

ADJACENT LANDOWNER SUBMISSION OF COMMENTS FOR APRIL 18, 2024 HEARING
PROJECT FILE NUMBER SP 238, OVERLOOK AT HOMESTEAD
SUBMITTED BY ROGER AND JOANN LUND, TRUSTEES OF THE LUND FAMILY REVOCABLE
LIVING TRUST, OWNERS OF APEX RANCH ESTATES LOTS 15 AND 16
SUBMITTED APRIL 16, 2024

Our comments are partially a reiteration of concerns previously submitted regarding this proposed development, and additional comments thereon.

- 1) Our overriding concern is the adequacy of the proposed Stormwater Management Plan, especially as regards the location and adequacy of the detention pond sited between Lots 58 and 59 of Overlook. This issue was communicated to you in our November 8, 2023 letter emailed and hand-delivered to NES representatives at the neighborhood meeting of that date.

As stated in that letter, drainage from two major drainage easements on or abutting Lots 58 and 59 flows directly off of Overlook property and into a deep ravine between Lots 16 and 17 in Apex Ranch Estates, through culverts under Apex Ranch Road and Fletcherville Lane, into a detention pond near that intersection, then along Fletcherville Lane until exiting the subdivision boundary to the north. Previous storms in early summer 2023 have overwhelmed this course of flow, and any uncontrolled additional runoff from development above us (i.e., Overlook) has the very real potential to cause damage to both individually-owned and HOA-owned properties in Apex Ranch Estates.

Joe DesJardin and Kevin Cofford of ProTerra did respond to my request at the Nov. 8 meeting to personally view my concerns, and in fact met on-site on April 1, 2024 with me and fellow resident Mike Duncanson. Hopefully their viewing firsthand of the depth and extent of the drainages in question on both sides of the property line will prompt a further review of my suggestion to relocate the detention pond below the confluence of these two major drainages. However, I did not see any such revisions to the preliminary plan as of yet.

Interestingly, a review of the plat shows that of the six detention ponds proposed for Overlook, five of them are located to control flows immediately before leaving the property line from Overlook onto adjacent properties; the only one that does not do so, and in my opinion could be re-engineered to offer a higher level of protection to my and Apex Ranch Estates' property, is the one I am questioning.

- 2) NES personnel at the November 8, 2023 seemed receptive to our suggestions that the existing portion of Apex Ranch Road not be used for a construction entrance to the extent possible, and that the new road to be constructed off of Elbert Road into Overlook be used instead. I would request that this be formally integrated into the proposed development plan.
- 3) In spite of the assurances that sufficient water exists for 62 wells to be drilled into the Dawson Aquifer for Overlook development (which will surround Apex Ranch Estates on three sides, and use the same finite water source as for Apex), we feel that other assurances of continued water availability into the future should be granted to existing adjacent landowners.

Specifically, page 6 of the Planning Commission Report Packet states that in Planning Region 4C, current demand already equals current supply for water, and that by 2040, projected demand will outstrip projected supply by nearly a thousand acre feet per year. To authorize additional wells without augmentation from a deeper aquifer by the developer is not sustainable, either for Overlook or any other existing water users. Allowing development to proceed without affecting current adjoining landowners when another solution exists defies logic.

I would also like clarification of Overlook's statement on page 25 of this same document regarding "The Applicant requests that the finding of sufficiency for water quantity, dependability and quality be deferred to the Final Plat." To me this implies that once all other boxes are checked, the water issue would be a slam-dunk for Planning Commission approval. An item of this magnitude should be moved to the forefront of the approval process.