

Hay Creek Valley

Public Statement

According to the El Paso County Land Development Code Section 1.6.1, it is expressly stated that quote, “The language of this code shall be read LITERALLY.”

Furthermore, per Section 1.14.3, it also expressly states that quote, “The word “SHALL” is always MANDATORY.”

Per Section 8.4.4 (D), Dead-End Road Standards, quote “The MAXIMUM number of lots fronting and TAKING ACCESS from a dead-end road is 25.”

Additionally, “Where more than 25 lots would front and take access to a dead-end road, a second means of access SHALL be provided.”

The ONLY available option per this Section is to provide a divided 4-lane road that quote, “...shall be considered a second means of access UNTIL the second access road is constructed.”

That said, Hay Creek Road is a dead-end road WITHOUT a second means of access. There are currently 80 homes that TAKE ACCESS from Hay Creek Road as their ONLY available means of egress.

In a recent Early Assistance Meeting under Project Name Green Mountain PUD, which is another upcoming development plan in this same area, the dead-end road issue was discussed at length. I will provide a synopsis of just a few of the critical statements that occurred during the concluding 16 minutes of discussion. These comments are INEXTRICABLY LINKED to the Hay Creek Valley development:

County Lead Planner: “There’s a lot of challenges and complications to this project.”

VERTEX Consultant: (Whom you are likely aware was recently the El Paso County Planning Department Director) “We see those as opportunities, NOT challenges and complications.”

County Planning Manager: Suggests, quote “working with other developers for putting in a second access.”

VERTEX Consultant: “The only possibility to connect to the north has now been preserved as a conservation easement, so NO possibility to connect...It’s a forgotten part of the county and NOBODY, including the COUNTY did anything to provide that second access.”

County Engineering Manager: “Just to fully put it out there...If this is a CRITICAL PATH, should this just stop this development at this point?...We are already WAY over the 25 lot criteria.”

VERTEX Consultant: “I certainly don’t see it that way. I know there are other developments occurring along essentially the SAME VERY LONG **CUL-DE-SAC** which is Hay Creek. I don’t think they’re being asked to provide a secondary access.”

County Engineering Manager: “Is this then a full on DEAD ON ARRIVAL application if you guys can’t come up with a 2nd access and this is a CRITICAL path?”

VERTEX Consultant: “I THINK IT’S JUST A WAIVER REQUEST, just like the rest of the subdivisions. If this development is going to be held to that standard...then the other development should be viewed the same way.”

County Planning Manager: “The Hay Creek area is one that really bothers us, especially with the recent fire in the area. We DON’T WANT TO REPEAT THE MISTAKES OF THE PAST, especially looking at it as a Safety concern. It’s an OBVIOUS ISSUE WITHOUT A SOLUTION.”

APPLICANT: “If you just look at it from a COMMON SENSE perspective...Forest Lakes has probably TWENTY TIMES more lots.”

From an outsider’s perspective, you have a group of very dedicated and conscientious members of your planning department competently applying established criteria to a problem, but according to this applicant are apparently not very well versed in applying common sense.

For the record, Forest Lakes DOES NOT have anything close to 1600 lots as estimated by the applicant and does have a very substantial 2nd access. And for the record, the 80 existing houses that currently FRONT or TAKE ACCESS from Hay Creek Road constitutes 320% above what is MANDATED in the LDC. The proposed Hay Creek Development will make this 400%, and the Green Mountain PUD will make this 480% over the limit, with no end in sight as there are other properties that are either currently or will become available in the future. Compounding the criticality of this situation is that the entire valley presents a very high Fire Risk. I would like to highlight with pictures taken from my balcony of a fire from 2009.

More specific to the Hay Creek Valley Subdivision, they have received two Waivers:

1. LDC Section 8.4.4.C, Waiver for private road in lieu of public road.
2. LDC Section 6.3.3.C, Waiver for Two Access Routes for a cul-de-sac that exceeds the maximum length allowed by the ECM.

**** They DO NOT have a WAIVER for LDC Section 8.4.4.D Dead-End Road Standards****

All said, it is our intention to inform this body that the vast majority of the Hay Creek residents, other than the applicants, have resolved to stand our ground on any further development in the valley predicated upon the fact that we have already greatly exceeded the MANDATED maximum number of lots taking access to a Dead End Road...and for the county not having provisioned for a MANDATED second means of access. We will rely on our own common sense and pursue all means necessary to prevent this action before you today, as the granting of yet another waiver to overlook the Dead-End Road standards constitutes an action detrimental to OUR public safety and welfare and DOES have the effect of nullifying the intent and purpose of the LDC.

Now for the good news. There is a viable and responsible and hopefully amenable alternative and solution. As you are aware, the Air Force Academy and other military installations essentially bankroll the brunt of our local economic engine. It has been reported that the Academy alone is responsible for nearly \$1 billion in annual economic contributions.

During this bodies 21 March, 2024 Planning Commission hearing, you entertained a nearly 45 minute guest speaker presentation from a Mr. Keith Klaehn of the Defense Mission Task Force, an organization County Commissioner VanderWerf also claims association. Mr. Klaehn was invited by your own Planning and Community Development Executive Director, Ms. Meggan Herington. The focus of Mr. Klaehn's presentation was to highlight the implications, ramifications, and possible remedies to a critical nationwide problem, that being development encroachment on military installations. During this presentation, this very board even engaged in discussions about the very real possibility of ammunition rounds impacting in the westerly sections of Hay Creek valley residence areas.

During the same Green Mountain PUD Early Assistance Meeting previously mentioned, a Ms Amy Kelley, the USAFA Community Initiatives Director, also conveyed the Academy's concerns with encroachment on the Jack's Valley Firing Range and Training Complex. She also emphasized that Jack's Valley is the only fully functional training facility in the region and serves over 30,000 cadets, airmen, soldiers and marines as well local security forces, state law enforcement and federal law enforcement agencies. Ms. Kelley further emphasized the recurring threat and noise generated by the firing range, extremely low flying helicopters, pyrotechnics and jet fly-bys as well as highlighted the trend towards increased nighttime qualification training, something extremely critical to our national defense as this is the environment in which we now prefer to fight.

As a former Air Force fighter aviator for 20 years, I am intimately familiar with the never-ending increased restrictions enforced upon military training that were triggered by uncontrolled encroachment whereby the residents then constantly file noise complaints. We see this very thing happening from other developments that have been built around the Academy, as has been highlighted by Gazette articles. The military never wins! I am confident that the proposed remedy of including a simple notification-of-noise in the property closing documents is naïve at best.

Both Ms Kelley and Mr Klaehn highlighted the Colorado Springs Regional Joint Land Use Study which includes mechanisms that focus on partnerships which could assist with creating open space buffers around military installations. This was recently implemented to help preserve the Academy's Bullseye Auxiliary Airfield. To achieve this, the USAFA is partnering with available programs and resources including the Trust for Public Land, The Nature Conservancy, State and Local governments and the US DOD Readiness and Environmental Protection Integration Program, or REPI for short. The REPI program utilizes DOD appropriated funds to help facilitate military installation buffer zones.

We believe that now is the appropriate time to implement this same responsible course of action, that being to utilize existing programs and resources to establish Hay Creek valley as a minimally inhabited buffer to the Air Force Academy in pursuit of ensuring the continued viability of the critically important Jack's Valley Complex. In so doing, this will also obviate the need and cost to establish a very problematic at best second means of access to the valley.



