C3	
591	J1	
597	X1	
565		X
563 (Ram)		

Comments/Notes:

N6 came down the hill at the end.

@ shed when leaving there were: 3 lambs
A1 ewe

* Deer are starting to hang around the sheds too!
Some very nice bucks

* One of the lambs were coughing

ewe
1/4 curl ram
1/2 curl ram

Rampart S34 Bighorn Sheep Bait Log

Date:	1/31/21
Time Start:	8:30
Time Finish:	9:30
Observers:	

Classification			
Rams	Total	Tally	
1/4 Curl			
1/2 Curl			
5/8 Curl			
3/4 Curl			
7/8 Curl			
Full Curl			
Ewes	Total	Tally	
Unmarked Ewes			
Collared Ewe(s)			
Yearling Ewe(s)			
Lamb(s)			
Total Sheep		65	50

group 1 group 2

Ear Tag	Collar	Mark X if present
551	A1	X
554	N6 (Yellow)	X
561	F5	X
562	N3	X
568	A0	X
584	C3	X
591	J1	
597	X1	
565		X
563 (Ram)		

Comments/Notes:

F5
N3

- 3 may have some diarrhea stained butts
- ran into second herd coming down and classified as many as we could before they were out of sight

Rampart S34 Bighorn Sheep Bait Log






Date:	11/30/20
Time Start:	10:00
Time Finish:	11:10
Observers:	Shiver, Frank, [REDACTED]

11
39
17
7

Classification		
Rams	Total	Tally
1/4 Curl		
1/2 Curl		
5/8 Curl	11	
3/4 Curl	1	
7/8 Curl		
Full Curl		
Ewes	Total	Tally
Unmarked Ewes	32	
Collard Ewe(s)	5	
Yearling Ewe(s)	2	
Lamb(s)	16	
Total Sheep	66	

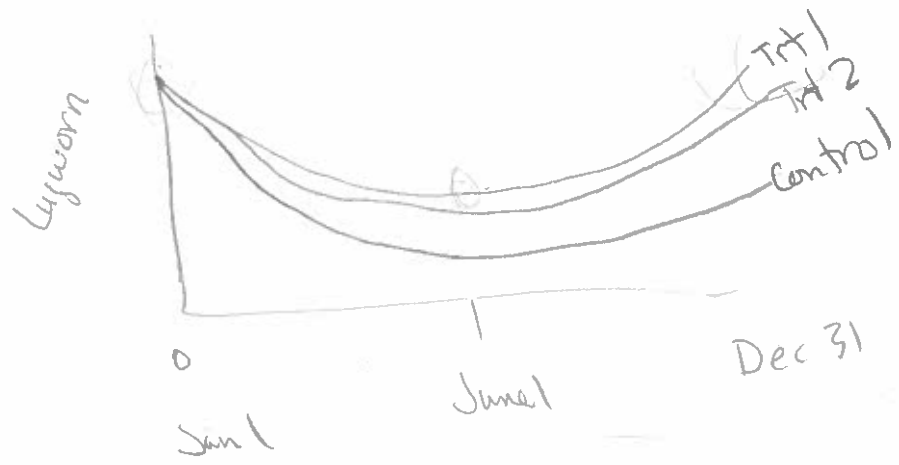
39

Ear Tag	Collar	Mark X if present
551	A1	
554	N6 (Yellow)	X
561	F5	X
562	N3	X
568	A0	X
584	C3	
591	J1	
597	X1	
565		X
563 (Ram)		

E 
 YR  (8) T
 L  (3) T   correct
 R  (3) T

56

Comments/Notes:



65
64

66

Rampart S34 Bighorn Sheep Bait Log

[Handwritten signature]

Date:	1/29/21
Time Start:	8:30
Time Finish:	9:15
Observers:	2



Classification	Total	Tally
Rams		
1/4 Curl	2	2
1/2 Curl		
5/8 Curl	1	1
3/4 Curl	1	1
7/8 Curl	1	1
Full Curl		
Ewes		
Unmarked Ewes	26	
Collared Ewe(s)	2+1	3
Yearling Ewe(s)		
Lamb(s)	11	
Total Sheep	45	

Ear Tag	Collar	Mark X if present
551	A1	
554	N6 (Yellow)	X
561	F5	X
562 ?	N3	
568	A0	
584	C3	
591	J1	
597	X1	
565		X
563 (Ram)		

Group in Road
 16 total Separate Count
 4 1/4 Rams
 12 adult ewe
 Collared Ewe = 562

Comments/Notes:

On Bait

7/8 3/4 5/8 1/4 1/4

11 lamb

1 Y.R.

16
 9
 25
 5

45
 -11
 34
 -5
 29

45

Rampart S34 Bighorn Sheep Bait Log

Date:	01/28/2021
Time Start:	0833
Time Finish:	1000
Observers:	4



Classification	Total	Tally
Rams		
1/4 Curl	1	
1/2 Curl	1	
5/8 Curl		
3/4 Curl		
7/8 Curl	1	
Full Curl		
Ewes		
Unmarked Ewes	17	
Collard Ewe(s)	34	
Yearling Ewe(s)	1	1 Yearling RAM
Lamb(s)	16	
Total Sheep	39 41	

Ear Tag	Collar	Mark X if present
551	A1	
554	N6 (Yellow)	X
561	F5	X
562	N3	
568	A0	X
584	C3	
591	J1	
597	X1	
565		X
563 (Ram)		

Comments/Notes:

Lower down on road near last gate ^{Total} 22 (2 rams 3/4 curl, or 23 I ram 1/2)

Rampart S34 Bighorn Sheep Bait Log

Date:	1/27/21
Time Start:	0827
Time Finish:	0930
Observers:	10

Classification	Total	Tally
Rams		
1/4 Curl	1	
1/2 Curl	1	
5/8 Curl		
3/4 Curl		
7/8 Curl		
Full Curl		
Ewes		
Unmarked Ewes	15	
Collard Ewe(s)	8 4	
Yearling Ewe(s)	1	
Lamb(s)	16	
Total Sheep	38	

Ear Tag	Collar	Mark X if present
551	A1	
554	N6 (Yellow)	X
561	F5	X
562	N3	
568	A0	X
584	C3	
591	J1	
597	X1	
565		X
563 (Ram)		

Comments/Notes: 28 additional sheep by the bait shed @ 10:02

Rampart S34 Bighorn Sheep Bait Log

Date:	01/26/2021
Time Start:	0859
Time Finish:	0935
Observers:	3

Classification	Total	Tally
Rams		
1/4 Curl	2	
1/2 Curl		
5/8 Curl		
3/4 Curl		
7/8 Curl		
Full Curl		
Ewes		
Unmarked Ewes	16	
Collard Ewe(s)	3	
Yearling Ewe(s)		
Lamb(s)	18	
Total Sheep	39	

Ear Tag	Collar	Mark X if present
551	A1	
554	N6 (Yellow)	
561	F5	X
562	N3	
568	A0	X
584	C3	
591	J1	
597	X1	
565		X
563 (Ram)		

Comments/Notes:

There was a group of 62 sheep below that did not come up to the bait site. They stayed near the road below.

Rampart S34 Bighorn Sheep Bait Log

Date:	11/25/21
Time Start:	8:25
Time Finish:	9:47
Observers:	3

Classification	Total	Tally
Rams		
1/4 Curl	5	
1/2 Curl	9	
5/8 Curl	2	
3/4 Curl	3	
7/8 Curl	1	
Full Curl		
Ewes	Total	Tally
Unmarked Ewes	22	
Collard Ewe(s)	30	
Yearling Ewe(s)	12	
Lamb(s)	17	
Total Sheep	116	

Ear Tag	Collar	Mark X if present
551	A1	
554	N6 (Yellow)	
561	F5	X
562	N3	X
568	A0	X
584	C3	X
591	J1	
597	X1	
565		
563 (Ram)		

Comments/Notes:

Yearling Rams: 15
~~||||~~ ~~||||~~ ~~||||~~

Rampart S34 Bighorn Sheep Bait Log 2017

Date 1/15/2021
 Time start 0831
 Time finish 0920
 Observer(s) April Estep

Ram(s)	
1/4 curl	7
1/2 curl	1
5/8 curl	1
3/4 curl	6
7/8 curl	1
Full	15
Unmarked Ewe(s)	53
Collared Ewe(s)	3
Yearling Ewe(s)	16
Lamb(s)	25
TOTAL	

+ 1 ear tagged ewe (see below)

Ear Tag	CID	Mark x if present
548	T4	
551	A1	
554	N6*	X
561	F5	X
562	N3	
568	A0	
584	C3	X
591	J1	
597	X1	

Ram
 Ear Tag | Mark x if present
 563 | X

ewe
 ear tag (yellow, left ear)
 565 X

*N6 collar placard is yellow; All others are blue

Comments/Notes:

108 BHS initially in area, ^{old} ewe w/collar N6 came down solo = 109 BHS
 a little under half of the group didn't stay at the bait and bedded down on
 the side of the hill.

As we were leaving, 1 ewe (C3) and 2 rams (both 3/4) were on the road. I included
 them in the count.

Full total = 114

* N6's body condition is rough, she is old.

Rampart S34 Bighorn Sheep Bait Log

Date:	1/9/21
Time Start:	8:40
Time Finish:	9:45
Observers:	Stiner + Mabee

Classification		
Rams	Total 15	Tally
1/4 Curl		
1/2 Curl		
5/8 Curl		
3/4 Curl		
7/8 Curl		
Full Curl		
Ewes	Total 36	Tally
Unmarked Ewes		
Collard Ewe(s)		
Yearling Ewe(s)		
Lamb(s)	18	18
Total Sheep	72	

Ear Tag	Collar	Mark X if present
551	A1	
554	N6 (Yellow)	X
561	F5	X
562	N3	
568	A0	
584	C3	
591	J1	
597	X1	
565		X
563 (Ram)		

(Marginal blueberry)

15
+ 18

33

~~612~~
- 36

36

Comments/Notes:

Large group up on the hill didn't come into the bait while we were there

Rampart S34 Bighorn Sheep Bait Log

Date:	VII/11/11
Time Start:	6:30
Time Finish:	
Observers:	0

Classification	Total	Tally
Rams		
1/4 Curl	3	
1/2 Curl	10	
5/8 Curl	2	
3/4 Curl	3	
7/8 Curl	1	
Full Curl		
Ewes		
Unmarked Ewes	51	35 45
Collard Ewe(s)		
Yearling Ewe(s)		
Lamb(s)	30	
Total Sheep	104	

15
26
10
56

Ear Tag	Collar	Mark X if present
551	A1	
554	N6 (Yellow)	X
561	F5	X
562	N3	X
568	A0	
584	C3	
591	J1	
597	X1	
565		X
563 (Ram)		

30
45
9
4
10
93

45
+26
71
+15
86
90

Comments/Notes:

1 lamb has evidence of diphtheria



Rampart S34 Bighorn Sheep Bait Log

Date:	1/16/21
Time Start:	9:00
Time Finish:	9:45
Observers:	3

Classification	Total	Tally
Rams		
1/4 Curl		6
1/2 Curl		2
5/8 Curl		
3/4 Curl		2 2
7/8 Curl		
Full Curl		
Ewes		
Unmarked Ewes		20
Collard Ewe(s)		2
Yearling Ewe(s)		
Lamb(s)		7
Total Sheep	103	38 + 28 + 27 + 10 = 103

Ear Tag	Collar	Mark X if present
551	A1	
554	N6 (Yellow)	X
561	F5	
562	N3	
568	A0	
584	C3	X
591	J1	
597	X1	
565		X
563 (Ram)		

Group 1 - on bait
 38 Total
 20 ewe - unmarked
 2 ewe - collared
 6 1/4 curl
 2 1/2 curl
 7 lambs
 1 unclassified

Comments/Notes:

Group 2 on top - not on bait
 up top, - 28 second group total - 18 lambs
 off bait

10 unclassified

Group 3 - on road below bait site

27 third group - 3 3/4 curl
 Road Below 24 unclassified

Group 4
 Farther Down

10 4th group
 Farther Down Road - 10 total

3 - 3/4 curl
 7 - Adult ewes

Rampart S34 Bighorn Sheep Bait Log 2017

Date 1/14/2021
 Time start 900
 Time finish 1036
 Observer(s) Ty Woodward [REDACTED]

30

Unk-1

Ram(s)	
1/4 curl	
1/2 curl	
5/8 curl	
3/4 curl	
7/8 curl	
Full	
Unmarked Ewe(s)	
Collared Ewe(s)	N6
Yearling Ewe(s)	
Lamb(s)	
TOTAL	103

VR1

10
5
4
3

23

|||||

43 44

9

20

Ear Tag	CID	Mark x if present
548	IA	
551	• A1	
554	N6*	X
561	F5	
562	N3	
568	A0	
584	• C3	
591	J1	
597	• X1	

Ram
 Ear Tag | Mark x if present
 563
 565
 565 X
 585 X

*N6 collar placard is yellow; All others are blue

Comments/Notes:

Wow

Rampart S34 Bighorn Sheep Bait Log

Date:	2/12/21
Time Start:	9:00
Time Finish:	10:30
Observers:	T.W.

Classification	Total	Tally
Rams		
1/4 Curl	4	
1/2 Curl	2	
5/8 Curl	1	
3/4 Curl	1	
7/8 Curl		
Full Curl		
Ewes		
Unmarked Ewes	22	
Collard Ewe(s)	2	
Yearling Ewe(s)	11	
Lamb(s)	24	
Total Sheep	67	

Ear Tag	Collar	Mark X if present
551	A1	
554	N6 (Yellow)	X
561	F5	
562	N3	
568	A0	X
584	C3	
591	J1	
597	X1	
565		X
563 (Ram)		

Comments/Notes:

16 sheep down below

Rampart S34 Bighorn Sheep Bait Log

Date:	2/12/21
Time Start:	9:00
Time Finish:	10:45
Observers:	[REDACTED]

Classification	Total	Tally
Rams		
1/4 Curl	1	
1/2 Curl	2	
5/8 Curl	1	
3/4 Curl		
7/8 Curl	1	
Full Curl		
Ewes	Total 5	Tally
Unmarked Ewes	15	Emtag 565
Collard Ewe(s)		
Yearling Ewe(s)		
Lamb(s)	10	
Total Sheep	30	

Ear Tag	Collar	Mark X if present
551	A1	
554	N6 (Yellow)	
561	F5	
562	N3	
568	A0	
584	C3	
591	J1	
597	X1	
565		X
563 (Ram)		

Comments/Notes:

1° @ 9am

30 Total 9:50 am 5 rams 10 lambs 15 ewes

17 sheep @ last gate when driving in
15 rams 1 ewe 1 lamb

Rampart S34 Bighorn Sheep Bait Log

Date:	2-4-21
Time Start:	8:20
Time Finish:	
Observers:	

Classification	Total	Tally
Rams		
1/4 Curl	7	II
1/2 Curl	1	
5/8 Curl	4	
3/4 Curl	1	
7/8 Curl	1	
Full Curl		
Ewes		
Unmarked Ewes	32	
Collard Ewe(s)		
Yearling Ewe(s)	3	
Lamb(s)	12	II
Total Sheep	61	

Ear Tag	Collar	Mark X if present
551	A1	
554	N6 (Yellow)	X
561	F5	
562	N3	X
568	A0	
584	C3	
591	J1	
597	X1	
565		X
563 (Ram)		

Comments/Notes: 44 @ 8:20 @ bait
 52 @ 8:42 " "
 56 @ 8:55 " "

Rampart S34 Bighorn Sheep Bait Log

Date:	02/10/2011
Time Start:	0835
Time Finish:	0935
Observers:	4

Foutz ET AL:
+ VOLUNTEERS



Classification	Total	Tally
Rams		
1/4 Curl	2	1+1
1/2 Curl	6	6
5/8 Curl	3	3
3/4 Curl	5	5
7/8 Curl	1	1
Full Curl		
Ewes	52	Total 49+3
Unmarked Ewes		
Collard Ewe(s)	3	1+2
Yearling Ewe(s)		
Lamb(s)	16	13+3
Total Sheep	95	78+7

Ear Tag	Collar	Mark X if present
551	A1	
554	N6 (Yellow)	X
561	F5	
562	N3	
568	A0	X
584	C3	
591	J1	
597	X1	
565		X
563 (Ram)		

Comments/Notes:

Saw 20 turkey at front gate

Rampart S34 Bighorn Sheep Bait Log

Date:	2/19/2022
Time Start:	8:45
Time Finish:	
Observers:	

Classification	Total	Tally
Rams		
1/4 Curl		
1/2 Curl		
5/8 Curl		
3/4 Curl		
7/8 Curl		
Full Curl		
Ewes		
Unmarked Ewes	34	
Collard Ewe(s)	2	
Yearling Ewe(s)		
Lamb(s)	27	
Total Sheep	73	

Ear Tag	Collar	Mark X if present
551	A1	
554	N6 (Yellow)	X
561	F5	
562	N3	
568	A0	X
584	C3	
591	J1	
597	X1	
565		X
563 (Ram)		

Comments/Notes:

Rampart S34 Bighorn Sheep Bait Log ~~2017~~
2021

Date February 8, 2021
 Time start 0835
 Time finish 0905
 Observer(s) April Estep [REDACTED]

Ram(s)	
1/4 curl	
1/2 curl ^{3/8}	
5/8 curl	
3/4 curl	
7/8 curl	
Full	
Unmarked Ewe(s)	4
Collared Ewe(s)	
Yearling Ewe(s)	
Lamb(s)	
TOTAL	

Ram
 Ear Tag | Mark x if present
 563 |

Ear Tag	CID	Mark x if present
548	T4	
551	A1	
554	N6*	
561	F5	
562	N3	
568	A0	
584	C3	
591	J1	
597	X1	

*N6 collar placard is yellow; All others are blue

Comments/Notes:

- (4) adult ewes went when we drove up
- (1) 3/8 ram at very top of hill upon arrival, never came down

total : 5 observed
4 at site

Rampart S34 Bighorn Sheep Bait Log

Date:	2/5/21
Time Start:	9:00
Time Finish:	10:20
Observers:	...

2/6/21
9:00
10:20
B. D. ... et al



92
104

Classification	Total	Tally
Rams		
1/4 Curl	4	
1/2 Curl	4	
5/8 Curl	8	
3/4 Curl	4	
7/8 Curl	2	
Full Curl		
Ewes	Total 39	Tally 39
Unmarked Ewes	8	
Collared Ewe(s)	8	
Yearling Ewe(s)		
Lamb(s)	25	
Total Sheep	86	

Ear Tag	Collar	Mark X if present
551	A1	
554	N6 (Yellow)	X
561	F5	X
562	N3	
568	A0	
584	C3	
591	J1	
597	X1	
565		X
563 (Ram)		

4 sheep down R.
2 Ewes, 5/8 & Lamb
1 collared Ewe on
hill did not come
down.

Comments/Notes: ~~...~~



Rampart S34 Bighorn Sheep Bait Log

Date:	2/5/20
Time Start:	8:41
Time Finish:	7:07
Observers:	3

Classification	Total	Tally
Rams		
1/4 Curl	4	
1/2 Curl	2	
5/8 Curl		
3/4 Curl	4	
7/8 Curl		
Full Curl		
Ewes		
Unmarked Ewes	57	
Collard Ewe(s)	4	
Yearling Ewe(s)		
Lamb(s)	7 15	
Total Sheep		

Ear Tag	Collar	Mark X if present
551	A1	
554	N6 (Yellow)	X
561	F5	X
562	N3	
568	A0	X
584	C3	
591	J1	
597	X1	
565		X
563 (Ram)		

Comments/Notes: Ram Group near Sheds.

8 total
 - 25
 55

Rampart S34 Bighorn Sheep Bait Log

Date:	2/3/2021
Time Start:	8:50am
Time Finish:	10:15am
Observers:	5

Classification	Total	Tally
Rams		
1/4 Curl	3	
1/2 Curl	3	
5/8 Curl		
3/4 Curl	1	
7/8 Curl	1	
Full Curl	1	
Ewes	Total 9	Tally
Unmarked Ewes	43	
Collard Ewe(s)		
Yearling Ewe(s)	4	
Lamb(s)	18	
Total Sheep	78	

Ear Tag	Collar	Mark X if present
551	A1	
554	N6 (Yellow)	
561	F5	X
562	N3	X
568	A0	X
584	C3	
591	J1	
597	X1	
565		X
563 (Ram)		

78
- 35

43

Comments/Notes:

Handfull (maybe 4) sheep stayed up on top of the hill

7

Rampart S34 Bighorn Sheep Bait Log

Date:	11/24
Time Start:	8:45
Time Finish:	9:45
Observers:	TW

YEARLING RAM: 1

Classification	Total	Tally
Rams		
1/4 Curl	10	
1/2 Curl	9	
5/8 Curl	2	
3/4 Curl		
7/8 Curl		
Full Curl		
Ewes		
Unmarked Ewes	36	
Collared Ewe(s)	3	
Yearling Ewe(s)	1	
Lamb(s)	19	
Total Sheep	83	

Bashed

Ear Tag	Collar	Mark X if present
551	A1	
554	N6 (Yellow)	
561	F5	✓
562	N3	
568	A0	✓
584	C3	X @ shed
591	J1	
597	X1	
565		
563 (Ram)		

Comments/Notes:

3/5 Lamb w/ diarrhea

4-5/8 }
 1-1/2 } Below
 1-E }

Rampart S34 Bighorn Sheep Bait Log

Date:	1/23/20
Time Start:	8:45
Time Finish:	[REDACTED]
Observers:	[REDACTED]

Classification	Total	Tally
Rams		
1/4 Curl	14	IIII IIII
1/2 Curl	3	III
5/8 Curl	2	II
3/4 Curl	4	IIII
7/8 Curl		
Full Curl		
Ewes		
Unmarked Ewes	40+	IIII IIII IIII IIII IIII
Collard Ewe(s)	3	
Yearling Ewe(s)		
Lamb(s)	23	II III IIII III III
Total Sheep		

Ear Tag	Collar	Mark X if present
551	A1	
554	N6 (Yellow)	
561	F5	X
562	N3	
568	A0	X
584	C3	X
591	J1	
597	X1	
565		X
563 (Ram)		

Comments/Notes: C3 down by sheep

Small group of 7 off to side, not really eating
 (24 ewes, 1 1/4 curl, 2 1/2 curl)

~~Saw a ewe with an ear tag, but we couldn't read it~~
 2 ^{1/4} males, 3 ewes, 1 lamb joined much later

Rampart S34 Bighorn Sheep Bait Log

Date:	1/22/21
Time Start:	8:44am
Time Finish:	11:50am
Observers:	[REDACTED]

Classification	Total	Tally
Rams		
1/4 Curl	7	II
1/2 Curl	9	IIII
5/8 Curl	4	
3/4 Curl	5	
7/8 Curl	1	I
Full Curl		
Ewes		
Unmarked Ewes	35	
Collared Ewe(s)	3	
Yearling Ewe(s)	18	
Lamb(s)	20	
Total Sheep	93 102	

Ear Tag	Collar	Mark X if present
551	A1	
554	N6 (Yellow)	
561	F5	X
562	N3	
568	A0	X
584	C3	
591	J1	
597	X1	
565		X
563 (Ram)		

Comments/Notes:

Rampart S34 Bighorn Sheep Bait Log

Date:	1-21-2021
Time Start:	8:25
Time Finish:	10:00
Observers:	2

Classification	Total	Tally
Rams		
1/4 Curl	2	II
1/2 Curl	4	IIII
5/8 Curl	3	III
3/4 Curl	2	II
7/8 Curl		
Full Curl		
Ewes		
Unmarked Ewes	23	
Collard Ewe(s)	4	
Yearling Ewe(s)		
Lamb(s)	10	
Total Sheep	62	

25 total rams

Ear Tag	Collar	Mark X if present
551	A1	
554	N6 (Yellow)	X
561	F5	X
562	N3	X
568	A0	
584	C3	
591	J1	
597	X1	
565		X
563 (Ram)		

Comments/Notes: C3, A1, N3, 3 Rams (12 total) Seen @ bait sheds

Rampart S34 Bighorn Sheep Bait Log

Date:	1-20-21
Time Start:	9:20
Time Finish:	
Observers:	4

started setting bales/apples out

Classification	Total	Tally
Rams		
1/4 Curl	8	III
1/2 Curl	4	
5/8 Curl	1	
3/4 Curl	3	
7/8 Curl	2	
Full Curl		
Ewes		
Unmarked Ewes	30	
Collard Ewe(s)	5	
Yearling Ewe(s)	22	
Lamb(s)	21	
Total Sheep	107	Total

Ear Tag	Collar	Mark X if present
551	A1	X
554	N6 (Yellow)	X
561	F5	X
562	N3	X
568	A0	X
584	C3	NO
591	J1	NO
597	X1	NO
565		
563 (Ram)		

Not w/ ~~herd~~ herd
 yellow
 1 with tag only we
 could not read
 ?

Comments/Notes: VERY Windy
 Classified most, but not all.

Rampart S34 Bighorn Sheep Bait Log

Date:	1/19/21
Time Start:	8:45
Time Finish:	10:45
Observers:	[REDACTED]

Classification	Total	Tally
Rams		
1/4 Curl	14	
1/2 Curl	9	
5/8 Curl		
3/4 Curl	3	
7/8 Curl		
Full Curl	3	
Ewes		
Unmarked Ewes	57	
Collard Ewe(s)		
Yearling Ewe(s)		
Lamb(s)	21	
Total Sheep	107	

29

Ear Tag	Collar	Mark X if present
551	A1	
554	N6 (Yellow)	X
561	F5	X
562	N3	X
568	A0	X
584	C3	
591	J1	
597	X1	
565		
563 (Ram)		

111

Comments/Notes:

57 total ewes
56

26 males

22

1
48
57
105

105

1st count

108

2nd count

111

3rd count

112

4th count



**APPLICATION FOR FUNDING
TRAILS, OPEN SPACE AND PARKS PROGRAM (TOPS)**

APPLICANT:

Name: 2424 GOTG, LLC

Agency: _____

Address: 2424 GARDEN OF THE GODS RD,

City: COLORADO SPRINGS State: CO Zip: 80919-3133

Telephone: (862) 221-2575

E-Mail Address: william.bertolero@vision-properties.com

TYPE OF PROJECT: (Check all that apply)

Trail: _____ Acquisition _____ Development _____

Park: _____ Acquisition _____ Development _____

Open Space: Acquisition _____

OWNER: Is owner aware of this proposal? Yes

Name: Same as Applicant

Agency: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: ()

LOCATION AND DESCRIPTION OF PROPOSED ACQUISITION:

Address: 4678 Alpine Meadows

Description: 55 acres of Open Space to the west of the 2424 Garden of the Gods Office building. Comprises parcel 7300000458 and parts of parcels 7322400021 and 7322402001

PURPOSE OF ACQUISITION: The property is identified as Candidate Open Space on the Parks System Master Plan

PROPOSED TYPE OF ACQUISITION:

Fee Simple Sale Trade _____

Conservation Easement _____ Donation _____

Transfer of Development Rights _____ Lease _____

Other _____

PROPOSED TYPE OF DEVELOPMENT: Open Space and Trails

Please explain why this proposal is appropriate for TOPS funding: (200 words or less)

The property is identified as Candidate Open Space on the Parks System Master Plan and is a priority purchase for the City. The property has interesting topography and is an attractive and secluded open area with impressive views that will be an asset to the City's open space system. The property is an integral component for future connection to the national forest to the west and provides opportunities for completing the proposed Chamberlain Trail, as well as internal trail opportunities. There is also potential for working with the owner to provide trailhead parking on their developed property.

DATE SUBMITTED: 01.19.21

FOR OFFICE USE ONLY:

O.S. File No. _____ Date of Proposal _____

Name of Project _____

Requirements for Zone Change: 7.5.603.B
Requirement for City Review 7.3.504.C.4.b(3)
“Analysis showing wildlife habitat and migration corridors”

Analysis by MSCA V1

Planning Commission
February 8, 2023



Analysis showing wildlife habitat and migration corridors

Summary

This document will:

- Associate photographs with Date & Count logs
- Map the wildlife habitat and migration corridors on the 2424 Property based on photographic evidence
- Identify detrimental condition
- Conclusion:
 - A rezone to PUD is most detrimental to the bighorn sheep with increased human population in close proximity (within 1,440 feet) to the proposed development, human activity, and dogs as documented in the Colorado Bighorn Sheep Management Plan, Allan Hahn, District Ranger, U.S. Forest Service, and Dr. Jim Bailey, retired professor of wildlife biology and management at Colorado State University. Please see the slide “Threats” for more details.

NOTE: The CPW Statement issued to the City on December 17, 2020 (Doc18) is inconsistent with ALL of the research done on the Rampart Range herd. The statement does not warn about 1,440 perimeter or other detrimental impacts.

Analysis showing wildlife habitat and migration corridors

Importance of Suitable Habitat

Gazette newspaper, March 23, 2021, Corey Adler, CPW

https://gazette.com/pikespeakcourier/bighorn-sheep-overcome-truck-breakdown-train-mishap-to-become-prolific-rampart-herd-wildlife-matters/article_cac249c4-873b-11eb-a003-531947bed3fe.html<https://www.dropbox.com/s/heht6866t1n10z0/2022-01-09.10%20Overlay%20Google%20Earth%20Pro%20with%20EI%20Passo%20Assessor%20Map.png?dl=0>

During the spring and summer, for example, they graze on nice green grass in Glen Eyrie and in the Mountain Shadows neighborhood (the location of 2424 GOCR property). Feeding off of better vegetation and not having to look long and hard for it helps keep the bighorn sheep well fed and generally healthier. Of course, happier and healthier rams and ewes contribute to the birth of more lambs. And the female bighorn sheep, or ewes, in the Rampart herd have a very high productivity rate. Many of the ewes that are in the herd get pregnant each year and will drop a new lamb during the spring. This track record of consistent breeding makes the Rampart herd ideal for helping CPW continue its mission of sustaining wildlife statewide. So every few years we capture some of these sheep — usually 20 or so — to repopulate areas around Colorado that don't have sheep or lost their herds due to disease. Bighorn sheep are vulnerable to lung disease, which often are transmitted by domestic livestock.

Analysis showing wildlife habitat and migration corridors Substantiated Methods

ALL photos of the bighorn sheep in this document were taken of the bighorn on the 2424 Property (with one noted exception).

The content in this document is substantiated by wildlife documents, people that are qualified wildlife biologists, and first hand observations with photographic evidence.

Neither Andrea Barlow or Dan Sexton are certified wildlife biologists. They are not qualified to make such “opinionated” statements such as; if bighorn sheep are not on the “development area” it is ok to develop. They must site creditable references such as certified wildlife biologists, researchers, and the like to substantiate their claims.

City Code 7.3.504: HS – Hillside Area Overlay

7.3.504: HS - HILLSIDE AREA OVERLAY:

A. 1. Description: Certain areas are characterized by wildlife habitat

2. Purpose: ensure these areas retain their unique characteristics

3. Objectives:

g. To preserve wildlife habitat which provide wildlife migration corridors.

applicants are requested to meet the spirit and intent of the hillside design manual

B. Applicability:

1. Requirements, Review Criteria: multi-family these requirements will apply on a sitewide basis.

2. Approvals Required: No building unless such construction is undertaken in accord with the requirements in this Code.

C. Land Suitability Analysis:

1. Purpose: provides basic information needed to assess the impact of proposed development

2. Required: A land suitability analysis shall be required in conjunction with the City's review of the following:

c. Hillside development plan.

4. Components Of The Land Suitability Analysis:

b. wildlife: Analysis shall show the following items:

(3) Wildlife habitat and migration corridors.

Other Applicable Laws Protecting Bighorn Sheep

State Statute: Powers of Local Governments

(advised by the CO AG) (Doc04)

§29-20-104(1)(b) **protect significant wildlife habitat**

Colorado 2015 State Wildlife Action Plan:

Bighorn Classification: **Species of Greatest Conservation Need**

Prevent bighorn sheep from endangered listing status

Colorado Executive Order D-2019-011: (Doc29)

Protect iconic wildlife habitat and migration corridors

NOTE: Mayor Suthers said; “an Executive Order IS LAW”

<https://www.koaa.com/news/covering-colorado/explaining-the-power-of-an-executive-order>

Note: (DocXX) are references, where details are found, to documents submitted by MSCA for this meeting.

Supporting Documentation

(Doc21) Colorado Bighorn Sheep Management Plan

(Doc20) BIGHORN SHEEP MGMT PLAN, Rampart Herd

(Doc25) Bighorn Sheep, Mountain Shadows Testimony

(Doc35) TOPS, Application for Funding

NOTE: The current zone is suitable for bighorn sheep. Rezone to PUD will be detrimental according to the Colorado Bighorn Sheep Management Plan.

Rezone Requirement

7.5.603.B.1 The action **WILL NOT** be detrimental to the **public interest**, health, **safety**, **convenience**, or **general welfare**.

MSCA Submitted documents **opposing the rezone**:

- **1,363 emails**
(Doc26 700 pages, Doc27 500 pages, Doc28 592 pages) = 1,792 pages
- **6,690 people signed the Petition** (Doc12)

Mar 16, 2021 04:18:49 PM

Monica Shepherd

31 Glynn Road

PEACEHAVEN **ENGLAND** BN10

I first knew of the Garden of the Gods through a supplement in the Guardian newspaper. A large paragraph was devoted to Colorado Springs under the the heading 'other things to see around Denver' and there it mentions both the Pike and the Garden of the Gods. 2 million visitors go there and contribute no doubt to the economy by spending in restaurants shops and hotels etc. They go to admire a world renowned natural wonder of the red stones, to enjoy the peace and tranquility of the park or to see and **photograph wildlife**. **Please do not let this huge development take place in such a sensitive area.** There must be plenty of other areas they could build around Colorado Springs. Not so close to a unique natural wonder.

- **Public Interest**: 6,690 people signed a Petition to opposed
- **Safety**: Creating a park with trail invites POACHERS with guns – already a problem with deer.
- **Convenience**: No longer appealing for people to visit the west side.
- **General Welfare**: Will make it more difficult to find and view bighorn sheep

Rezone Requirement

(continued)

7.5.603.B.2 The proposal **IS CONSISTENT** with the **Comprehensive Plan**.

- Typology 3: Natural Resources
 - The environmental benefits include **providing wildlife habitat**
- Strategy ML-3.A-4: **Encourage the preservation of significant wildlife corridors**
- Strategy ML-4.A-3: **Support protection of significant wildlife habitat in coordination with development proposals**
- Strategy ML-5.A-3: Plan for, improve, and complete a comprehensive system of wildlife corridors

Threats to Bighorn Sheep

Allan Hahn, District Ranger, U.S. Forest Service; “These are species for which **population viability is a concern, as evidenced by significant current or predicted downward trends in population numbers or density, or habitat capability that would reduce a species existing distribution.** Forest Service directives emphasize working cooperatively with state agencies for **the management and conservation of populations and/or their habitat of sensitive species.”**
(Doc20)

NOTE: The current zoning is ideal habitat. **Due to significant increase in activity, rezoning to PUD will be detrimental to the bighorn sheep population.**

Colorado Bighorn Sheep Management Plan (Doc21), “Human disturbance: Wild sheep have habituated to human activity in many areas where **the activity is somewhat predictable temporally and spatially.**”

“Specific activities may be more detrimental than others. ...**walking with dogs, and activity near lambing areas ... most detrimental.** ...at 440 m (1,400 feet) sheep fled the area.”

NOTE: The bighorn sheep’s main habitat is on the 2424 Open Space which is less than 600 feet from the proposed development. The lambing area is 700 feet from the 2424 Open Space. **The proposed development will be MOST detrimental to the Rampart Range Bighorn Sheep.**

Threats to Bighorn Sheep

- Rampart Bighorn Sheep Management Plan: Many individuals have dogs off-leash and CPW personnel have witnessed dogs pursuing lambs. **the problem persists.** (Doc20)
- The plan for TOPS (Doc35) to purchase the 2424 Open Space and create internal trails will be most detrimental to the bighorn sheep. CPW recommended not to use this space. (Doc18)
- **Jim Bailey, retired wildlife biologist**, warns of the serious threats to the bighorn sheep at this location (please refer to the “Wildlife Biologist Impact Statement” slides at the end of this presentation for details).

Analysis: Wildlife Habitat and Migration Corridors

Extended Habitat and Migration Corridors

Bret Tennis, Parks Operations Administrator, Garden of the Gods, uses this Habitat and Migration Corridor map in his public presentations at the Garden of the Gods Visitor center.

This map shows, in **YELLOW**, that the bighorn sheep utilize the 2424 Property as their habitat and migration corridor.

Light purple is the expanded range of the bighorn after the fire, the red is the fire-affected area, the **yellow** is the bighorn area before and after the fire.



Analysis: Wildlife Habitat and Migration Corridors Reference Diagram #1

On the left photo, the 2424 Property contains the “2424 Open Space” in GREEN and the “Proposed Development” in RED. The GREY blocks in the RED area are the proposed locations for development.

The right photo shows bighorn sheep on the 2424 Open Space and the Chipeta school with the green roof. The yellow line in the left image goes from the photographer at the bottom, through the sheep, and to the location of the Chipeta school.



Analysis: Wildlife Habitat and Migration Corridors

Reference Diagram #2

The 2424 Property contains the “2424 Open Space” in GREEN, the “Proposed Development Areas B & C” in RED, and Area A in BLUE

The GREY blocks in the RED area are the proposed locations for development.



Analysis: Wildlife Habitat and Migration Corridors

Primary Migration Corridor Diagram #1

The primary migration corridor is shown by the red line starting bottom left of center on the Navigator's property and going north to the corner of Lanagan St. and Flying W. Ranch Rd.



Analysis: Wildlife Habitat and Migration Corridors

Primary Migration Corridor Diagram #2

The bighorn sheep are mostly observed in the YELLOW area due to limited line-of-sight to the north (right of the YELLOW). Two migration paths are shown by the GREEN and RED lines.



Analysis: Wildlife Habitat and Migration Corridors

Primary Migration Corridor Diagram #2

The YELLOW circles left of the “GOG Parking lot” insert is where the bighorn are frequently seen by people visiting GOG.

The GREEN line starting on the 2424 Open Space to the Yellow Circles represents one of their migration paths.



Analysis: Wildlife Habitat and Migration Corridors Proximity of Bighorn Sheep to the Development Area #1

The 595 foot YELLOW line shows an easy access point between the proposed development and the center of the 2424 Open Space.



Analysis: Wildlife Habitat and Migration Corridors

Proximity of Bighorn Sheep to the Development Area #2

The 426 foot YELLOW line shows an easy access point between the proposed development and the where bighorn sheep are sited on the 2424 Open Space.



Analysis: Wildlife Habitat and Migration Corridors

Important Bighorn Sheep Activity #1

Mating



Escape



Analysis: Wildlife Habitat and Migration Corridors

Important Bighorn Sheep Activity #2.1

Juvenile male requesting to mate



Mature male disapproving



Analysis: Wildlife Habitat and Migration Corridors

Important Bighorn Sheep Activity #2.2

Mature male request to mate



Mature male subsequent request to mate



Analysis: Wildlife Habitat and Migration Corridors

Important Bighorn Sheep Activity #3

- Huddling to protect lambs
- The 2424 Facility is in the upper right corner
- Ewe with CPW radio tag N3



Analysis: Wildlife Habitat and Migration Corridors

Important Bighorn Sheep Activity #4

- Huddling to protect lambs. Two mature rams with lamb in-between.
- NOTE: This is the only photo in this presentation that was not of bighorn sheep on the 2424 Property. This photo was taken on the west side of Flying W. Ranch Rd. across from the Mountain Shadows Park.



Analysis: Wildlife Habitat and Migration Corridors

Important Bighorn Sheep Activity #5

- Foraging



Analysis: Wildlife Habitat and Migration Corridors

Important Bighorn Sheep Activity #6

Still resting after bedding down overnight.



Analysis: Wildlife Habitat and Migration Corridors

Summary Log of Observations by Date and Count

Date	Count	Date	Count	Date	Count
2/20/2022	6	1/1/2023	12	1/12/2023	8
4/15/2022	5	1/4/2023	17	1/13/2023	25
4/22/2022	11	1/7/2023	16	1/13/2023	21
10/14/2022	17	1/7/2023	43	1/13/2023	54
10/29/2022	8	1/8/2023	5	1/14/2023	18 + 4
10/30/2022	20	1/9/2023	21	1/14/2023	7 + 2
12/17/2022	2	1/9/2023	24	1/31/2023	28
12/27/2022	3	1/10/2023	19	2/1/2023	34
12/30/2022	6	1/12/2023	24	2/2/2023	44
12/31/2022	20	1/12/2023	14	2/2/2023	41
12/31/2022	31	1/12/2023	21	2/4/2023	23

Analysis: Wildlife Habitat and Migration Corridors

Log of Observations – Photo by Count and Date

6 Bighorn Sheep, 2424 GOG Open Space, 2022-02-20



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations – Photo by Count and Date

5 Bighorn Sheep, 2424 GOG Open Space, 2022-04-15, 9:30am



Analysis: Wildlife Habitat and Migration Corridors Log of Observations – Photo by Count and Date

11 Bighorn Sheep, 2424 GOG Open Space, 2022-04-22, 9:30am



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

17 Bighorn Sheep, 2424 GOG Open Space, 2022-10-14



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

8 Bighorn Sheep, 2424 GOG Open Space, 2022-10-29



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

20 Bighorn Sheep, 2424 GOG Open Space, 2022-10-30, 11:00am



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

2 Bighorn Sheep, 2424 GOG Open Space, 2022-12-17, 1:48pm



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

3 Bighorn Sheep, 2424 GOG Open Space, 2022-12-27, 7:30am



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

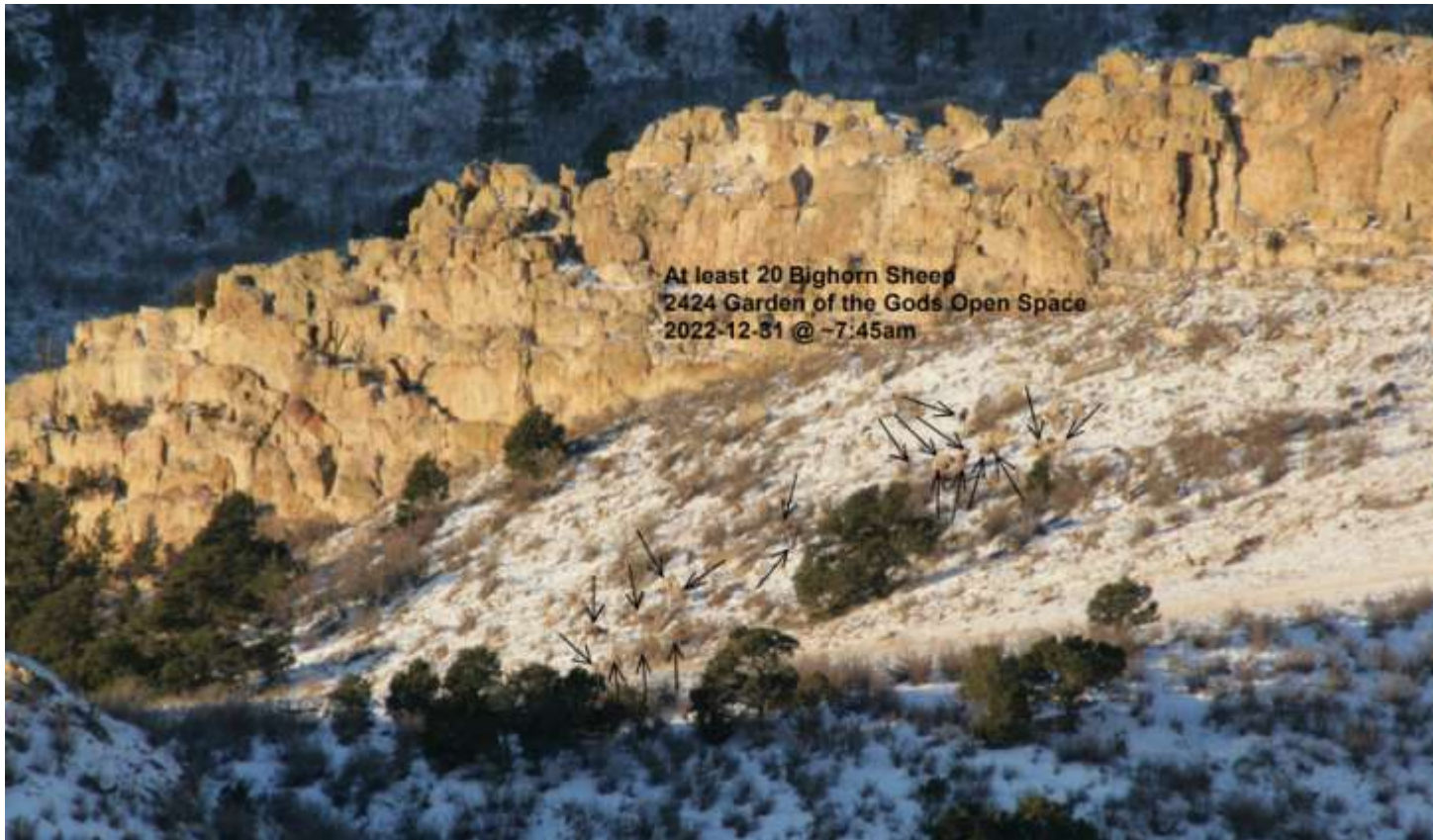
6 Bighorn Sheep, 2424 GOG Open Space, 2022-12-30, 7:30am



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

20 Bighorn Sheep, 2424 GOG Open Space, 2022-12-31, 7:45am



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

31 Bighorn Sheep, 2424 GOG Open Space, 2022-12-31



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

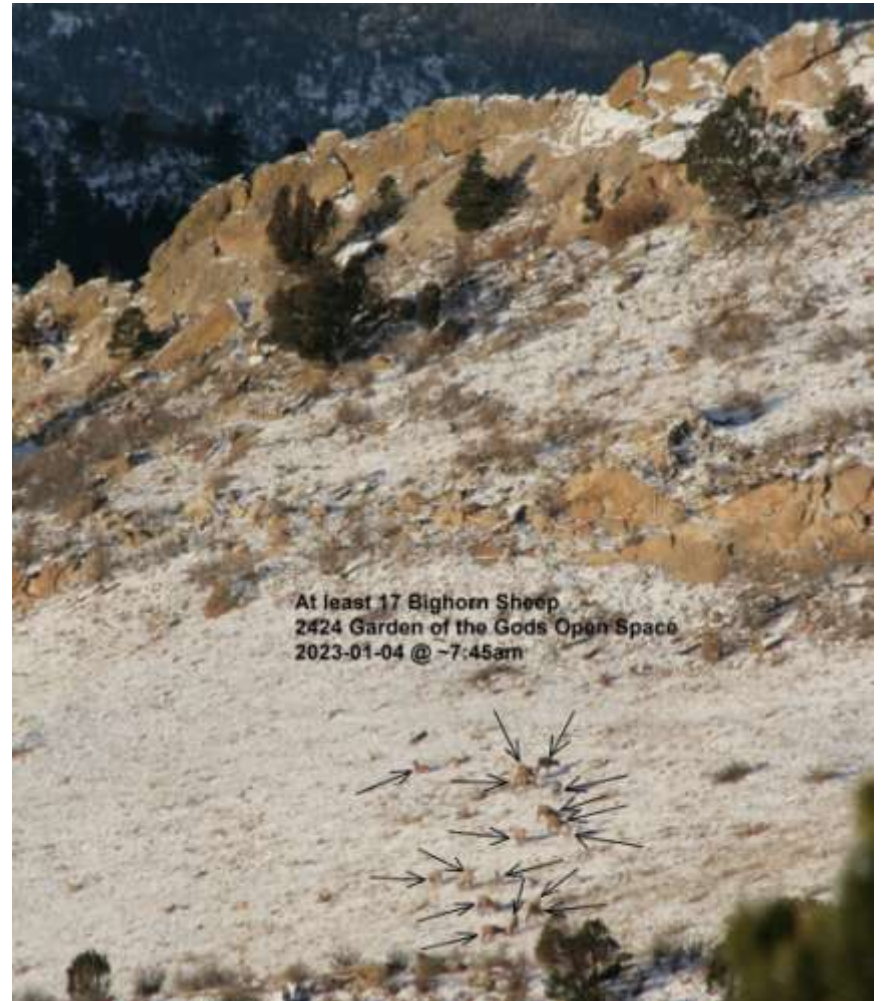
12 Bighorn Sheep, 2424 GOG Open Space, 2023-01-01



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

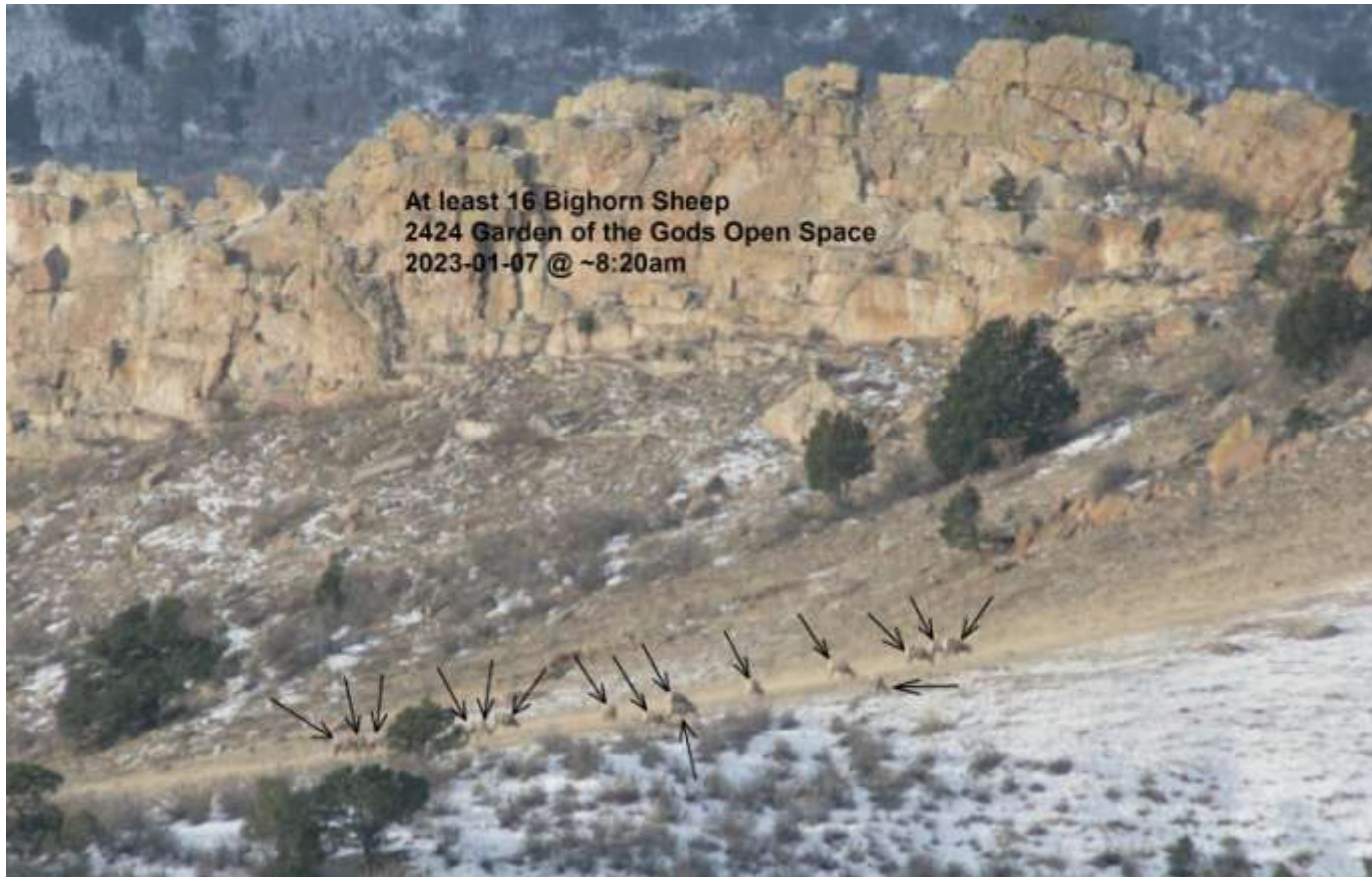
17 Bighorn Sheep, 2424 GOG Open Space,
2023-01-04, 7:45am



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

16 Bighorn Sheep, 2424 GOG Open Space, 2023-01-07, 8:20am



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

43 Bighorn Sheep, 2424 GOG Open Space, 2023-01-07, 8:50am



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

5 Bighorn Sheep, 2424 GOG Open Space, 2023-01-08, 8:15am



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

21 Bighorn Sheep, 2424 GOG Open Space, 2023-01-09, 10:44am



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

24 Bighorn Sheep, 2424 GOG Open Space, 2023-01-09, 4:25pm



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

19 Bighorn Sheep, 2424 GOG Open Space, 2023-01-10, 7:30am



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

24 Bighorn Sheep, 2424 GOG Open Space, 2023-01-12, 7:49am



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

14 Bighorn Sheep, 2424 GOG Open Space, 2023-01-12, 8:56am



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

21 Bighorn Sheep, 2424 GOG Open Space, 2023-01-12, 9:25am



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

8 Bighorn Sheep, 2424 GOG Open Space, 2023-01-12, 9:41am



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

25 Bighorn Sheep, 2424 GOG Open Space, 2023-01-13, 7:30am



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

21 Bighorn Sheep, 2424 GOG Open Space, 2023-01-13, 1:37am



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

54 Bighorn Sheep, 2424 GOG Open Space, 2023-01-13, 1:45pm



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

18 + 4 Bighorn Sheep, 2424 GOG Open Space, 2023-01-13, 8:00am



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

7 + 2 Bighorn Sheep, 2424 GOG Open Space, 2023-01-13, 8:20am



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

28 Bighorn Sheep, 2424 GOG Open Space, 2023-01-31, 8:44am



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

34 Bighorn Sheep, 2424 GOG Open Space, 2023-02-01, 7:45am



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

44 Bighorn Sheep, 2424 GOG Open Space, 2023-02-02, 7:37am



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

41 Bighorn Sheep, 2424 GOG Open Space, 2023-02-02, 9:25am



Analysis: Wildlife Habitat and Migration Corridors

Log of Observations

23 Bighorn Sheep, 2424 GOG Open Space, 2023-02-04, 7:45am



Analysis: Wildlife Habitat and Migration Corridors

Wildlife Biologist Impact Statement

From: jabailey34@aol.com

To: "dottt1@comcast.net" <dottt1@comcast.net>

Date: 05/19/2021 3:16 PM

Subject: Re: Rezoning for hi-density housing and the Rampart Range bighorn herd

Dorothy: I suspect I will not be able to serve well as an "expert witness" regarding potential impacts of high-density housing abutting (?) habitat of the Rampart Range herd. I have been out of Colorado since about 1992 and am not "up" on the status of herds in the state any more. That said, I will speculate some and rely on my general knowledge of and past experience with bighorns to offer some suggestions. Every bighorn herd, its history and habitat relations, is different and predictions such as these must be fitted to recent and current conditions on the ground - that I am not familiar with. That said, I have looked at the available info on the Rampart Range bighorn herd on line. I learned some from a 2013 CPW report.

I believe the case can be made that the Rampart Range herd is a very important Colorado herd. When I was in Colorado, there were only a few low-elevation, non-migratory herds in the state. These herds have a unique ecology (Risenhoover and Bailey 1988. J. Mammalogy 69:592-597). Those along the Front Range are unique in their dependence upon mountain mahogany, surprisingly a high-quality food during most of the year (Rominger et al. 1988. J. Wildlife Management 52:47-50). These herds have produced an unexpectedly large proportion of high-scoring rams in the Boone & Crocket record book.

Analysis: Wildlife Habitat and Migration Corridors

Wildlife Biologist Impact Statement (continued)

That said, the Rampart Range herd likely has a limited and declining genetic diversity It began with rather few founders (34), although from 2 sources. It has been small and isolated for many years and should have lost genes (alleles) due to genetic drift. There may also be significant inbreeding (uncertain because our profession understands little about outbreeding behavior in bighorns, especially in small herds). Point is that the current genetic diversity of the herd likely limits its ability to deal with any novel stress, such as the appearance of disease.

As far I we knew in 2013, the total range of the herd is small, being only a narrow band, about 7 miles long along the foothills of the Front Range. Worse, the herd was described as spending most of its time in a small portion of that total range. The total used area was only 4.3 square miles. (This was expected to change following the 2012 Waldo fire. Did It?)

Point of the above is that the risk is high that this herd may not respond well to the addition of any new stresses.

I don't know where the land proposed for high-density development is located, relative to the herd's range. Presumably this is relatively flat land adjacent to steep habitat that bighorn use as "escape terrain". Do the bighorns use any of this land, probably for foraging in a/some season(s)?

Analysis: Wildlife Habitat and Migration Corridors

Wildlife Biologist Impact Statement (continued)

In a few circumstances, bighorn herds have persisted in using habitats where human activity has been great. The Waterton Lakes, Alberta herd used to, and probably still does, live largely within the town of Waterton Lakes. It was speculated that the bighorns preferred to be in town where their predators (wolves, lions, bears) seldom ventured. I once saw bighorn lying up against the houses at mid-day. In Colorado, the Taylor River herd used to, (still does?) lamb just below the Taylor Reservoir Dam, and just across a small gorge from the paved highway where people often stopped to view the ewes and lambs. At the base of the cliff/lambing area was a seldom-used road for access to the base of the dam. Important here is that the people were well separated from the bighorns by the Taylor River Gorge. Point is that bighorns may adapt to a lot of human presence if the animals are not negatively impacted (hunting, dogs, approaching too close) by their experience with people.

You mention that some of the proposed development area is within <500 yards of the (a?) lambing area of the Rampart herd. The 2013 CPW report mentions dogs seen chasing lambs somewhere. Anyway, I think it would be most important to ask for the area below the Rampart lambing area to be closed to public use during the lambing season. You might also suggest the area be fenced to keep dogs out.

You might want to accept, grudgingly, the development only if certain precautions and mitigations are committed. Barriers for approaching the bighorn habitat should be requested. Perhaps closed seasons for some areas. How about mitigation with strategic habitat improvement away from the development? (CPW should be able to design such activity.)

Alas, I cannot predict how the herd will respond to increased human development and activity. No one can. More, We often have to prove there will be a negative impact of a project; whereas the developers seldom have to prove there will be no impact. -- However (1) it is an important herd; (2) It is predicted that its genetic limitations and limited range make it a risky herd to insult; (3) a lambing area is a particularly sensitive habitat component. These ideas could be the basis for your position.

Jim Bailey, Belgrade, MT

Analysis: Wildlife Habitat and Migration Corridors

End of

Analysis: Wildlife Habitat and Migration Corridors

2424 GOG Rd Project Opposition to 2nd Proposal

City Council

February 28, 2023

Draft: V20

We should not be having this meeting.

- Aug. 2021: City Council denied the first Application.
- April 2022: City attorney filed a very strong District Court Answer Brief supporting City Council's decision.
-
- May 2022: District Court denied the appeal.
- July 2022: Appeal filed in Appeals Court.
- Nov. 2022: City attorney filed an Appeal Answer Brief.

The PUD Zone Change Does NOT Comply

STATE STATUTE: Powers of Local Governments (as advised by the CO AG) (**Doc04**)

- §29-20-104(1)(b) protect significant wildlife habitat
- §29-20-104(1)(g) regulate based on the impact to the community

COLORADO 2015 STATE WILDLIFE ACTION PLAN: Prevent bighorn sheep from endangered listing status.

COLORADO EXECUTIVE ORDER:

- D-2019-011 Protect iconic wildlife habitat and migration corridors

DISTRICT COURT: Order Following Rule, "**DENIED, DONE and ORDERED** May 20, 2022

- At least **25** concerns were upheld by Judge Prince.

CITY CODE: REZONE REQUIREMENTS

- 7.5.603.B.1 The action WILL NOT be detrimental to the public interest, health, safety, convenience, or general welfare.
- 7.5.603.B.2 The proposal IS CONSISTENT with the Comprehensive Plan.

CITY CODE: Hillside Area Overlay (**Meets the spirit and intent of the hillside design manual.**)

https://codelibrary.amlegal.com/codes/coloradospringsco/latest/coloradosprings_co/0-0-0-8797

"applicants are strongly encouraged and requested to meet the spirit and intent of the hillside design manual"

- 7.3.504.A.3.g. **To preserve wildlife habitat**
- 7.3.504.B.1. **Predominant development is single-family detached housing.**
- 7.3.504.C.4.b(3) **Analysis shall show wildlife habitat and migration corridors. < - - Provided by the neighborhood.**
- 7.3.504.D.2.d(2)(D) Yard setbacks should be sufficiently varied to avoid a repetitious appearance
- 7.3.504.D.3. a. Does the plan meet **the spirit and intent** of the hillside design manual?
- 7.3.504.F.2. **Height shall be determined at the time of zoning and based on visual analysis < - - Provided by the neighborhood.**
- 7.3.504.H. Lot grading will be evaluated for consistency **with the spirit and intent** of the hillside design manual.
- 7.3.504.H.d. **Have visual impacts upon off site areas been avoided** or reasonably mitigated?
- 7.3.504.H.d(1) **Has the structure been sited so that there is a mountain or hillside backdrop?**
- 7.3.504.H.d(2) Has the structure been sited away from the ridgeline?

The PUD Zone Change Does NOT Comply (continued)

HILLSIDE DEVELOPMENT GUIDELINES: (Doc06)

<https://coloradosprings.gov/sites/default/files/planning/dab/hillside.pdf>

- (Pg 2) **This manual applies to lands within the hillside areas that are characterized by significant natural features that include ridgelines, bluffs, rock outcroppings, wildlife habitat, geologic conditions, and slopes that contribute to the attractiveness of the community.** NOTE: The City has identified these areas and placed them within the HS -Hillside Overlay Zone.
- (Pg 2) The provisions of this manual **shall apply** to any and all of the following activities: **Any lands in which new or enlarged building activity will occur**
- (Pg 2) **This Manual incorporates code standards**
- (Pg 3) The City has recognized that areas which are characterized by **ridgelines, bluffs, view corridors, foothills, mountain backdrop, excessive slope, unique vegetation, natural drainage, rock outcroppings, geologic conditions, wildlife habitats, and other physical factors, are significant natural features worthy of preservation. Performance standards for hillside development have been developed and are incorporated into the Zoning Code** as an overlay zone, referred to as the "Hillside Area Overlay". This manual is intended to serve as the design guidelines for the development of hillside areas.
- (Pg 3) If development occurs in accordance with this Manual, **it will be done** in a manner sensitive to the natural functions of the land and **preserve and protect one of the City of Colorado Springs most significant attributes -- its mountain gateway into the Rockies.**

The PUD Zone Change Does NOT Comply (continued)

- (Pg 4) Intent/Purpose: **The Manual incorporates code requirements**
- 1.) **To enhance the quality of life of existing and future residents** by **the preservation and protection of the City's most significant natural feature**. Note: Same as CRS §29-20-104(1)(g) impact on the community.
- 2.) **To contribute to the natural hillside character of the existing neighborhoods and developments in the area by limiting the alteration to topography...**
- 3.) **To preserve and protect the unique and special natural features** and aesthetic qualities of the hillside areas.
- 4.) To ensure that **new development is sensitive to the existing natural setting** and that the protection design **minimizes the removal of significant vegetation and natural features to the greatest extent possible**.
- 5.) **To preserve and protect wildlife habitat**. Note: Same as CRS 29-20-104(1)(b) protect significant wildlife habitat.
- 7.) **To respect the existing views to the mountains and foothills**, and privacy of the adjacent homes.
- 10.) **To recognize community concerns related to development and its impact upon visually significant hillsides, ridgelines, bluffs, and landforms**.
- (Pg 14) Is the proposed development **compatible and consistent with the character of the area and neighborhood**? Land use in the Hillside zone is determined during the zoning classification.
- (Pg 17) 6. **DESIGN your project to maintain the Hillside character** of the site by: **keeping structures below ridgelines**... and minimizing the height of structures.

The PUD Zone Change Does NOT Comply (continued)

- (Pg 20) Because the foothills are such a special area, **there are a set of rules that apply to everyone** Whether building a new home or you are in a house that has been around for 20 years, **there are strictly enforced guidelines** that regulate how you may treat your lot.
- (Pg 20) Homes in prominent locations **must be sited and designed with the following in mind: A mountain or other landform should act as the backdrop** This is highly preferable to having the building project into a blue sky background
- (Pg 21) **BUILDING MULTI-FAMILY, OFFICE, INDUSTRIAL AND COMMERCIAL PROJECTS IN THE HILLSIDES** Multi-family, commercial, office and industrial projects can also be appropriate if **care is taken** in the design of these projects **to insure that important hillside characteristics are maintained**. **The following is a list of design standards and guidelines which should be addressed**
- (Pg 22) For building sites in proximity to ridgelines, **additional height restrictions may be necessary to insure that rooflines will be located below the natural ridgeline**.
- (Pg 22) **Building sites should be selected so that construction occurs below the ridgeline**.
- (Pg 22) The roofline, based upon maximum permitted height, **should not extend above the line of sight between a ridgeline and any public right-of-way**, whether the ridgeline is above or below the right-of-way.
- (Pg 22) **Significant views of the natural ridge silhouette from public rights-of-way and other public spaces should be retained.**

NOTE: The two adjacent public right-of-ways, N. 30th St. and Flying W. Ranch Rd, **will no longer have significant views of the natural ridge silhouettes**.

The PUD Zone Change Fails to Recognize the District Court

From the City Attorney's District Court Brief, April 8, 2022 (Doc01)

"City Council ultimately found that rezoning was not appropriate. Their decision finds support in a robust record containing thousands of pages of documents, and hours of testimony and evidence."

The District Court denied the 2424 Rezone. **"DONE and ORDERED May 20, 2022 BY THE COURT" "not appropriate under the City's rezoning code"** **"The record supports a finding that the project was detrimental to the public interest, health, safety, convenience, or general welfare."**

1. "The consideration of the public health, safety, and welfare criterion may include a review of issues relating to traffic Whitelaw v. Denver City Council also W. Paving Const. Co. v. Jefferson Cty. Bd. Of Cty. Comm'rs residents living nearby testified that **rezoning would create a life-threatening "chokepoint" at a critical junction point at Garden of the Gods Road and 30th St.**"
2. **"increasing density at the site would exacerbate traffic back-ups, cause delays, and strain first responder resources"**
3. "the risk of wildfire at the site is undoubtedly elevated"
4. **"rezoning ... compounded problems encountered during the fire"**
5. "traffic studies ... were too narrow ... to fully embrace the impact of the project"
6. "30th Street ... narrows to two-lanes heading southbound ... regularly becomes overwhelmed with ... traffic"
7. **"rezoning request was inconsistent with the hillside overlay criteria"**

The PUD Zone Change

Fails to Recognize the District Court (continued)

8. “the proposed apartment complex would block the view of the nearby foothills and majestic landscape” “This was not only inconsistent with the hillside overlay, but also the City’s comprehensive plan.”
9. “the project had a detrimental impact on a bighorn sheep population that lived nearby”
10. “The concern was one over safety, not over evacuation planning”
11. “traffic impacts ... particularly during an evacuation”
12. “bicycle safety”
13. “inconsistency of project with Comprehensive Plan”
14. “increased potential for wildfires”
15. “City Council correctly found that the applicant failed to carry its burden. A. Evidence Supported Denial Based on the Project Being Detrimental to Public Interest, Health, Safety, Convenience, or General Welfare”
16. ““The consideration of the public health, safety, and welfare criterion may ... include a review of issues relating to traffic ...” Whitelaw v. Denver City Council ... also W. Paving Const. Co. v. Jefferson Cty. Bd. Of Cty. Comm’rs” ... residents living nearby testified that rezoning ... would create a life-threatening “chokepoint” at a critical junction point at Garden of the Gods Road and 30th Street.”
17. “the project would only increase traffic congestion”
18. “increasing density at the site would exacerbate traffic back-ups, cause delays, and strain first responder resources”

The PUD Zone Change

Fails to Recognize the District Court (continued)

19. “Opponents also identified an elevated risk of a wildfire near the site. ... In this unique location, the risk of a wildfire is elevated both day and night.”
20. “Resident Dorian Lee ... “It seems inconceivable that with the seriousness of the yearly Colorado fire season we fail to consider that another explosive fire will occur somewhere on the west side of our City possibly at night and that more casualties will happen due to the limited egress many of these neighborhoods have.””
21. “The threat of wildfire near the site is not hypothetical.”
22. “The neighborhood ... experienced unimaginable tragedy during the Waldo Canyon fire. Lives were lost and 347 homes were burned to the ground.”
23. “Resident Polly Dunn testifying that “our home did not survive that fire.””
24. “(Resident Kim Fleck testifying “... it was a traumatic experience for our family getting out, just as it was for half of Mountain Shadows. ... We’re all still at some level traumatized.”)”
25. “Resident Caitlin Henderson ... over 300 homes burned in the fire ... Residents waited for hours in gridlock to escape the raging fire”

Court of Appeals

A 2nd Zone Request Usurping City Council

City Attorney's Court of Appeals Answer Brief, Nov. 18, 2022 (Doc03)

2. **2424GOTG Does Not Have A Right To A Rezone.**
4. **City Council's Interpretation Of § 7.5.603.B Was Reasonable And Its Decision Was Based On The Criteria In The Ordinance.**
5. City Council's Decision Was **Supported By Substantial Evidence** In The Record.
 - 5.1. The record contains **competent evidence** that **adding close to 1,000 people to a key intersection would increase health and safety risks, especially in the event of a future wildfire.**
 - 5.2. Residents' evidence shows the **Rezone Request was detrimental** to the convenience, health, safety, and general welfare of the community **in several ways.**
 - 5.2.1 Residents presented **competent evidence** about the area's **traffic problems.**
 - 5.2.2 **Competent evidence** was presented to show that the Project would be **detrimental to the area's bighorn sheep.**
 - 5.2.3 **Competent evidence** was presented to show that **the Project violated the Hillside Overlay.**
 - 5.2.4 **Competent evidence** related to **bicycle safety** and the proximity of the Garden of the Gods was presented to show that **the Project was detrimental to the public interest, convenience, and general welfare** of the area.
- "Conclusion: Because the Certified Record clearly demonstrates that **City Council denied the Rezone Request**"

No Significant Change

Email from Dan Sexton, city planner, to Bill Wysong, MSCA President (Doc16)

“there have been **significant changes** made to the project scope since it was last discussed with the community”, “**reduce residential from 420 to 320 units**”

NEIGHBORHOOD CONCERNS:

TRAFFIC: Reduced 2424 projected population from 950 to 650 but added Weidner 456 people = 1,106 people.

NET GAIN OF 156 PEOPLE

PLDO: **NO IMPROVEMENT** for over 2 years with a **very poor 2.0/5.5** LOS.

BIGHORN SHEEP: **NO IMPROVEMENT**. The CO AG and District Court **acknowledge the presence of bighorn sheep**.

HILLSIDE OVERLAY: **NO IMPROVEMENT**. The 2424 Project to rezone to PUD is not in compliance with **10** criteria in City Code 7.3.504 and **22** criteria in the Hillside Development Guidelines NOTE: (Pg 2) “**This Manual incorporates code standards**”

EVACUATION SAFETY: **DETRIMENTAL SOLUTION**. Zonehaven **does not** 1) identify traffic chokepoints to expedite an evacuation, 2) identify contra flow scenarios to prevent backups, and 3) does not calculate evacuation times. **85 lives lost in Paradise using zones**.

TECHNOLOGY CHALLENGED as demonstrated 3 times by the City. 1) On May 12, 2022 **issued a mass evacuation for the City for a small fire** – shutting down businesses and **showed a blacked-out evacuation route** on handheld devices, 2) On January 25, 2023 issued a notice of “**a delay in the Colorado Springs Utilities system upgrade**”, 3) For at least 2 years, continues to use MS Teams for official government meetings that **prevents the public from joining the calls and limits the number of callers to 250 people**.

BICYCLE SAFETY: Dick Timberlake was **struck and killed by a car** at a nearby intersection with a similar configuration. The city was informed of this **very dangerous crossing** on January 15, 2021 (Doc17) and **has not mitigated the situation**. The west side is the prime training area for the Olympic cyclists.

WILDFIRE MITIGATION PROGRAM: (Reported by Dan Beedie June 17, 2022) The Fire Marshall purchased 125 acres and built trails for \$500,000. **Why did the Fire Marshall perform the duties of TOPS?**

WILDFIRE MITIGATION STRATEGIC PLAN: There is a “Wildfire Mitigation TABOR Fund Cost Breakdown” (Doc36) but no strategic plan quantifying the amount of mitigation, the areas to mitigate, and a timeline for mitigation. **Without a Strategic Plan, it can not be demonstrated that \$20M is sufficient to address the concerns**.

ROAD CAPACITY: **NO IMPROVEMENT** to throughput on the already congested egress routes GOG Rd & Vindicator Rd.

List of Supporting Documents

Submitted for the record with this Presentation

- Doc01, 2022-04-08 COS Answer Brief, District.pdf
- Doc02, 2022-05-20 Order RE Order Following Rule 106 Review.pdf
- Doc03, 2022-11-18 16-59-31 COS Answer Brief, Appeals.pdf
- Doc04, 20210816 AG letter re Colo Springs zoning complaint, Bighorn.pdf
- Doc05, AG admits bighorn are on the property.pdf
- Doc06, Hillside Development Guidelines Manual.pdf
- Doc07, Hillside Dev. Assessment to Planning Commission.pdf
- Doc08, Concept Buildings as defined by NES, Google Pro, with Parameters.pdf
- Doc09, NES Visual Impact Analysis INACCURACIES.pdf
- Doc10, MSCA Rebuttal to NES Visual Impact Analysis V2.pdf
- Doc11, Proposed Building Elevation Study (Area B&C).pdf
- Doc12, 2424 GOG PETITION REPORT to City Council 2021-05-25.3.pdf
- Doc13, 1980-10-10 Ridge to Rolm, Warranty Deed, Protective Covenants, Book 3362 Page 193.pdf
- Doc14, 1980 Covenants, (c) Typed.pdf
- Doc15, Wildfire-Mitigation-TABOR-Breakdown.pdf
- Doc16, 2023-01-25 Email Dan Sexton to Bill Wysong.pdf
- Doc17, Bicycle Safety to Planning Commission.pdf
- Doc18, 2020-12-17 CPW Colorado Springs 2424 GOG Concept Plan Sheep impact Letterhead.pdf
- Doc19, 2020-12-17 Development encroachment on bighorn sheep.pdf

List of Supporting Documents

Submitted for the record with this Presentation (continued)

Doc20, BIGHORN SHEEP MGMT PLAN, Rampart Herd, RBS-14DAUPlanFinal.pdf

Doc21, ColoradoBighornSheepManagementPlan2009-2019.pdf

Doc22, 2023-01-25 Stormwater Billing Delay (redacted).pdf

Doc23, 2021-08-16 Sunshine Law, Report to the AG.pdf

Doc24,

Doc25, Bighorn Sheep - Mountain Shadows Testimony to Planning Commission.pdf

Doc26, 2021-01-21.11 Public Comment 1.pdf

Doc27, 2021-01-21.12 Public Comment 2.pdf

Doc28, 2021-01-21.13 Public Comment 3.pdf

Doc29, Executive Order, D-2019-011.pdf

Doc30, John Almy, The largest number of comments.pdf

Doc31, Rampart_Bighorn_Sheep_Bait_Log_1_Redacted.pdf

Doc32, Rampart_Bighorn_Sheep_Bait_Log_2_Redacted.pdf

Doc33, Rampart_Bighorn_Sheep_Bait_Log_3_Redacted.pdf

Doc34, Rampart_Bighorn_Sheep_Bait_Log_4_Redacted.pdf

Doc35, TOPS, Application for Funding.pdf

VIDEO01, Traffic, Jeff escaping Waldo Fire.mp4

VIDEO02, Traffic, from GOG Park to Rt-24 on 31st St.mp4

VIDEO03, Traffic, Fillmore eastbound from Centennial.mp4

VIDEO04, Traffic, Driving North on 30th Street (Eddie H.).mp4

Responsibility of the Planning Commission

7.5.103: CITY PLANNING COMMISSION (PC):

- A. Responsibilities: The Planning Commission shall serve as an advisory board to the City Council on major planning issues
2. The Planning Commission shall **provide recommendations** regarding the following applications **to the City Council**:
 - d. **Establishment or change of zone** district boundaries **with an accompanying concept plan**

Other Planning Commissions further define:

<https://www.pvestates.org/government/commission-and-committees/planning-commission/role-of-the-planning-commission>

Individual Project Approvals: Review individual projects for consistency with the general plan (**COMPREHENSIVE PLAN**), any applicable specific plans (**HILLSIDE OVERLAY**), the zoning ordinance (**COLORADO SPRINGS CITY CODE**), and other land use policies and regulations (**MAYOR SUTHERS SAID EXECUTIVE ORDERS ARE STATE LAW**).

We are hopeful that this Planning Commission will uphold their duties and responsibilities.

DETAILS

Neighborhood Visual Impact Analysis

The following slides demonstrate that the 2424 Project for a Zone change to PUD does not meet the Hillside Overlay criteria.

The following slides and documents (listed below) were prepared by John McLain, former professional surveyor, and was awarded 6 patents in modeling and simulation.

Summary: As demonstrated in this presentation and supporting documents, **32 foot tall structures at a 190 foot setback will block 100%** of the views of the ridgeline. **16 foot tall structures at an 80 foot setback will block 100%** of the ridgeline.

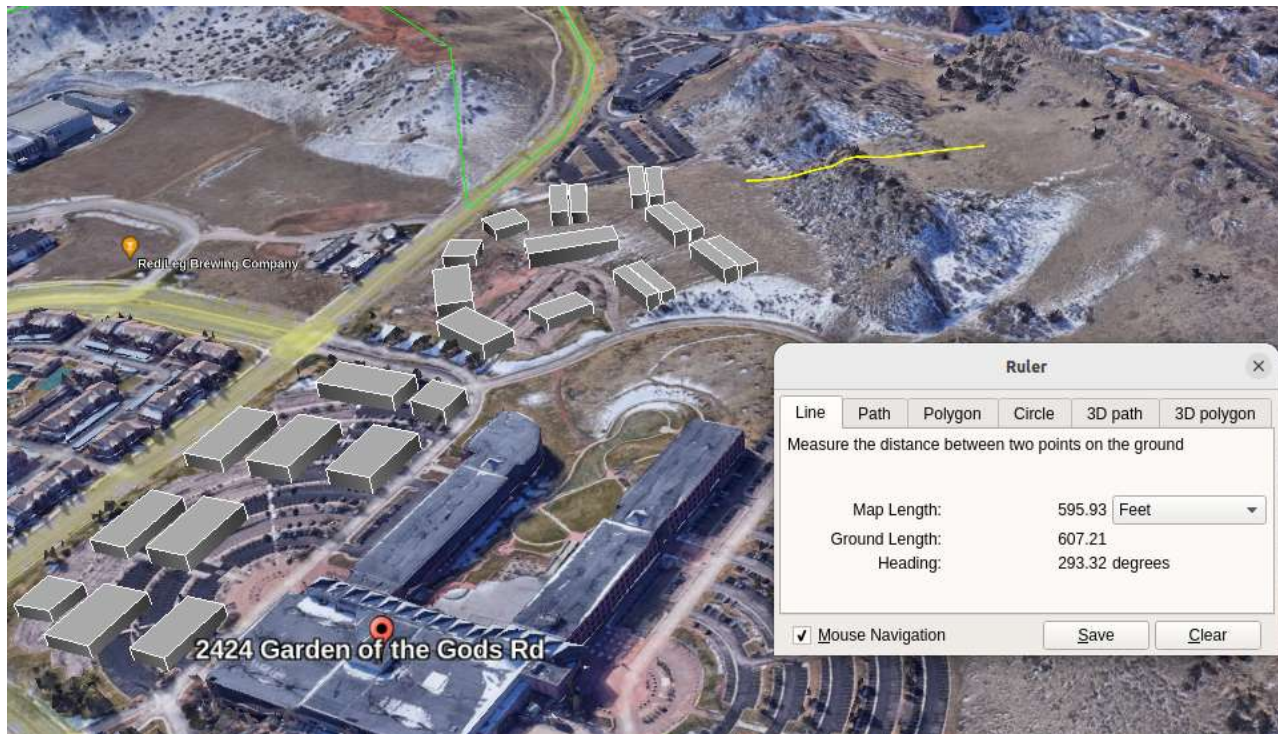
- The proposed plan **does not comply with City Codes:**
7.3.504.B.1, 7.3.504.D.2.d(2)(D), 7.3.504.D.3. a., 7.3.504.F.2. 7.3.504.H., 7.3.504.H.d.
- Nor does it comply with, as stated in City Code 7.3.504
“the spirit and intent of the Hillside Development Guidelines“.
22 criteria in the Hillside Development Guidelines will not be met.

The following documents are supplied with this presentation and are used to substantiate our findings.

- Doc07, Hillside Dev. Assessment to Planning Commission.pdf
- Doc08, Concept Buildings as defined by NES, Google Pro, with Parameters.pdf
- Doc09, NES Visual Impact Analysis INACCURACIES.pdf
- Doc10, MSCA Rebuttal to NES Visual Impact Analysis V2.pdf
- Doc11, Proposed Building Elevation Study (Area B&C).pdf

Neighborhood Visual Impact Analysis Inconsistent with Hillside Overlay Criteria

This is a Google Earth Pro visual analysis of the NES concept diagram. The buildings are **arranged as if they are a matrix of barracks on a military base**. City Code **7.3.504 D.2.d(2)(D)** Front and side yard setbacks should be sufficiently varied throughout the development to **avoid a repetitious appearance** along the street frontage. **NOTE: Townhomes fall in this category.**



Neighborhood Visual Impact Analysis

Applicants Unsubstantiated Diagram

7.3.504.F.2. Hillside Building Height: 2. **For multi-family uses, height shall be determined at the time of zoning.** Height will be based upon site factors including, but not limited to, **visual analysis.**

NOTE: The developers representative provided a photo (see next slide) **showing 45 foot tall buildings that are approximately 1/3 the height of the 32 foot light pole** that is adjacent to the depicted buildings. The representative has **ignored, multiple request, to provide the name of the software** used to generate the rendering. **Nor, has she supplied the input parameters** that will demonstrate that her photo is correctly represented.

NOTE: **The developers representative will not approve of a balloon study.** When the previous owner, MCI, developed the property circa 1990, they demonstrated, at that time, to the neighbors that the newly proposed buildings would NOT block the majestic views of the hillsides.

NOTE: We have provided multiple approaches to demonstrate that the developers visual analysis (Doc09) is **GROSELY MISREPRESENTED.** The methods we used include: 1) laser measurements, obtained by a professional surveyor, of the light poles to within 1/16" of an inch, 2) verification of the light pole heights, by a professional with 6 U.S. patents in modeling and simulation, using Google Earth Pro – accurate to within 1 foot and provided building height configuration parameters that accurately shows the buildings blocking the ridgelines. (Doc08) 3) Trigonometry and ratio calculations were also used. (Doc10)

WHY ISN'T THE PLANNING DEPARTMENT, PLANNING COMMISSION, AND CITY COUNCIL ASKING THE DEVELOPER TO PRODUCE THE EVIDENCE TO SUBSTANTIATE THE DEVELOPERS VISUAL ANALYSIS?

Neighborhood Visual Impact Analysis

Applicants Unsubstantiated Diagram (continued)

This is the NES Visual Impact Analysis diagram showing a 33-foot tall, 2-story building next to a 32-foot light pole. The yellow horizontal line is the top of the building. The red horizontal line is the top of the 32-foot light pole. Using a “ratio” calculation, **the building depicted by NES is actually 13.5 feet tall.**



(REVISED CONCEPT FOR 220 UNITS IN PHASE 2; 420 TOTAL UNITS)

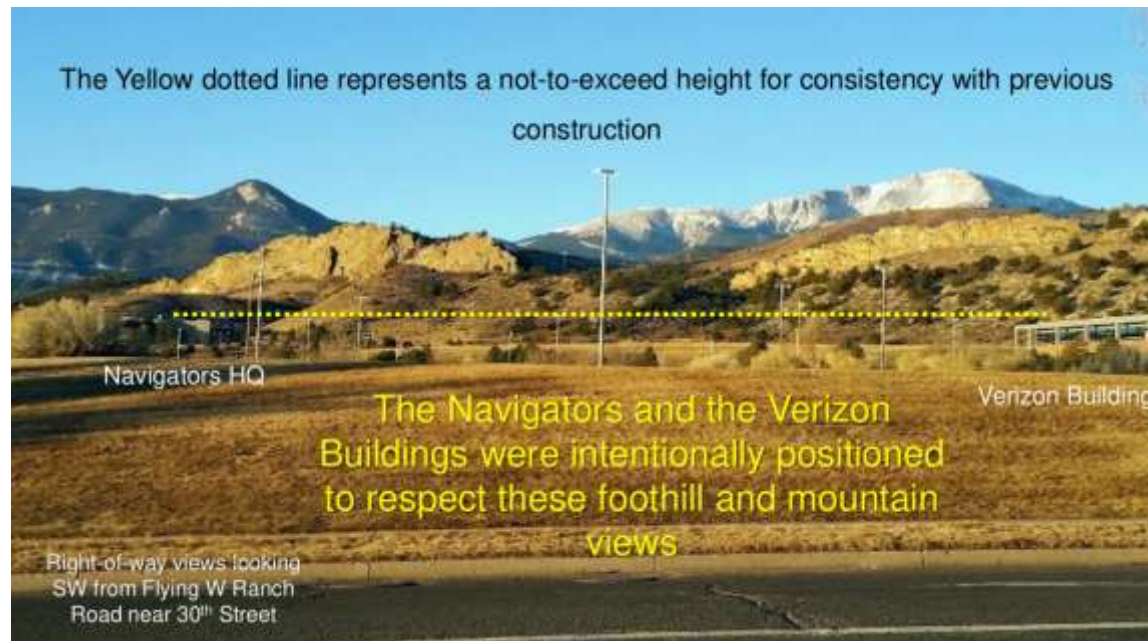
2.2

PHASE 2 CONCEPT B

Neighborhood Visual Impact Analysis

Current Development Complies with the Hillside Overlay Criteria

Below the YELLOW line, on the left is the Navigators HQ and on the right is the 2424 Facility (Verizon building). These two buildings are placed below the view of the ridgeline. NOTE: **It is not justifiable to argue that since the 2424 Facility is 45 feet tall; it would be acceptable to place 45 foot tall buildings where they would block the view of the ridgeline.**



Neighborhood Visual Impact Analysis Inconsistent with Hillside Criteria

NOTE: The height of the light pole is 32 feet. This setback is where the 45 foot tall buildings will be placed.

NOTE: The 28-foot line demonstrates that 100% of the hillside will be blocked from this public right-of-way.



Neighborhood Visual Impact Analysis Inconsistent with Hillside Criteria

Even a 26 foot tall structure will completely block the views of the foothills and mountains.

NOTE: The image of the building appears to be a 3 story building. However, it was scaled to 26 feet using ratio calculations and Google Earth Pro based on the height of the hill. (Doc10)



Neighborhood Visual Impact Analysis Inconsistent with Hillside Criteria

The image on the left is from the public right-of-way on Flying W. Ranch Rd. looking south across the parking lot that is proposed to be developed. The community provided, artist rendering on the right represents high-density, multi-family, residential units as defined in the Project Statement. The Project Statement proposes a maximum height of 45 ft. Using Google Earth Pro, street level at this location is 6,496, the berm is at 6,504 or 8 feet above street level. **The depicted building height of approximately 22 feet** was calculated using the ratio height of the mound (yielding a building that is about than 3 times the height of the mound). (Doc07)



Neighborhood Visual Impact Analysis Inconsistent with Hillside Criteria

Hillside Development Guidelines Manual

“BEFORE YOU BUILD... The question of how to build in the hillsides should be addressed by starting miles from your proposed home site. Looking toward the mountains it is easy to see how the ecotones change as you head up the sides of the foothills. Prairie gives way to Scrub Oak and this in turn is replaced by Ponderosas, Cedars and other trees. It is not a smooth ascendance, rather hills top out in ridgelines and small peaks reach toward higher ones. Around here, all is ultimately capped by the grandeur of our most famous landmark, Pikes Peak.”

NOTE: Placing buildings that will be much higher, as seen from “any public right-of-way”, from the rest of the buildings in the area is contrary to the Hillside Development Guidelines Manual. (Doc11)

	A	B	C	D	E	F	G	H	I
1	Building	Address	Line of site to hills/mountains	Building Elevation	Street / Sidewalk Elevation	Street to Building Height	Ground Level	Proposed Building Height	Distance to N. 30 th St. (in feet)
2	2424 GOG Property	2424 Garden of the Gods Rd.	Yes	6,558	6,489	69	6,513	45	0
3	2424 GOG Property	2424 Garden of the Gods Rd.	Yes	6,539	6,489	50	6,513	26	0
4	Subway	4098 <u>Arrowswest</u> Dr	Partial	6,508	6,497	11			0
5	Artemis at Spring Canyon	4510 Spring Canyon Heights	No	6,511	6,483	28			61
6	<u>SNIA</u> Tech Center	2561 Garden of the Gods Rd	Partial	6,483	6,458	25			817
7	<u>Gorman</u> Auctions	2150 Garden of the Gods Rd	No	6,473	6,437	36			1,393
8	<u>Broadcom</u> Limited	4420 <u>Arrowswest</u> Dr.	No	6,460	6,432	28			1,543
9	<u>Keysight</u> Technologies	1900 Garden of the Gods Rd.	No	6,447	6,420	27			2,718
10	Space Foundation	4425 <u>Arrowswest</u> Dr	No	6,430	6,413	17			2,718
11	Citizens Center Parking	1675 Garden of the Gods Rd.	Partial	6,419	6,396	23			3,513
12	Citizens Center	1675 Garden of the Gods Rd.	Partial	6,444	6,390	54			3,882
13									
14						Average 26' (subtract lowest & highest)			

Neighborhood Visual Impact Analysis Inconsistent with Hillside Criteria

190 foot setback and 32 foot tall buildings block 100% of the ridgeline. Parameters are provided and substantiated using Google Earth Pro. (Doc11)

Note: Due to perspective, at closer setbacks (such as the light pole on the right), shorter buildings will block the hillside overlay 100% (see the red horizontal line). In this case, half of the 32 foot light pole, or a 16 foot tall building and 80 foot setback will block the hillside 100%.



7.5.603.B.1

Public Safety: Evacuation

- Modeling & Simulation is used in life threatening industries.
- Airline pilots.
- Telecommunications for 911.

7.5.603.B.1

Public Safety: Evacuation (cont.)

- Subject matter experts in the field of evacuation recommended FLEET which is a **strategic modeling and simulation evacuation** tool used by the Federal Government and other States for hurricane, flood, fire, nuclear, and other evacuation scenarios. The City rejected FLEET and selected the **tactical** Zonehaven evacuation tool.

	FLEET	Zonehaven
Identifies chokepoints for expedited traffic control and evacuation	YES	NO
Correctly identifies where to place contraflow to prevent backups	YES	NO
Accurately calculates evacuation times	YES	NO

7.5.603.B.1

Public Safety: Evacuation

The Rezone request is in Mountain Shadows – the focal point of the 2012 Waldo Fire – **the worst fire in Colorado history** – so bad the President of the U.S. came onsite to assess the **total destruction to 347 homes and two people that burned to death.**

https://gazette.com/news/waldo-canyon-fire-obama-tours-devastation/article_bbe981a6-d093-59b3-9589-a8b611a14a55.htmlThe Gazette, Andrew Wineke, June 29, 2012, "**WALDO CANYON FIRE: Obama tours devastation**"



7.5.603.B.1

Public Safety: Evacuation

Traffic was backed up 2.5 to 3.0 miles on Woodman Rd and Garden of the Gods Rd – the only two eastbound escape routes.

With more than 15% additional development and 0% road throughput improvement since the 2012 Waldo Fire, the escape time will be longer.

District Court upheld; “The consideration of the public health, safety, and welfare criterion may ... include a review of issues relating to traffic ... *Whitelaw v. Denver City Council* ... also *W. Paving Const. Co. v. Jefferson Cty. Bd. Of Cty. Comm’rs* ... **residents living nearby testified that rezoning ... would create a life-threatening “chokepoint” at a critical junction point at Garden of the Gods Road and 30th Street.**”

7.5.603.B.1

Public Safety: Evacuation (cont.)

- During the 2012 Waldo fire, **traffic control demonstrated they could not efficiently evacuate traffic** (see photo).
- Placing the contra flow “clearance point” at the intersection of Woodmen Rd. & Corporate Center Dr. **caused a 2.7 mile backup to the entrance of the Peregrine subdivision.**
- Cars from secondary roads could not enter primary roads.
- **The City has not demonstrated that they have improved their skills.**
- Failure to use a modeling tool to efficiently evacuate traffic **is 7.5.603.B.1 detrimental to the public interest, health, safety, convenience, or general welfare.**



7.5.603.B.1

Public Safety: Evacuation (cont.)

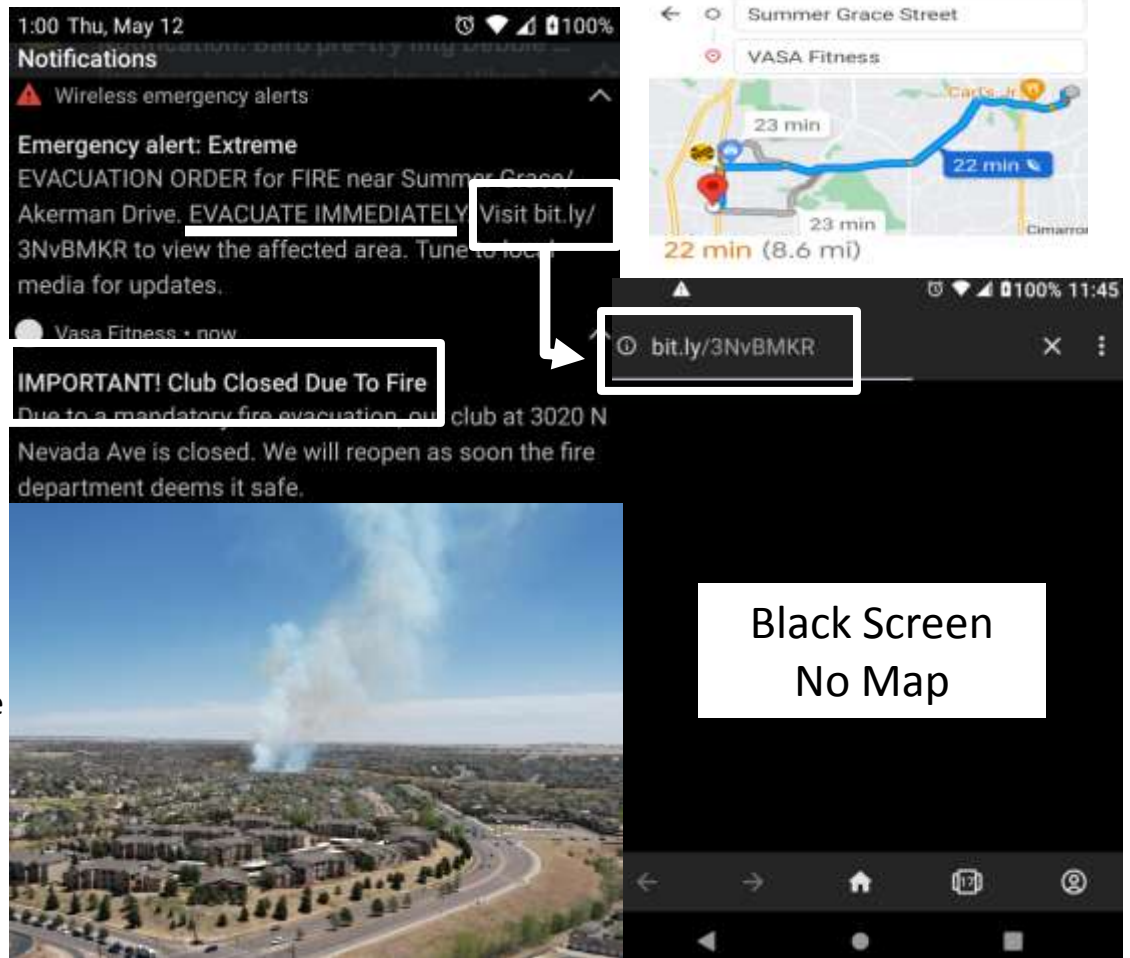
The City of Colorado Springs has demonstrated that they are **technology challenged**, which places a **high level of doubt that the City will conduct a successful evacuation** with their new Zonehaven tool.

Examples:

1. On May 12, 2022 the City issued a very confusing evacuation order over smart phones.

Problems:

- a) The small house fire, in the northeast, caused an evacuation order to everyone in the City including Woodland Park.
- b) The map of the location of the fire was blank on the smart phones. People evacuating did not know what direction to go.
- c) Businesses shut-down to prevent liability issues. This caused a significant impact to their revenue.
- d) The evacuation notice was never lifted via the smart phone interface.



7.5.603.B.1

Public Safety: Evacuation (cont.)

2. The City has demonstrated multiple times that it can not successfully conduct a meeting with their MS Teams technology. Meetings are limited to 250 participants and there are frequent technical issues with connections and sound quality (even when the caller eliminates background noise). (Doc23)
3. The City issued a notice on January 25, 2023; “Unfortunately, there has been a delay in the Colorado Springs Utilities system upgrade...” (Doc22)

How do you expect the citizens to rely on the City's evacuation technology when so many other systems are failing?

7.5.603.B.1

Public Interest: People Opposing the Rezone

- 6,690 Petition signatures opposing the Rezone (**Doc12**)
Note: The Petition to City Council, May 25, 2021 contained 6,520 people opposing the rezone. At the time the Petition was closed, 6,690 people opposed the rezone.
<https://survey.zoho.com/survey/newui#/portal/731948759/department/1qbUby/mysurveys>
PETITION to Stop the Zone Change at 2424 Garden of the Gods Rd. **6690** Responses
- 1,738 Comments from people that signed the Petition opposed the Rezone
- **1,363 Emails sent to City Planning** oppose the Rezone
(**Doc26** 700 pages, **Doc27** 500 pages, **Doc28** 592 pages) = **1,792 pages**
- People from 41 Zip Codes in COS oppose the Rezone.
- 86 Personal experiences with the 2012 Waldo Fire oppose the Rezone
- 2,150 E-mail addresses that asked to be kept up-to-date on this project
- January 21, 2021 Planning Commission Meeting: **Commissioner John Almy stated; “This is probably the largest number, at least in my tenure here, the largest number of comments we have gotten out of the community on any given subject.”**. (**Doc30**)
- March 18, 2021, 2nd Planning Commission Meeting: About 1,900 people were invited to the meeting. Only 250 people could attend due to technical difficulties with MS Teams. (**Doc23**)

PLDO

A Very Poor 2.0 / 5.5 LOS

In the City Council meeting Dec. 12, 2020, a decision was made to reduce the PLDO from 7.5 to 5.5. This was clearly not in the interest of the public. Prior to the vote, Mr. Wysocki stated; “It will be a Priority to bring up the LOS”. City Council agreed and the PLDO was reduced from 7.5 to 5.5.

Growth continues but the very poor 2.0 Level of Service (LOS) for the Foothills Service area has not improved.

7.5.603.B.1 The action WILL NOT be detrimental to the public interest, health, safety, convenience, or general welfare.



PLDO

Overcrowded Parks – Ute Valley



Ute main parking. Note car at the end waiting for an open parking place.



Ute Overflow parking #1 at Eagleview Middle School



Ute Overflow across from designated parking on Bison Ridge Dr.

PLDO

Overcrowded Parks – Blodgett

Cars parked in the bike lane – detrimental to public safety.

7.5.603.B.1 The action WILL NOT be detrimental to the public interest, health, safety, convenience, or general welfare.



PLDO

7.7.1203: PARK STANDARDS

https://codelibrary.amlegal.com/codes/coloradospringsco/latest/coloradosprings_co/0-0-0-13656

7.7.1203: PARK STANDARDS:

In the interest of the health, safety and general welfare of the people of the City, the park area standards set forth in this part are adopted to provide a guide **to facilitate adequate provision of park land as the City develops.**

B.1. **Neighborhood Parks** resulting in **a requirement** of two and one-half **(2.5) acres per one thousand (1,000) persons**

<https://coloradosprings.gov/parks/page/mountain-shadows-park>

Mountain Shadows Park – “Featured Neighborhood Park”, 5151 Flying W Ranch Rd. (2300 block of Ramsgate Terr.)
6.5 acres

<https://www.point2homes.com/US/Neighborhood/CO/El-Paso-County/Colorado-Springs/Mountain-Shadows-Demographics.html>

There are **27,922 residents in Mountain Shadows**

27,922 residents / 1,000 persons = 27.922 * 2.5 acres per 1,000 persons = **69.8 acres**

7.7.1203.B.1 Goal of 69.8 acres - 6.5 existing acres = **63.3 deficit acres**. **Even without rezoning, this goal is grossly inadequate.**

7.5.603.B.1 **The action WILL NOT be detrimental to the public interest, health, safety, convenience, or general welfare.**

NOTE: **While acquired land increases in value over time due to inflation, cash in lieu of land (or cash in the bank) decreases in value. The “cash in lieu of land” strategy is detrimental to the public interest.**

Bighorn Sheep

Colorado Parks and Wildlife Letter to City Planning

Dec 17, 2020 Frank McGee, CPW to Ms. Wintz, City Planner; “Through all the work that CPW has done with the Rampart Range Bighorn Sheep herd there have been **no observations of the sheep** being on or using the proposed project area.” (Doc18)

Dec 9, 2020 Frank McGee, CPW; “In your email you ask if the Governor's Executive Order or any other directives protected the proposed development area. **There are no executive orders, directives**, or any other instrument at a state level that I am aware of that would impact or supersede this local land use decision.” (Doc19)

Bighorn Sheep

Colorado Executive Order D-2019-011 (Doc29)

Executive Order D2019-011: <https://www.trcp.org/wp-content/uploads/2020/04/D-2019-011.pdf>

II **Directives**, **To conserve** Colorado's big game {bighorn sheep} **winter range and wildlife migration corridors**, B.2. {DNR} Opportunities to work with private landowners, **local governments**, ... **to sustain migration corridors;**" C. DNR shall work with **CPW** to incorporate information **concerning big game migration corridors** ... and **shall meet with; stakeholders** to discuss big game migration corridors **to implement this Executive Order**.

NOTE: Mayor Suthers said "an Executive Order IS LAW".

<https://www.koaa.com/news/covering-colorado/explaining-the-power-of-an-executive-order>

NOTE: Why isn't City Planning, the Planning Commission, and City Council working with CPW to comply with the Executive Order D-2019-011, to work with local governments to protect the bighorn sheep and their migration corridors?

NOTE: Allan Hahn, District Ranger, U.S. Forest Service; "These are species for which population viability is a concern, as evidenced by significant current or predicted downward trends in population numbers or density, or habitat capability that would reduce a species existing distribution. Forest Service directives emphasize **working cooperatively with state agencies for the management and conservation of populations and/or their habitat of sensitive species." (Doc20)**

Bighorn Sheep

TOPS 2424 Open Space Acquisition

Why isn't the City Planner, the Planning Commission, and the City Council working with TOPS to enforce the Executive Order to protect bighorn sheep and their habitat?

The representative for the **Applicant announce that she is working with TOPS** to acquire the 2424 Open Space (55 acres) after the PUD zoning is approved.

TOPS has already prepared an "**Application for Funding**" (Doc35)

- "is a priority purchase for the City"
- "**internal trail opportunities**"
- "working with the owner to provide **trailhead parking** on their developed property"

At least one person {**name withheld to protect their job**} on the TOPS Working Committee did not know about this Application when brought up during a private conversation.

Why aren't people on the TOPS Working Committee informed?

Why isn't the City Planner, the Planning Commission, and the City Council working with TOPS to inform them of the recommendation in the CPW Statement? (Doc18)

"Included with this proposed project is a 55.43 acre open space that will be west of any new development that takes place. **This open space will also sit between the development and any possible sheep use or movement. This open space will buffer any impact into areas where the sheep may pass through** to get to more suitable habitat."

Bighorn Sheep

“Species of Greatest Conservation Need”

Colorado 2015 State Wildlife Action Plan,

https://cpw.state.co.us/Documents/WildlifeSpecies/SWAP/CO_SWAP_Chapter2.pdf

Chapter 2, **Species of Greatest Conservation Need**; (pg 17)

“Tier 2 species remain important in light of forestalling population trends or habitat conditions that **may lead to a threatened or endangered listing status**. It is our hope and expectation that **our stakeholders will work together toward conservation of all SGCN**, including those on the Tier 2 list.”

Federal Level: (pg 27) USFS “Sensitive Species”, BLM

“Sensitive Species” – **one step from Endangered Listing Status**.

Bighorn Sheep

Rezone is Detrimental

Colorado Bighorn Sheep Management Plan (Doc21), “Human disturbance: Wild sheep have habituated to human activity in many areas where **the activity is somewhat predictable temporally and spatially.**”

NOTE: The current zoning is ideal habitat. **Rezoning to PUD will be detrimental** to the bighorn sheep population.

“Specific activities may be more detrimental than others. ...**walking with dogs, and activity near lambing areas ... most detrimental.** ...at 440 m (1,400 feet) sheep fled the area.”

NOTE: Their main habitat is on the 2424 Open Space which is less than 600 feet from the proposed development. The lambing area is 700 feet from the 2424 Open Space. **The proposed development will be MOST detrimental to the Rampart Range Bighorn Sheep.**

Bighorn Sheep

Proving the CPW Letter is False

CORA Request: The radio tag collars match the photos taken of the bighorn sheep on the 2424 Open Space.

“Rampart Capture Log 2-5-2018_Redacted.xlsx”

Collar #” N7 has been used on:

- 3.5 year old ewe with ear tag 53 and 1.5 year old ram with ear tag 13

“Rampart_Bighorn_Sheep_Bait_Log_1_Redacted.pdf” (Doc31)

Collar #A0 was sited 8 times from 1/25/2021 to 2/2/2021.

NOTE: 2/1/2021 “***One of the lambs were coughing**”

NOTE: 1/31/2021 “**3 may have some diheriea stained butts**”

“Rampart_Bighorn_Sheep_Bait_Log_2_Redacted.pdf” (Doc32)

NOTE: 1/11/2021 “**1 lamb has evidence of diherria**”

NOTE: 1/14/2021 “*N6 collar placard is yellow; **All others are blue**”

“Rampart_Bighorn_Sheep_Bait_Log_3_Redacted.pdf” (Doc33)

Collar #A0 was sited 5 times from 2/3/2021 to 2/13/2021

“Rampart_Bighorn_Sheep_Bait_Log_4_Redacted.pdf” (Doc34)

Collar #A0 was sited 6 times from 1/19/2021 to 1/24/2021

NOTE: 1/24/2021 “**3/5 lamb w/ diarhia**”

Note: Bighorn Sheep have health issues; diarrhea and coughing which is usually caused from stress or disease.

Note, this is a stress factor: The Rampart Range Herd Management Plan “Recreational impacts: **Many people trespass through private property... Many of the individuals have dogs off-leash and CPW personnel have witnessed dogs pursuing lambs.** Private land owners are working with city and county officials to control these activities but **the problem persists.**” (Doc20)

Note: Increasing density at this location will be most detrimental to the bighorn sheep.

Bighorn Sheep

Proving the CPW Letter is False (continued)

December 12, 2022, Blue Collar A0, ewe on 2424 Open Space



Bighorn Sheep

Proving the CPW Letter is False (continued)

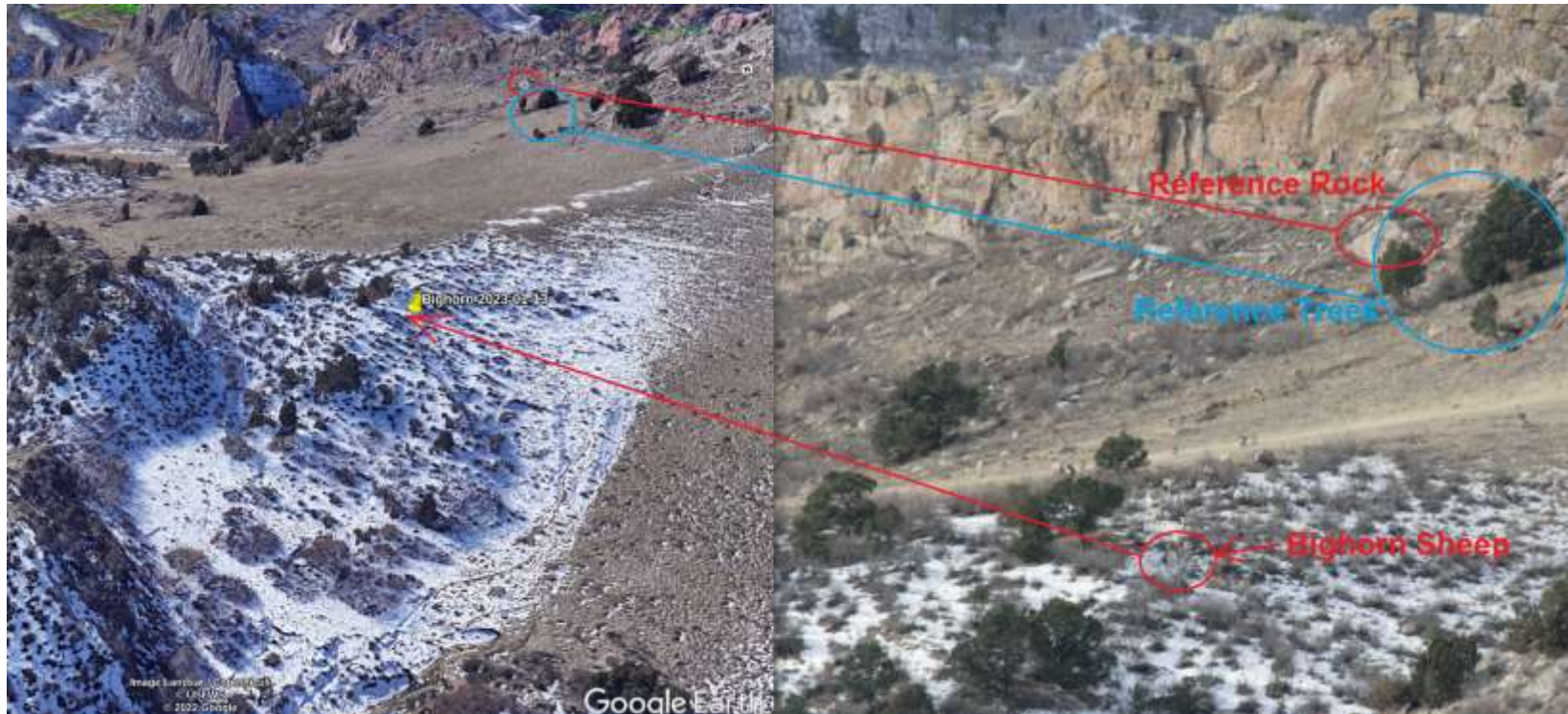
Blue Collar N3, ewe on 2424 Open Space with [2424 Facility in the background](#)



Bighorn Sheep

Proving the CPW Letter is False (continued)

Substantiating Photographic Evidence: Mountain profiles have “fingerprints”. No two are the same. This image demonstrates the photos in this presentation are of bighorn sheep on the 2424 Open Space. The image on the left is from Google Earth Pro. The image on the right is a representative photo taken of **at least 30 bighorn sheep on the 2424 Open Space.**



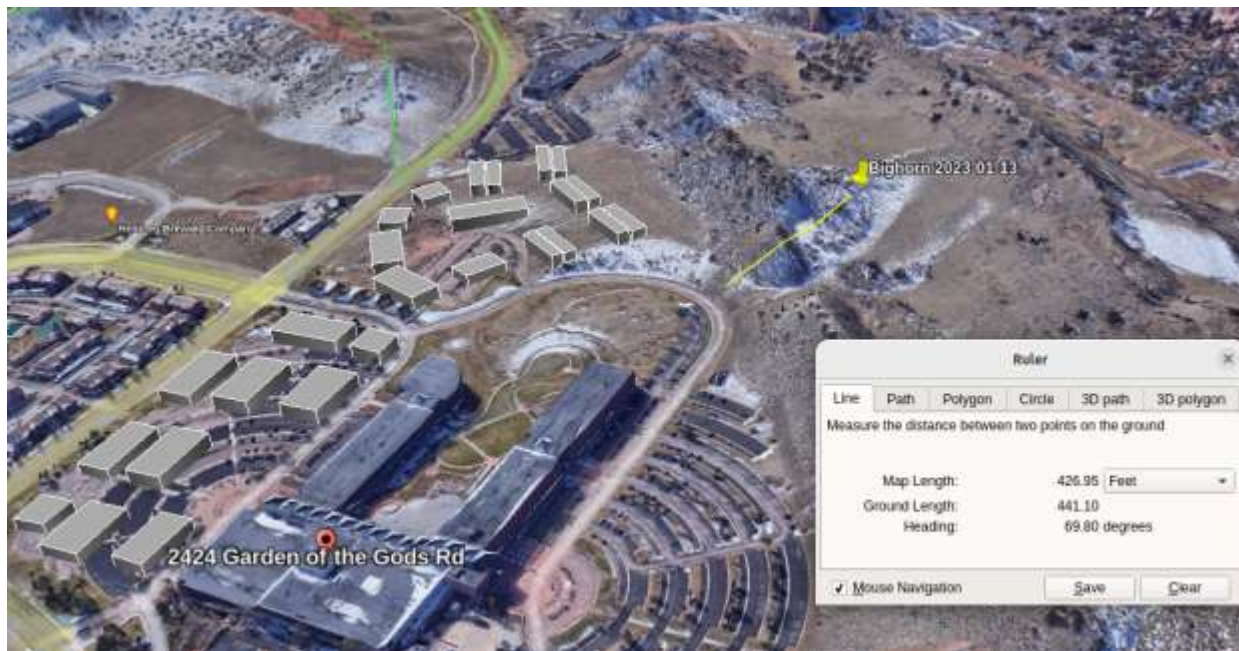
Bighorn Sheep

Proving the CPW Letter is False (continued)

The bighorn sheep are 427 feet from the proposed development area. The bighorn sheep habitat is inside the 2424 Open Space. **TOPS plan will devastate the herd.**

The District Court upheld: “the project had a detrimental impact on a bighorn sheep”

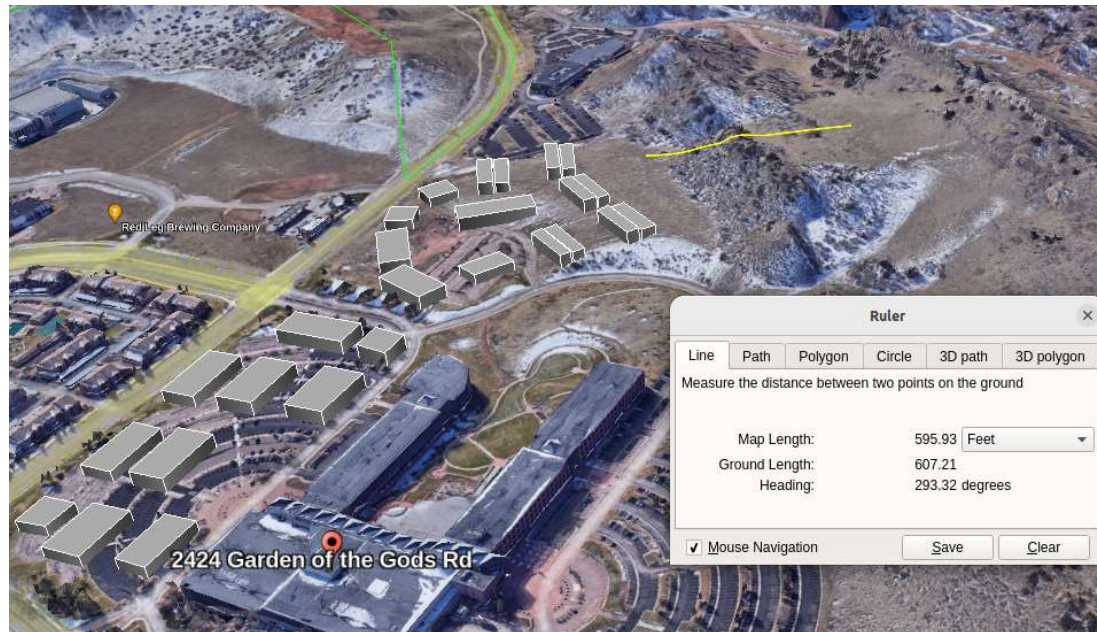
7.5.603.B.1 The action WILL NOT be detrimental to the public interest, health, safety, convenience, or general welfare.



Bighorn Sheep

CORA: CPW Documents & Photos (continued)

This reference photo shows the 2424 facility at the bottom, the proposed development to the left (using Google Earth Pro and NES location data to place the buildings), and the 2424 Open Space to the upper right. **The bighorn sheep are less than 600 feet from the proposed development.** The Colorado Bighorn Sheep Management Plan ([Doc21](#)) warrens that **people and dogs are most detrimental.** Bighorn flee the area when researchers are within 440 meters (1,440 feet).



Bighorn Sheep

CORA: CPW Documents & Photos (continued)

Substantiating Photographic Evidence: The image on the right shows the 2424 Open Space in GREEN, proposed development in RED, and YELLOW line to Chipeta School. Bottom left: YELLOW line to Chipeta School. Bottom right: Bighorn sheep in the path of the yellow line standing on the 2424 Open Space.



Bighorn Sheep

CORA: CPW Documents & Photos (continued)

54 Bighorn Sheep on the 2424 Open Space, 2023-01-13 @ ~3:45pm



Bighorn Sheep

CORA: CPW Documents & Photos

Insert map of bighorn presentation given at the Garden of the Gods Visitor center. Along with their own city employee's statement and map that the area is indeed a corridor (Bret Tennis). Prove the property is what it is, and they cannot approve the zone change or any further development on 2424 without violating code!

This presentation demonstrates that bighorn sheep occupy the 2424 Property, it is their main habitat and migration corridor, and is used for foraging, bedding-down, escape, mating, and protecting lambs.

Bighorn Sheep: CPW Statement Inconsistent with Vail

Remember the Vail information? They graze on lower slopes in sunny areas during the winter. They will move up higher during the summer except to cross into Mountain Shadows for water during the hot spells in the summer. So it is seasonal grazing habitat but a year-round corridor. And they will come down to their birthing ground in late spring.

7.5.603.B.1

Public Interest: Bighorn Sheep (cont.)

- Bighorn Sheep are considered “species ...



Hillside Area Overlay Ordinance/City Code 7.3.504

➤ Purpose:

- To specify conditions for any type of development to ensure hillside areas retain their unique characteristics
- To safeguard the natural heritage of the City
- To protect public health, welfare and safety
- To ensure development is compatible with and complements the natural environment

➤ Objectives:

- To conserve unique natural features and esthetic qualities of the hillside areas
- To preserve wildlife habitat areas which provide migration corridors
- To meet the spirit and intent of the of the Hillside Design Manual

➤ **Applicability:** For multi-family and nonresidential development, review criteria shall be addressed recognizing that these requirements apply on a sitewide basis rather than lot by lot

➤ **Hillside Building Height:** For single-family, multi-family and nonresidential (commercial) uses:

- Maximum height shall be determined at time of zoning and development plan review
- Height may be reduced based upon consideration of site factors including **visual analysis**



Hillside Design Manual

➤ Purpose:

- The Manual incorporates Code Requirements with recommended design Standards and Guidelines

➤ Where a Standard is define as:

- An idea or thing used as a measure, norm, or model in comparative evaluations
- Something set up and established by authority as a rule for the measure of quantity,...value or quality

➤ Manual Objective (identical to HSO City Code): To preserve and protect the unique and special features and esthetic qualities of these hillside areas

➤ Design Standards and Guidelines that Incorporate HSO City Code Requirements:

- #4 Insure that rooflines will be located below the natural ridgeline
- #10 Based on max permitted height, roofline should not extend above the line-of-sight between a ridgeline and any public right-of-way (reference Navigators and Verizon siting)
- #12 Significant views of the natural ridge silhouette from public rights-of-way and other public spaces should be retained

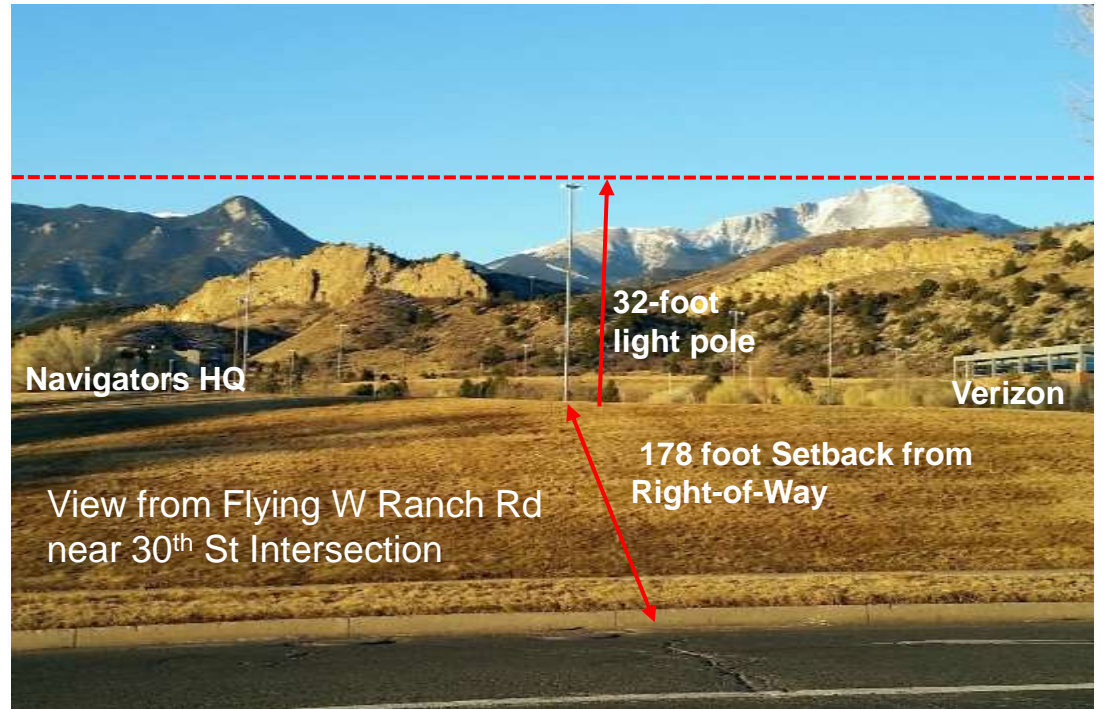


MSCA Visual Analysis

Reference Location of 32-foot Tall Light Pole on Proposed 2424GOTG Development Diagram

Findings: ◆ Even 2-story apartment buildings set back 178 feet will block ALL of this Majestic View

◆ The Verizon & Navigators buildings were intentionally set back to protect these very views



MSCA Visual Analysis

Area B: The NES Visual Analysis (photo on the left) clearly show **the hillside is blocked**. HSO Manual: (Pg 20) “Homes **must be** sited and designed with the following in mind: A mountain or other **landform should act as the backdrop** This is highly preferable to having the building project into a **blue sky background**.” **Photo on the left demonstrates how Verizon was properly sited.** NOTE: We are not talking about blocking the views of GOG. The majestic views are seen from the 2 public right-of-ways; 30th St. and Flying W. Ranch Rd.



MSCA Visual Analysis

Area C: Even 26 foot tall buildings will block the hillside 100%.

HSO Manual: (Pg 20) “Homes **must be** sited and designed with the following in mind: A mountain or other **landform should act as the backdrop** This is highly preferable to having the building project into a **blue sky background.**”

NOTE: We are not talking about blocking the views of GOG. The majestic views are seen from the 2 public right-of-ways; 30th St. and Flying W. Ranch Rd.

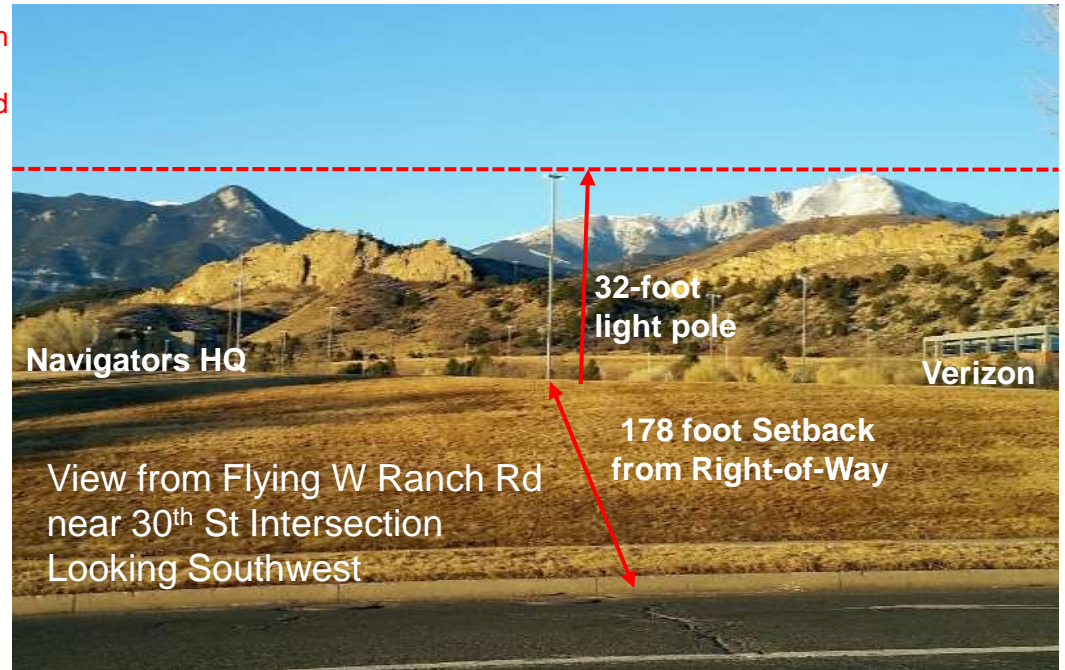
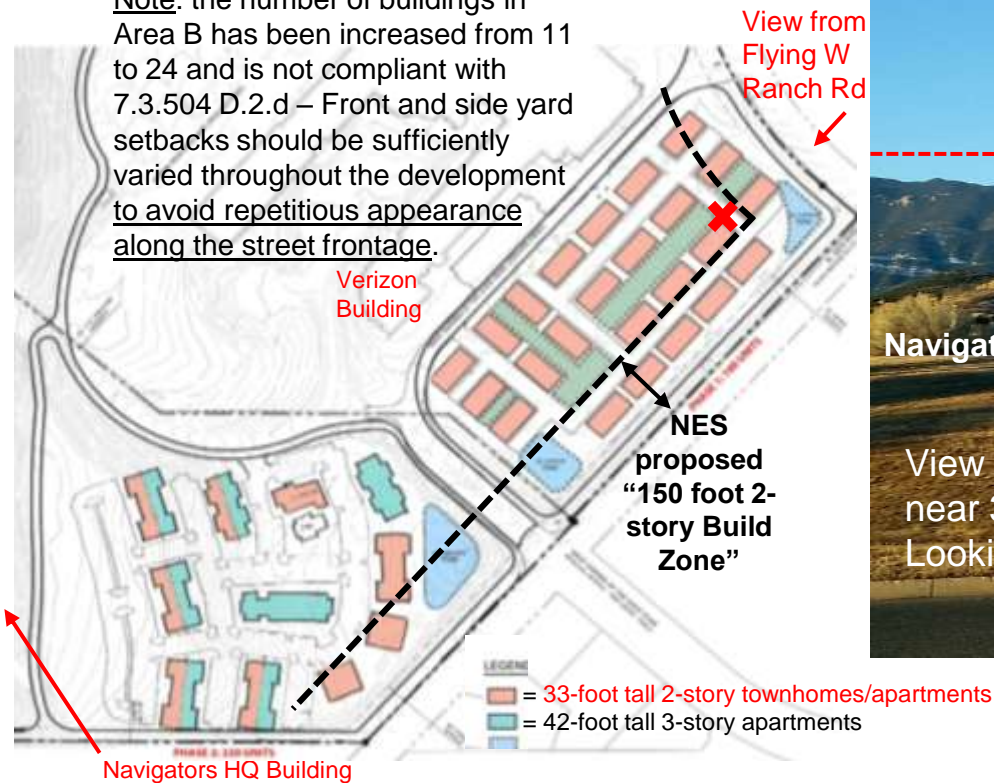


MSCA Visual Analysis

Reference Location of 32-foot Tall Light Pole on Proposed 2424GOTG Development Diagram

- Findings:
- ◆ 2-story townhomes/apartments set back 178 feet will block ALL of the Majestic View below
 - ◆ Any buildings within the proposed NES “150 foot 2-story build zone” along 30th Street and Flying W Ranch Road will also block similar views from these public rights-of-way

Note: the number of buildings in Area B has been increased from 11 to 24 and is not compliant with 7.3.504 D.2.d – Front and side yard setbacks should be sufficiently varied throughout the development to avoid repetitious appearance along the street frontage.



✘ = Location of above reference 32-foot tall light pole

SUMMARY: Hillside Overlay/City Code 7.3.504

- Maximum building height is to be determined at the time of this Zoning Review decision
- The HS Design Manual incorporates City Code requirements and provides the necessary Standards to assess Visual Impact and associated limits on maximum building height
- The NES Visual Analysis misrepresents and grossly understates 2-story building height and the actual negative visual impact to ridgelines from public rights-of-way
- As set forth in City Code, the NES proposed concept fails to meet HSO Purpose and Objectives:
 - ❖ Fails to safeguard the natural heritage of the City
 - ❖ Fails to protect public welfare
 - ❖ Fails to ensure development is compatible with and complements the natural environment
 - ❖ Fails to preserve/protect unique natural features and esthetic qualities of the hillside areas
- As set forth in Zoning Approval Criteria, the proposed development:
 - ❖ Is Detrimental to the Public Interest and General Welfare (Approval Criteria B.1)
 - ❖ Is Inconsistent with the Goals, Policies & Recommendations of the PlanCOS (Criteria B.2)
 - **Majestic Landscapes Topology #3 Garden of the Gods:** Limit Development Encroachment that Threatens the Integrity of the Natural Landscape
 - **Majestic Landscapes Goal ML-4:** Preserve and Protect our Viewsheds

Doc40, Colorado 2015 State Wildlife Action Plan.pdf

This is the link to the

Colorado Parks and Wildlife, State Wildlife Action Plan

https://cpw.state.co.us/documents/wildlifespecies/swap/co_swap_fullversion.pdf

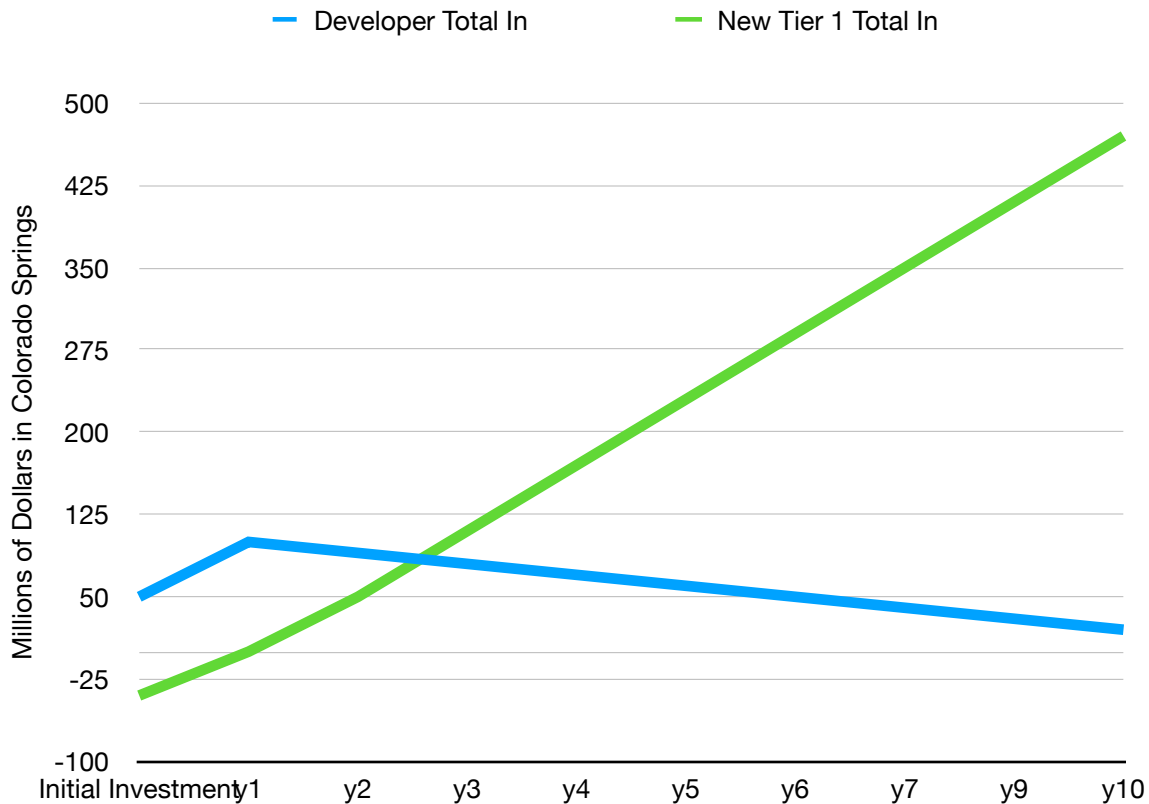
To: The Colorado Springs City Council
From: Dr. David Durkee

The fiscal impact analysis presented at the last meeting on May 25, 2021 speaks to how this project impacts the city budget.

However, it does not fully explain the economic impact to Colorado Springs or Colorado.

Here is a high level picture of two scenarios for GOTG 2424 in millions of dollars of impact...

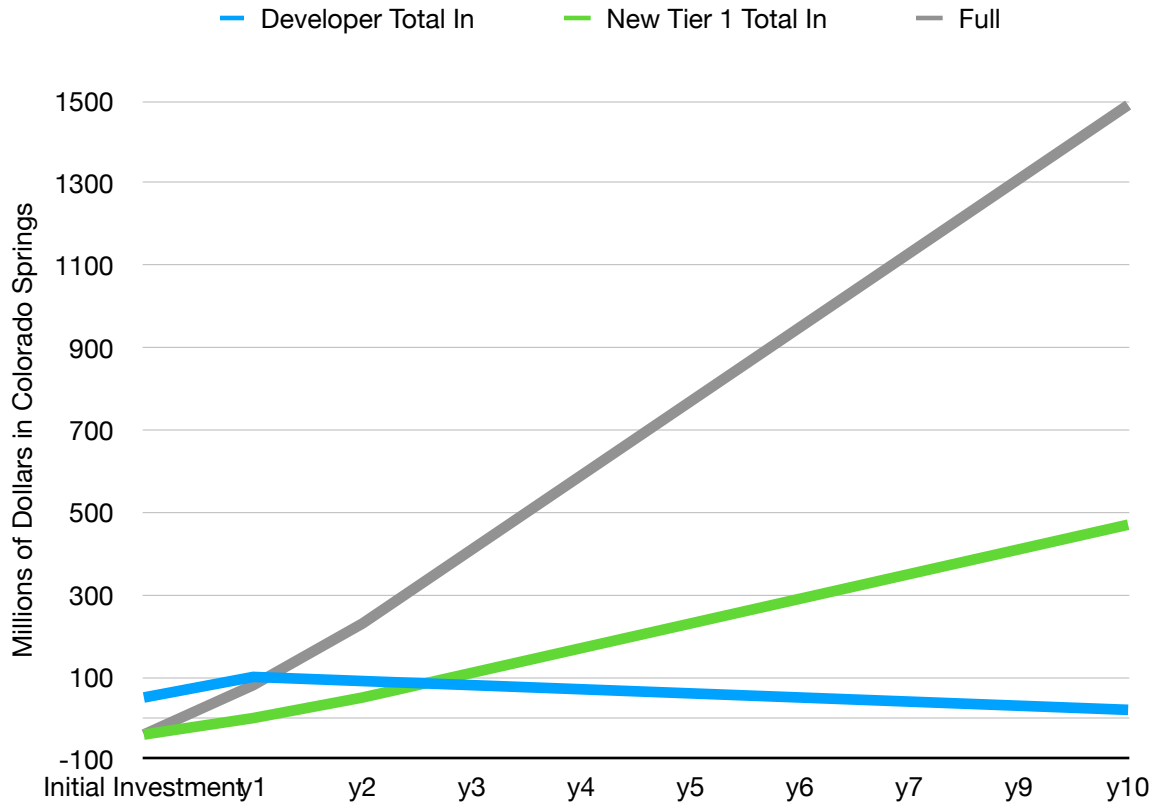
The blue line is the proposed development; the green line is the impact of getting a new tier 1 or major corporation to come to Colorado Springs.



The two scenarios differ in their assumptions. The 'proposed development assumes that there will be an initial investment for the first 2 years, with the investor building out the site with a 50 million a year, for a total of 100 million coming into Colorado Springs. Then, it assumes that there will an outflow of 10 million a month. The second scenario assumes that the city invests 40 million to find a new occupant (yes, that's correct, to get the best price for a significant asset it needs to be sold and marketed appropriately); and then that occupant starts paying salaries that average 60k a year for 1000 employees.

While almost 500 million dollars inflow in 10 years is significant, if the occupant returns to 3000 employees, with full parking lots.

The picture really changes.



In 10 years, the inflow of salaries alone for full employment would be about 1.5 billion dollars.

Remember, even if they 'only' could employ 1000 people, it's almost 500 million dollars.

In both scenarios, developing the campus with high density housing creates a negative economic impact; the money flows out of states, and the majority of jobs are construction jobs limited to the building phase. It also significantly reduces the chance to have that level of employment by taking away the necessary parking.

The fiscal analysis you saw looks at how the investment impacts the city budget. Yes, it may be that the project breaks even on the city coffers, but it does not create a significant inflow of money to Colorado Springs; as it does not create a significant number of quality jobs.

The traffic analysis does not use mapping to project where the people will be employed. Adding 400-1000 people, means they need jobs. What is missing with the departure of MCI, is a major employer on the Westside. Since there will be 400-1000 people who will need work, it probably means traveling by car. Since, the jobs will not be in the area, it also means that these people could be possibly driving to Denver.

Indirect economic benefits of having good jobs on the west side; start with traffic. A major employer could reduce the number of commuters heading to the tech center in Denver. Imagine, instead of putting them on the road, taking a 400 to 1000 commuters off i-25 and giving them a 2-10 mile commute. Imagine local businesses when 3000 people need lunch or go out for drinks after work. They need services like printing or accommodation for business guests.

It is critical that you consider GOTG 2424 a rare gem; and **an even more rare tier 1 campus**.

Quoting a 2017 article with Steve Kohls, vice president with CBRE in Colorado Springs “Surrounded by stunning views of the Rocky Mountains and with Garden of the Gods right outside, there is truly nothing like this property anywhere in the world, the campus totals 683,000-square-feet with approximately 450,000-square-feet of office space... in 2017 it was the largest space available for lease across the Front Range and the State of Colorado at that time the only other property that could offer more than 300,000-square-feet of contiguous office space was a new high-rise under construction in downtown Denver.

MCI invested more than 100 million ~ about \$170 million dollars today to build out an incredible campus; the type of campus sought by major companies like Apple, Google, Microsoft and Amazon.

Those companies need the space of the facilities, surrounding area's privacy, and want the stellar location to inspire their employees. Due to heavy development along the front range, there are no other places like this available. Colorado Springs won Amazon to have some of their warehousing. If the city could win their AWS (Amazon Web Services); that would be a major play.

For the May 25th hearing, I entered my objection to the re-zoning of Garden of the Gods 2424, due to the significant negative economic impact of losing a Tier 1 campus.

What is a tier 1?

Tier 1 operators are the backbone of the internet. They can reach any part of the internet and carry the major portion of the traffic.

There are only 7 tier 1 operators in the United States, MCI was one of them and a major telecom connected to the world. The potential of dark fiber makes the MCI campus very special as the possible anchor for a tech corridor that could run from GOTG 2424 to UCCS following the Garden of the Gods Road.

MCI invested more than 100 million ~ about \$170 million dollars today to build out an incredible campus; the type of campus sought by major companies like Apple, Google, Microsoft and Amazon.

Those companies need the space of the facilities, surrounding area's privacy, and want the stellar location to inspire their employees. Due to heavy development along the front range, there are no other places like this available in Colorado. Campuses like the 125-acre former home of MCI/Verizon are exceptionally rare in the United States.

In the three minutes I tried to explain that: if the area is rezoned, rentals with potential ownership from Florida would mean an outflow of money from Colorado. 420 units renting at \$2000 a month would possibly mean about \$840,000 month or ~10 million a year going out of the state. Even if the money stayed in state, the people living there would need to earn it; where are the jobs? Denver?.

Contrast that with a major employer coming to the Westside.

MCI once employed more than 3000 people at that campus. Assuming an average salary of \$60,000 a year, that's about 5k per person per month. So, 1000 people means about 5 million dollars a month, and 3000 people means 15million dollars a month. Now, assuming that only about half of that makes it back into the local economy 3000 people is 7.5 million a month or about \$90 million a year coming into Colorado Springs.

Finally, while spoil the gem. There are so many other properties in the area. Many of them are single level. They could be rezoned, and not give up such a unique asset. You have to wonder if these people would also consider adding high density housing to Glen Erie.

Looking at the wider Colorado Springs, there are many places to build denser housing. These could help re-invigorate old north end, or the Nevada/Fillmore area.

If you really want to rezone, even on Centennial, they could build around the post office. There are not any other places with such a large campus available to attract a major player to Colorado Springs. What's important is that such employers bring an inflow of money to the state, rather than recycling what is here. Once the campus is built out, it will be a like a diamond that has been cut into many pieces and can no longer bring the same value. Keep Garden of the Gods 2424 as it is. Please vote no to rezone.

Doc42, PlanCOS_2020, Comprehensive Plan.pdf

This is the link to the

PlanCOS, Comprehensive Plan

https://coloradosprings.gov/sites/default/files/inline-images/plancos_2020.pdf

Introduction

MSCA Appeal of the Planning Commission
Approval of the 2424 GOTG Rezoning and
Concept Plan

City Council Hearing
March 28, 2023

2424 GOTGR
Rezoning and Concept Plan
is
DETRIMENTAL
to
PUBLIC SAFETY
City Council Hearing
March 28, 2023

WALDO CANYON FIRE

2 lives lost

On June 26, 2012,
74-year-old William
Everett and his 73-
year-old wife, Barbara
burned to death in the
Waldo Canyon Fire.

<https://kdvr.com/news/couple-killed-in-waldo-canyon-fire-identified/>

It could have been much,
much worse!

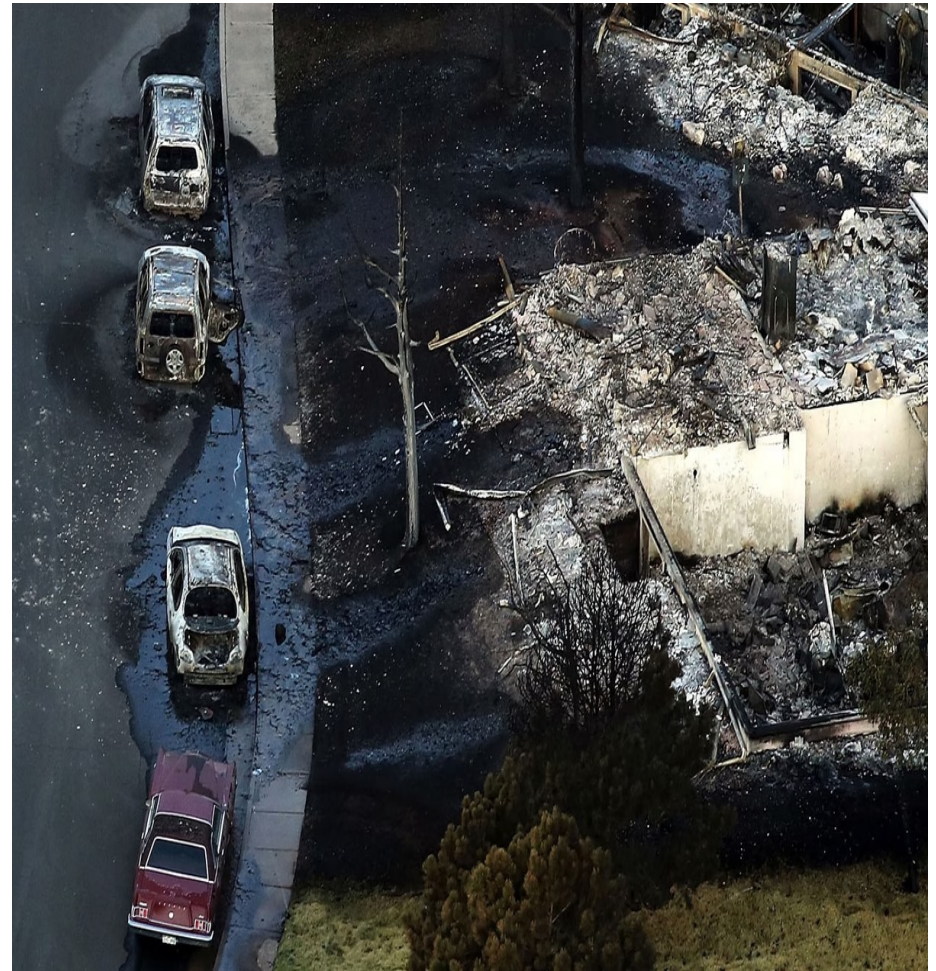


High-density development in a WUI location is economically **DETRIMENTAL**

- The **Waldo Canyon Fire** resulted in insurance claims totaling more than **US \$453.7 million**.

https://en.wikipedia.org/wiki/Waldo_Canyon_Fire#:~:text=The%20Waldo%20Canyon%20Fire%20resulted,more%20than%20US%20%24453.7%20million

- **Hidden costs of the Waldo Canyon Fire are estimated to be at least equal or more to the insurance costs.**



EXPERTS WARN:

High-Density Development is **WRONG** for Our Wildland Urban Interface (WUI) Neighborhoods

FEMA:

"The greater the structural density, or **how close structures are to one another, the faster the wildfire will spread.** Weather has an impact on the spread of a wildfire. High temperatures, low humidity, and high winds increase the likelihood that a wildfire will spread from wildlands to inhabited areas."

<https://emilms.fema.gov/IS320/WM0102030text.htm>

- Parkside is an example 147 / 178 homes burned
- Colorado Springs had 45 RED FLAG DAYS in 2022!
- Climate change will mean more RED FLAG DAYS in the future!

LOW-DENSITY DEVELOPMENT BY DESIGN

How Colorado Springs' Cedar Heights Neighborhood Survived The WCF Fire

"In 2003 Colorado Springs coordinated with its Cedar Heights subdivision and a local land trust to protect a 295-acre park with a **conservation easement** to prevent any new residential development and create an open-space buffer between the Pike-San Isabel National Forest and the community. The easement allowed for fire mitigation work to take place on 100 acres of the park which, in combination with defensible space around homes, **was credited with helping to save the neighborhood from the 2012 Waldo Canyon Fire**" (League, 2012)

<https://planningforhazards.com/conservation-easement>

PUBLIC SAFETY

Appeal: 2424GOTG LLC v. City of CO Springs, et al

THE CURRENT ZONING IS THE RIGHT ZONING

City Attorney's Brief 4/8/22:

"The record supports a finding that the project was detrimental to the public interest, healthy, safety, convenience, or general welfare. **The property sits in a unique place** at the western end of Garden of the Gods Road and backs up to undeveloped wildland. Situated at the edge of the urban-wildland interface, the risk of wildfire at this site is undoubtedly elevated."

The 2424 Project is in violation of City Code 7.5.603.B.1. Not be **detrimental** to public interest, health, **safety**, convenience or general welfare.

Mayor Suthers:

“It is not a question of if, but when we will have another major wildfire.”

"Public safety is THE number 1 priority. That's why government exists frankly."

Vote No.