

## Letter of Intent

"The drainage channel to the east is also within the Falcon Highlands Sketch plan and is in FEMA zone AE and will remain unaffected by this amendment.": This is not true, as the Drainage channel to the east could easily be affected with the PUDSP225 additional density by removing ground absorption factors, affecting natural underground water flow by compacting soils further in a designated high ground water area. The increased weight alone from the applications additional structures, building materials, concrete, asphalt etc. will exacerbate the current existing drainage problems as seen in the News, publications and claims filed. Also, there appears to be an additional drainage channel feeding into the east channel that doesn't appear to be disclosed.

### **PUD CRITERIA: 4.2.6(D) of the Land Development Code.**

**Criterion: The proposed development...will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County:**

The rezoning will have an impact on the "HEALTH" of current and future inhabitants of El Paso County, as there have been signs of "Forever Chemicals" discovered within wells and drainage channels. Higher densities will always increase the potential release of contaminants into the drainages from the additional surface runoff, motorized vehicles and household chemicals/cleaners used for various applications. The "Safety" of current and future inhabitants will also be impacted due to the amount of additional residents that will need to be evacuated in the case of an emergency via an infrastructure that is already overburdened.

**Criterion: The subject property is suitable for the intended uses and...will not have a negative impact upon the existing and future development of the surrounding area:** The intended use and attraction to buying a home in the District was their selling point of a semi-rural feel and the Master Plan was for 240 homes less than the Application, which equates to an excess of 170% overbuild and does not comply with the original Application. This will impact both existing and future development, along with the welfare of other property owners in the surrounding area by adding stress to the area's natural resources necessary for them to develop their properties.

**Criterion: The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities...and the required public services and facilities will be provided to support the development when needed:** This could easily overburden facilities that are already unable to maintain current services or infrastructure. Especially with regards to a failing underdrain system, sinking roads and drainage maintenance, which have been stated in documents provided in previous comments. Additionally, the Planning Commission needs to consider identifying which Agency will be responsible for ongoing maintenance of said facilities to prevent future finger pointing of whose responsible when systems fail to perform as intended.

Although the Water Shortage Resource is to be addressed in Final Plat (currently 213 homes short of Preliminary Plan) there needs to be a requirement to include a sufficient underground gravel/sand system to recharge aquifers with uncontaminated water to maintain adequate levels for all the County's Property Owners who rely on well water now and into the future to offset the additional demand this will create. It would be nice to reduce the proposed density to remain self sufficient under the current well production vs. finding water from other Districts/Sources.

For the Record: I believe the Developer is responsible for presenting their rezone in a minimalistic fashion that has deceived unsuspecting current adjoining property owners by using codes that are relevant to the laymen in the industries of development, but not to the general public. Furthermore, it appears they have presented their Plan to the Planning Commission knowing they don't have the resources to go through the Plan line by line to act in the best interests of current and future inhabitants of El Paso County and could get overlooked.



**COLORADO**  
**Division of Water Resources**  
Department of Natural Resources  
Colorado Ground Water Commission

November 14, 2023

Falcon Highlands Metro District  
Josh Miller, District Manager  
c/o CliftonLarsonAllen, LLP  
121 S. Tejon St. #1100  
Colorado Springs, CO 80903

And/or

Woodmen Hills Metro District  
8046 Eastonville Rd.  
Peyton, CO 80831

**Certified Mailing Receipt: 7021 2720 0003 0803 3260 - Falcon Highlands Metro District**  
**7021 2720 0003 0803 3253 - Woodmen Hills Metro District**

Re: Underdrain/Subdrain System in the Falcon Highlands

To Whom It May Concern:

It has recently been reported by homeowners in Filing 1 of the Falcon Highlands Subdivision that a significant amount of groundwater is currently surfacing in home basements, surrounding foundations, and other locations throughout the filing. This sudden and expansive groundwater infiltration is being attributed to the failure of the filing's existing dewatering system, which we have been told by residents in Filing 1 is a groundwater collection system consisting of underdrains/subdrains around the homes' foundations that collect and divert water to a series of centralized, underground collection pipelines for discharge to the adjacent creek and nearby fields ("dewatering system"). Residents are attributing the failure of the dewatering system, in part, due to infrastructure issues associated with those underdrains and underground collections pipelines; specifically, damage/clogging of dewatering collection piping which is no longer capable of conveying groundwater in the filing to the adjacent creek (see attached maps/aerials for reference). Additionally, it has been reported that water is being piped out onto an open field where it discharges, pools, and evaporates.

The Colorado Ground Water Commission ("Commission") and the Upper Black Squirrel Creek Ground Water Management District ("GWMD") have jurisdiction over groundwater-related matters in the geographic area identified as the Upper Black Squirrel Creek Designated Groundwater Basin ("UBSC Basin"). The dewatering system meets the definition of a well under section 37-90-103(21)(a) of the Colorado Revised Statutes and is required to obtain large capacity well permits pursuant to section 37-90-107, C.R.S. The Commission has determined that the alluvial aquifer of the UBSC Basin is overappropriated and, therefore, no new large capacity well permits may be granted in the UBSC Basin unless a replacement plan is approved by the Commission in accordance with Rule 5.6. of the Rules and Regulations for



the Management and Control of Designated Ground Water, 2 CCR 410-1 ("Designated Basin Rules").

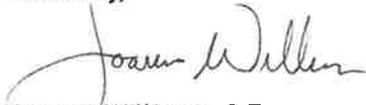
For reference, I have enclosed an aerial of Filing 1 which includes some map symbols ("surfacing groundwater points" and "dewatering outfalls"). Our office has not yet performed an inspection of Filing 1 to determine the extent of the issues and the aerial is to be used just as a point of reference. Our staff has been unable to locate clear build-out schematics to confirm the specifics of the subject dewatering system or any correspondence from the Commission involving the matter. It is our understanding the dewatering system may have been installed in Filing 1 of the Falcon Highlands Subdivision in 2005 or 2006; however, it is unclear what review and approval El Paso County performed (or may have needed to perform) of any proposed dewatering system for that development. Likewise, it is unclear if the Commission was previously made aware of the dewatering system. Be that as it may, it is an issue today that the Commission is required to address.

It appears the Falcon Highlands Metropolitan District ("FHMD") owns the water and sanitation infrastructure in the Falcon Highlands development but has an Intergovernmental Agreement ("IGA") with the Woodmen Hills Metropolitan District ("WHMD") to provide maintenance and service for wastewater. It is unclear if this IGA includes maintenance of the dewatering system that currently exists. We are starting our correspondence on this matter with FHMD and WHMD without a clear understanding of who has the legal responsibility for the dewatering system or who might be required to pursue any authorization from the Commission that may be required.

The groundwater surfacing in Filing 1 of the Falcon Highlands Subdivision appears to be the result of the dewatering system within the development, such that groundwater would not be surfacing if not for the construction and failure of the dewatering system. The surfacing groundwater in Filing 1 is exposed to evaporation and is a loss to the aquifer system. To prevent injury to vested water rights within the alluvial aquifer of the UBSC Basin, the surfacing groundwater must be immediately returned to the UBSC Basin alluvial aquifer or offset by a Commission-approved replacement plan.

Please be advised, the groundwater surfacing in Filing 1 of the Falcon Highlands Subdivision must be appropriately addressed to prevent injury to the UBSC Basin alluvial aquifer and its water users. Additionally, the existing dewatering system requires a well permit and a Commission-approved replacement plan to continue to operate. **Please contact me at this office within 30 days of receipt of this letter so that we might discuss this matter further and determine an appropriate course of action.** If we do not hear from you within 30 days of this letter's receipt, and the Commission confirms groundwater-related violations are occurring, we will pursue additional legal action.

Sincerely,



Joanna Williams, P.E.  
Chief of Water Supply, Designated Basins

*Enclosure: aerial photo map of Falcon Highlands Filing 1*

Underdrain/Subdrain System in the Falcon Highlands

November 14, 2023

Page 3 of 3

**CC:** Cristina Welch, Falcon Highlands Homeowner  
Lisa Thompson, Upper Black Squirrel GWMD  
El Paso County

