

<p>District Court, County of Jefferson, State of Colorado</p> <p>Court Address: 100 Jefferson County Parkway, Golden, CO 80401</p>	
<p>PLAINTIFF: SAVE BELMAR PARK, INC., a Colorado Nonprofit Corporation.</p> <p>v.</p> <p>DEFENDANTS: City of Lakewood, Colorado, a political subdivision of the State of Colorado; Planning Commission of the City of Lakewood, a duly authorized administrative body of a political subdivision of the State of Colorado; Belmar Owner LLC, a foreign limited liability company; Kairoi Management, LLC, a foreign limited liability company d/b/a Kairoi Residential.</p>	<p>▲ COURT USE ONLY ▲</p>
<p>ATTORNEYS FOR DEFENSE: John VanLandschoot #45001 445 S. Allison Pkwy Lakewood, CO 80226 Telephone: (303) 987-7461 Email: johvan@lakewood.org</p>	<p>Case No.: 2025CV030758</p> <p>Division:</p>
<p>DEFENDANT’S DECLARATION OF JAMES HASELGREN</p>	

This declaration is submitted pursuant to CRE 108, and § 13-27-101 *et seq.* C.R.S. I, James Haselgren, hereby declares as follows:

1. I am fully competent to make this declaration and I have personal knowledge of the facts stated in this declaration.
2. This declaration is submitted in reference to the above numbered case and my experience working as the Parks Manager in the Community Resources Department at the City of Lakewood.
3. I am familiar with the application for approval of a major site plan at 777 S. Yarrow St. in Lakewood, Colorado.

4. As the Parks Manager, I became involved in the application for development for purposes of evaluating the site plan for drainage and landscaping plans that would cross from private property into city parkland. City review of this project considered concerns that the development would create problems for the adjoining Belmar Park.
5. Specifically, members of the Community Resources Department evaluated the major site plan for potential impacts on the park, including suggestion by community members that the removal of trees on the private property would cause unreasonable risks of damage to the ecology and wildlife within the park.
6. The City's tree preservation regulation requires that trees above a certain size shall be preserved or transplanted to the extent feasible. The regulation also provides exemptions from this requirement and gives the Planning Director authority to determine whether preservation or transplantation is feasible. To make this determination, the Planning Department consults with the City Forester.
7. The City Forester is among staff within my department, and I am familiar with the Forester's involvement in this matter as it relates to the plan to remove, preserve, and replace trees within the boundaries of the site in question.
8. During the City's review of the major site plane the former City Forester evaluated trees on the private site to determine whether the tree preservation plan submitted by the owners of 777 S. Yarrow St. was sufficient to comply with the City's tree preservation ordinance, which is found in the zoning code at sections 17.6.5.8 and 17.6.5.9.
9. Several trees on the site were deemed unhealthy, and likely would have posed a safety risk over time based on fragility of dead and dying trees. These trees are exempt from the preservation requirement. LMC § 17.6.5.8(C)(1).
10. Additionally, several trees on the site constitute nuisance species, as defined by local law. LMC § 17.6.5.8(C)(1). Trees deemed nuisance species are exempt from preservation requirements because removal of these trees is generally beneficial for open space management. Several trees that were already cut down by the property owner are nuisance species. Of the remaining trees on site, two trees constitute nuisance species.
11. Several trees were determined to be appropriate for replacement pursuant to LMC § 17.6.5.8(C)(4). The owner is providing more trees than will be removed, as part of the plan to mitigate the loss of existing trees within the City. This replacement will include trees on site, trees within other open space areas held by the City, and payment of a fee that will allow for additional trees to be planted by the City of Lakewood Community Resources Department.
12. The tree preservation plan submitted by the owner as part of the major site plan is compliant with the City's tree preservation regulations. The preservation plan includes consideration of the viability of transplanting trees, rather than cutting them down. Where feasible,

transplanting may provide an alternative to removal. Transplantation is not a preferred option for most mature trees because the root system will experience significant disruption, which stresses the tree and reduces the likelihood of a successful transplant. This is particularly true for mature pine trees, because beetles within the area will attack a stressed tree. Several trees on the site were identified to be affected by Ips beetles. These beetles burrow into a pine, attacking and often killing the tree. Cutting down and promptly removing an infested tree is generally a benefit to open space management when Ips beetles are present.

13. I am also familiar with the City's involvement in evaluating this development for unreasonable damage to the City's open spaces, specifically regarding threats to wildlife and ecological impacts within Belmar Park.
14. The Open Space Parks Supervisor spoke with the Colorado Division of Wildlife to determine whether any species found within Belmar Park would require specific mitigation efforts to avoid risks to wildlife. No specific mitigation efforts were identified, and the proposed development has not been found to create an excessive risk to wildlife within Belmar Park.
15. To be clear, any development of a large residential building next to a park will have effects on the wildlife and ecology of the nearby park. Increased traffic and man-made structures will inevitably affect a nearby park, including wildlife found within the park, but this proposed development has not been shown to pose an excessive risk. The owner's major site plan incorporates suggestions from staff to mitigate environmental impacts and has been deemed appropriate based on several rounds of review, including consultation with subject matter experts within the Community Resources Department.
16. I am not aware of any unique circumstances relating to the proposed development that would cause specific concern that this development should not proceed because of its impact on the general health of Belmar Park or the wildlife that inhabit the park.
17. I am also familiar with the recent removal of several dozen trees within the proposed development area. I walked the area with the current City Forester and we confirmed that the trees removed were properly identified for removal within the tree preservation plan of the major site plan. One tree was cut that was supposed to remain within the preservation plan. The owner will have to pay a fee for the damage to this tree, which now will need to be removed because of the damage from the cut. However, this tree is not of special significance and can be removed without creating any specific concerns for the health of Belmar Park and associated wildlife.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 23, 2025



James Haselgren