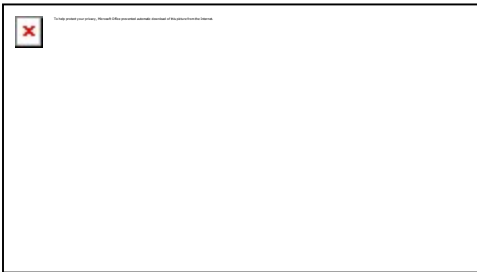


From: Robert <dimpleminded@hotmail.com>
Sent: Tuesday, December 12, 2023 9:09 AM
To: PCD Hearings
Subject: Additional News Publication Articles Applicable to PUDSP225

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Please attach the additional News Publication Articles for the BOCC Hearing on 12-14-23:

<https://newfalconherald.com/falcon-highlands-residents-still-on-hold/>

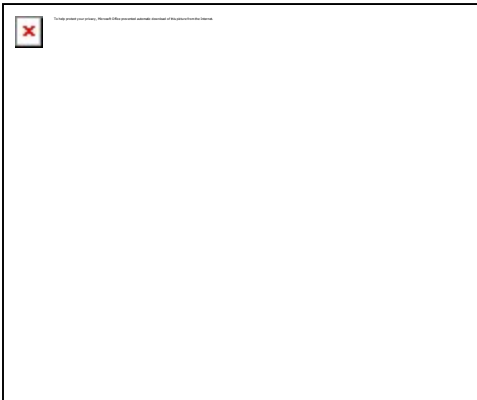


Falcon Highlands Underdrain Problems Still on Hold - The New Falcon Herald

Some residents in Falcon Highlands are frustrated because of groundwater that is seeping everywhere: Basements are flooded, the sump pumps are overworked and

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Residents rally to save their homes - The New Falcon Herald

Residents of Falcon Highlands Filing 1 have formed a coalition of people to address water issues that have wreaked havoc with their individual homes since

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Thank you,
Robert Aamodt

Falcon Highlands Underdrain Problems Still on Hold

2 weeks ago

Marylou Bride

6 Min Read

Some residents in Falcon Highlands are frustrated because of groundwater that is seeping everywhere: Basements are flooded, the sump pumps are overworked and the excess groundwater is flowing freely throughout the neighborhood. As reported in the November issue of The New Falcon Herald, some residents in Falcon Highlands have been experiencing ground water seepage, which has caused flooded basements, overworked sump pumps and excess ground water flowing throughout the neighborhood streets. One month later, the situation is still dire and there is no resolution in the works.



On Nov. 13, the Falcon Highlands Metropolitan District Board of Directors held a regular meeting where interested parties could videoconference in or listen via audio. The Underdrain System and homeowner ground water complaints were on the agenda. Residents weighed in on the issue during the meeting, but Josh Miller, manager of the metro district, took over the reins of the meeting and said they were not going to provide any further details but the district was “investigating the process.”

Shortly after the meeting, the board issued a statement on the FHMD website: “As a Board, we provide this update regarding the concerns about groundwater seepage and the underdrain system. As we previously advised, this is a complicated issue without clear or easy answers. However, we are aware and recognize that the community is frustrated We are taking affirmative steps to continue the investigative process, which includes working with El Paso County to cooperatively trouble shoot and discuss potential actions. Specifically, we are working to coordinate the District’s engineer and the County’s engineer to discuss options related to the underdrain issues. That collective exploration must occur first. Then, there is the potential for some additional scoping of the Filing 1 underdrain for additional investigation and trouble-shooting, if a blockage is, in fact, an issue. ... As well, the issues of ownership and responsibility are still not conclusive.”

However, the county produced a document from 2004 that indicated the FHMD is responsible for the underdrain system.

On April 20, 2004, Charles Cothorn from the Civil Design Group, the designer hired by the developer to design the system, wrote a letter to Barry Holmes of the El Paso County Planning Commission that included this statement: The construction drawings for the underdrain were added to the construction set A plat note (Note 26) has been added indicating the need for an underdrain system and that installation of the primary underdrain system with a service to each lot will be installed by the developer and maintained by the Falcon Highlands Metropolitan District.

Miller was not available to respond to the above information.

Cristina Welch, who has lived in Falcon Highlands Filing 1 for 17 years and never had an issue with her sump pump until last May (at one time pumping 25 to 30 gallons of water per minute), has been leading the charge to get answers to the flooding and problems the neighborhood continues to face seemingly because of an underdrain system that is not working properly.

Welch said she believes a lack of oversight has created a “loophole that allows builders to meet the engineering requirements in high groundwater areas without concern for the development’s integrity in the long run.” She said, “More regulation is needed on the design and construction of these systems to help protect the future residents who depend on them.”

Welch has now leading an effort to recall the FHMD board. Currently, there is one open seat on the board, which has been vacated for 60 days already. Five FH residents have applied to replace the member. “We have proposed to Tonia Joyner (FHMD president) and Tim Dickey (secretary) on Facebook that four out of five applicants would be willing to withdraw their applications if the board would agree to call a “special meeting” and appoint the remaining applicant immediately,” Welch said. “They have yet to respond to our request.” The board has indicated they would appoint someone in January.

The recall process will begin the first week of December, Welch said.

She has also hired an attorney and filed a claim against the county and Falcon Highlands Metro District. The county has responded to the claim but Welch said her lawyer advised against making it public.

Meanwhile, Challenger Homes is asking the county to approve a change of density to the next phase of development, Falcon Highlands South

The El Paso County Planning Commission heard a request at their Nov. 16 meeting from Challenger Communities for approval of a rezoning preliminary plan for Falcon Highlands South for 378 single-family resident lots and nine tracts, including 39.9 acres of open space provisions and 19.9 acres of land dedicated for public rights of way. The rezoning changes the PUD (planning unit development) from the original 138 single-family residential lots to 378 single-family residential lots.

The idea of bringing in more homes to Falcon Highlands at a much higher density than previously decided brought more than a dozen people to the Nov. 16 meeting to express their concerns.

Residents cited the existing underdrain problems and the lack of Falcon Highlands Metro District response to those problems and their concerns about increased density and decreased lot sizes as reasons for opposing the change. The increase in homes is not compatible with the current Falcon Highlands filings 1 and 2. Many of the speakers mentioned their initial desires to be in a more rural neighborhood in Falcon, which means additional acreage. Some residents said they believed that it was a conflict of interest for the two Challenger representatives who sit on the FHMD board.

In the NFH November issue, Dave Doran, president of the Upper Black Squirrel Ground Water District, said any further development plans from Challenger Homes should be on hold until the problems with the Filing 1 underdrain system was resolved.

The county planning commission voted 5-2 to recommend that the El Paso County Board of County Commissioners not approve Falcon Highlands South at this time. The BOCC meets on Dec. 14.

Editor's note: The New Falcon Herald will be reporting on the Dec. 14 meeting and any updates on the underdrain system and recall petition in the January issue.



Residents rally to save their homes

1 month ago

Pete Gawda

5 Min Read

Residents of Falcon Highlands Filing 1 have formed a coalition of people to address water issues that have wreaked havoc with their individual homes since springtime. Flooded basements and groundwater seepage from possible drainage system issues are at the center of their concerns.



Attendees at the Falcon Highlands residents Oct. 7 meeting were urged to display blue lights indicating their support for a recall election.

They need a fix for the situation, and as of this date, the Falcon Highlands metro district is not claiming responsibility for the underdrain system and the county says it's not their responsibility.

Cristina Welch, Filing 1 resident, has thus far headed up the "coalition" and has conducted two meetings to address their options, which include a board recall election.

On Sept. 9, more than 80 people attended a homeowners' meeting for residents of Falcon Highlands. On Oct. 9, homeowners attended a Falcon Highlands Metropolitan District board meeting.

The following information includes excerpts from the minutes of the two meetings, recorded by Cristina Welch.

At the Sept. 9 FHMD board meeting, the board listened to comments from residents regarding the groundwater issue, but no action was taken. During the meeting, the board went into two executive

sessions during the meeting, which created a large time lapse for the residents who attended, according to the minutes of the meeting.

This meeting led to exchanges on Facebook a couple of days later. On Sept. 11, Welch posted her disappointment at the low key reaction of FHMD board members toward residents' complaints at the board meeting.

Tonia Joyner, president of the board, responded by stating that homeowners were heard and the board was trying to find a solution but it would take time.

Welch posted again on Sept. 13 stating that immediate action needed to be taken to resolve the issue.

A second homeowners' meeting was held Oct. 7. More than 55 people attended.

One of the speakers was Dave Doran, president of the Upper Black Squirrel Creek Water Management District, the taxpayer-supported organization responsible for adopting the rules and regulations dealing with the use, control, conservation and protection of both the quality and quantity of groundwater in the area. He said that when Falcon Highlands was being developed, Upper Black Squirrel advised against building basements in the area due to high groundwater. However, the developers won out and basements were built. He said the subdivision's water supply comes from nonrenewable aquifers.

Doran expressed concern that building more homes in Falcon Highlands Filing 3 would add to the problem. He said Upper Black Squirrel is on the community's side and wants to help resolve the issue.

A second homeowners' meeting was held Oct 7. More than 55 people attended. A Concerned Homeowners' Committee was formed, not to establish an HOA, but to address major issues like road conditions, property taxes and water issues.

The meeting focused on the groundwater/drainage issues such as the lack of response from the county and the metro district and recall election options.

Charles Wolfersberger of Wolfersberger LLC, a metro district management company for metro districts that have homeowner controlled boards, spoke at the meeting

Wolfersberger brought out these points: Colorado and Florida are the only states in the country that allow corporations to form property tax districts. He said California did away with the practice because it is a conflict of interest when developers who are not elected by taxpayers sit on boards and receive taxpayers dollars.

Wolfersberger brought out the following points: Colorado and Florida are the only states in the country that allow corporations to form property tax districts. He said California did away with the practice because it is a conflict of interest when developers who are not elected by taxpayers sit on boards and receive taxpayers dollars.

He said homeowners who control the district have a unified voice and can make it work for them.

Metro districts are formed by court order, funded by homeowners' taxes and elect board members who fund infrastructure and manage things like parks and open spaces, Wolfersberger said.

Two board members, Erin Ganaway and Leo Schumacher, are representatives from Challenger Homes, which creates a conflict of interest, he said.

He also made the assertion that if a board is not responsive to homeowners, it could be because of too much developer influence.

Wolfersberger also said Falcon Highlands is unique because 50% of its operating funds are funded through commercial properties like Walmart. He suggested homeowners petition the county to change the operation of the district.

He also made the assertion that if a board is not responsive to homeowners, it could be because of too much developer influence.

Wolfersberger stated that FHMD accountants, lawyers and management for the district are paid more than \$300,000, which amounts to \$775 per household and is comparable to what larger neighborhoods with more amenities pay.

There was discussion about a recall process. Attendees at the meeting were urged to display blue lights indicating their support for a recall election. To begin the process, a petition signed by 200 registered voters or 40% of the residents is needed.

A show of hands by residents who were present indicated a majority were in favor of a recall election for board members. The Concerned Homeowners Committee will begin organizing the recall election process.

