From:	Justin Kilgore
To:	Kylie Bagley
Subject:	FW: 3980 walker road over excavation
Date:	Tuesday, February 20, 2024 2:39:29 PM
Attachments:	image002.png

fyi

From: Elizabeth Nijkamp <ElizabethNijkamp@elpasoco.com>
Sent: Tuesday, February 20, 2024 11:45 AM
To: Brian Braaten <bbraaten@rivieraelectricllc.com>
Cc: Brian Braaten <bgbraaten@gmail.com>; Brad Walters <BradWalters@elpasoco.com>; Ben Jones <BenJones@elpasoco.com>; Justin Kilgore <JustinKilgore@elpasoco.com>
Subject: RE: 3980 walker road over excavation

Dear Mr. Braaten,

While we do not request that citizens perform inspections, we do appreciate any information that we get from you. We will make random inspections to the site.

Please see below for the rest of the answers to your questions.

Respectfully,

Elizabeth Nijkamp, PE
Deputy County Engineer
Department of Public Works
2880 International Circle
Colorado Springs, CO. 80910
O: 719.520.7852 C:719.237-7206
https://planningdevelopment.elpasoco.com/

From: Brian Braaten <bbraaten@rivieraelectricllc.com>
Sent: Tuesday, February 20, 2024 10:41 AM
To: Elizabeth Nijkamp <ElizabethNijkamp@elpasoco.com>
Cc: Brian Braaten <bgbraaten@gmail.com>; Brad Walters <BradWalters@elpasoco.com>; Ben Jones <BenJones@elpasoco.com>; Justin Kilgore <JustinKilgore@elpasoco.com>
Subject: RE: 3980 walker road over excavation

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Hi Elizabeth,

Based on the information Brad gave me, he is just looking at the pad site, and not the piles of dirt and pushing of dirt, along with removing 30+ trees. To me this is disturbing the ground as it wasn't that way before. He looked at everything. He did distinguish between pile of snow and piles that were not snow. A property owner is allowed to move snow.

We have been told they are going to be bringing in the 10-modulars to set them up so they can start having classes in the school in the very near future. If this happens and they don't have any permits, how do we stop this? We will be filling complaints once this starts. We currently do not have an application for a school, Justin can speak to what we do have and what process they would need to go through to have a school on this site.

I am very disappointed in the fact that your dept. won't at least at this point require them to put up a silt fence, as this is a stormwater issue and can prevent less damage to my property. Seems like the least that could be required at this point. Until they exceed an acre, we do not regulate the use of erosion protection. I will call the owners rep and request that they install silt fence, however, please feel free to do the same, working with them is best.

How will you continue to monitor this site? Are you going to have your staff make random visits? Yes, we will have someone go by on a weekly basis, or as we have time. Or are you counting on me to continue to file complaints? No, but please feel free to call, email, or send photos.

Sorry if you think I/we the neighbors are getting short, but this is very emotional/upsetting situation that all we are asking for our time to be treaded fairly. This school does not belong in this neighborhood for multiple common-sense reasons. The neighbors and myself moved to this neighborhood for reason, to have our on piece of land and paradise. It was quit and peaceful before Donna Shell bought this property, which is being investigated for mortgage fraud. We have sent multiple issues with the character of this individual and nothing is happening. Know she wants to come in and ruin our neighborhood. Me and my staff fully understand your position. It is not lost on us. We are real people too.

We just want to have our time to discuss our concerns/safety issues and everything else about this individual and our neighborhood. Justin can help us understand what process they would need to start in our office to have a school vs the church site that the current application is for. I will guess and say that they would need to go in front of the planning commission and the BOCC for a special use permit (which they have not asked for as yet), but we would need to confirm with Justin. If that is the case, you would have the chance to speak in front of those boards. Know that you can have as many neighbors come and speak, and you would each get 3 minutes. Your spouse or neighbor, if in attendance, can give you their three minutes to give one speaker the floor for a longer time. This is the best way to voice your dislike. We also keep all the emails and make sure we present these to the PC and BOCC, so they have accurate information for each site. We can help you understand what they will be looking at to approve an application for a school at this location so that you can show that they may not meet those requirements. I am not on that planning side, so Justin and his staff would need to let us know that they do have to go to PC and BOCC both for a school, and again, what code do they need to follow to be approved for a school at this location. As for the church site, they have already come in for an application.

Right now they only have a religious institute request in for review.

I will get back with you when I can connect with Brad.

Thank you for your time and we will be in touch.

Brian Braaten

From: Elizabeth Nijkamp <ElizabethNijkamp@elpasoco.com>
Sent: Tuesday, February 20, 2024 10:11 AM
To: Brian Braaten <bbraaten@rivieraelectricllc.com>
Cc: Brian Braaten <bgbraaten@gmail.com>; Brad Walters <BradWalters@elpasoco.com>; Ben Jones <BenJones@elpasoco.com>; Justin Kilgore <JustinKilgore@elpasoco.com>
Subject: RE: 3980 walker road over excavation

Dear Mr. Braaten,

Brad is currently in the field, and I can send you the measurements that we have taken, when he returns late this afternoon or first thing in the morning.

If you would like to provide me with your measurements, we can compare.

Please feel free to submit emails to me to keep me up to date with what is happening. Please know that the complaints for grading will all come back to me, so feel free to email or call me directly.

Until we determine they are over an acre of disturbance this office will not require erosion protection. It is the individual property owner's responsibility to install erosion protection when they are less than an acre, as it is needed. If they do not install protection, and sediment is transferred to your property, it then becomes a civil matter between you and your neighbor.

We will continue to monitor the site and have requested that they do not go over the acre of disturbance. And as I said, we will allow you to see our notes on the site when I can make them available.

Please also know that we treat everyone the same. I have not met nor have ever spoken to Donna Shell. Me, and my staff do not show favoritism in any fashion.

Respectfully,

Elizabeth Nijkamp, PE
Deputy County Engineer
Department of Public Works
2880 International Circle
Colorado Springs, CO. 80910
O: 719.520.7852 C:719.237-7206
https://planningdevelopment.elpasoco.com/

From: Brian Braaten <bbraaten@rivieraelectricllc.com>
Sent: Tuesday, February 20, 2024 9:37 AM
To: Elizabeth Nijkamp <ElizabethNijkamp@elpasoco.com>
Cc: Brian Braaten <bgbraaten@gmail.com>; Brad Walters <BradWalters@elpasoco.com>; Ben Jones <BenJones@elpasoco.com>; Justin Kilgore <JustinKilgore@elpasoco.com>
Subject: RE: 3980 walker road over excavation

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Elizabeth,

So what you are saying is that I don't know how to take measurements. This clearly is over an acre and because Brad Walters hasn't provided me with any information other than what he has said, proves nothing to me. Why is it that Donna Shell can do whatever she wants and you and your office just let her get away with it!

I want to see his measurements so I can compare them with mine! I think that if fair.

Also what is going on with the stormwater control? This is a very clear issue that nothing is happening to protect my property!

Yes the grading is over an acre and I will continue to submit complaints until someone from your office can prove to me, face to face you are correct.

I look forward to hearing from you on when we can meet to review this matter and come to a fair conclusion.

Brian Braaten

From: Elizabeth Nijkamp <ElizabethNijkamp@elpasoco.com>
Sent: Tuesday, February 20, 2024 9:18 AM
To: Brian Braaten <bbraaten@rivieraelectricllc.com>
Cc: Brian Braaten <bgbraaten@gmail.com>; Brad Walters <BradWalters@elpasoco.com>; Ben Jones

<BenJones@elpasoco.com>; Justin Kilgore <JustinKilgore@elpasoco.com>
Subject: RE: 3980 walker road over excavation

Dear Mr. Braaten,

Thank you so much for your photos. As you know County staff has gone out to the site and taken a look and has determined that the disturbance is **less** than an acre. We will continue to monitor this site weekly for additional disturbance. The owner has been informed that they may not disturb more than one acre, where they would then be required to obtain a permit.

Because they have not disturbed more than an acre at this time, erosion control is a property owner responsibility and should be installed when it is needed. We do not regulate disturbance until it exceeds an acre. Please also note that moving snow to allow the sun to hit the ground is not considered disturbance, unless the vegetation is removed.

I had assigned Brad Walters to this issue and had him call you to discuss. He stated that you did not like his answers and requested that I take this over and help you understand the process and where this applicant is in that process.

I have Justin copied here so that he can answer any planning process questions you may have.

Each development that disturbs in excess of one acre requires a permit. At this time we are still reviewing the application and have not received enough information to determine the disturbance that is anticipated to complete the entire project. Once the applicant can show us their anticipated total disturbance, we will then know what permits they will need.

Please let me know if you have any additional concerns for the grading of this site, I would be happy to discuss with you. And again, we will monitor the site on a regular basis to make sure the disturbance doesn't exceed the one-acre threshold.

Respectfully,

Elizabeth Nijkamp, PE
Deputy County Engineer
Department of Public Works
2880 International Circle
Colorado Springs, CO. 80910
O: 719.520.7852 C:719.237-7206
https://planningdevelopment.elpasoco.com/

From: Brian Braaten <bbraaten@rivieraelectricllc.com>
Sent: Monday, February 19, 2024 11:13 AM
To: Justin Kilgore <JustinKilgore@elpasoco.com>

Cc: Brian Braaten <bgbraaten@gmail.com>; Elizabeth Nijkamp <ElizabethNijkamp@elpasoco.com>
Subject: RE: 3980 walker road over excavation

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Good morning Elizabeth,

I am enclosing a number of pictures of the property at 3980 Walker road, the 2 concerns that I have are, excavation is over the 1 acre allowable limit and the lack of erosion control.

Based on the area that I have measured by drone and range finder, this area is in the range of 60,000-70,000 square feet which is about twice the allowable limits.

Let me know if you have any questions.

I look forward to your prompt response to this urgent matter.

Thank you in advance.

Brian Braaten

From: Justin Kilgore <JustinKilgore@elpasoco.com>
Sent: Friday, February 16, 2024 11:38 AM
To: Brian Braaten <bbraaten@rivieraelectricllc.com>
Cc: Brian Braaten <bgbraaten@gmail.com>; Elizabeth Nijkamp <ElizabethNijkamp@elpasoco.com>
Subject: RE: 3980 walker road over excavation

Brian,

Elizabeth Nijkamp is one of the Deputy County Engineers, her staff oversees development and stormwater, please send any extra pictures you may have to her and I.

Elizabeth, here are the PIDs:
6111005003 (3980 WALKER RD) – PPR2350
6111000018 (3990 WALKER RD) – Mr. Braaten

Regards,

Justin Kilgore
Planning Review Manager
Planning and Community Development
719-520-6313

Office hours: Monday- Friday 7:30am-4:30pm
https://planningdevelopment.elpasoco.com

From: Brian Braaten <bbraaten@rivieraelectricllc.com>
Sent: Friday, February 16, 2024 9:46 AM
To: Justin Kilgore <JustinKilgore@elpasoco.com>; Meggan Herington <MegganHerington@elpasoco.com>
Cc: Brian Braaten <bgbraaten@gmail.com>
Subject: 3980 walker road over excavation
Importance: High

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Meggan/Justin,

I am sending you these pictures so you can see that this excavation is more then the 1 acre mim. Allowed. Your inspector call me yesterday and said it was not over, per the enclosed pictures you will see this is very much over the 1 acre mim.. I have done my calculations and it is closer to 2-3 acres, I want to see how your inspector is figuring his square footage. Also what is going on with the erosion control? This is a storm water issue and needs to be dealt with ASAP. I am happy to meet either of you onsite so you can see if for yourself first hand. I would appreciate some attention to this matter ASAP as in have been concerned about this for a couple of weeks.

My phone number is 719-464-5786.

I look forward to hearing from you.

Brian Braaten