

From: PCD Hearings
Sent: Wednesday, April 17, 2024 8:18 AM
To: PCD Hearings
Subject: FW: Resending Comments on SP238 Overlook at Homestead Preliminary Plan

From: Robert Keeley <rhkeeley@earthlink.net>
Sent: Tuesday, April 16, 2024 10:24 PM
To: PCD Hearings <pcdhearings@elpasoco.com>
Cc: Sandra Keeley <keeleysandra7@gmail.com>
Subject: Resending Comments on SP238 Overlook at Homestead Preliminary Plan

COMMENTS ON PROJECT FILE NUMBER SP238 "SP238"
PROJECT NAME OVERLOOK ("OVERLOOK") AT HOMESTEAD PRELIMINARY PLAN ("THE PLAN")

Comments from Robert and Sandra Keeley
17245 Elbert Road, Peyton, CO 80831
Trustees of the Keeley Family Security Trust (which owns Parcel Number 4122000008)

April 16, 2024

A. Who we are--

Owners of a 95 acre property that borders ¼ mile of the northern boundary of SP238.

We also border ¼ mile of the northern boundary of Apex Ranch. After reviewing "THE PLAN" we believe that "OVERLOOK" will be a successful, attractive development that will be a credit to El Paso County and to the Elbert Road neighborhood. That said, we have five comments, listed below, that we believe will improve "OVERLOOK."

B. Topics (see references to sections of "THE PLAN." Our comments will reference attachments (PART M OF "THE PLAN")

1. Drainage and Erosion (part G.3, p. 7/56 of "THE PLAN")
2. Water (part H.1, p. 8/56 of "THE PLAN")
3. Utilities (part H.4, p. 8/56 of "THE PLAN")
4. Metropolitan Districts (part H.5, p. 9/56 of "THE PLAN")
5. Parks/Trails (Part H.6, p. 9/56 as well as p. 26 and pp. 50-53 of "THE PLAN")

C. Comment 1: Drainage and Erosion (part G.3, p. 7/56 of "THE PLAN")

"THE PLAN" provides for basins that will catch anticipated runoff—thus minimizing erosion within "OVERLOOK," as well as preventing flood damage to nearby properties.

In mid-June of 2023 an extreme thundershower produced runoff from "OVERLOOK" and Apex Ranch, our neighbors to the south, that nearly obliterated our driveway. We narrowly escaped being prevented from entering/leaving our house and land.

An Appendix to this comment describes the drainage features of our property as Kiowa Creek flows out of Apex Ranch, continues north, and exits under Elbert Road near the northwest corner of our property .

Future extreme rain events, such as the one in 2023, may exceed the capacity of “OVERLOOK” for retaining its internal runoff, thus creating runoff through Apex Ranch and then onward through our property..

To prevent our access to Elbert Road from being blocked we have three suggestions:

1. The existing 30’ shared easement from our property into “OVERLOOK” be continued as an emergency, locked road between our property and “OVERLOOK.”
2. We work with the developer of “OVERLOOK” to create and carry out a plan to improve our driveway such that it would not be damaged by the combined flood runoff from “OVERLOOK” and Apex Ranch.
3. We also recommend that the developer engage a qualified engineer, independent from the engineer used by the developer, to review the runoff control measures for “OVERLOOK” and for “Apex Ranch.” Review and approval by a qualified, independent party is a “win” for all the properties in this area (“OVERLOOK,” Apex Ranch, and our own property).

D. Comment 2 Water (part H.1, p. 8/ 56 of “THE PLAN”) has three parts:

1. Based on disclaimers about the adequacy of the proposed water supply in the Dawson aquifer stated in letters from the County Attorney (see p. 39 of 56 in the PC Report Packet) and from the Colorado Division of Water Resources (see pp. 40-41 in the PC Report Packet) we suggest that the developer of “OVERLOOK” consider retaining water rights (or re/acquiring them) for aquifers below the Dawson. Doing so will allow lot owners to go into deeper aquifers if some wells turn out to be dry or develop inadequate flows in the future.

2.“OVERLOOK” HOA should report annually to the Colorado Division of Water Resources on water use by home owners as a group, and by individual owners. Such reporting will alert the Division of any failures to meet state or county water use limits. The HOA should also report periodically (e.g. every 5 years) on changes in well levels (using a sample of wells whose water levels will be measured).

3. “THE PLAN” provides for stock watering of “up to 248 head” (page 34, para 2) It should be explicit about anticipated stocking of horses, cattle, and other animals. It should state any plans for stocking during the development phase and for stocking once the lots and houses are completed. Additionally, “OVERLOOK” should obtain a range survey from the USDA Soil Conservation Service to develop a plan for management of any temporary (prior to completion of “OVERLOOK”) rangeland.

E. Comment 3. Utilities (part H.4, p. 8/56 of “THE PLAN”): Explicitly require underground utilities for “OVERLOOK”

F. Comment 4 Overlook at Homestead Metropolitan District (parts G.3, p. 8/56 and H.5, p. 9/56 of “THE PLAN”): In addition to its stated purpose of stormwater control, the Metropolitan District should carry out weed suppression (not limited to noxious weeds, but including obnoxious ones such as Mullein, Kochea, Tumbleweeds, Thistles), and reseed open land to extent needed prior to, during and

after construction.

The Introduction to the Master Plan of El Paso County “recognizes the absolute importance of being good stewards of the natural environment.” (P. 2 of the Master Plan). “OVERLOOK” is located in a truly beautiful part of the county. Protecting the land from damage by weeds and invasive mammals (e.g. prairie dogs) will help to protect the wonderful “character” of this part of the county.

G. Comment 5. Parks/Trails (Part H.6, p. 9/56 of “THE PLAN”): Part H.6 (p. 9/56) refers explicitly to a trail easement, but the letter from Colorado Parks and Wildlife contains many valuable guidelines for the HOA re. revegetation, fencing, and other actions to preserve the wonderful “Character” of the “OVERLOOK” site. We have two particular requests:

1. The trail easement, referenced on p. 11 of Letter of Intent (an Attachment within part M of the Report Packet), will “facilitate bike and pedestrian trafficbetween Apex Ranch and Homestead Ranch Park.” We suggest that horseback riding also be explicitly permitted, and that bicycle traffic include pedal assisted bikes but not motorized scooters.

2. The barbed wire fence currently located on the boundary between our property and “OVERLOOK” should be replaced by a smooth wire, wildlife-safe fence.

Appendix to Comment 1 of Robert and Sandra Keeley

Apex Ranch was presumably built to county flood control standards. Our southern boundary touches the northern boundaries of Apex Ranch and “OVERLOOK.” It is ¼ mile north of a headwater of Kiowa Creek, whose runoff originates in Apex Ranch and in “OVERLOOK” That runoff then flows onto our property. It continues through our two pipe culverts (only 12” and 18” in diameter) situated about 8’ under our driveway, then to our flood retention basin. When the retention pond is relatively full, runoff continues over a spillway and crosses under Elbert Road through a large pipe culvert. To the best of our knowledge all runoff control features on our property predate the County’s current standard by decades.

An extreme thunderstorm occurred in mid-June 2023 (our informal rain gauge measured 5” of rain in around 1 hour). That storm revealed the limitations of the county’s existing flood control infrastructure. Flooding damaged several roads, resulting in road closures until emergency repairs could be performed. Flooding of Kiowa Creek also removed driveways along Elbert Road near the County line and further north. Flood waters from the Apex Ranch holding pond created two ponds at the southern boundary of our property. Each was slowly drained by our two pipe culverts (far smaller than the three 36” pipe culverts draining Apex Ranch). Water level in the ponds came within 8” of flowing over our gravel driveway. As pond water flowed into our culverts, several feet below the surface of the ponds, turbulence created by the flow partially eroded our driveway, almost preventing us from accessing Elbert Road. Fortunately, we were able to find a contractor who performed a timely emergency repair.

Future extreme rain events, such as the one in 2023, may exceed the capacity of “OVERLOOK” for retaining its internal runoff, creating runoff through the planned southern access road to Elbert Road, and through Apex Ranch.